

Modification of Development Consent

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

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



03/12/2020

Anthea Sargeant
Executive Director
Key Sites and Regional Assessments

Sydney

2020

SCHEDULE 1

Development consent: **SSD 7317** granted by the Planning Assessment Commission on 20 December 2016

For the following: Commercial campus at the Australian Technology Park, including:

- site preparation works, site clearance, excavation and remediation;
- construction of three mixed use buildings with a total gross floor area (GFA) of 108,537m² 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 56,679 m² / height of seven storeys);
 - Building 3 for retail, gym, child care, community office and commercial uses (GFA of 5,028 m² / height of four storeys).
- car and bicycle parking;
- landscaping, road and public domain works; and
- building identification, retail and wayfinding signage zones.

Applicant: Mirvac Projects Pty Ltd

Consent Authority: Minister for Planning and Public Spaces

The Land: Australian Technology Park, Eveleigh

Lot 8 in DP 1136859 (Building 3), Lot 9 in DP 1136859 (Building 1), Lot 10 in DP 1136859 (Existing Channel 7 / Media City building & surrounds), Lot 12 in DP 1136859 (Building 2) and PT 4007 in DP 1194309 (Public domain and streets).

Modification: **SSD 7317 MOD 19**

Modification including amendments to the External Signage Strategy and installation of five precinct market signs.

SCHEDULE 2

The consent (SSD 7317) is modified as follows:

- (a) The definitions of evening twilight, morning twilight, night time and overcast are added by the insertion of the **bold and underlined** words as follows:

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Mirvac Projects Pty Ltd, or anyone else entitled to act on this consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
Certifying Authority	Means a person who is authorised by or under section 109D of the EP&A Act to issue a construction certificate under Part 4A of the EP&A Act
Construction	Any works, including earth and building works
Council	City of Sydney Council
Department	Department of Planning and Environment or its successors
EIS	Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd, dated December 2015
EPA	Environment Protection Authority, or its successor
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation or Regulation	Environmental Planning and Assessment Regulation 2000
<u>Evening Twilight</u>	<u>the period just before and after sunset</u>
GFA	Gross Floor Area
Minister	Minister for Planning, or nominee
<u>Morning Twilight</u>	<u>the period just before and after sunrise</u>
<u>Night time</u>	<u>the period between evening and morning</u>
OEH	Office of the Environment and Heritage, or its successor
<u>Overcast</u>	<u>when clouds are covering a large part of the sky</u>
PCA	Principal Certifying Authority
Public Way	Public roads and footpaths surrounding the subject site, including Henderson Road, Garden Street, Alexander Street, Cornwallis Street and Rowley Lane
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
RMS	Roads and Maritime Services Division, Department of Transport or its successor
RTS	Response to Submissions prepared by JBA Urban Planning Consultants Pty Ltd, dated May 2016
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this approval, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
Subject Site	Lot 8 in DP 1136859 (Building 3), Lot 9 in DP 1136859 (Building 1), Lot 10

	in DP 1136859 (Existing Channel 7 / Media City building & surrounds), Lot 12 in DP 1136859 (Building 2) and PT 4007 in DP 1194309 (Public domain and streets).
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
Sydney Trains	Sydney Trains or its successors
TfNSW	Transport for NSW or its successors
TMC	Transport Management Centre or its successors

