

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I approve the modification of the Development Approval referred to in Schedule 1, subject to the conditions in Schedule 2.

David McNamara
Director
Key Sites and Industry Assessments

Sydney 15 NOVEMBER 2018

SCHEDULE 1

Development consent:	SSD 7317 granted by the Planning Assessment Commission on 20 December 2016
For the following:	Commercial campus at the Australian Technology Park, including: • site preparation works, site clearance, excavation and remediation • construction of three mixed use buildings with a total gross floor area (GFA) of 108,412 m², comprising: ○ Building 1 for commercial/office, retail and child care uses (GFA of 46,830 m² / height of nine storeys); ○ Building 2 for commercial/office and retail uses (GFA of 56,554 m² / height of seven storeys); ○ Building 3 for retail, gym, child care, community office and commercial uses (GFA of 5,028 m² / height of four storeys). • car and bicycle parking • landscaping, road and public domain works and • building identification signage zones
Applicant:	Mirvac Projects Pty Ltd
Consent Authority:	Minister for Planning
The Land:	Australian Technology Park, Eveleigh Lot 8 in DP 1136859 (Building 3), Lot 9 in DP 1136859 (Building 1), Lot 10 in DP 1136859 (Existing Channel 7 / Media City building & surrounds), Lot 12 in DP 1136859 (Building 2) and PT 4007 in DP 1194309 (Public domain and streets).
Modification:	SSD 7317 MOD 11: the modification to the timing and delivery of works in various conditions

SCHEDULE 2

- (a) Schedule 2 Part A –Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

A2 The Applicant shall carry out the project generally in accordance with the:

- a) State significant development application and conditions of consent (SSD 7317);
- b) Environmental Impact Statement (EIS) prepared by JBA Urban Planning Consultants Pty Ltd, dated December 2015;
- c) The Remedial Action Plan entitled 'Australian Technology Park Remedial Action Plan, 2 Locomotive Street, Eveleigh NSW dated 15 June 2016 and prepared by JBS&G;
- d) The Site Audit Report entitled 'Site Audit Report - Remedial Action Plan for Australian Technology Park dated June 2016 and prepared by Graeme Nyland of Ramboll Environ Australia Pty Ltd;
- e) Response to Submissions (RtS) and Amended Proposal prepared by JBA Urban Planning Consultants Pty Ltd, dated May 2016;
- f) Additional information submitted subsequent to the RtS;
- g) The Section 96(1A) modification application SSD 7317 Mod 1, prepared by JBA Urban Planning Consultants Pty Ltd, dated 11 April 2017 and response to submissions dated 29 May 2017;
- h) The Section 96(1A) modification application SSD 7317 Mod 2, prepared by JBA Urban Planning Consultants Pty Ltd, dated 20 April 2017, response to submissions dated 19 June 2017 and correspondence from Ethos Urban dated 7 August 2017; and
- i) The Section 96(1A) modification application SSD 7317 Mod 4, prepared by Ethos Urban Pty Ltd, dated 31 August 2017, correspondence from FJMT Architecture dated 11 October 2017 and correspondence from Ethos Urban dated 13 October 2017 and 17 October 2017;
- j) The Section 96(1A) modification application SSD 7317 Mod 3, prepared by Ethos Urban Pty Ltd, dated 25 August 2017, response to submissions dated 6 October 2017 and additional information dated 30 October 2017 and 23 November 2017;
- k) The Section 4.55(1A) modification application SSD 7317 Mod 5, prepared by Ethos Urban Pty Ltd, dated 25 January 2018, and the Response to Submissions from Ethos Urban Pty Ltd, dated 7 May 2018;
- l) The Section 4.55(1A) modification application SSD 7317 Mod 7, prepared by Ethos Urban Pty Ltd, dated 16 April 2018, response to submissions dated 25 May 2018 and additional information dated 5 June 2018;
- m) The Section 4.55(1A) modification application SSD 7317 Mod 6, prepared by Ethos Urban Pty Ltd, dated 16 April 2018, Response to Submissions from Ethos Urban Pty Ltd, and additional information dated 5 July 2018;
- n) The Section 4.55(1A) modification application SSD 7317 Mod 10, prepared by Ethos Urban Pty Ltd, dated 26 June 2018 and the Response to Submissions dated 31 July 2018;
- o) The Section 4.55(1A) modification application SSD 7317 Mod 08, prepared by Ethos Urban Pty Ltd, dated 8 May 2018 and the Response to Submissions dated 27 August 2018;
- p) The Section 4.55(1A) modification application SSD 7317 Mod 13, prepared by Ethos Urban Pty Ltd, dated 21 August 2018;
- q) The Section 4.55(1A) modification application SSD 7317 Mod 14, prepared by Ethos Urban Pty Ltd, dated 4 September 2018;
- r) The Section 4.55(1A) modification application SSD 7317 MOD 11, prepared by Ethos Urban dated 3 July 2018 and the Response to Submissions dated 10 September 2018; and**
- r-s)** following drawings as set out in the table below, except for:
 - i) any modifications which are Exempt or Complying Development;
 - ii) otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by fjmt and SISSONS			
Drawing No.	Revision	Name of Plan	Date
Fjmt-AR-DWG-G1000	DA2	Drawing List	18.05.16
Fjmt-AR-DWG-G1001	DA1	Site Plan	27.04.16
Fjmt-AR-DWG-G1002	DA1	Site Analysis	27.04.16
Fjmt-AR-DWG-G1003	DA1	Site Retail Plan UG + LG	27.04.16
Building 1			
Fjmt-AR-DWG-1100L	DA5	Lower Ground GA Plan	03.04.18
Fjmt-AR-DWG-1100M	DA2	Mezzanine GA Plan	18.05.16
Fjmt-AR-DWG-1100U	DA0	Upper Ground Floor Plan	17.12.15
Fjmt-AR-DWG-11001	DA0	Level 01 Plan	16.12.15
Fjmt-AR-DWG-11002	DA0	Level 02 Plan	16.12.15
Fjmt-AR-DWG-11003	DA0	Level 03 Plan	16.12.15
Fjmt-AR-DWG-11004	DA0	Level 04 Plan	16.12.15
Fjmt-AR-DWG-11005	DA0	Level 05 Plan	16.12.15
Fjmt-AR-DWG-11006	DA0	Level 06 Plan	16.12.15
Fjmt-AR-DWG-11007	DA0	Level 07 Plan	16.12.15
Fjmt-AR-DWG-11008	DA6	Level 08 Plant GA Plan	06.02.18
Fjmt-AR-DWG-11009	DA8	Roof Plan	06.02.18
Fjmt-AR-DWG-11050	DA9	Elevations – South & East	06.02.18
Fjmt-AR-DWG-11051	DA9	Elevations – North & West	06.02.18
Fjmt-AR-DWG-11052	DA0	Sections	16.12.15
Fjmt-AR-DWG-11053	DA1	Sections	27.04.16
Building 2			
Fjmt-AR-DWG-BB-B2-300L-R	02	General Arrangement Plans – Lower Ground	06.03.18
Fjmt-AR-DWG-BB-B2-300M	P	General Arrangement Plan – Mezzanine	19.07.17
Fjmt-AR-DWG-BB-B2-300U	Q	General Arrangement Plans – Upper Ground	06.03.18
Fjmt-AR-DWG-BB-B2-3101	M	General Arrangement Plans – Level 01	25.01.18
Fjmt-AR-DWG-BB-B2-3102	M	General Arrangement Plans – Level 02	25.01.18
Fjmt-AR-DWG-BB-B2-3103	M	General Arrangement Plans – Level 03	25.01.18
Fjmt-AR-DWG-BB-B2-3104	M	General Arrangement Plans – Level 04	25.01.18
Fjmt-AR-DWG-BB-B2-3105	N	General Arrangement Plans – Level 05	25.01.18
Fjmt-AR-DWG-21006	DA0	Level 6 Plan	16.12.15
Fjmt-AR-DWG-21007	DA0	Roof Plan	16.12.15
Fjmt-AR-DWG-21050	DA1	Elevations – North & West	29.03.18
Fjmt-AR-DWG-21050	DA1	Elevations – South & East	29.03.18
Fjmt-AR-DWG-21052	DA0	Sections	16.12.15
Fjmt-AR-DWG-21053	DA0	Sections	16.12.15
Fjmt-AR-DWG-21054	DA0	Sections	16.12.15

