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18 February 2008

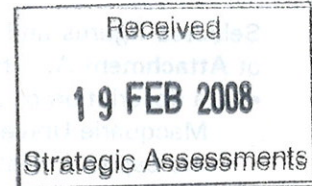
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408/400



The Honourable Frank Sartor MP
The Minister for Planning
c/o Department of Planning
Level 4
23-33 Bridge Street
SYDNEY NSW 2000

Attn: Michael File



Dear Minister,

**PROPOSED COCHLEAR GLOBAL HEADQUARTERS PROJECT
SOUTH PRECINCT, MACQUARIE UNIVERSITY CAMPUS**

This submission has been prepared by JBA Urban Planning Consultants Pty Ltd on behalf of Lachlan Project Development Pty Limited, the proponent of the proposed new Cochlear Global Headquarters within the South Precinct of the Macquarie University Campus ("**Proposal**").

The purposes of this submission are:

1. to seek the Minister's opinion as to whether the Proposal is subject to Part 3A of the *Environmental Planning and Assessment Act 1979 (Act)*, and
2. if the Minister forms that opinion, to provide the Director-General of the Department of Planning with information to enable him to prepare the requirements for the preparation of an Environmental Assessment Report for the Proposal.

It should be noted, that the Minister formed the opinion on 4th April 2006, that the overall and long-term redevelopment of the Macquarie University Campus is a Major Project under Part 3A of the Act. At the same time the Minister also authorised the submission of a Concept Plan for that project. The Proposal is part of that project, and it is consistent with the terms of both the description of that project in the record of the Minister's opinion and the Concept Plan for that project which was recently submitted to the Department for Test of Adequacy prior to exhibition. In addition to the above, the Proposal also meets the criteria for development of the kind described in either Schedule 1, Clause 11 or Schedule 1, Clause 19 of the Major Projects SEPP 2005.

It should also be noted that the Proposal is situated on a site within the Macquarie University South Precinct which is the subject of a request for a State significant Site (SSS) listing within Schedule 3 of the Major Projects SEPP. The SSS listing process is already well progressed and will inform the Department and the Minister of the proposed range of uses and other relevant controls for the Macquarie University Campus, including the site of the Proposal. Whilst the Ryde Planning Scheme Ordinance 1979 (**RPSO**) currently prohibits the Proposal, the terms of the proposed SSS listing will make the Proposal permissible.

This submission includes:

- an outline of the Proposal;
- an outline of the planning framework within which the Proposal is being developed;
- a summary of the discussions held to date with Ryde City Council; and
- a preliminary assessment of the environmental issues associated with the Proposal.

1.0 PROPOSAL OUTLINE

The Proposal comprises a new purpose-built research, manufacturing, warehousing, and corporate and administrative facility serving as the new global headquarters for Cochlear Limited.

Selected figures and plans of the Proposal (prepared by Toland Williams Architects) are included at **Attachment A**. The following outline of the Proposal includes:

- a description of the Proposal, including its relationship to the proposed Concept Plan for the Macquarie University Campus;
- the capital investment value of the Proposal – prepared by project quantity surveyor Rider Levette Bucknall (included at **Attachment B**);
- a description of the site for the Proposal (**Proposal Site**); and
- an outline of the planning provisions applying to the Proposal Site.

1.1 Proposal description

It is proposed to seek project approval under Part 3A of the Act for the Proposal. The Proposal will be located within the South Precinct of the Macquarie University Campus.

A summary of the Proposal follows:

- construction of two 5-6 storey buildings;
- gross floor space of approximately 25,000m²;
- the proposed floorspace will provide for Cochlear's upgraded and expanded administrative, corporate, research and development, manufacturing, storage and distribution requirements;
- Indicative floorspace would be allocated as follows:

• Administrative / Corporate	15,700m ²
• Manufacturing (including research and design development)	4,130m ²
• Warehousing	2,070m ²
• Allowance for further growth	3,400m ²
• Total	25,300m ²
- employment for up to 1250 employees with car parking for some 550 cars;
- possible supporting ancillary retail and support services at ground level; and
- associated site landscaping.

