

4 March 2019

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Carolyn McNally
Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY, NSW 2001

Attention: Brendon Roberts

Dear Brendon

**SSDA 7317 – MOD 16 – SECTION 4.55(1A) MODIFICATION APPLICATION
BUILDING 2, AUSTRALIAN TECHNOLOGY PARK, EVELEIGH**

This application has been prepared by Ethos Urban on behalf of Mirvac Projects Pty Ltd, pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD 7317 which relates to the commercial campus at the Australian Technology Park, Eveleigh.

The modification application seeks approval for an amendment of the approved maximum GFA for Building 2 and minor design changes. In addition, the proposed modifications necessitate amendments to the plan schedule in Condition A2.

This application identifies the consent, describes the proposed modifications and provides a planning assessment of the relevant matters for consideration contained in section 4.55(1A) of the EP&A Act. The application should be read in conjunction with the Amended Architectural Plans included at **Attachment A**.

1.0 Consent proposed to be modified

Development consent (SSD 7317) was granted by the Planning Assessment Commission on 20 December 2016 for a 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 107,427m² comprising:
 - Building 1 for commercial/ office, retail and child care uses (GFA of 46,830m²/ height of nine storeys);
 - Building 2 for commercial/ office and retail uses (GFA of 56,686m²/ height of seven storeys);
 - Building 3 for retail, gym, child care, community office and commercial uses (GFA of 3,911m²/ height of four storeys).
- car and bicycle parking;
- landscaping, road and public domain works; and
- building identification signage zones.

Since the original approval, there have been several applications seeking to modify the original development. These include:

- Modification 1 – which sought changes Condition B53 (as noted in Section 1.1). This modification application was approved on 26 June 2017.
- Modification 2 – which sought changes to signage zones on Building 1, lower ground floor layout reconfiguration of Building 2 and amendments to Conditions B4 and B8. This modification application was approved on 1 December 2017.
- Modification 3 – which sought amendments to the design of Building 3 (the community building) which included an increase to the overall GFA of Building 3 by 406 m². This modification application was approved on 1 December 2017.
- Modification 4 – which sought approval for the placement of mechanical exhausts, flues, vents and photovoltaics on top of the roof of Building 1 and amendments to the wording of Condition A14. This modification application was approved on 20 October 2017.
- Modification 5 – which sought approval for the construction of a concrete base structure beneath Locomotive Street to house a travelator that will connect Bay 4 of the Locomotive Workshop to the lower ground floor of Building 2. This modification application was approved on 29 June 2018.
- Modification 6 – which seeks amendments to the internal configuration of the Lower Ground Floor and Upper Ground Floor levels of Building 2, the provision of new doorways into the Upper Ground Floor level retail tenancies and minor amendments to façade materials and signage zones. This modification application was approved on 16 August 2018.
- Modification 7 – which seeks minor amendments to Building 1 in relation to the façade materials and the addition of a signage zone, plant, louvres and an awning. This modification application was approved on 17 July 2018.
- Modification 8 – which seeks a modification to the approved bicycle parking and storage lockers within Building 1 and Building 2 of the ATP precinct. This modification application was approved on 24 September 2018.
- Modification 9 – which seeks approval for minor amendments to Building 1, including the use of the Level 1 terrace as trafficable space for the building's commercial tenants, use of the Level 7 breakout area / terrace as trafficable space for the building's commercial tenants and minor alterations to the approved entrance doors. This modification application was approved on 30 November 2018.
- Modification 10 – which seeks approval for minor design amendments to Building 3 in response to future tenant requirements. The modification application was approved on 3 September 2018.
- Modification 11 – which seeks approval for minor word changes to various conditions within the Instrument of Approval. This modification application was approved on 15 November 2018.
- Modification 12 – which seeks approval for amendments to the approved Landscape Masterplan, Public Domain signage and the introduction of two new conditions. This modification application was approved on 13 December 2018.
- Modification 13 – which seeks approval for an extension of the external terrace area at the Lower Ground Level of Building 1. This modification application was approved on 23 October 2018.
- Modification 14 – which seeks approval for minor modifications to Building 2, including the approved roof materials and the location of the lower northern signage zone. This modification application was approved on 30 October 2018.
- Modification 15 – which seeks approval for minor amendments to Conditions F23 and E1 to change the timing related to the implementation of the improved pedestrian connection between Redfern Station and the site and to prevent delays to the issue of the Occupation Certificate of Building 1. The application was lodged on 18 December 2018 and is currently under assessment.