Fjmt-AR-DWG-BB-B2-3401	B	Sections E & F	19.10.16
SK.03	A	Indicative Parking Plan	07.08.17
SA-AR-DWG-BB-B4-0410	A	Building 2 – Travelator B2/B4 Link	12.09.17
SA-AR-DWG-BB-B4-0411	A	Building 2 – Travelator Plan & Sections	12.09.17
AR-ST-DWG-BB-B4-3010	A	Travelator Plan and Details	30.04.18
SA-AR-DWG-BB-B4-0480	A	Travelator Excavation Extent – Locomotive Street	04.05.18
Building 3			
DA_3000B	3	DA PLAN – BELOW GROUND	14.06.18
DA_3000G	8	DA PLAN - GROUND	14.06.18
DA_3101	5	DA PLAN – LEVEL 01	14.06.18
DA_3102	6	DA PLAN – LEVEL 02	14.06.18
DA_3103	5	DA PLAN – LEVEL 03	14.06.18
DA_3104	5	DA PLAN – LEVEL 04	14.06.18
DA_3105	5	DA PLAN – LEVEL 5 (ROOF)	14.06.18
DA_3300	7	DA ELEVATIONS – WEST AND NORTH	04.07.18
DA_3301	8	DA ELEVATIONS – EAST AND SOUTH	14.06.18
DA_3350	4	NOMINATED SIGNAGE ZONES	17.10.17
DA_3400	5	DA SECTIONS	24.04.18
DA_3501	1	FAÇADE DETAILS – L00 GABION WALL	17.10.17
DA_3502	1	FAÇADE DETAILS – L01 GLAZING	17.10.17
DA_3504	1	FAÇADE DETAILS – L03 GLAZING	17.10.17
DA_3505	2	FAÇADE DETAILS – L03 CANOPY	24.04.18
DA_3506	2	FAÇADE DETAILS – LEVEL 02 BALUSTRADE & SCREENING	24.04.18
DA_5000	6	GFA PLANS	24.04.18
DA_8000	3	ATP – B3 COMMUNITY BUILDING FAÇADE FINISHES	26/07/2018
Public Domain / Landscape Drawing prepared by Aspect Studios			
Drawing No.	Rev.	Name of Plan	Date
14080_LA_001	Response to Council	Landscape Master Plan	May 2016

