

Australian Technology Park

*State Significant
Development
Modification Assessment
(SSD 7317 MOD 11)*



November 2018

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
Council	City of Sydney
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
IPC	Independent Planning Commission
Minister	Minister for Planning
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development



1. Introduction

1.1 Preamble

This report is an assessment of an application to modify the State significant development (SSD) consent (SSD 7317) for a commercial campus at Australian Technology Park (ATP), Eveleigh.

The modification application seeks to amend the timing and delivery of works in several conditions of consent.

The application was lodged by Mirvac Projects Pty Ltd (the Applicant), pursuant to section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

1.2 The site

The subject site is the ATP in the suburb of Eveleigh, in the City of Sydney local government area (LGA) (**Figure 1**). It is located approximately 2.5 km to the south-west of the Sydney central business district (CBD), approximately 5 km to the north of Sydney Airport, within 200 m of Redfern railway station and 400 m from Redfern town centre.



Figure 1 | Site Location (Base map source: Nearmap)

The ATP has an area of 13.5 hectares and is bound by:

- the main western railway line and railway shed to the north
- Henderson Road to the south
- Alexandria Child Care Centre, Alexander Street and Rowley Lane to the west
- Garden Street and Cornwallis Street to the east.

1.3 Approval History

On 20 December 2016, the then Planning Assessment Commission granted development consent for a commercial campus at the ATP (SSD 7317), which included:

- site preparation works, site clearance, excavation and remediation
- construction of three mixed use commercial buildings (**Figure 1**) with a gross floor area (GFA) of 107,427 m²
- car and bicycle parking
- landscaping, road and public domain works
- building identification signage zones.

The development consent includes the following conditions relevant to this modification request:

- Condition B48 (Heritage) requires submission of the Stage 1 Heritage Interpretation Plan and preparation of an updated conservation management plan
- Condition B53C (Landscaping and Public Domain) (as amended by Mod 1) requires preparation of a maintenance plan prior to the issue of any occupation certificate
- Condition F3 (Heritage Interpretation) requires the submission of the Stage 2 Heritage Interpretation Plan prior to the first occupation certificate
- Condition F4 (Heritage Interpretation) requires implementation of Stage 1 and 2 Heritage Interpretation Plans prior to the commencement of the use
- Condition F6 (Contamination - Long Term Environmental Management Plan) requires the preparation and implementation of the plan prior to issue of an occupation certificate
- Condition F14 (Travel Demand Management) requires a work place travel plan approved prior to the issue of the first occupation certificate
- Condition F19 (Waste Disposal) requires a licensed contractor be engaged for the removal of all waste
- Condition G1 (Environmental Performance) requires the environmental standards in Condition B33 be achieved.

The approved buildings are currently under construction with Building 1 due for completion in April 2019, Building 2 in 2020 and Building 3 in 2019.

In addition to the subject application (MOD 11), the development consent has been modified on eleven occasions and two modifications are under assessment, as summarised in **Table 1**.

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Determined by	Type	Approval Date
MOD 1	Modification to defer approval of landscaping and public domain plans and stage the delivery of the public domain works.	Commission	96(1A)	26 June 2017
MOD 2	Modifications to the voluntary planning agreement, car parking, building identification signage zone on Building 1, and internal and external alterations to Building 2.	Department	96(1A)	22 August 2017
MOD 3	Modifications to Building 3, including changes to the layout and design, increase in GFA, introduction of a rooftop community garden and signage zones.	Department	96(1A)	1 December 2017

MOD 4	Modification to increase the height of rooftop plant on Building 1 and amend Condition A14 (Airspace Protection).	Department	96(1A)	20 October 2017
MOD 5	Modification to introduce a concrete structure below Locomotive Street to accommodate a future travelator connecting Building 2 to the Locomotive Workshop.	Department	4.55(1A)	29 June 2018
MOD 6	Modification to Building 2, including reallocation of car parking spaces, subdivision of retail tenancies and changes to facade materials and signage zones.	Department	4.55(1A)	16 August 2018
MOD 7	Modification to Building 2, including internal layout changes and amendments to facade materials and signage zones.	Department	4.55(1A)	17 July 2018
MOD 8	Modification to the requirements for bicycle parking and end-of-trip facilities in Buildings 1 and 2 and the public domain	Department	4.55(1A)	24 September 2018
MOD 9	Modification to Building 1 to allow the use of external terrace space on Level 1 (west) and Level 7 (south) by employees.	TBC	4.55(1A)	Under assessment
MOD 10	Modification to Building 3, including internal and external changes and amendments to the rooftop community garden plan of management.	Department	4.55(1A)	3 September 2018
MOD 12	Modification to amend the approved landscape masterplan, provide public domain signage and an external signage strategy.	TBC	4.55(1A)	Under assessment
MOD 13	Modification to increase the external play area of the child care centre in Building 1.	Department	4.55(1A)	23 October 2018
MOD 14	Modification to roof materials and signage zone location in Building 2.	Department	4.55(1A)	30 October 2018

1.4 Other relevant applications

The following two SSD applications for the adaptive reuse of the Locomotive Workshop are currently under assessment, namely:

- SSD 8517 - for the adaptive reuse of the eastern portion of the Locomotive Workshop (Bays 1 – 4a) and two annex structures for a mix of retail, function centre, education, recreation and industrial uses. This proposal also seeks consent for part of the tunnel and travelator linking the Locomotive Workshop to Building 2
- SSD 8449 - for the adaptive reuse of the western portion of the Locomotive Workshop (Bays 5 – 15) and two annex structures for commercial and light industrial uses.



