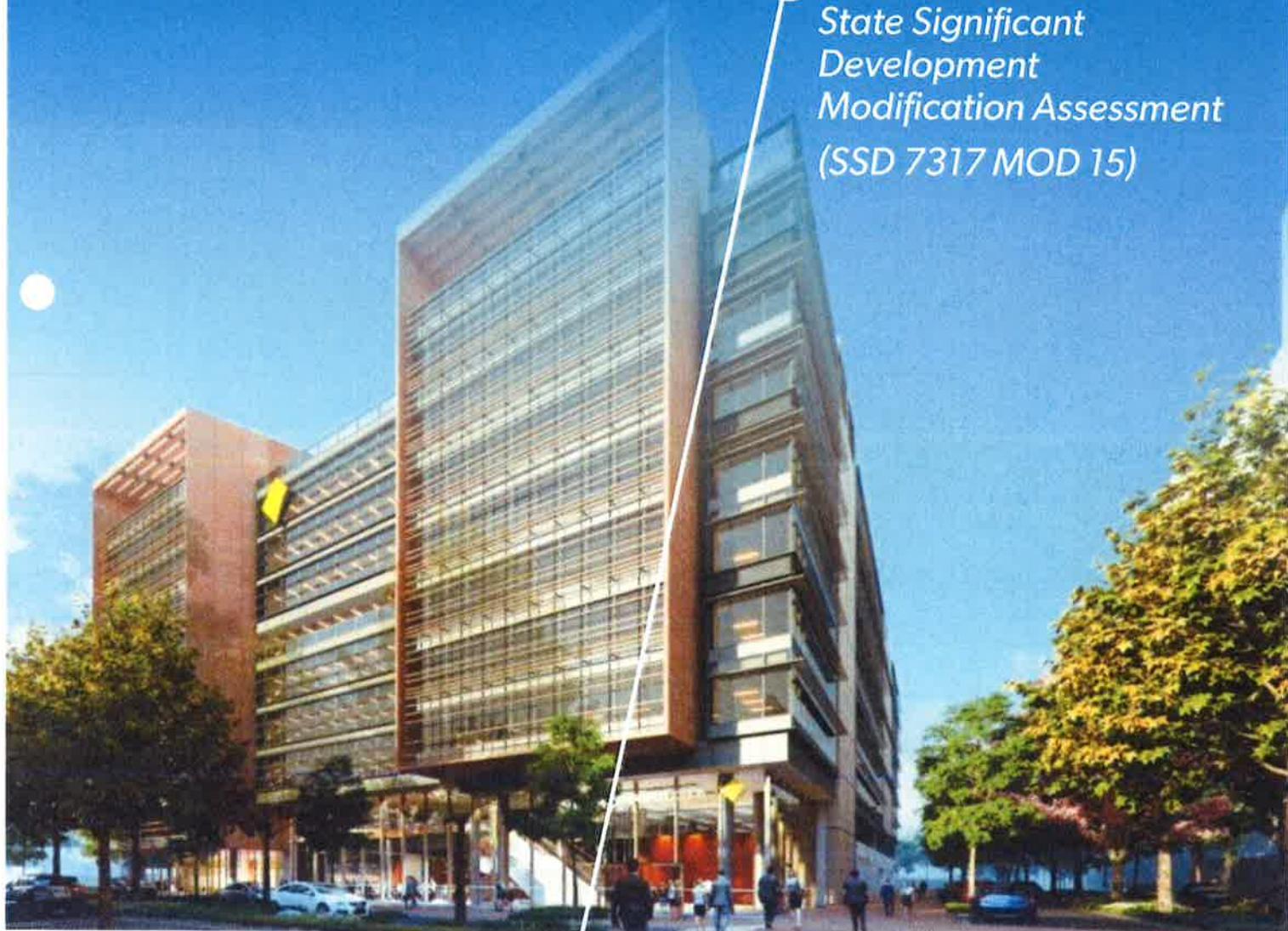




# Australian Technology Park

*State Significant  
Development  
Modification Assessment  
(SSD 7317 MOD 15)*



March 2019

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**Cover photo**

Photomontage of Building 1 at the Australian Technology Park (Source: SSD 7317)

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## Glossary

Abbreviation	Definition
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
Council	City of Sydney Council
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
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
Minister	Minister for Planning
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
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
SSP SEPP	<i>State Environmental Planning Policy (State Significant Precincts) 2005</i>



# 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 the Australian Technology Park (ATP), Eveleigh.

The modification application seeks to:

- allow the staging of remediation and site validation reports (Condition E1)
- amend the timing for the implementation of works to improve pedestrian connectivity between the site and Redfern Station (Condition F23).