The appended indicative figures and plans provide a preliminary representation of the Proposal.

It should be noted that this project application forms part of the project for which the Macquarie University Concept Plan is to be submitted.

Although Cochlear is not committed beyond this proposal, there are additional buildings that are currently in early negotiation stages between Cochlear and Macquarie University. Additional buildings may be required to facilitate Cochlear's anticipated growth, and are envisaged as possible future stages.

The brief to the design team has been to achieve the design and planning requirements for the proposal whilst also contemplating possible indicative future proposals or buildings. Accordingly, the current proposal has been designed in an attempt to achieve consistency with the Campus Concept Plan for this and any possible future stages.

It should also be noted that while the proposal enables the Waratah Occasional Care Centre to continue operations, it is envisaged that this facility would discontinue operations in future stages, should they proceed. A plan indicating the possible future stages provides indicative building footprints, although these do not form part of the current request for the Director General's Requirements.

These design and site planning requirements result in some transitional design and operational outcomes for the short term which may require integration into later stages..

Construction of the Proposal is due to commence in late 2008 with completion in early 2010. Vacation of Cochlear's current Lane Cove location is proposed to be gradually phased out. For a short period both the Lane Cove facility and the proposed development will jointly operate at a maximum capacity. Growth at the Macquarie University site will absorb the phasing-out of production at Lane Cove. The current Cochlear facility employs over 800 staff.

The proposed building(s) will be owned by Macquarie University with Cochlear Limited occupying the facility as tenant.

1.2 Proposal Background

Cochlear Limited is an ASX Top 100 listed company, and is the world leader in the production of implantable hearing devices. As the industry's pioneer, Cochlear has more than 25 years experience in the design, manufacture and sale of the Australian-invented "bionic ear".

Cochlear is a global organisation, selling into over 73 countries, with its head office and manufacturing facilities located in Lane Cove. Over 120,000 children and adults worldwide now have a Cochlear implant or bone conduction implant.

After 25 years in the current location, Cochlear is seeking to expand its operations within Sydney, rather than relocating to another State or overseas. The relocation and expansion of Cochlear's global headquarters from Lane Cove to the Macquarie University Campus is an opportunity to further enhance Cochlear's international reputation and also reinforce Macquarie University (and the Macquarie Park Corridor) as a specialist centre and hub of innovation.

The relocation of Cochlear demonstrates a clear commitment and strategic long-term vision which aligns research and technology synergies, and will ultimately provide improved hearing technologies. The Proposal will provide a suitable platform for future expansion and growth, and will also provide a high-tech research hub with Macquarie University's Audiology Departments and Clinics.

The ultimate objective is to facilitate a Research Hub within the University to make research, development, innovation and manufacturing process of implant technology more easily accessible to prospective and existing recipients and the broader worldwide community.

1.3 Major Projects SEPP / Capital investment value

As indicated in the introductory section of this letter, the Proposal forms part of the project for the overall and long-term redevelopment of the Macquarie University Campus, which the Minister stated, in his opinion on 4th April 2006, was a Major Project under Part 3A of the Act. For convenience, we **attach** a copy of the Minister's opinion. We would be happy to provide copies of the documents to which the Minister's opinion refers if you wish.

In this regard, we note that section 75E(4) of the Act permits an application for project approval of a part of a project.

The nature and scale of the Proposal would also satisfy the criteria for declaration as a "major project" under Part 3A of the Act in its own right.

For the purposes of a Major Project, Group 4 'Other manufacturing industries, distribution and storage facilities', Clause 11 'Other manufacturing industries' of Schedule 1 of the Major Projects SEPP states:

Development that employs 100 or more people or with a capital investment value of more than \$30 million for the purpose of:

- (a) laboratory, research or development facilities, or*
- (b) medical products, or*
- (c) printing or publishing, or*
- (d) textile, clothing, footwear or leather manufacturing, or*
- (e) furniture manufacturing, or*
- (f) machinery or equipment manufacturing, or*
- (g) the vehicle, defence or aerospace industry, or*
- (h) vessel or boat building.*

Group 7 'Health and public service facilities', Clause 19 'Medical Research and development facility' of Schedule 1 of the Major Projects SEPP states:

Development for the purpose of health, medical or related research (which may also be associated with the facilities or research activities of a NSW Government Area Health Service, a University or an independent medical research institute) and that:

- (a) has a capital investment value of more than \$15 million, or*
- (b) employs 100 or more people.*

In each instance, the Proposal satisfies the criteria in either clause, in that it is development for the purpose of a *laboratory, research or development facility or medical products* under clause 11 and development for the purpose of *health, medical or related research facility (which may be associated with a University)* under clause 19.

