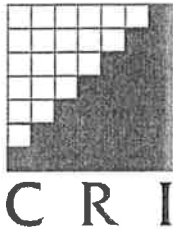




F:\965\_COCHLEAR GLOBAL HEADQUARTERS-IMPLEMENTATION\10\_00 AUTHORITIES & APPROVALS\10\_06 DEPARTMENT OF PLANNING\S75W  
MODIFICATION TO DEPARTMENT OF PLANNING\20090202 - S75W MODIFICATION TO PA NO MP 08 0032.DOC



#### **Justification:**

The maximum development contributions should be based on Ryde Council's contribution scheme as at the time of the Project Approval. It would not be appropriate to base contributions for a project which is approved now on a contributions plan whose terms are currently unknown. This concept should be added to condition 4 to ensure that the position is clear if an agreement is not reached under a VPA.

In the event that the VPA is not reached, the Department of Planning should refer to the developer contributions rate included in the Memorandum of understanding between Macquarie University (MQ) and the City of Ryde (CoR) Council.

#### **1.2 Condition 5 - Improvement of Road intersection**

*"The proponent shall ~~submit the detailed design of the upgrade of the Waterloo Road / Herring Road intersection to the RTA for approval prior to the issuing of a Construction Certificate for the proposal, and~~ complete the works as approved by the RTA prior to the issuing of an Occupation Certificate. All upgrades to roads external to the University campus shall be designed and constructed to comply with standards and specifications agreed with the NSW Roads and Traffic Authority."*

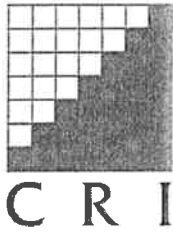
#### **Justification:**

The letter dated 01.10.08 from MQ to the Department of Planning (DoP) confirms an undertaking by MQ to undertake to include the proposed upgrade works to Waterloo / Herring road in the Memorandum of Understanding in the MQ, CoR and Department of Planning (DoP) Voluntary Planning Agreement.

MQ has made a further commitment to Cochlear, as part of the proposed arrangements for the development of stage 1 of the Cochlear headquarters, to complete these upgrade works prior to occupancy of the stage 1 building. Supporting correspondence consistent with the above is also provided in the attached memo from the University's project director dated 23.12.08.

As the letter indicates, MQ has confirmed that it is committed to deliver the works prior to occupancy of the stage 1 building. The condition as drafted will result in a delay in obtaining a Construction Certificate for Stage 1. Given that the condition does not require the intersection upgrade to be completed until occupation of the stage 1 building, our view is that the requirement that the design of the intersection upgrade be approved before construction of the stage 1 building can commence is not appropriate.

We request that the requirement to have the detailed design lodged with the RTA prior to issuing a Construction Certificate be removed and that the highlighted deletion be made to the condition.



### 1.3 Conditions 6 - Vehicle Parking

*"6. Vehicle parking for the proposal is to be designed and constructed in accordance with the following:*

*a) the maximum number of car parking spaces to be provided for cars for the use of Cochlear staff is 398 spaces at basement level, 130 at-grade parking space and 42 motorbike spaces. ~~The at-grade car parking shall be phased out through the implementation of a Work Place Travel Plan to be prepared in accordance with Condition 7 of this approval.~~*

*b) an additional 35 at-grade car spaces will be provided and designated for the use of the adjacent Gumnut Cottage Childcare Centre and Waratah Occasional Care Centre;*

*c) the 11 car park spaces proposed for the south-eastern corner of the site shall be deleted and replaced with vegetation while retaining sufficient sealed area to permit vehicle turning in accordance with the relevant Australian Standard; and*

*d) safe and direct access is to be provided from the designated disability parking spaces into the building without any barriers."*

#### **Justification:**

Achieving the level of Carparking applied for in Stage 1 is a critical objective to the relocation of Cochlear to MQ Campus.

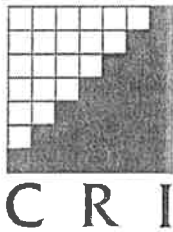
The environmental assessment and the Carparking applied for as part of Stage 1 is supported by the extensive modeling conducted by traffic engineers Cardno Eppell Olsen included in the application and the Director Generals report.

Further the Cardno response to the submissions received from CoR, Ministry of Transport and the RTA as part of the exhibition process are well addressed in the report of the 20 October 2008, included in the preferred Project Report.

The Cardno response demonstrates that the Stage 1 proposed parking provision is consistent with the 40% mode share target (MST) targets. (refer pages 9-19 of Cardno Eppell Olsen report 20.10.08).

Cochlear demonstrated its commitment to achievement of sustainable mode share targets and travel demand management. This is demonstrated by the inclusion of the commitment to prepare and implement a Work Place Travel Plan as part of the occupation and operation of Stage 1.

