



PCU014736

SECURITY FEATURE: THIS CHEQUE CONTAINS MICROPRINTED SIGNATURE LINES, THE ABSENCE OF WHICH MAY INDICATE A FRAUDULENT CHEQUE



LANE COVE NSW

THIS CHEQUE IS PRINTED ON SECURA CHEQUE PAPER WHICH ENHANCES TONER ADHESION

Westpac Banking Corporation

Pay Department of Planning

13 / 09 / 2010

The sum of Seven Hundred and 75 Dollars
Only

\$ 750.00

LACHLAN PROJECT DEVELOPMENT PTY LTD
CONSTRUCTION LOAN DISBURSEMENT A/C
ACN: 128401249

NOT NEGOTIABLE
Not Negotiable
Department of Planning Account Only
or bearer

[Signature]

[Signature]

⑈400041 ⑈032⑈085⑈ 30⑈9993⑈

Department of Planning
Received
20 SEP 2010
Scanning Room

Lachlan Project Development Pty Limited

A.C.N. 128 401 249

14 Mars Road
LANE COVE
NSW 2066

7th Sept 2010

Mr Simon Bennett
Team Leader – Strategic Assessment
NSW Department of Planning
23-33 Bridge Street
SYDNEY NSW 2000

MAJOR PROJECT 08_0032 APPROVAL NEW COCHLEAR GLOBAL HEADQUARTERS – MACQUARIE UNIVERSITY CONDITION 5 – IMPROVEMENT OF ROAD INTERSECTIONS

Dear Mr Bennett

We write to you with respect to Condition No.5 of the approval to Major Project 08_0032 for the new Cochlear Global Headquarters within the Macquarie University Campus.

BACKGROUND

Part 3A Project Application 08_0032 was approved by the then Minister for Planning on 2 January 2009 and was subsequently amended by a modification on 3 April 2009.

Condition 5, outlining a requirement to upgrade the Waterloo Road and Herring Road intersection was subsequently modified on 3 April 2009 to address the timing issues associated with this component of works. This was in order to provide sufficient timing for the intersection works to be properly considered.

The amendment modified the requirement for design approval by RTA and completion of the works prior to the issuing an Occupation Certificate rather than a Construction Certificate.

Condition 5 (as amended) is replicated in full below.

5 Improvement of road intersections

*The proponent shall submit the detailed design of the upgrade of the Waterloo / Herring Road intersection to the RTA for approval prior to the issuing of a ~~Construction~~ **Occupation** 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."

CURRENT STATUS

Whilst these works are defined as a component of work within the Project Approval requirements, we note that this scope of work is part of Macquarie University's obligations.

The Cochlear development is nearing Practical Completion, currently programmed for 20 October 2010.

Certain obligations within Condition 5 have been satisfied with the design for the works submitted and RTA approval anticipated by the end of the month.

The full completion of these works however, will not be achieved prior to the Practical Completion timing. Macquarie University are currently indicating a likely completion time of the intersection upgrade works by December 2010.

Macquarie University has requested the RTA provide separate correspondence directly to the Department of Planning outlining the status of the above.

We also note that Cochlear's proposed occupation timing of the new facility includes for a staged occupation of the initial 50% of occupants by end November 2010 with the following 50% of occupants scheduled for some 6 to 12 months following this.

PROPOSED MODIFICATION

The current wording of Condition 5 requires :

"...complete the works as approved by the RTA prior to the issuing of an Occupation Certificate."

The Certifier has confirmed that the issuing of "*an Occupation Certificate*" refers to the issuing of any Occupation Certificate, including an interim Certificate.

Given the above, we would request Condition 5 be modified to read :

*"...complete the works as approved by the RTA prior to the issuing of ~~an~~ **the final** Occupation Certificate."*

This minor modification would enable an interim Occupation Certificate to be issued upon Practical Completion with the final Occupation Certificate to be issued once the intersection upgrades have occurred.

We have met with the RTA (Mr Andrew Popoff) who have confirmed their understanding of this issue and provided support of the proposed amendment.

We trust the above clarifies this matter, however should you have any questions on the above, I would be pleased to assist in any way. Please contact me on 9428 6555 or on dagostinis@cochlear.com

Yours faithfully



David Agostinis
Project Director
Cochlear Limited

Request to modify a major project



NSW GOVERNMENT
Department of Planning

Date duly made: ____/____/____

Modification No. _____

1. Before you lodge

This form is required under section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) in order to request the Minister to modify the Minister's approval to carry out a project or concept plan to which Part 3A of the Act applies.