The Proposal will have a capital investment value of approximately \$71 million, and will employ approximately 1250 people. Cochlear believes the proposal is clearly a Major Project on a number of counts, based on description, capital investment value, and employment numbers.

In order to facilitate the submission of a project application under Part 3A of the Act, it is requested that the Minister form an opinion as to whether the Proposal:

- forms part of the "major project" which is the subject of the Minister's opinion on 4th April 2006; and
- would, in any event, be a "major project" under Part 3A of the Act on the basis of clause 11 and/or clause 19 of Schedule 1 of the Major Projects SEPP.

1.4 Site description

The site of the proposed Cochlear Global Headquarters is located in the southern-most part of Macquarie University Campus abutting adjacent aged-care uses to the south (see attached plans). This area is part of the "south precinct" and is bounded by University Avenue to the north, University Creek and the University's Dunmore Lang and Robert Menzies Colleges, and Morling Baptist Bible College to the east and south, NSW Baptist Community Services' Willandra Village to the south and west.

The development site is located within the land which is legally described as Lots 181 and 182 in DP 1112777. It has a total site area of 12,600m² and is generally triangular in shape. The site slopes approximately 10 metres in height from north-west to south-east. The site currently contains a small complex of single storey brick buildings currently used by the University's Waratah Occasional Care Centre and Gumnut Cottage Day Care Centre, along with ancillary structures and sheds, and at-grade car parking.

1.5 Planning controls

The following planning instruments and DCPs are relevant to the proposed development.

- State Environmental Planning Policy 55: Remediation of Land;
- State Environmental Planning Policy (Major Projects) 2005;
- State Environmental Planning Policy (Infrastructure) 2007;
- Ryde Planning Scheme Ordinance 1979 (RPSO);
- Ryde LEP 137 – Macquarie Park Corridor
- Ryde DCP No. 27 - Waste Minimisation and Management;
- Ryde DCP No. 29A - Car Parking;
- Ryde DCP No. 37 - Access for People with Disabilities;
- Ryde DCP No. 41 – Stormwater;
- Ryde DCP No. 42 - Construction Activities;
- Ryde DCP No. 45A - Energy Smart, Water Wise; and
- Ryde Draft DCP No. 55 - Macquarie Park Corridor.

The relevant provisions of the RPSO (and LEP 137 as applicable) are set out in **Table 1** below. In general, there are very few controls applicable to development on the University site subject to the existing 5(c) Special Uses (University) zone under the RPSO, as amended by LEP 137.

Table 1: Relevant provisions of RPSO 1979 / LEP 137

Issue	Standard
Zone	5(c) Special Uses (University)
Permissible uses	A limited range permissible uses including 'purposes ordinarily incidental or subsidiary to university purposes'. The proposed use is prohibited.
Height	No controls
Floor Space Ratio	No controls
Car Parking	No controls

The Proposal Site is zoned "Special Uses - University 5(c)" under the RPSO, which allows a limited range of uses including those which are incidental or ancillary to university functions. The Proposal is not directly affiliated with the functions of the university (as contemplated by the RPSO), despite the potential to take advantage of co-locational opportunities to both parties from a research and development perspective, and it is therefore a prohibited use under the RPSO.

However, the Proposal may be considered part of the Macquarie University project, which the Minister has considered to be a "major project" under Part 3A of the Act, and for which the Minister has authorised the submission of a concept plan under Part 3A of the Act. The Macquarie University Concept Plan was lodged with the Department on 30 November 2007 for Test of Adequacy prior to exhibition.