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

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

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

- r) The Section 4.55(1A) modification application SSD 7317 Mod 11, prepared by Ethos Urban Pty Ltd, dated 3 July 2018 and the Response to Submissions dated 10 September 2018;
 - s) The Section 4.55(1A) modification application SSD 7317 Mod 9, prepared by Ethos Urban Pty Ltd, dated 21 August 2018, Response to Submissions dated 12 October 2018 and additional information dated 22 and 29 November 2018;
 - t) The Section 4.55(1A) modification application SSD 7317 Mod 12, prepared by Ethos Urban Pty Ltd, dated 13 July 2018, the Response to Submissions dated 20 September 2018 and further information dated 23 October 2018;
 - u) The Section 4.55(1A) modification application SSD 7317 Mod 15, prepared by Ethos Urban Pty Ltd, dated 18 December 2018, the Response to Submissions dated 5 March 2019 and additional information dated 15 March 2019;
 - v) The Section 4.55(1A) modification application SSD 7317 Mod 16, prepared by Ethos Urban Pty Ltd, dated 4 March 2019 and the additional information dated 20 May 2019;
 - w) The Section 4.55(1A) modification application SSD 7317 Mod 17, prepared by Ethos Urban Pty Ltd, dated 2 August 2019 and the additional information dated 18 October 2019; **and**
 - x) The Section 4.55(1A) modification application SSD 7317 Mod 18, prepared by Ethos Urban Pty Ltd, dated 5 March 2020 and the additional information dated 6 May 2020 and 15 June 2020; **and**
 - y) **The Section 4.55(1A) modification application SSD 7317 Mod 19, prepared by Ethos Urban Pty Ltd, dated 18 June 2020, Response to Submissions dated 22 September 2020 and the additional information dated 30 October 2020;**
- x)z)** following drawings as set out in the table below, except for:
- i) any modifications which are Exempt or Complying Development;
 - ii) otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by fjmt and SISSONS			
Drawing No.	Revision	Name of Plan	Date
Fjmt-AR-DWG-G1000	DA2	Drawing List	18.05.16
Fjmt-AR-DWG-G1001	DA1	Site Plan	27.04.16
Fjmt-AR-DWG-G1002	DA1	Site Analysis	27.04.16
Fjmt-AR-DWG-G1003	DA1	Site Retail Plan UG + LG	27.04.16
Building 1			
Fjmt-AR-DWG-1100L	DA6	Lower Ground GA Plan	26.06.18
Fjmt-AR-DWG-1100M	DA2	Mezzanine GA Plan	18.05.16
Fjmt-AR-DWG-1100U	DAO	Upper Ground Floor Plan	17.12.15
Fjmt-AR-DWG-11001	DAO	Level 01 Plan	16.12.15
Fjmt-AR-DWG-11002	DAO	Level 02 Plan	16.12.15
Fjmt-AR-DWG-11003	DAO	Level 03 Plan	16.12.15
Fjmt-AR-DWG-11004	DAO	Level 04 Plan	16.12.15
Fjmt-AR-DWG-11005	DAO	Level 05 Plan	16.12.15
Fjmt-AR-DWG-11006	DAO	Level 06 Plan	16.12.15
Fjmt-AR-DWG-11007	DAO	Level 07 Plan	16.12.15
Fjmt-AR-DWG-11008	DA6	Level 08 Plant GA Plan	06.02.18
Fjmt-AR-DWG-11009	DA8	Roof Plan	06.02.18
Fjmt-AR-DWG-11050	DA11	Elevations - South & East	26.06.18
Fjmt-AR-DWG-11051	DA9	Elevations - North & West	06.02.18