Before making this request, it is recommended that you first consult with the Department of Planning (the Department) concerning your modification. The Director-General may issue environmental assessment requirements that must be complied with before your request will be considered by the Minister. If the changes proposed by the modification will result in a project that is consistent with the existing approval, the Minister's approval for a modification is not required.

Disclosure Statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Note: For more details about political donations disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

Lodgement

All modification requests must be lodged with the Director-General of the Department of Planning, by courier or mail. An electronic copy should also be e-mailed to the assessment contact officer assigned to the project.

NSW Department of Planning
Ground floor, 23-33 Bridge Street, SYDNEY NSW 2000
GPO Box 39 SYDNEY NSW 2001
Phone 1300 305 695

2. Details of the proponent

Company/organisation/agency

LACHLAN PROJECT DEVELOPMENT PTY LTD

ABN/ACN

128 401 249

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

DAVID

Family name

AGOSTINIS

Position

HEAD OF PROPERTY DEVELOPMENT

STREET ADDRESS

Unit/street no.

14

Street name

MARS ROAD

Suburb or town

LANE COVE

State

NSW

Postcode

2066

POSTAL ADDRESS (or mark 'as above')

AS ABOVE

Suburb or town

State

Postcode

Daytime telephone

+61 2 9428-6555

Fax

Mobile

Email

dagostinis@cochlear.com

3. Identify the land

STREET ADDRESS (where relevant)

Unit/street no.

1

Street or property name

UNIVERSITY AVENUE

Suburb, town or locality

MACQUARIE UNIVERSITY

Postcode

Local government area(s)

State Electorate(s)

REAL PROPERTY DESCRIPTION

Note: The real property description is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Lands.

Please ensure that you place a slash (/) to distinguish between the lot, section, DP and strata numbers. If the proposed modification applies to more than one piece of land, please use a comma to distinguish between each real property description.

OR: detailed description of land attached: ☐

MAP: A map of the site and locality should also be submitted with this request.

4. Details of the original major project or concept plan

Briefly describe what the original approval allows

CONSTRUCTION OF A TWO SECTION BUILDING WITH A MAXIMUM HEIGHT OF 7 STOREYS AND A GFA OF 24,343 m², CAR PARKING AND BUS STOP RELOCATION WITH LANDSCAPING AND VEGETATION.

What was the original project application no.?

08-0032

What was the date of the approval?

2 JANUARY 2009

What was the original application fee?

Note: Clause 245K of the *Environmental Planning and Assessment Regulation 2000* provides information on calculating the maximum fee for a request for modification.

5. Describe the modification you propose to make to the approval

Describe the proposed modification

TO MODIFY PA CONDITION 5 AS PER ATTACHED CORRESPONDENCE. THIS WILL MODIFY THE LAST SENTENCE OF THIS CONDITION AS FOLLOWS:
".....COMPLETE THE WORKS AS APPROVED BY THE RTA PRIOR TO THE ISSUING OF ~~AN~~(DEVELOP) THE FINAL(NEW) OCCUPATION CERTIFICATE.

Your modification request may need to be accompanied by an Environmental Assessment, including plans. An electronic and hard copy of this document will be required.

ESTIMATED CAPITAL INVESTMENT VALUE

Please indicate the estimated capital investment value (CIV) of the modification to the project approval or concept plan (excluding GST).

\$ NIL

FULL TIME EQUIVALENT JOBS

Please indicate the number of jobs created by the proposed modification. This should be expressed as a proportion of full time equivalent (FTE) jobs over a full year.

Construction jobs (FTE)

Operational jobs (FTE)

1250

6. Landowner's consent (where required)

As the owner(s) of the above property, I/we consent to this request being made by the proponent:

Land

Signature

Name

Date

Land

MACQUARIE UNIVERSITY

Signature

Name

Peter Dodd

Deputy Vice-Chancellor and Chief Operating Officer

Date

14/9/2010

Note: Under Clause 8F of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), certain applications for approval under Part 3A of the Act do not require consent of the landowner, however, the proponent is required to give notice of the application (e.g. linear infrastructure, mining & petroleum projects, and critical infrastructure).

7. Political donation disclosure statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Have you attached a disclosure statement to this request?

☐ Yes

☐ No

Note: For more details about political donations disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

8. Proponent's signature

As the proponent(s) of the project and in signing below, I/we hereby:

- provide a description of the modification to the project approval or concept plan and address all matters required by the Director-General pursuant to Section 75W of the Act, and
- declare that all information contained within this form is accurate at the time of signing.

Signature



Name

David Agostinis

Date

14/9/2010

In what capacity are you signing if you are not the proponent

Name, if you are not the proponent