2. *Proposed Modification*

On 3 July 2018, the Applicant lodged a modification application (SSD 7317 MOD 11) seeking approval under section 4.55(1A) of the EP&A Act to amend the timing and delivery of works in the following conditions (with the changes summarised in **Table 3**):

- Condition B48 (Heritage)
- Condition B53C (Landscaping and Public Domain)
- Condition F3 (Heritage Interpretation)
- Condition F4 (Heritage Interpretation)
- Condition F6 (Contamination - Long Term Environmental Management Plan)
- Condition F14 (Travel Demand Management)
- Condition F19 (Waste Disposal)
- Condition G1 (Environmental Performance).

The modifications do not involve any physical works and are proposed by the Applicant to align the required timing of works or plans with the staged construction and occupation of the site.

A link to the Applicant's Environmental Assessment is provided at **Appendix B**.



3. Strategic Context

3.1 Greater Sydney Region Plan

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. The GSC has prepared the Greater Sydney Region Plan to provide a 40-year vision for a metropolis of three cities, the Eastern Harbour City, the Western Parkland City and the Central River City, that will rebalance growth and deliver its benefits more equally and equitably to residents across Greater Sydney.

By integrating land use, transport links and infrastructure across the three cities, more people will have access within 30 minutes to jobs, schools, hospitals and services.

The proposal is consistent with the Region Plan, as the growth in jobs, will contribute to a walkable '30-minute city' within a highly accessible part of the Harbour City. The proposed modification also encourages communities that are healthy, resilient and socially connected (Objective 7).

3.2 Eastern City District Plan

The GSC has also prepared District Plans to implement the Regional Plan through local planning and influence state agency decisions. District plans connect local planning with the longer-term metropolitan planning for Greater Sydney.

The site is located within the Eastern City District area. The proposed modification is consistent with the relevant objectives in the Eastern City District Plan as it will:

- provide services and social infrastructure (Planning Priority E3)
- contribute to a stronger and more competitive Harbour CBD (Planning Priority E7)
- deliver integrated land use and transport planning and a '30-minute city' (Planning Priority E10).



4. Statutory Context

4.1 Scope of Modifications

Section 4.55(1A) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining an application that seeks to modify an SSD application and results in minor environmental impacts.

The matters for consideration under section 4.55(1A) of the EP&A Act that apply to the modification of the project approval (SSD 7317 MOD 11) have been considered in **Table 2**.

Table 2 | Section 4.55(1A) Modification involving minimal environmental impact

Section 4.55(1A) Evaluation	Consideration
a) that the proposed modification is of minimal environmental impact, and	Section 6.1 of this report provides an assessment of the impacts associated with the modification application. The Department is satisfied that the proposed modification will have minimal environmental impacts, as it involves changes to the timing and deliver of works or plans in several conditions.
b) that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	The modification seeks to change the staging of works or plans in several conditions, and therefore results in development that is substantially the same as the originally approved development.
c) the application has been notified in accordance with the regulations, and	The modification application has been notified in accordance with the EP&A Regulations. Details of the notification are provided in Section 5.1 of this report.
d) any submission made concerning the proposed modification has been considered.	The Department received five submissions on the proposal, from the City of Sydney Council, Heritage, Transport for NSW, Roads and Maritime Services and the Environment Protection Authority. The issues raised in submissions have been considered in Section 6.1 of this report.

4.2 Consent Authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act.

The Minister's delegate as consent authority

However, under the Minister's delegation dated 11 October 2017, the Director, Key Sites Assessments, may determine the application as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objection.

4.3 Environmental Planning Instruments

The following environmental planning instruments (EPIs) are relevant to the application:

- State Environmental Planning Policy (State and Regional Development) 2011

- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy (Urban Renewal) 2010
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 1 – Development Standards
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 64 – Advertising and Signage.

The Department undertook a comprehensive assessment of the development against the above mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the modification does not result in any inconsistency with these EPIs.

4.4 Objects of the EP&A Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.

5. Engagement

5.1 Department's Engagement

Clause 117(3B) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to SSD. Accordingly, the application was not advertised. However, it was made publicly available on the Department's website on 11 July 2018, and referred to relevant Government agencies, namely the Environmental Protection Authority (EPA), Heritage Council of NSW (Heritage), Roads and Maritime Services (RMS), Transport for NSW (TfNSW) and UrbanGrowth, and the City of Sydney Council (Council) for comment by 25 July 2018 (14 days).