The phasing out of the at-grade Carparking would mean that approximately 25% of the Carparking will be phase out which is not considered satisfactory. It is understood that the mode share targets is a long term target under the Concept Plan. Similarly Cochlears move to MQ campus is also a long term move. It is therefore considered onerous to have a condition to phase out the at-grade Carparking, considering the modeling completed to date.



The WPTP is anticipated to be a work in progress through the construction and early part of the occupation phases and a living document for the life of the project. The plan will require review and monitoring over time to make adjustments to the targets and recommendations in response to the changing surrounding environment and characteristics of the workforce.

#### 1.4 Conditions 7 Work place travel plan

The proponent shall develop a Work Place Travel Plan for the proposal with the goal of achieving 40% public transport modal share by Cochlear employees in their journey to work, and submit the Plan to the Department for approval by the Director, Strategic Assessments ~~prior to the issuing of an Occupation Certificate for the development. The Work Place Travel Plan shall also include details for the staging and timing for the phasing out gradual relocation of at-grade car parking to basements for subsequent stages of development.~~

##### Justification:

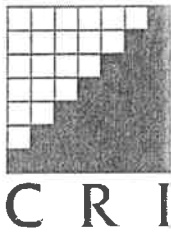
In our view, given the analysis provided in environmental assessment reports for the project and the Director-General's report to the Minister for this project, dated December 2008, the requirement to phase out the approved at-grade parking is unreasonable.

The environmental assessment is supported by the Cardno modeling, and the Cardno response included in the Preferred Project Report demonstrates that the Stage 1 proposed parking provision is consistent with the 40% mode share target. (refer pages 7-8 of Cardno Eppell Olsen report 20.10.08).

In addition, the car parking analysis in the Director-General's report supports the provision of 528 parking spaces for the stage 1 building.

The phase out of at-grade parking was raised in the Director-General's report, and only reasons offered for this additional requirement in that report are that the proposed Epping-Chatswood rail link should provide opportunity for additional shift to public transport (ie. beyond 40% mode share) and that future stages of the Cochlear project may propose the use of the land on which the at-grade parking will be required. We do not consider these provide sufficient justification for the requirements, primarily because:

- The proposed Epping-Chatswood rail link has already been taken into account in devising the 40% mode share target, so it should not be counted a second time to support further mode share shifts, particularly where; and
- Condition 7 already requires that the Workplace Place Travel Plan (WPTP) be based on a 40% mode share target, and the requirement to remove at-grade parking effectively increases that percentage, making it inconsistent with the targets on which the analysis in the Director-General's report is based (ie. Ryde Council's mode share target and the targets used by other surrounding developments); and



- no decision has been made yet as to whether future stages of the Cochlear headquarters will proceed and, if they do, they will be subject to separate environmental assessments and approvals (as the Director-General's report notes), so it is not appropriate to require the phasing out of existing car parking on the basis of future projects which may or may not proceed and will be addressed separately if they do proceed.

Achieving the level of Carparking applied for in Stage 1 is critical to the relocation of Cochlear to MQ Campus. The conditions of the Project Approval already require a reduction in that level. A further significant reduction (ie. 25%) is, in our view, not justified by the analysis for the project, and, Cochlear believes, would significantly adversely affect its own justification for the relocation of its headquarters to MQ campus.

Cochlear as part of the Preferred Project Report for Stage 1 has committed to complete a WPTP at an early stage of the occupation phase of Stage 1. The development of the plan will commence prior to occupation but consultation with staff and stakeholders throughout the early stage of occupancy is considered critical to the viability of the WPTP.

Approval of the WPTP by the Department of Planning as a precondition for the issue of an Occupation certificate is concerning as Cochlear would not have the opportunity to consult in the context of early operation of the Stage 1 development.

Cochlear is committed to promoting the mode share target and transport objectives developed under a WPTP and considering the views of relevant stakeholders. However, Cochlear cannot commit to a condition which includes a deferred approval of the WPTP which would be a condition of obtaining an occupancy certificate for Stage 1.

The WPTP is anticipated to be a work in progress through the construction and early part of the occupation phases and a living document for the life of the project. The plan will require review and monitoring over time to make adjustments to the targets and recommendations in response to the changing surrounding environment and characteristics of the workforce.

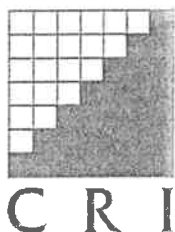
### **1.5 Condition 10 - Submission of final parking, access and childcare centre design**

*"The proponent shall submit the final detail design of the childcare centre parking, Cochlear staff parking, landscaping, pedestrian access and childcare playground ~~and building modification~~ to the Department for approval by the Director, Strategic Assessments prior to the issue of a Construction Certificate. Final car park landscaping is to include one tree per five (5) parking spaces, evenly distributed throughout, with additional trees at the perimeter."*

#### **Justification:**

MQ has confirmed there is no work contemplated to the 'buildings' of either Gumnut or Waratah Childcare Centres, any reference to building modifications should be removed.