2.0 Background

Of relevance to this application is Modification 6 (MOD 6) which was approved on 16 August 2018. The application sought consent for minor design amendments to Building 2, including reconfigurations to the waste room, mail room and dock manager room at Lower Ground Level. At the time of submission, the dock manager room and mail room were not considered to constitute habitable space and accordingly were omitted from the GFA calculation.

On the 5 July 2018 the Applicant submitted a Response to Request for Further Information clarifying the GFA for Building 2. The response confirmed that MOD 6 proposed a total GFA of 56,554m² for Building 2, which was 132m² below the approved maximum figure of 56,686m².

However, it was requested by the Applicant that the approved maximum GFA of Building 2 not be reduced to 56,554m² on the Instrument of Approval given that Building 2 was under construction and further design changes, which could be deemed by the PCA to be consistent with the approved plans and Instrument of Approval, may be required and could result in further minor modifications to the GFA of the building. The Department did not agree and reduced the maximum GFA for Building 2 to 56,554m².

Since MOD 6 was approved, the mail room and loading dock manager's office at Lower Ground Level are now intended to be used as habitable space. Further, the storage room located at Mezzanine Level is proposed to be converted to a publicly accessible amenities room. Accordingly, the GFA is required to be recalculated to account for these areas.

3.0 Proposed modifications to the consent

This modification application seeks consent for the following minor design changes and an amendment to the approved maximum GFA of the building.

The proposed modifications are listed along with the drivers for change in Table 1, the areas that are proposed to be amended are highlighted in Figures 1-3 and a comparison GFA summary is provided in Table 2.

Table 1 Schedule of design changes to Building 2

Proposed Change	Driver for change
Lower Ground Floor level	
Reduction in the size of the mail room from 84m ² to 75m ²	Design development
Increase in the size of the waste room	Design development
Use of the mail room for people to sort mail.	Previously the mail room was not intended to be habitable and used as a work space and was only intended to be used for the storage of mail. The future tenant proposes to use this space to sort mail as well as store it.
Use of the Dock Manager room as the Dock manager's office.	Previously it was not intended that a dock manager inhabit this space, however it is now proposed that it will be habitable and used by the loading dock manager as an office space.
Mezzanine Floor level	
Conversion of a store room to public amenities	Due to tenant requirements and their wish to provide more amenities for the general public, the store room is to be converted to public amenities comprising 2 x WC cubicles that will be accessed directly from the Village Square.

The proposed modifications therefore seek to increase the GFA of Building 2 by 125m² from 56,554m² to 56,679m². It is noted that the amended GFA remains less than the originally approved maximum for Building 2 prior to Modification Application 6 (MOD 6), which reduced the overall approved GFA of Building 2 by 135m² to 56,554m².

As the amended GFA is attributed to the conversion of the existing store room, mail room and dock manager space to habitable space, the modifications will not increase the bulk and scale of the development.

The amendments to the GFA are addressed below in **Table 1**. The modifications and their location are illustrated from **Figures 1-3**.