5.2 Submissions

The Department received a submission from Council and advice from four Government agencies, namely TfNSW, RMS, Heritage and EPA. The comments raised against each condition are summarised below and in greater detail in **Table 3**. No public submissions were received.

A link to the submissions is provided in **Appendix C**.

Council advised that it objected to the proposed changes to four conditions, namely to Condition B10 (Loading Dock Management Plan), Condition B53C (Landscaping and Public Domain), Condition F14 (Travel Demand Management) and Condition F23 (Improved Connectivity to Redfern Station).

Heritage raised concerns with the proposed timing requirements in two conditions, namely: Condition B48 (Heritage) and Condition F4 (Heritage Interpretation). **RMS** and **TfNSW** raised concerns with the proposed timing requirements in two conditions, namely Condition F14 (Travel Demand Management) and Condition F23 (Improved Connectivity to Redfern Station). The **EPA** advised it had no comments on the proposed changes.

5.3 Response to Submissions

Following the notification of the modification application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in submissions and a request for further information from the Department.

On 10 September 2018, the Applicant provided a Response to Submissions (RtS) (**Appendix D**). The RtS provided a response to the issues raised in submissions and further information sought by the Department. The RtS also amended the following proposed conditions:

- Condition B10 (Loading Dock Management Plan), and provided an updated loading dock management plan
- Condition B53C (Landscaping and Public Domain)
- Condition F4 (Heritage Interpretation)
- Condition F6 (Contamination - Long Term Environmental Management Plan)
- Condition F14 (Travel Demand Management)
- Condition F23 (Improved Connectivity to Redfern Station).

The Department made the RtS publicly available on its website and referred it to Council, Heritage and TfNSW. In response, **Council**, **Heritage** and **TfNSW** advised that the RtS had not addressed previous concerns and maintained its respective positions.

5.4 Amendments during the assessment

On 18 October 2018 during the assessment of the proposal, the Applicant wrote to the Department (**Appendix D**) confirming:

- withdrawal of proposed changes to Condition B10 (Loading Dock Management Plan) and Condition F23 (Improved Connectivity to Redfern Station)
- confirmation of proposed amendments to Condition B53C (Landscaping and Public Domain), Condition F6 (Contamination - Long Term Environmental Management Plan), Condition F14 (Travel Demand Management), Condition F19 (Waste Disposal) and Condition G1 (Environmental Performance)
- its intension to pursue the proposed changes to Condition B48 (Heritage), Condition F3 (Heritage Interpretation) and Condition F4 (Heritage Interpretation).

The Applicant's position was shared with Council and TfNSW. In response, Council advised that it was satisfied with the proposed changes and withdrew its previous objection. As no changes were sought to heritage related conditions the revised conditions were not shared with the Heritage Council.

A summary of the proposed changes to the conditions, together with the comments raised in submissions, is provided in **Table 3**.

Table 3 | Summary of proposed changes, submissions, latest position and Department’s on each condition, Submissions on the RtS and the Department’s recommendations.

Proposed Condition (see Section 2)		Submission on Proposal (see Section 5.2)	Proposed Condition (RtS or during assessment) (see Section 5.3 or Section 5.4)	Submission on Proposed Condition (see Section 5.3 or Section 5.4)	DPE Recommendation (see Section 6)
Loading Dock Management Plan		<i>Council:</i> Do not support the changes due to concerns for pedestrian/ vehicle conflict. <i>TfNSW:</i> No comments. <i>RMS:</i> No comments. <i>Heritage:</i> No comments. <i>EPA:</i> No comments.	Proposed change withdrawn	<i>Council:</i> Concern addressed. <i>TfNSW:</i> No comments. <i>Heritage:</i> No comments.	N/A
B10	Prior to the issue of the relevant Construction Certificate, a Loading Dock Management Plan shall be prepared in consultation with Council and submitted to the Secretary for approval to promote safe and efficient operation of the proposed loading area and to minimise conflicts with pedestrian movements. The Loading Dock Management Plan shall include the following: a) allocation of loading spaces; b) restrictions on delivery and operating times to ensure minimal deliveries do not occur during times of peak pedestrian movements; c) controls on duration of stays; d) measures to ensure there is no queuing of delivery vehicles including details of alternate parking locations to redirect vehicles when queuing occurs; e) controls on the placement of skips, pallets, etc.; f) procedures for tradesman access and parking; g) allocation of delivery times for residential removalists; and h) truck access routes.				
Heritage		<i>Council:</i> No comments. <i>TfNSW:</i> No comments. <i>RMS:</i> No comments. <i>Heritage:</i> Recommend the delivery timeframe should be 12 months to ensure the site is not without an appropriate conservation management document for an extended period. <i>EPA:</i> No comments.	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 prior to issue of any within two years of the issue of the last Occupation Certificate. 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.	<i>Council:</i> No comments. <i>TfNSW:</i> No comments. <i>Heritage:</i> remain concerned the site will be without an appropriate conservation management document for an extended period of time and reiterate the timeframe be reduced to 12 months.	Supports the concern raised by Heritage, that a CMP needs to be finalised sooner than two years. The requirement for an updated CMP needs to be tied to the project approval (SSD 7317) and aligning it to the timescales of other developments in the ATP (such as the Locomotive Workshops SSD) will risk its timely delivery. As such the Department recommends changing the wording to require submission of the CMP within 12 months of the issue of the first occupation certificate for Building 2 (See Section 6.1).
Landscaping and Public Domain		<i>Council:</i> do not support the changes as the proposed wording is too vague, the maintenance plan for each area	Landscaping and Public Domain 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>Council:</i> Concern addressed. <i>TfNSW:</i> No comments. <i>Heritage:</i> No comments.	Condition B53C be updated to align the requirement for a maintenance plan for each public domain area, with the occupation certificate for the corresponding building, which