The Proposal is generally consistent with the Macquarie University Concept Plan which has been submitted to the Department. Areas of compliance would relate to controls such as building heights, setbacks, siting, and car parking ratios.

As the Minister has authorised the submission of a Concept Plan for the wider Macquarie University Campus site, within which this Proposal Site sits, under Clause 80 of the *Environmental Planning and Assessment Regulation 2000 (Regulation)*, a Project Application may

be approved (and in advance of the determination of a request for approval of a Concept Plan) despite any prohibition within an applicable environmental planning instrument.

As also indicated in the introductory section of this letter, the Proposal is situated on a site within the Macquarie University South Precinct which is the subject of a request for a State significant Site (SSS) listing within Schedule 3 of the Major Projects SEPP. The SSS listing process is already well progressed and will inform the Department and the Minister of the proposed range of uses and other relevant controls for the Macquarie University Campus, including the site of the Proposal. Whilst the RPSO currently prohibits the Proposal, the terms of the proposed SSS listing will make the Proposal permissible.

2.0 DISCUSSIONS WITH RYDE CITY COUNCIL

A pre-lodgement meeting was held between the proponent and Ryde City Council on 26 November 2007 regarding the Proposal. Council officers, including the Director of Planning (Sue Weatherley), indicated general support for the proposed development and for its location within the Macquarie Park Corridor and the University. Council officers acknowledged the strong ties the Proposal will have with academia.

From a site and project-specific viewpoint Council raised a number of issues (or provided comments) as follows:

- Overland flow and drainage through the site may be an issue;
- Water sensitive urban design treatments for the riparian corridor will be key in ensuring good water quality into the adjacent creek system;
- The car parking rate for the development should be in response to its proximity to the soon-to-be-opened railway station to ensure an equal distribution of parking around the station, with the view to reducing private car use;
- Review of traffic impacts of the development beyond existing impacts;
- The development should be a sustainable development from a built form perspective and contribute to integration with the surrounding areas within the Macquarie Park Corridor;
- Interface issues, such as height, overshadowing, amenity, privacy will need to be addressed; and
- The development should provide a strong active edge and address the street to ensure security and passive surveillance.

In general, Council's views were also based on ensuring the overall Campus Concept Plan suitably deals with wider planning and spatial issues and provides a strong basis for growth within the University to support the Macquarie Park Corridor.

3.0 PRELIMINARY ENVIRONMENTAL ASSESSMENT

The information below has been prepared to assist the Director-General in identifying the general requirements and key project-specific environmental issues to be addressed in an Environmental Assessment Report for the proposal. A range of specialist studies and plans are being undertaken as part of the preparations of the Proposal. A list of these studies/plans that are intended to be submitted with the Project Application is included in **Attachment C**. The key environmental considerations associated with the proposed development are as follows:

- site suitability;
- consistency with planning controls;
- transport and access;
- stormwater management;
- infrastructure upgrades;
- built form and visual impact;
- social and economic benefits;

- construction management
- waste management;
- mobility and access;
- energy efficiency;
- acoustic impacts;
- heritage and archaeology issues;
- flora and fauna impacts (including riparian impacts); and
- BCA compliance.

3.1 Site suitability

The site is situated within an area zoned for 5(c) Special Uses (University) and forms part of the wider Macquarie University Campus. The site is considered suitable for the proposed development, particularly due to the co-locational advantages the development will offer both Cochlear and the University in the long-term.

3.2 Consistency with planning controls

There are generally no density or built-form specific controls applicable to the University site under the RPSO. The Proposal, however, complies with the objectives of the broader planning controls for the Macquarie Park Corridor which include creating a location for globally competitive business with a link to the University; reducing car dependency; and ensuring a high quality, well designed and safe environment to live, work and study.

Under Part 3A of the Act, the Minister must be satisfied that the Proposal is permissible under an applicable environmental planning instrument, unless (relevantly) the Minister has authorised the submission of a Concept Plan. On this occasion, as the Proposal is prohibited but subject to the authorisation of a Concept Plan by the Minister under Part 3A, the Minister may consider and approve the Proposal (clause 80 of the Regulation).