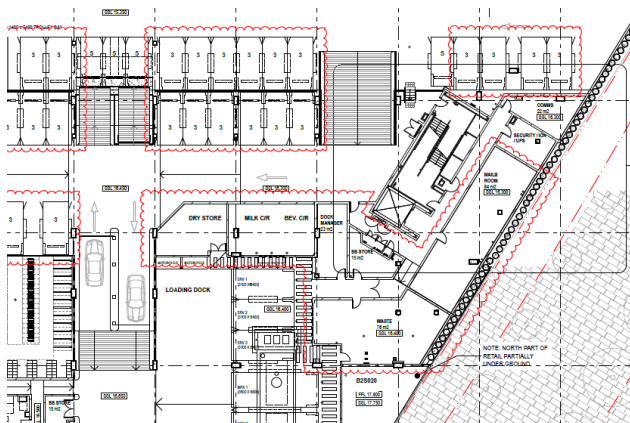


Figure 1 Approved General Arrangement Plan – Lower Ground (MOD 6)

Source: fjmt + Sissons

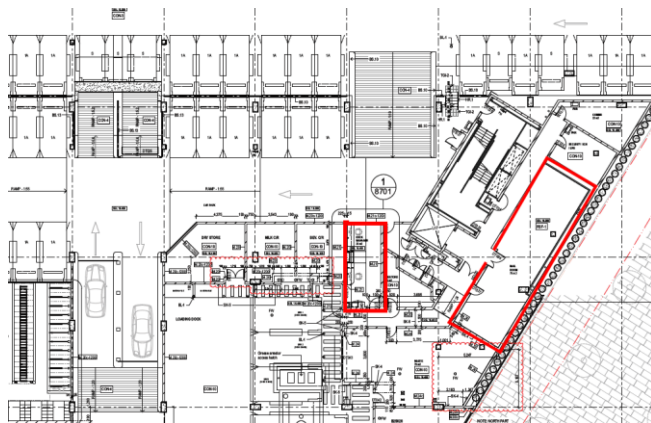


Figure 2 Proposed General Arrangement Plan – Lower Ground

Source: fjmt + Sissons

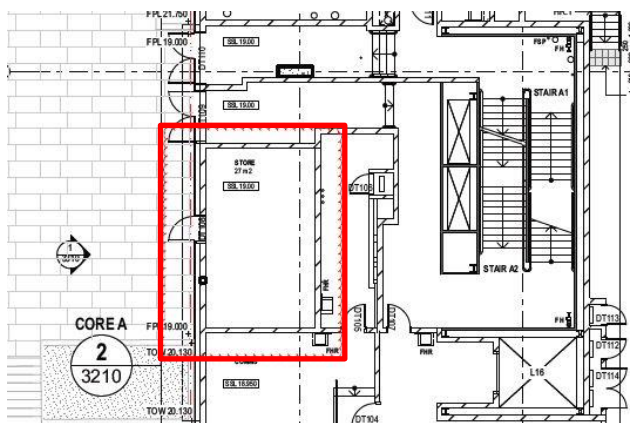


Figure 3 Location of approved store room proposed to be converted to public amenities

Source: fjmt + Sissons

Table 2 Comparison summary of GFA

Level	SSD 7317 Approved GFA	SSD 7317 MOD 6 Approved GFA	Proposed	Change
Lower Ground	1,1915m ²	1,697m ²	1,795m ²	+98m ²
Mezzanine	119m ²	165m ²	192m ²	+27m ²
Upper Ground	9,396m ²	9,388m ²	9,388m ²	-
Level 1	9,327m ²	9,272m ²	9,272m ²	-
Level 2	9,286m ²	9,305m ²	9,305m ²	-
Level 3	9,286m ²	9,305m ²	9,305m ²	-
Level 4	9,286m ²	9,306m ²	9,306m ²	-
Level 5	8,071m ²	8,116m ²	8,116m ²	-
Plant	0m ²	0m ²	0m ²	-
Total	56,686m²	56,554m²	56,679m²	+125m²

3.1 Modifications to conditions

The proposed modification described in Section 2.1 necessitates an amendment to Condition A2. Words proposed to be deleted are shown in ~~**bold strike through**~~ and words to be inserted are shown in ***bold italics***.