The application has been 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 (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 m<sup>2</sup>
- car and bicycle parking
- landscaping, road and public domain works
- building identification signage zones.

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

- Condition B58 (Improved Connectivity to Redfern Station) requires a final design proposal for improved and safer pedestrian connectivity between Redfern Station and the site be submitted to the Secretary for approval
- Condition E1 (Remediation and Site Validation) requires a detailed Site Audit Summary report and Site Audit Statement and Validation Report to be submitted to the EPA, the Secretary, the Certifying Authority and Council within 6 months of the completion of the remediation works on site and prior to the issue of any Occupation Certificate
- Condition F23 (Improved Connectivity to Redfern Station) requires the Applicant to provide evidence to the Private Certifying Authority (PCA) that measures to improve pedestrian connectivity between the site and Redfern Station, in accordance with Condition B58, have been implementation prior to the issue of the first Occupation Certificate.

In addition to the subject application (MOD 15), the development consent has been modified on fourteen occasions and one modification is currently 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 façade materials and signage zones.	Department	4.55(1A)	17 July 2018
MOD 8	Modification to increase the number of lockers within Buildings 1 and 2, and reallocate bicycle parking spaces from these buildings to 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.	Department	4.55(1A)	3 December 2018
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 11	Modification to the timing for the delivery of required works or plans, such as the loading dock management plan, heritage interpretation plans, landscaping and public domain and waste disposal.	Department	4.55(1A)	15 November 2018
MOD 12	Modification to amend the approved landscape masterplan, provide public domain signage and an external signage strategy.	Department	4.55(1A)	13 December 2018
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
MOD 16	Modification to Building 2 including an increase in GFA and internal design changes on the Lower Ground Floor Level and Mezzanine Floor Level.	N/A	4.55(1A)	N/A



## 2. *Proposed Modification*

On 18 December 2018, the Applicant lodged a modification application (SSD 7317 MOD 15) seeking to:

- allow the staging of remediation and site validation reports (Condition E1)
- amend the timing for the implementation of works to improve pedestrian connectivity between the site and Redfern Station (Condition F23).

A link to the modification application documents is provided in **Appendix A**.

No physical works are proposed.



## 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 proposed modification does not involve physical works, and therefore will not affect the development contributing to the goals and objectives in the Greater Sydney Region Plan, as originally assessed in SSD 7317.

### 3.2 Eastern City District Plan

The GSC has also prepared District Plans to implement the Regional Plan through local planning and influence Government 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 does not involve physical works, and therefore will not affect the development contributing to the objectives and priorities in the Eastern City District Plan, as originally assessed in SSD 7317.



## 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 consent and results in minimal environmental impacts.

The matters for consideration under section 4.55(1A) of the EP&A Act that apply to the modification of the consent (SSD 7317 MOD 15) 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	<b>Section 6.1</b> 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 does not involve physical works.
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 application seeks to amend the specified timing and staging in two 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 <b>Section 5.1</b> of this report.
d) any submission made concerning the proposed modification has been considered.	The Department received six submissions on the proposal, summarised in <b>Section 5</b> and the issues raised in submissions have been considered in <b>Section 6.1</b> 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 redevelopment 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

In accordance with the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the modification application was not required to be publicly notified or advertised. However, it was made publicly available on the Department's website on 14 January 2019, and referred to relevant government agencies, namely UrbanGrowth Development Corporation (UDGC), Environmental Protection Authority (EPA), Heritage Council, Sydney Water, Sydney Trains, Transport for NSW (TfNSW), NSW Police and Office of Environment and Heritage (OEH), and Council, with a request for comments by 8 February 2019 (26 days).

### 5.2 Summary of Submissions

The Department received six submissions on the proposal, namely from TfNSW, EPA, RMS, Sydney Water, Heritage Council and Council. No public submissions were received.

Issues raised in submissions are summarised in **Table 3**. A link to the submissions is provided in **Appendix A**.