3.3 Transport and access

A transport and access report will be undertaken that will address traffic generation, car parking provision, service and delivery movements, access and parking and public transport provision. This will include modeling and assessment of the irregular traffic patterns associated with shift work associated with the manufacturing element of the use. The proposed car parking ratio is 1 space per 46m² consistent with Council's current parking controls adjacent the Campus and the South Precinct within the LEP137 area.

3.4 Stormwater management

The existing Campus includes a drainage and on-site detention system. An assessment of the impact on drainage will be undertaken that will consider the capacity of the existing systems and treatment of stormwater.

3.5 Infrastructure

The existing development on the site is currently serviced for electricity, gas, sewer, water, stormwater and telecommunications. Any potential shortfalls in supply will be identified and the nature and scope of upgrades required will be determined, and this will be coordinated with a broader infrastructure plan to support the current Concept Plan.

3.6 Built form and visual impact

The building will generally sit comfortably within its context in terms of height and scale and the use of external materials. Visual impact and overshadowing assessments will be undertaken as part of the assessment.

3.7 Social and economic benefits

The proposal will have a positive social and economic impact including synergies with teaching and research services offered by Macquarie University. Cochlear has chosen to relocate within

Sydney, despite options available both interstate and overseas. The relocation has distinct advantages to the Sydney Region and Macquarie Park Corridor in providing a further reinforcement of the links between industry and education and the development of innovative businesses within the Macquarie University Campus. This will assist in providing both the subregion and the University with investment potential. An assessment of these positive impacts will be undertaken.

3.8 Construction management

Consideration of construction management will be undertaken and will include:

- erosion and sediment control measures;
- site management including the public and pedestrian safety, access points for construction, construction vehicles and storage of materials;
- construction traffic management;
- construction noise; and
- staging of works (including any relocation issues related to existing uses).

3.9 Waste management

A development of this nature will generate both common and specialised waste. An assessment of the waste management facilities, in particular the treatment of specialised waste, will need to be undertaken as part of the Proposal.

3.10 Mobility and access

Disabled access within and around the site will be addressed in accordance with the relevant provisions of the BCA and Council's DCP No. 37.

3.11 Energy efficiency

Energy performance measures will be included to comply with the relevant provisions of the BCA and Council's DCP No. 45A. An Energy Efficiency Performance Report will be need to be included as part of the Proposal.

3.12 Acoustic impacts

No significant acoustic impacts are expected as a result of the Proposal.

3.13 Heritage and archaeology issues

No known heritage or archaeological items are in close proximity to the Proposal Site.

3.14 Flora and fauna impacts

No significant flora or fauna exists on the Proposal Site. The Department of Environment and Climate Change as informally advised that it does not anticipate any flora or fauna issues associated with the proposal.

University Creek is a protected waterway under the *Rivers and Foreshores Improvements Act 1948*. The Department for Water and Energy has informally advised that there appears to be some good remnant vegetation along this creek. Generally, the Department would be seeking a Category 2 outcome which is a 20 metre wide core riparian zone (measured from top of bank) plus a 10 m wide vegetated buffer.

3.15 BCA compliance

The proposed development will need to comply with the relevant provisions of the BCA.

4.0 CONCLUSION

In conclusion, it is requested that the Minister form an opinion as to whether Stage 1 of the Proposal:

- forms part of the "major project" which is the subject of the Minister's opinion on 4th April 2006; and
- would, in any event, be a "major project" under Part 3A of the Act on the basis of clause 11 and/or clause 19 of Schedule 1 of the Major Projects SEPP,

so that the Director-General may prepare the requirements for the preparation of an Environmental Assessment Report for the Proposal.

The proponent would like to give the Minister and/or Director-General a presentation on the Proposal if this would assist in the decision making progress. Should you have any queries about this matter, please do not hesitate to contact the undersigned on 9956 6962.