A2 Terms of Consent

Drawing No.	Rev	Name of Plan	Date
fjmt-AR-DWG-BB-B2-300L-R	02 <i>12</i>	General Arrangement Plan – Lower Ground	06.03.18 <i>12.10.18</i>
Fjmt-AR-DWG-BB-B2-300M	P	General Arrangement Plan – Mezzanine	19.07.17
<i>Fjmt-AR-DWG-2100M</i>	<i>DA01</i>	<i>Mezzanine Floor Plan</i>	<i>22.02.19</i>

Justification

The changes to the development as detailed and justified in Section 2.1 have necessitated the changes to the plans.

4.0 Substantially the same development

Section 4.55 (1A) of the EP&A Act states that a consent authority may modify a development consent if “*it is satisfied 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)*”.

The development, as proposed to be modified, is substantially the same development as that originally approved in that it:

- the proposed amendments do not seek to modify the approved use or maximum building envelopes;
- the modified development generally retains the same design and development parameters as approved;
- the proposed modification will have no impact on the visual appearance of the proposal which will remain consistent with the approved design;
- the environmental impacts of the modified development remain substantially the same as the approved development as outlined below; and
- the proposed modifications do not give rise to any new matters/ areas of non-compliance and minimal environmental impact.

5.0 Environmental assessment

Section 4.55 (1A) of the EP&A Act states that a consent authority may modify a development consent if “*it is satisfied that the proposed modification is of minimal environmental impact*”. Under section 4.55 (3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15 (1) of the EP&A Act. The EIS submitted with the original State Significant Development Application addressed the following environmental impacts:

- Consistency with relevant legislation, Strategic and Statutory Plans;
- Built form and design quality;
- Public Domain and urban design;
- Transport, traffic and access;
- Aboriginal and European heritage;
- Accessibility;
- Noise and vibration;
- Civil infrastructure and utilities;
- Railway infrastructure;
- Operational waste management;
- Geotechnical implications;
- Contamination;
- Wind impacts;
- Reflectivity;
- BCA and Fire Safety;
- Social and economic impact;
- Crime prevention and public safety;

- Environmental and construction management;
- Ecologically sustainable development;
- Development contributions;
- Site suitability; and
- Public interest.

The planning assessment of the proposed modified development generally remains unchanged with respect to the above matters. However, the following assessment considers matters that warrant further assessment under section 4.55 (1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

5.1 Consistency with relevant legislation, Strategic and Statutory Plans

5.1.1 State Environmental Planning Policy (State Significant Precincts) 2005

The site is located within the Redfern-Waterloo Authority 'specified site' and therefore *State Environmental Planning Policy (State Significant Precincts) 2005* (SSP) is the principal planning instrument relating to the ATP precinct. With the exception of other State Environmental Planning Policies, all other environmental planning instruments do not apply to the site (such as the Sydney LEP 2012).

This application will not amend the approved building envelope, land use or proposed car parking provision. It is therefore considered that the proposed amendments do not alter the original assessment of the development and no additional environmental impact are created.

5.2 Built Form and Visual Appearance

The proposed modifications relate to the inclusion of approved areas in the calculation of the GFA for Building 2 due to changes to their use and their conversion to habitable space. Whilst the GFA is proposed to increase, the overall quantity for Building 2 remains less than that originally approved.

In addition to the above, the size of these areas are proposed to remain unchanged and accordingly the revised GFA will not amend the bulk and scale of the development. Similarly, the proposed works comprising the resizing of the mail room are entirely internal and consequently there will be no change to the external bulk of the development.

6.0 Conclusion

The proposed modifications are minor and do not result in additional environmental impacts.

In accordance with section 4.55(1A) of the EP&A Act, the Department of Planning & Environment may modify the consent as:

- the proposed modification is of minimal environmental impact; and
- substantially the same development as development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,

A handwritten signature in dark ink, reading 'Alicia Desgrand'. The signature is fluid and cursive, with the first name 'Alicia' and last name 'Desgrand' clearly distinguishable.

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