The letter from MQ dated 23.12.08 (copy attached) details the process by which the childcare considerations on campus will be addressed.



MQ has further confirmed that the works for the Gumnut Centre will be completed by the re-opening date for the Centre, which is the 27<sup>th</sup> January 2009. MQ also explain that the reopening of the Waratah centre will be addressed under a separate application

#### **1.6 Condition 11 - Provision of Childcare Amenities**

*"The relocation of the childcare playground for Gumnut Cottage and any accompanying modifications shall be completed prior to the issuing of a Construction Certificate for the proposal. ~~The playground relocation works for the Waratah centre shall be completed prior to the issuing of an Occupation Certificate for the proposal and the reopening of the centre.~~*

*At least 20 car parking spaces shall be provided for the use of the childcare centre staff and parents at all times during construction within 100 meters of the Gumnut Cottage childcare centre, with safe pedestrian access from the car park to the centre also provided. Details of these arrangements are to be provided to the operators of the childcare centres prior to the commencement of construction."*

#### **Justification:**

MQ has advised that the modifications works for the Gumnut centre will be completed prior to commencement of the 2009 University year. The works need to be done independently and prior to Stage 1 works to ensure minimal impact to the centre and its operations. We request that the condition be amended to not have these works a condition of obtaining a construction certificate.

MQ has confirmed that the reopening of the Waratah Centre will be addressed in a separate application. For this reason the requirement of reopening of the centre prior to issuing of an Occupation Certificate should be removed.

#### **1.7 Condition - 13 Construction Hours**

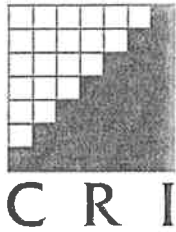
*"The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows, unless approved by the Director, Strategic Assessments, Department of Planning:*

- a) Between 7.00am and 6.00 pm, Mondays to Fridays inclusive;*
  - b) Between ~~8.00am~~ 7.00am and ~~1.00 pm~~ 3.00pm, Saturdays; and*
- No work on Sundays and public holidays."*

#### **Justification:**

We request that the construction hours on Saturdays be changed from 8.00am to 1.00pm to 7.00am to 3.00pm. We understand that the recent approval for the new Macquarie University Library did not have any limited construction hours.

Our review of other recent approvals indicates that there are no consistent hours of construction approved within the Ryde LGA for either Part 3A projects nor Development Applications. We have contacted Ryde City Council's assessments department which has advised that Saturday construction hours are anywhere from 7am through to 6pm, dependent upon the potential impact and range of sensitive receivers around the development.



Consideration and application of construction hours is therefore on merit and in its context. It is our view that the proposed Saturday hours are reasonable and ensure a shorter overall construction period. It is important to note that the most affected sensitive receiver - the Gumnut childcare cottage - will not be occupied on Saturdays, so the proposed modification will not affect these receivers. The proposed hours are as stated within the submitted Construction Management Plan within the exhibited environmental assessment and are consistent with and wholly within Ryde City Council's standard construction hours for Saturdays.

Given the limited impact on adjacent sensitive receivers and the need to ensure a timely completion and occupation of the project we request the originally proposed Saturday construction hours.

## **2.0 PLANNING AND ENVIRONMENTAL ASSESMENT ISSUES**

The Project Approval includes a number of conditions which will require further action by the proponent and Macquarie University prior to obtaining a Construction Certificate and an Occupation Certificate. It is our view that the conditions impose a significant reliance on sign-off of various actions prior to commencement of construction or occupation and operation of the facility that will inordinately and unjustifiably delay both construction and/or occupation.

The proposed modifications will provide the level of flexibility required to allow the issuing of a construction certificate and the commencement of construction in early 2009. It is our view that there are no significant issues present that can not be resolved whilst construction is underway.

The proposed modifications in relation to the carparking provide certainty regarding the level of Carparking secured as part of Stage 1 to support the relocation of Cochlear to MQ campus.

The proposed modifications in relation to development contributions provide more clarity, certainty and fairness regarding the operation of the contributions condition.

The proposed modifications in relation to construction hours will facilitate the timelier completing of the project and are supported by the environmental assessment for the Stage 1 project.



If you have any queries or would like to discuss this matter further, please do not hesitate to contact the writer on Ph.9425 5455 or [andrewh@cri.com.au](mailto:andrewh@cri.com.au).

Yours sincerely

*A. L. L.*

**Andrew Harb**  
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