	<p>maintenance plan is to be complied with during occupation of the development.</p>	<p>should be clearly linked to avoid doubt.</p> <p><i>TfNSW</i>: No comments.</p> <p><i>RMS</i>: No comments.</p> <p><i>Heritage</i>: No comments.</p> <p><i>EPA</i>: No comments.</p>	<p>i. <u>for public domain area 1, prior to the issue of first occupation certificate for Building 1</u></p> <p>ii. <u>for public domain area 2, prior to the issue of first occupation certificate for Building 2.</u></p> <p>The maintenance plan is to be complied with during occupation of the development.</p>		<p>provides some flexibility for the Applicant but ensures a maintenance plan is in place for the completed public domain and landscape works prior to the building being occupied (See Section 6.2).</p>
	<p>Heritage Interpretation</p> <p>F3 Prior to the issue of the first Occupation Certification for Building 2, the Applicant shall submit Stage 2 of the Heritage Interpretation Plan <u>for the public domain</u> for approval by the Secretary. This plan shall be prepared in accordance with Stage 1, the Applicant’s Heritage Impact Statement and addendum, the ATP Conservation Management Plan and relevant NSW Heritage Division guidelines. Stage 2 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.</p>	<p><i>Council</i>: No comments.</p> <p><i>TfNSW</i>: No comments</p> <p><i>RMS</i>: No comments.</p> <p><i>Heritage</i>: No issues raised with the proposed change.</p> <p><i>EPA</i>: No comments.</p>	<p>Heritage Interpretation</p> <p>F3 Prior to the issue of the first Occupation Certification for Building 2, the Applicant shall submit Stage 2 of the Heritage Interpretation Plan <u>for the public domain</u> for approval by the Secretary. This plan shall be prepared in accordance with Stage 1, the Applicant’s Heritage Impact Statement and addendum, the ATP Conservation Management Plan and relevant NSW Heritage Division guidelines. Stage 2 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.</p>	<p><i>Council</i>: No comments.</p> <p><i>TfNSW</i>: No comments.</p> <p><i>Heritage</i>: No comments.</p>	<p>The Department does not support the proposed amendment, as the Stage 2 Heritage Interpretation Plan relates to the entire development (SSD 7317) and not only the public domain. As such the Department recommends the wording of the condition remain unchanged (See Section 6.3).</p>
	<p>Heritage Interpretation</p> <p>F4 Prior to the <u>commencement of the use issue of the last Occupation Certificate for Building 2</u>, the Applicant shall implement the proposals and recommendations of the approved Heritage Interpretation Plans (Stage 1 and Stage 2 <u>Heritage Interpretation Plan for the Public Domain</u>).</p>	<p><i>Council</i>: No comments.</p> <p><i>TfNSW</i>: No comments.</p> <p><i>RMS</i>: No comments.</p> <p><i>Heritage</i>: Concern the changes may result in the interpretation works not being undertaken in a timely manner and recommend the condition not change.</p> <p><i>EPA</i>: No comments.</p>	<p>Heritage Interpretation</p> <p>F4 Prior to the <u>commencement of the use issue of the last Occupation Certificate for Building 2</u>, the Applicant shall implement <u>the physical elements of</u> the proposals and recommendations of the approved Heritage Interpretation Plans (Stage 1 and Stage 2 <u>Heritage Interpretation Plan for the Public Domain</u>).</p>	<p><i>Council</i>: No comments.</p> <p><i>TfNSW</i>: No comments.</p> <p><i>Heritage</i>: Reiterates previous concerns and commends the condition does not change. No issues raised with clarifying the condition relates to physical elements only, as the digital elements require additional time to be developed and will be included in the HIP for the Locomotive Workshop.</p>	<p>As existing Condition F3 (Heritage Interpretation) and Condition B48 (Heritage) both link the delivery to Building 2, the Department supports aligning the implementation of the heritage interpretation to Building 2.</p> <p>However, the Department recommends the condition be amended to require implementation within 12 months of the issue of the first occupation certificate for Building 2, as there is no guarantee of the issue of a final occupation certificate and this will provide a reasonable timeframe for the plan to be developed and implemented.</p> <p>Consistent with the advice of Heritage, the Department supports the condition referring to physical elements. However, consistent with Condition F3 above, the HIP relates to the entire ATP and not only the public domain (Section 6.4).</p>
	<p>Contamination – Long Term Environmental Management Plan</p> <p>F6 Prior to the issue of <u>an the relevant</u> Occupation Certificate, the Applicant shall prepare and implement a Long Term Environmental Management Plan (LTEMP), to the satisfaction of the Secretary. The plan shall be prepared by a suitably qualified and experienced person, be submitted to an EPA Accredited Site Auditor for review within one months of the completion of remediation works, unless otherwise</p>	<p><i>Council</i>: No comments.</p> <p><i>TfNSW</i>: No comments.</p> <p><i>RMS</i>: No comments.</p> <p><i>Heritage</i>: No comments.</p> <p><i>EPA</i>: No comments.</p>	<p>Contamination – Long Term Environmental Management Plan</p> <p>F6 Prior to the issue of <u>the first an</u> Occupation Certificate <u>for each of the Buildings</u>, the Applicant shall prepare and implement a Long Term Environmental Management Plan (LTEMP) <u>that relates to that Building</u>, to the satisfaction of the Secretary.</p>	<p><i>Council</i>: No comments.</p> <p><i>TfNSW</i>: No comments.</p> <p><i>Heritage</i>: No comments.</p>	<p>The Department considers the proposed change has minimal impact and makes specific provision for a LTEMP for the public domain and is therefore supported.</p>