### 5.3 Key Issues – Government Agencies

**Table 3** | Summary of Government Agency Submissions

Agency	Comments
TfNSW	Did not object to the modification, but requested that the Applicant be conditioned to demonstrate that the movement of occupants between Redfern Station and the ATP, including occupants requiring an accessible pathway is adequately and safely accommodated prior to the issuing of the first Occupation Certificate. TfNSW noted that this could be delivered through a temporary plan of management that may include some supporting infrastructure and for transport advice.
Heritage Council	Did not object to the modification, noting it is unlikely to have any further heritage impacts on the Eveleigh Railway Workshops site.
EPA	Did not object to the modification, noting it will not require an Environment Protection Licence (EPL) under the <i>Protection of the Environment Operations Act 1997</i> (POEO Act).
Sydney Water	Did not object to the modification, advising that the modification does not require assessment by Sydney Water.
RMS	Did not object to the modification and did not provide any comments.

### 5.4 Key Issues – Council

Council advised it has no comment on the modification application.

### 5.5 Response to Submissions

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

On 5 March 2019, the Applicant provided a Response to Submissions (RtS) (**Appendix A**), which:

- advised of the withdrawal of the proposed changes to Condition E1
- provided an estimated timeline for completion of works to improve pedestrian movement between Redfern Station and the ATP
- provided a Construction Traffic Management Plan in response to the concerns raised by the Department and TfNSW.

## 5.6 Response to RtS

The RtS was sent to **TfNSW**. In response, **TfNSW** noted the RtS did not detail how the movement of occupants of the site, requiring an accessible pathway between Redfern Station and the ATP would be accommodated for the period between the commencement of operation of the site and the completion of the pedestrian connectivity improvement works. It reiterated its previous comments that the Applicant be conditioned to prepare a temporary plan of management to ensure the interim pedestrian connection is accessible.

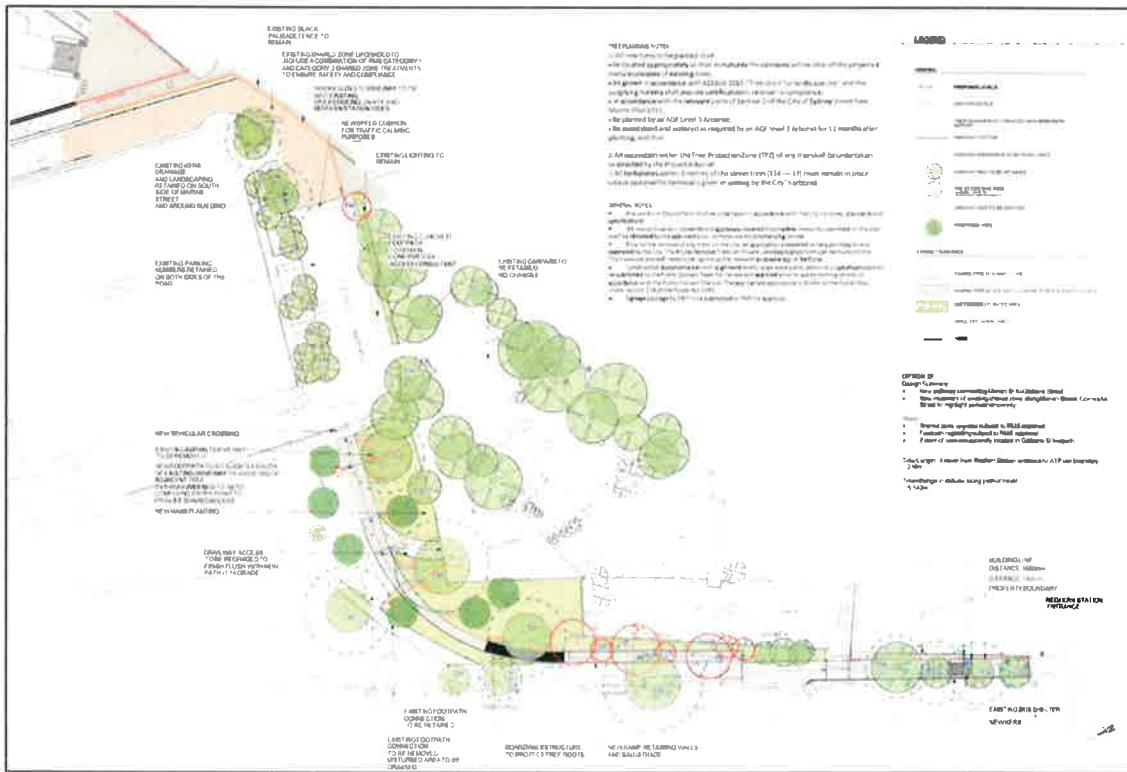
On 15 March 2018, the Applicant proposed amendments to Condition F23 to provide an interim solution to address the concerns by the Department and TfNSW (**Appendix A**). In doing so, the Applicant noted that the pedestrian connectivity works along part of Cornwallis Street/Marian Street have been completed and are open to the public and the Applicant would:

- ensure the pedestrian connection between part of Cornwallis Street/Marian Street and Redfern Station entry on Gibbons Street will be complete within two months of occupation of Building 1, instead of nine months as originally sought
- consult with the future tenant(s) to identify any employees or visitors who require DDA compliant access prior to the works being completed and, where required, provide access via a vehicle pick up and drop off service.