Yours faithfully

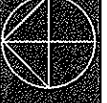


Oliver Klein
Principal Planner

- Enc **Attachment A:** Selected figures and architectural plans prepared by Toland Williams Architects Pty Limited
 Attachment B: Quantity surveyor report by Rider Levette Bucknall
 Attachment C: List of supporting technical studies to be submitted with the Project Application
- cc Mr Dig Howitt, Cochlear Limited
 Mr Robert Kelly, Macquarie University
 Mr Andrew Harb, CRI Project Management Pty Limited
 Mr Duncan Barnett, Toland Williams Pty Limited

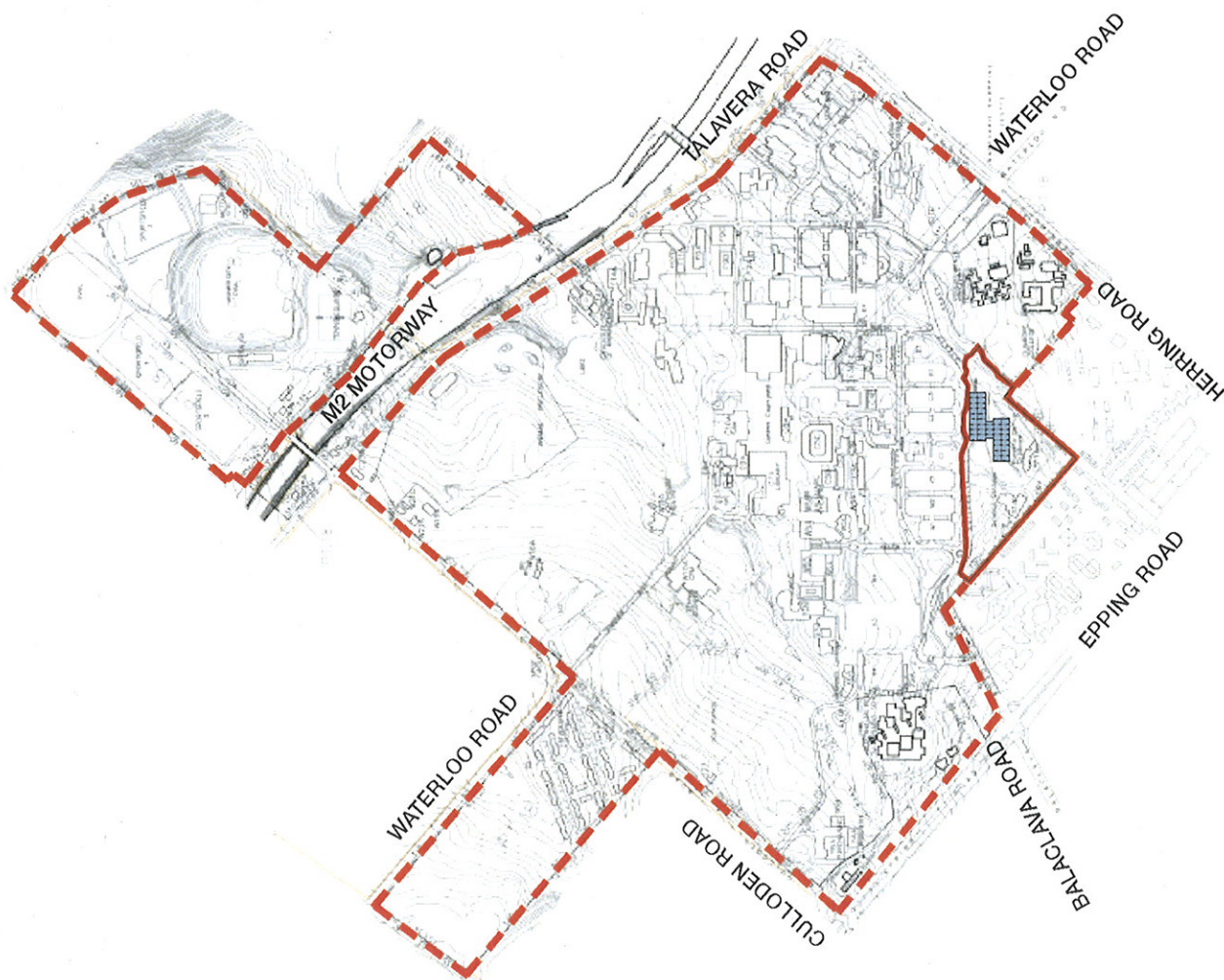
PRELIMINARY ENVIRONMENTAL APPLICATION

- A00 ARCHITECTURAL DRAWING SCHEDULE
- A01 LOCATION PLAN
- A02 INDICATIVE BUILDING FOOTPRINTS
- A03 STAGE 1 SITE PLAN
- A04 STAGE 1 BLOCKING ELEVATIONS



