



CB/AC
15756
29 May 2017

Secretary
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Brendon Roberts

Dear Mr Roberts

**SECTION 96(1A) MODIFICATION APPLICATION - SSD7317 MOD 1
AUSTRALIAN TECHNOLOGY PARK, EVELEIGH**

We refer to the above modification application which was submitted to the Minister for Planning on 12 April 2017 that sought approval to amend to wording within Condition B53 of development consent SSD 7317. JBA has prepared this letter on behalf of Mirvac Projects Pty Ltd (Mircvac).

Whilst two separate modification applications in respect of SSD7317 were submitted by Mirvac approximately two weeks apart, the applications were referred by the Department of Planning & Environment (the Department) to various agencies and the City of Sydney at the same time. This letter has been prepared to respond to the issues raised from the Heritage Council and the City of Sydney Council in respect to Modification No 1 only.

In addition, this letter responds to request for information from the Department of Planning as outlined in an email to JBA dated 25 May 2017.

REQUEST FOR INFORMATION FROM THE DEPARTMENT OF PLANNING

The Department has requested a plan clearly identifying public domain Areas 1 and 2. In response, we have attached a plan entitled "Overall Project Staging".

The Department has sought additional justification to support the delivery of public domain in two stages. In response to this we advise that if Mirvac was required to deliver the entire public domain by the first stage it would mean a greater restriction on the public access through the site and require pedestrian and vehicles to navigate through the site in a more confined area closer to construction zones/ activities. It would also increase the intensity of trucks entering and exiting the site as the same scope of works will be required to be delivered within a much shorter timeframe. This will result in an increase in the overall traffic congestion. The benefit of staging the construction of the public domain as per the Construction Management Plan (which was an appendix to the EIS with the SSDA approval) is that the construction works can occur within a more manageable program with less impact to the public.

Furthermore, the Department has sought information regarding the arrangements for vehicle and pedestrian access to Building 1 and the Media City / Channel 7 building, for the period once Building 1 is occupied but in advance of the Public Domain Area 2 being delivered. In response to this we attach the "Overall Project Staging – Pedestrian Access" plan for your information.

ISSUES RAISED BY THE CITY OF SYDNEY

The City of Sydney have “strongly objected” to both modification applications. We believe it is unreasonable for the City of Sydney to mix both modifications together in their assessment and response. Modification No 1 is a simple administrative application that seeks to allow the ongoing and orderly construction of the buildings on the site by allowing the orderly issue of construction certificates. The criticism levelled by the City of Sydney in their email of 24 May 2017 bears no relation to the scope and content of Modification No 1.

The appropriate staging of Construction Certificate does not in any way interfere or obstruct the ongoing discussions and negotiations between Mirvac and the City of Sydney. The obligation of Mirvac to enter into a planning agreement with the City of Sydney is not reduced or otherwise diminished because of Modification 1 or 2.

ISSUES RAISED BY THE HERITAGE COUNCIL

The Heritage Council has not raised any objection to Modification No 1. The Heritage Council notes specifically:

“the spatial qualities and industrial character of the existing site, including interpretation of tracks and turntables as an integral part of former use, be implemented within the landscape and public domain plans.

Further, as per condition B53a), the detailed landscape and public domain plans must be developed in consultation with the Heritage Council.”

Mirvac notes that the industrial character of the site and the interpretation of tracks and turntables will be implemented in the landscape and public domain plans prior to their adoption. The Heritage Council will be consulted with prior to their adoption.

APPROVAL OF MODIFICATION 1

There is no impediment or reason that Modification No 1 cannot be determined immediately. Its prompt approval is needed for the orderly construction of the Australian Technology Park redevelopment to continue. Mirvac requests that Modification No 1 be determined as soon as possible and in advance of Modification No 2. A separate response will be issued to the Department of Planning in regard to Modification No 2.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request. Should you have any queries about this matter, please do not hesitate to contact Claire Burdett or me on 9956 6962.

Yours faithfully



Andrew Duggan
Director

Attachments:

- Plan entitled “Overall Project Staging”
- Plan entitled “Overall Project Staging – Pedestrian Access”