## 6. Assessment

Condition F23 requires the Applicant to demonstrate that improvements to pedestrian connectivity between the ATP and Redfern Station have been implemented (in accordance with the design agreed in Condition B58) prior to the issue of the first Occupation Certificate. Condition B58 required the Applicant to prepare design options for improved and safer pedestrian connectivity between Redfern Station and the site (i.e. along part of Cornwallis Street/Marian Street). On 27 July 2018, the Department satisfied Condition B58, and in doing so, endorsed the final design (**Figure 2**).

The Applicant is seeking to amend Condition F23, with the required information being provided to the Private Certifying Authority (PCA) within two months of the first Occupation Certificate for Building 1 rather than prior to the issue of the first Occupation Certificate. The Applicant contends the works required under Condition F23 are unlikely to be completed before the Occupation Certificate for Building 1, and therefore requests the additional two months due to the delay in all relevant approvals.



**Figure 2** | Final Design Plan (Source: Aspect Studios)

The Department notes the Applicant withdrew a previous modification to Condition F23, in response to concerns by Council (Mod 11). This modification proposed to delay the implementation of the works to prior to the last Occupation Certificate. Council did not support the amendments due to concerns that the occupiers of the building would not have an accessible pathway to the station until the end of the overall site works. The Department acknowledges the differences in the proposed changes between this modification and Mod 11, and notes that Council did not reiterate its previous concerns on this modification.

In its final submission, TfNSW notes that the Applicant has completed the pedestrian connectivity works along part of Cornwallis Street/Marian Street and this is open to the public. TfNSW also largely agrees with the Applicant's proposed alternative solution, subject to specifying the two sections of the connection subject to different timing triggers. The Applicant has advised it supports the different timing triggers.

The Department notes that the proposed changes are sought to provide some flexibility in the timing for the implementation of the required pedestrian connection, noting the delay in gaining the relevant approvals. The Department also notes that the section of the connection on Cornwallis Street/Marian Street is complete and has already opened to the public, therefore being delivered as required in Condition F23 (prior to the first Occupation Certificate). The Applicant is seeking an extension of only two months for the section of the connection between Cornwallis Street/Marian Street and the Redfern Station entry on Gibbons Street, which the Department considers minor and reasonable in the circumstances.

While the final design solution will ensure DDA compliant access, the Department is also satisfied that the interim solution agreed between TfNSW and the Applicant will ensure the entire pedestrian connection is accessible during the interim period. The Applicant will work with the tenant to identify employees who require DDA access during the interim period, and provide a vehicle drop off/pick up service.

For these reasons, the Department supports the proposed changes to Condition F23, subject to the further amendments to the condition agreed between TfNSW and the Applicant.



## 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 the proposal remains consistent with relevant EPIs and the strategic planning context
- is substantially the same development as originally approved, and does not result in adverse environmental impacts
- ensures the required improvements to pedestrian connectivity between Redfern Station and the ATP are still provided (in accordance with Condition B58), while providing some flexibility to extend implementation by two months for a section of the connection
- ensures an appropriate interim solution to ensure the connection is accessible, as agreed between TfNSW and the Applicant, for this section of the connection.

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 15) 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 C**).

Recommended by:

**Brendon Roberts**

Team Leader  
Key Sites Assessments



## 9. Determination

The recommendation is: **Adopted by:**

**David McNamara**

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.
- Statement of Environmental Effects/Environmental Assessment  
(<https://www.planningportal.nsw.gov.au/major-projects/project/9801>)
- Submissions  
(<https://www.planningportal.nsw.gov.au/major-projects/project/9801>)
- Response to Submissions  
(<https://www.planningportal.nsw.gov.au/major-projects/project/9801>)
- Additional Information from the Applicant, dated 15 March 2019  
(<https://www.planningportal.nsw.gov.au/major-projects/project/9801>)

### Appendix B – Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/9801>

### Appendix C – Modification of Development Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/9801>