- (b) Schedule 2 Part B –Condition B48 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

Heritage

B48 Prior to the issue of the Construction Certificate for the structure works for Building 2, Stage 1 of the Heritage Interpretation Plan shall be submitted to the Secretary for approval. This plan shall be prepared in accordance with the Applicant's Heritage Impact Statement and addendum, the ATP Conservation Management Plan and relevant NSW Heritage Division guidelines. It shall outline interpretation elements for inclusion into the detailed design of the new buildings and landscaping works, including the potential reuse and interpretation of the Foundry Wall and methods to retain and interpret moveable and social heritage within the precinct. It shall be prepared in consultation with the Heritage Council and other stakeholders, including former workers, Aboriginal stakeholders, volunteers, the local community and relevant railway associations, and document the findings and recommendations raised in consultation.

An updated Conservation Management Plan (CMP), reflecting the approved redevelopment, must be prepared and endorsed by the Heritage Council **within 12 months of the prior to** issue of **any** the **first** Occupation Certificate **for Building 2**. The updated Australian Technology Park CMP must align with the overarching Eveleigh Railway Workshops CMP currently being prepared by UrbanGrowth for Heritage Council's endorsement.

- (c) Schedule 2 Part B –Condition B53C is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **bold and struckout** words/numbers as follows:

B53C ~~Prior to the issue of any Occupation Certificate A~~ maintenance plan is to be submitted to and approved by the PCA **as follows**:

- i. **for public domain area 1, prior to the issue of first occupation certificate for Building 1**
- ii. **for public domain area 2, prior to the issue of first occupation certificate for Building 2**

The maintenance plan is to be complied with during occupation of the development.

- (d) Schedule 2 Part F –Condition F4 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **bold and struckout** words/numbers as follows:

F4 **Within Prior to the commencement of the use 12 months of the issue of the first occupation certificate for Building 2**, the Applicant shall implement the **physical elements of the** proposals and recommendations of the approved Heritage Interpretation Plans (Stage 1 and Stage 2).

- (e) Schedule 2 Part F –Condition F6 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **bold and struckout** words/numbers as follows:

Contamination - Long Term Environmental Management Plan

F6 Prior to the issue of **the first** Occupation Certificate **for each of the Buildings**, the Applicant shall prepare and implement a Long Term Environmental Management Plan (LTEMP) **that relates to that Building**, to the satisfaction of the Secretary.

Prior to the issue of the final Occupation certificate for Building 2, the Applicant shall prepare and implement a LTEMP for the Public Domain (areas 1 and 2) to the satisfaction of the Secretary.

The plan shall be prepared by a suitably qualified and experienced person **and** be submitted to an EPA Accredited Site Auditor for review within one month~~s~~ of the completion of remediation works **on each development parcel**, unless otherwise agreed by the Secretary.

The LTEMP shall include, but not be limited to:

- (a) a description of the nature and location of any contamination remaining on site;
- (b) provisions to manage and monitor any remaining contamination;
- (c) a groundwater monitoring program to assess the potential impact of fill material placed below ground water;
- (d) mechanisms to report results to relevant agencies;
- (e) triggers that would indicate if further remediation is required; and
- (f) details of any contingency measures that the Applicant would carry out to address any ongoing contamination.

Upon completion of the remediation works **within each development parcel**, the Applicant shall manage the **site nominated development parcel** in accordance with the LTEMP and any on-going maintenance of remediation notice issued by the EPA under the CLM Act.

- (f) Schedule 2 Part F –Condition F19 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

F19 Prior to ~~an~~**the** Occupation Certificate **for each building and the first public domain occupation certificate** being issued ~~and/or commencement of the use, whichever is earlier for each area~~, the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

- (g) Schedule 2 Part G –Condition G1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

Environmental Performance

G1 ~~Within 12 months of occupation, the Applicant shall provide certification from the Green Building Council of Australia to the PCA (copy to the Department) indicating that the development achieves the minimum requirements in Condition B33.~~
The applicant shall provide certification from the Green Building Council of Australia to the PCA (Copy to the Department) indicating that the development achieves the minimum Green Star Rating requirements in Condition B33, within 24 months of occupation.

Where applicable, the applicant shall provide certification from the Office of Environment and Heritage to the PCA (Copy to the Department) indicating that the development achieves the minimum NABERS requirements in Condition B33, within 18 months of achieving the 75% occupation rate for each building

**End of modification
(SSD 7317 MOD 11)**