Fjmt-AR-DWG-11052	DAO	Sections	16.12.15
Fjmt-AR-DWG-11053	DA1	Sections	27.04.16
Building 2			
Fjmt-AR-DWG-2100L	DA2	General Arrangement Plans – Lower Ground	28.05.19
Fjmt- AR-DWG-2100M	DA2	Mezzanine Floor Plan	28.05.19
Fjmt-AR-DWG-2100U	DA1	Upper r Ground Plan	24.07.19
Fjmt-AR-DWG-21001	DA1	Level 1 Plan	24.07.19
Fjmt-AR-DWG-BB-B2-3102	M	General Arrangement Plans – Level 02	25.01.18
Fjmt-AR-DWG-BB-B2-3103	M	General Arrangement Plans – Level 03	25.01.18
Fjmt-AR-DWG-88-B2-3104	M	General Arrangement Plans – Level 04	25.01.18
Fjmt-AR-DWG-BB-B2-3105	N	General Arrangement Plans – Level 05	25.01.18
Fjmt-AR-DWG-21006	DAO	Level 6 Plan	16.12.15
Fjmt-AR-DWG-21007	DA1	Roof Plan	31.07.18
Fjmt-AR-DWG-21050	DA5	Elevations - North & West	24.07.19
Fjmt-AR-DWG-21051	DA6	Elevations - South & East	12.02.20 <u>17.03.2020</u>
Fjmt-AR-DWG-21052	DA1	Central Avenue Typical Signage Section	30.04.20
Fjmt-AR-DWG-21053	DAO	Sections	16.12.15
Fjmt-AR-DWG-21054	DAO	Sections	16.12.15
Fjmt-AR-DWG-BB-82-3401	B	Sections E & F	19.10.16
SK.03	A	Indicative Parking Plan	07.08.17
SA-AR-DWG-BB-B4-0410	A	Building 2 - Travelator B2/B4 Link	12.09.17
SA-AR-DWG-88-B4-0411	A	Building 2 - Travelator Plan & Sections	12.09.17
AR-ST-DWG-BB-B4-3010	A	Travelator Plan and Details	30.04.18
SA-AR-DWG-BB-B4-0480	A	Travelator Excavation Extent- Locomotive Street	04.05.18
Building 3			
DA 3000B	3	DA PLAN - BELOW GROUND	14.06.18
DA 3000G	8	DA PLAN – GROUND	14.06.18
DA 3101	5	DA PLAN - LEVEL 01	14.06.18
DA 3102	6	DA PLAN - LEVEL 02	14.06.18
DA 3103	5	DA PLAN - LEVEL 03	14.06.18
DA 3104	5	DA PLAN - LEVEL 04	14.06.18
DA_3105	5	DA PLAN - LEVEL 5 (ROOF)	14.06.18
DA 3300	7	DA ELEVATIONS - WEST AND NORTH	04.07.18
DA 3301	8	DA ELEVATIONS- EAST AND SOUTH	14.06.18
DA 3350	4	NOMINATED SIGNAGE ZONES	17.10.17
DA 3400	5	DA SECTIONS	24.04.18
DA 3501	1	FAÇADE DETAILS- LOO GABIONWALL	17.10.17
DA 3502	1	FAÇADE DETAILS- L01 GLAZING	17.10.17

DA 3504	1	FAÇADE DETAILS- L03 GLAZING	17.10.17
DA 3505	2	FAÇADE DETAILS - L03 CANOPY	24.04.18
DA_3506	2	FAÇADE DETAILS - LEVEL 02 BALUSTRADE & SCREENING	24.04.18
DA_8000	3	ATP - 83 COMMUNITY BUILDING FAÇADE FINISHES	26/07/2018
Public Domain / Landscape Drawing prepared by Aspect Studios			
Drawing No.	Rev.	Name of Plan	Date
15080_S4.55_01	H	Landscape Master Plan for Section 4.55	19 Oct 2018
-	A	ATP Signage Location Plan	05.03.20
ATP External Signage Strategy prepared by Urbanite Pty Ltd			
Document Name		Rev.	Date
Australian Technology Park - External Signage Strategy		C	28.04.20
<u>South Eveleigh Precinct Signage Strategy / Addendum 1</u>		<u>B</u>	<u>October 2020</u>

- (c) Schedule 2 - Parts B – Condition B6 is amended and new Condition B63 is added by the insertion of the **bold and underlined** words/numbers as follows:

Reflectivity

- B6. The building materials used on the facades of the approved building shall be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. To achieve this, the building shall have a maximum normal specular reflectivity of visible light in accordance with the Sydney DCP of 20%. As set out in Reflectivity Report (Rev 3) prepared by Surface Design, dated 16 December 2015, further assessment and potentially further glare amelioration devices will be required at the following facades:
- Façade Aspect 260 of Building 1;
 - Façade Aspect 342 of Building 1;
 - Façade Aspect 163 of Building 2;
 - Façade Aspect 343 of Building 2; and
 - Façade Aspect 253 of Building 3.

The visible light from the digital screens and materials used on the structure structures shall not exceed 20 per cent and shall be designed so as to minimise glare.

A report/statement demonstrating compliance with these requirements is to be submitted to the satisfaction of the PCA and a copy to the Secretary prior to the issue of a relevant Construction Certificate for above ground works. This is to include a statement from the original building architect demonstrating that any amelioration devices will not adversely impact on the architectural and design intentions of the project.