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, the Applicant shall manage the site in accordance with the LTEMP and any on-going maintenance of remediation notice issued by the EPA under the CLM Act.

Prior the issue of the Last 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 months 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 **nominated development parcel site** in accordance with the LTEMP and any on-going maintenance of remediation notice issued by the EPA under the CLM Act.

Travel Demand Management

F14 The Applicant shall prepare a Work Place Travel Plan, in consultation with TfNSW, for the proposed development which must be approved by the Secretary prior to issue of the **first last** Occupation Certificate. The Plan shall be included in the staff induction information for incoming employees and shall aim to achieve the following:

- Facilitate the sustainable and safe travel of staff;
- Encourage high modal share for public transport, cycling and walking to work with flexible working arrangements;
- Provide appropriate facilities at the site to enable staff and visitors to commute by sustainable transport modes;
- Reduce the need to travel for work related activities;
- Avoid parking on local streets in residential areas;
- Establish a means of monitoring the mode share of employees and visitors;
- Raise awareness of sustainable transport amongst staff; and
- Reduce the number of car journeys associated with business travel by staff and visitors.

An annual report shall be submitted to the Secretary providing details of the Work Place Travel Plan implementation, and mitigation actions to improve performance if required.

Council: Do not support the changes as the proposed wording is too vague

TfNSW: Do not support the changes and recommend the Work Place Travel Plan be prepared and approved prior to the Stage 1 occupation certificate incorporating the Stage 1 and Stage 2 occupants.

RMS: Concur with TfNSW comments.

Heritage: No comments.

EPA: No comments.

Travel Demand Management

F14 The Applicant shall prepare a Work Place Travel Plan (**WPTP**), in consultation with TfNSW, for the proposed development which must be approved by the Secretary prior to issue of the first Occupation Certificate **for Building 2**.

If the first occupation certificate for either Building 1 or 3 is issued before the first occupation certificate is issued for Building 2, a draft WPTP is to be prepared prior to the issue of that occupation certificate (for Building 1 or 3) and issued to all staff with their instructions. A copy of any draft WPTP is to be provided to the Secretary and TfNSW.

The Plan shall be included in the staff induction information for incoming employees (**and all existing employees**) and shall aim to achieve the following:

- Facilitate the sustainable and safe travel of staff;
- Encourage high modal share for public transport, cycling and walking to work with flexible working arrangements;
- Provide appropriate facilities at the site to enable staff and visitors to commute by sustainable transport modes;
- Reduce the need to travel for work related activities;
- Avoid parking on local streets in residential areas;
- Establish a means of monitoring the mode share of employees and visitors;
- Raise awareness of sustainable transport amongst staff; and
- Reduce the number of car journeys associated with business travel by staff and visitors.

Council: Concern addressed.

TfNSW: Do not support submission of draft WTPs and reiterated their original concerns.

Heritage: No comments.

The Department does not consider the submission of draft WPTPs is appropriate as a WPTP prepared in consultation with TfNSW and Council should be in place prior to the issue of the first occupation certificate. The amendment is therefore not supported. (See **Section 6.5**).