A01 LOCATION PLAN

* Stage 1 Building Shown



MACQUARIE UNIVERSITY
BOUNDARY

SITE BOUNDARY - SOUTH
TRIANGLE

0 50 100 200 500M





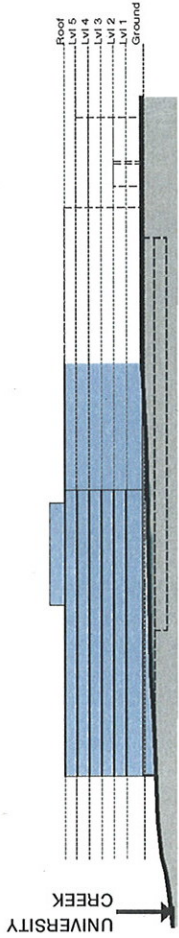
A03 STAGE 1 SITE PLAN



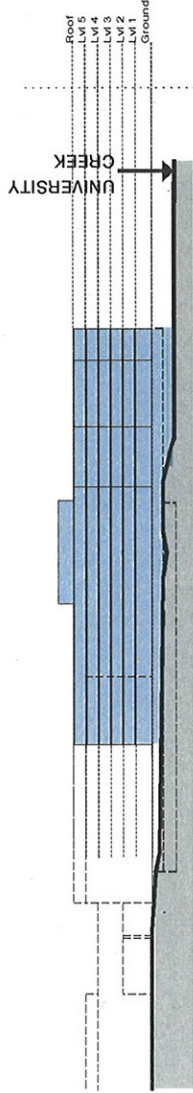


 SITE BOUNDARY - SOUTH TRIANGLE

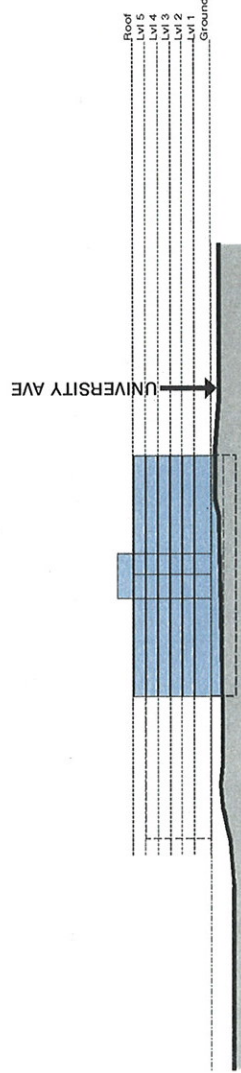




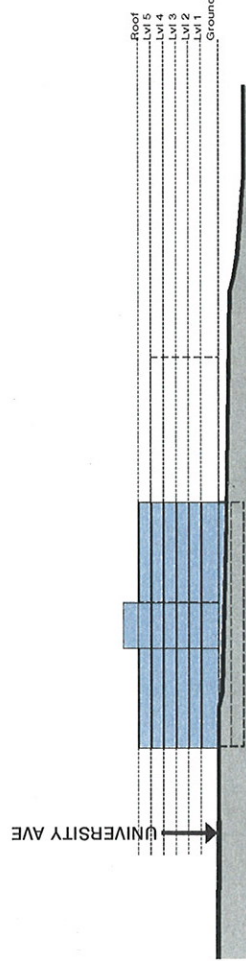
NORTH



SOUTH



EAST



WEST

A04 STAGE 1 BLOCKING ELEVATIONS



BASEMENT CAR PARK

STAGE 1

FUTURE STAGES (DOTTED)