Signage – Renewable Energy

B63. Prior to issue of a Construction Certificate for the five precinct marker signs the Applicant shall provide the Certifier with evidence that it will:

- (a) implement onsite renewable energy with a capacity to provide the required energy to illuminate the precinct marker signage; or
 - (b) purchase a renewable product offered by an electricity supplier to the estimated annual amount of electricity used; or
 - (c) implement an alternate approach to renewable energy, endorsed by Council.
- (d) Schedule 2 – Part F new Condition F28 is added by the insertion of the **bold and underlined** words/numbers as follows:

Signage – Renewable Energy

F28. Prior to issue of an Occupation Certificate for the five precinct marker signs, details shall be submitted to the satisfaction of the PCA that renewable energy has been incorporated in accordance with Condition B63.

- (e) Schedule 2 - Part G new Conditions G16 – G20 are added by the insertion of the **bold and underlined** words/numbers as follows:

Signage – permitted luminance levels

G16. The luminance levels of the signage must comply with the below table:

<u>Sign</u>		<u>Maximum Permitted Luminance (cd/m²)</u>
<u>Henderson & Davy Road (location 1)</u>		
<u>Illuminated lettering</u>		<u>100</u>
<u>Central Avenue (location 2)</u>		
<u>Illuminated lettering</u>	<u>Night time to 11pm</u>	<u>150</u>
	<u>11pm to 12am</u>	<u>100</u>
<u>Digital screen</u>	<u>Day</u>	<u>6000</u>
	<u>Morning and evening twilight & overcast</u>	<u>600</u>
	<u>Night time</u>	<u>150</u>
<u>Locomotive Street (location 3)</u>		
<u>Illuminated lettering</u>	<u>Night time to 11pm</u>	<u>300</u>
	<u>11pm to 1am</u>	<u>100</u>
<u>Digital screen</u>	<u>Day</u>	<u>6000</u>
	<u>Morning and evening twilight & overcast</u>	<u>600</u>
	<u>Night time</u>	<u>200</u>
<u>Redfern Station (location 4)</u>		
<u>Illuminated lettering</u>	<u>Night time to 11pm</u>	<u>200</u>
	<u>11pm to 12am</u>	<u>100</u>
<u>Edge of 'sleepers'</u>	<u>Night time to 12am</u>	<u>300</u>

<u>Digital screen</u>	<u>Day</u>	<u>6000</u>
	<u>Morning and evening twilight & overcast</u>	<u>600</u>
	<u>Night time</u>	<u>200</u>

Signage – hours of operation

G17. The signage must comply with the below hours of operation in the table:

<u>Sign</u>	<u>Signage lighting</u>	<u>Digital Panel</u>
<u>Henderson & Davy Road (location 1)</u>	<u>Night time until 11pm</u>	<u>N/A</u>
<u>Central Avenue (location 2)</u>	<u>Night time to 12am midnight</u>	<u>6am until 11pm</u>
<u>Locomotive Street (location 3)</u>	<u>Night time to 1am</u>	<u>6am until 1am</u>
<u>Redfern Station Pedestrian (location 4)</u>	<u>Night time to 12am midnight</u>	<u>6am until 11pm</u>

Signage – content

G18. The approved signage must not have or use:

- (a) unreasonable dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content;
- (b) any content that could be mistaken for a prescribed traffic control device because it has, for example, red, amber or green circles, octagons crosses or triangles or shapes or patterns that may result in the sign being mistaken for a traffic control device;
- (c) any content that could be mistaken for providing driving instructions to drivers;
- (d) complex displays that hold a driver's attention beyond 'glance appreciation';
- (e) message sequencing design to make a driver anticipate the next message; and
- (f) animated display, moving parts or simulated movements.

Signage – Third Party Advertising Prohibited

G19. The digital signs shall be used to provide information about the site for visitors. The display of any general advertising is prohibited.

Signage – dwell time

G20. Content on the digital screens must be displayed in a completely static manner, without any motion, with a minimum dwell time of 10 seconds.

End of modification
(SSD 7317 MOD 19)