An annual report shall be submitted to the Secretary providing details of the Work Place Travel Plan implementation, and mitigation actions to improve performance if required.

Waste Disposal		<i>Council:</i> No comments.	Waste Disposal	<i>Council:</i> No comments.	The Department supports the proposed changes, and recommends the condition be updated accordingly.
F19	Prior to an <u>the first</u> Occupation Certificate <u>for each building and the first Public Domain Occupation Certificate</u> being issued and/or commencement of the use for each area, whichever is earlier , 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.	<i>TfNSW:</i> No comments. <i>RMS:</i> No comments. <i>Heritage:</i> No comments. <i>EPA:</i> No comments.	F19	Prior to an <u>the first</u> Occupation Certificate <u>for each building and the first Public Domain Occupation Certificate</u> being issued and/or commencement of the use for each area, whichever is earlier , 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.	
Improved Connectivity to Redfern Station		<i>Council:</i> do not support the change to last occupation certificate as this means the occupiers of the building will not have an accessible pathway to the station until the very end of the overall site works. <i>TfNSW:</i> if changes are made, recommend the Applicant provide detail of how the movement of Stage 1 occupants between Redfern station and the ATP site can be accommodated to the satisfaction of TfNSW. <i>RMS:</i> concur with TfNSW comments. <i>Heritage:</i> No comments. <i>EPA:</i> No comments.	Proposed change withdrawn	<i>Council:</i> Concern addressed. <i>TfNSW:</i> No comments. <i>Heritage:</i> No comments.	N/A
Environmental Performance		<i>Council:</i> No comments.	Environmental Performance	<i>Council:</i> No comments.	The Department supports the proposed changes, and recommends the condition be updated accordingly.
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. <u>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.</u> <u>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.</u>	<i>TfNSW:</i> No comments. <i>RMS:</i> No comments. <i>Heritage:</i> No comments. <i>EPA:</i> No comments.	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. <u>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.</u> <u>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.</u>	



6. Assessment

As summarised in **Section 5** and **Table 3**, the Applicant proposes changes to eight conditions.

The Department has reviewed the proposed changes to Conditions F6 (Long Term Environmental Management Plan), F19 (Waste Disposal) and G1 (Environmental Performance) and noting no issues have been raised by Government agencies or Council on these conditions, the proposed changes are considered reasonable and supported (**Table 3 & 4**).

The Department has considered the proposed changes to the remaining conditions, the Applicant's Response to Submissions and comments from Council and government agencies. An assessment of the proposed changes to each of the following conditions is provided below:

- Condition B48 (Heritage)
- Condition B53C (Landscaping and Public Domain)
- Condition F3 (Heritage Interpretation)
- Condition F4 (Heritage Interpretation)
- Condition F14 (Travel Demand Management).

6.1 Condition B48 (Heritage)

Condition B48 requires an updated Conservation Management Plan (CMP) be submitted prior to the issue of any occupation certificate. The Applicant proposes to change the timing of submission to be within 24 months of the issue of the last occupation certificate for the entire ATP site, including the Locomotive Workshop.

The Applicant sought this change to allow the CMP to be updated to reflect the redevelopment across the ATP site, including the adaptive reuse of the Locomotive Workshop (two separate SSD applications currently under assessment) and the Eveleigh Railway Workshops CMP (currently being prepared by UrbanGrowth NSW). The proposed 24 month timeframe is to allow for the preparation of the CMP and endorsement by Heritage.

Heritage advised the proposed change to be acceptable, subject to the timeframe being reduced to 12 months, so the site is not without an appropriate conservation management document for an extended period.

The Department acknowledges the CMP is the key heritage management document for the whole of the ATP and the updated CMP needs to consider Buildings 1, 2 and 3, the public domain and Locomotive Workshop, and to align with the Eveleigh Railway Workshops CMP. The Department also notes that works at the ATP include approvals under various development applications (such as SSD 7317 and the Locomotive Workshop – SSD 8517 and SSD 8449).

Having considered the proposed changes, the Department agrees with the Heritage Council that the proposed 24 month timeframe is excessive and considers 12 months to be more reasonable. The Department considers that 12 months from the first occupation certificate is a reasonable balance between allowing the occupation of the development (under SSD 7317), progressing with the other development applications within the ATP and ensuring the timely delivery of the CMP. The Department also notes that further updates to the CMP will be secured as necessary under future approvals.

Additionally, the Department considers the CMP requirement needs to be tied to the approval (SSD 7317), rather than any development within the ATP (which may operate under separate project approval), to ensure the

guaranteed and timely delivery of the CMP. The Department therefore recommends the condition wording be amended to require submission of the CMP within 12 months of the issue of the first occupation certificate for Building 2, as this is likely to be the last building to be occupied under SSD 7317.

6.2 Condition B53C (Landscaping and Public Domain)

Condition B53C requires a landscaping maintenance plan to be provided to the certifying authority, prior to the issue of any occupation certificate.

The Applicant proposed to change the wording to require submission of the maintenance plan prior to the 'issue of the first occupation certificate for Building 2'. The Applicant contended that requiring a maintenance plan prior to any occupation certificate is too broad, and inconsistent with the other public domain conditions (B53A, B53B and B53D) which require submission of details prior to construction or occupation stages specific to the relevant public domain area.

Council raised concerns that the wording of the condition should be more precise and that each specific landscape or public domain area should be clearly defined and referenced on a plan, so that the maintenance plan for each can be clearly linked. In response to the RtS, Council recommended the condition refer to the first occupation certificate (and to not specify a building number).

The Department notes the site has two separate public domain areas and considers these areas should have their own maintenance plans, as they will be completed at different times. Requiring separate maintenance plans will address Council's concerns, ensuring each plan is clearly linked to the relevant area and is in place prior to the occupation of the relevant building.

The Department therefore recommends condition B53C be updated to require a landscape maintenance plan be prepared for public domain area 1 prior to the issue of the first occupation certificate for Building 1 and for public domain area 2 prior to the issue of the first occupation certificate for Building 2.

6.3 Condition F3 (Heritage Interpretation)

Condition F3 requires the Applicant to submit the Stage 2 Heritage Interpretation Plan for approval by the Secretary prior to the issue of the occupation certificate for Building 2.

The Applicant is seeking to amend the wording of the condition so that stage 2 of the Heritage Interpretation Plan relates to the public domain only.

The Applicant contended that as a separate Stage 2 Heritage Interpretation Plan for the Locomotive Workshop will also be prepared in accordance with development applications SSD 8449 and 8517, that the change in wording is required to prevent confusion between the different plans.

Whilst the Department acknowledges that a separate Heritage Interpretation Plan is required for the Locomotive Workshop (under the separate SSD applications), Condition F3 relates to the Stage 2 Heritage Interpretation Plan for all development approved under SSD 7317 and not just the public domain. As such the Department does not support the proposed amendments to the condition and recommends the current wording remain unchanged.

6.4 Condition F4 (Heritage Interpretation)

Condition F4 requires the Applicant to implement the Heritage Interpretation Plan (Stage 1 and 2), prior to the commencement of the use.

The Applicant is seeking to amend the condition so that it relates only to physical elements (to allow more time for digital content development which will occur as part of the Locomotive Workshop Interpretive Plan), and to change the timing to 'prior to the issue of the last occupation certificate for Building 2'.

The Applicant contended that the development of the heritage interpretation elements is an extensive process involving consultation with numerous key stakeholders, and that changing the timeframe will allow the Heritage Interpretation Plan to be developed to a high standard, without holding up the occupation of the buildings.

Heritage raised concerns that the proposed changes could delay the implementation of the interpretation works, resulting from delays in acquiring the final or interim occupation certificates. However, in response to the RtS, Heritage did not raise an issue with the condition referring to the physical elements only, as the digital elements require additional time to be developed and will be included in the Heritage Interpretation Plan for the Locomotive Workshop.

The Department acknowledges the implementation of the heritage interpretation elements requires sufficient time to be delivered to a high standard. Furthermore, the current wording of Condition F4 requires the Heritage Interpretation Plan to be implemented prior to the first commencement of use across the ATP which could result in heritage elements being rushed or delivered separately and result in an inconsistent approach.

As existing conditions F3 (Heritage Interpretation) and B48 (Heritage) are both linked to works for Building 2, the Department is satisfied that linking the implementation of the Heritage Interpretation Plan to the occupation certificate for Building 2 is appropriate. However, the Department considers the Applicant's proposed wording, requiring submission of the plan prior to the 'last' occupation certificate for Building 2, is vague and would not adequately guarantee implementation of the plan.

The Department therefore recommends the condition be amended to require implementation of the Heritage Interpretation Plan within 12 months of the issue of the first occupation certificate for Building 2. The Department considers that as amended, the condition will provide an appropriate timeframe for the plan to be developed and implemented in accordance with the requirements of Heritage, while guaranteeing its delivery.

Consistent with the advice of Heritage, the Department also supports the condition referring to 'physical elements'. However, consistent with Condition F3 above, the Department does not support the condition referring to the public domain, as the Heritage Interpretation Plan refers to the entire ATP approved under SSD 7317.

6.5 Condition F14 (Travel Demand Management)

Condition F14 requires the Applicant to prepare a Workplace Travel Plan (WTP) in consultation with Council and TfNSW prior to issue of the first occupation certificate. The Applicant is seeking to change the timing to allow submission of the plan prior to issue of the last occupation certificate. The Applicant contended that as the WTP needs to consider occupants of all buildings of the ATP, it is appropriate to finalise the plan prior to the occupation of the last building.

Council advised they did not support the proposed change and recommended the condition be clearly linked to the occupation of each individual building. TfNSW and RMS advised they did not support the change as there would not be an approved WTP for the ATP prior to occupation of Building 2.

To address the concerns of Council and TfNSW, the Applicant proposed to amend the condition to require submission of draft WTPs if Buildings 1 or 3 are occupied before Building 2, and a final WTP to be submitted prior to the occupation of Building 2. Although addressing the concerns of Council, TfNSW reiterated its position that a WTP for all occupants of the development should be submitted prior to issue of the first occupation certificate. TfNSW did not support the submission of draft WTPs, as they would not be informed by consultation with TfNSW and could lead to confusion when superseded.

The Department acknowledges the concerns of Council, TfNSW and RMS and agrees that to support sustainable travel choices and meet the ESD commitments of the development, a WTP needs to be in place prior to the

occupation of any buildings on site. In this regard, the Department considers it reasonable that a WPTP be in place prior to the issue of the first occupation certificate for any building.

Consistent with the advice of TfNSW, the Department does not consider the submission of draft WPTPs appropriate as they would not be prepared in consultation with TfNSW or Council. The Department agrees with TfNSW that draft WPTPs could lead to unnecessary confusion when superseded, undermining the intent of the condition to encourage sustainable transport choices.

The Department considers that a WPTP for all occupants of the site, prepared in consultation with Council and TfNSW should be in place prior to the occupation of any buildings on site. As such, the proposed modification to Condition F14 is not supported.

6.6 Other Issues

Table 4 | Summary of other issues raised

Condition	Discussion	Recommended Condition
F6 Contamination - Long Term Environmental Management Plan (LTEMP)	<ul style="list-style-type: none"> The Applicant seeks to change the condition to develop a LTEMP for each development site (i.e. Building 1, 2, 3 and the public domain area), prior to the occupation certificate for each building. No issues with the proposed change were raised in submissions. The linking of each LTEMP to a definitive trigger is satisfactory, as the Department can be assured a LTEMP will be prepared for each site. 	<ul style="list-style-type: none"> The Department recommends the existing condition be updated to reflect the proposed changes
F19 (Waste Disposal)	<ul style="list-style-type: none"> The Applicant seeks to change the condition to allow separate waste contracts to be confirmed in accordance with the issue of the occupation certificate for each Building or the public domain. No issues with the proposed change were raised in submissions. The Department notes SSD 7317 includes three separate commercial buildings and public domain works, all staged separately The proposed change does not alter the intent of the condition which requires a licensed waste contractor for the removal of waste. 	<ul style="list-style-type: none"> The Department recommends the existing condition be updated to reflect the proposed changes
G1 (Environmental Performance)	<ul style="list-style-type: none"> The Applicant seeks to change the time to submit and achieve a green star rating for post occupancy from the Green Building Council of Australia, from 12 to 24 months. No issues with the proposed change were raised in submissions. The change is reasonable as it will allow completion of the buildings and time to operate under normal conditions before the rating is taken. The timeframe is also in accordance with the period available from the Green Building Council of Australia. 	<ul style="list-style-type: none"> The Department recommends the existing condition be updated to reflect the proposed changes

6.7 Public interest

The Department considers the proposed modification will align the timing of works required by the conditions with the staged construction and occupation of the development, streamlining the delivery of the project approval, while guaranteeing the timely delivery of the required works / plans. The Department therefore

considers that the proposal is therefore in the Public interest.



7. *Evaluation*

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate as it:

- complies with relevant statutory provisions and remains consistent with relevant EPIs
- is substantially the same development as originally approved, and does not result in adverse environmental impacts
- the proposed changes relate to timing and delivery of various works to align with the staged construction and occupation of the site
- all deliverables required in the conditions are still required to be provided
- the concerns of Council and Government agencies have informed the assessment of the proposed changes, and adequately resolved through the assessment.

Consequently, the Department concludes the proposal is in the public interest and should be approved, subject to changes to the existing conditions of consent.



8. Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **determines** that the modification application (SSD 7317 MOD 11) falls within the scope of section 4.55(1A) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for approving the modification application;
- **modifies** the consent SSD 7317; and
- **signs** the attached Modification of Development Consent (**Appendix F**).

Recommended by:

Brendon Roberts

Team Leader

Key Sites Assessments



9. Determination

The recommendation is: **Adopted by:**

David McNamara 15.11.2018

Director

Key Sites Assessments



Appendices

Appendix A – List of Documents

- SSD 7317, being the development consent for the new commercial campus at the ATP, granted by the Commission on 20 December 2016, together with submissions raised, Applicant's response to submissions, Department's assessment and Commission's assessment report.
- Associated modifications to the development consent, SSD 7317.

Appendix B – Statement of Environmental Effects/Environmental Assessment

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9457

Appendix C – Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9457

Appendix D – Response to Submissions / Further Information

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9457

Appendix E – Consolidated Consent

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9457

Appendix F – Modification of Development Consent

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9457