

Modification of Development Consent

Section 96(1A) of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning, under delegation dated 16 February 2015, I approve the modification of the development referred to in Schedule 1, subject to the conditions in Schedule 2.



Ben Lusher
Director
Key Sites Assessments

Sydney

1 DECEMBER 2017

SCHEDULE 1

Application No.: SSD 7317

Applicant: Mirvac Projects Pty Ltd

Consent Authority: Minister for Planning

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).

Development: 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 407,427m² **107,833m²**, 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 33,911m² **4,317m²** / height of four storeys);
- car and bicycle parking;
- landscaping, road and public domain works; and
- building identification signage zones.

Modification: **SSD 7317 MOD 3:** Modifications to:

- redesign the building form and rooftop canopy;
- increase the GFA by 406m²;
- establish a community garden on the roof level;
- introduce four signage zones;
- reconfigure plant, stairwells and the building core; and
- make changes to internal layouts.

SCHEDULE 2

- 1) Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **bold and struck through** 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; **and**
- 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;
- 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; and
- 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) 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.	Rev	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	DA2	Lower Ground GA Plan	18.05.16
Fjmt-AR-DWG-1100M	DA2	Mezzanine GA Plan	18.05.16
Fjmt-AR-DWG-1100U	DA0	Upper Ground Floor Plan	17.12.15
Fjmt-AR-DWG-11001	DA0	Level 01 Plan	16.12.15
Fjmt-AR-DWG-11002	DA0	Level 02 Plan	16.12.15
Fjmt-AR-DWG-11003	DA0	Level 03 Plan	16.12.15
Fjmt-AR-DWG-11004	DA0	Level 04 Plan	16.12.15
Fjmt-AR-DWG-11005	DA0	Level 05 Plan	16.12.15
Fjmt-AR-DWG-11006	DA0	Level 06 Plan	16.12.15

Fjmt-AR-DWG-11007	DA0	Level 07 Plan	16.12.15
Fjmt-AR-DWG-11008	DA5	Level 08 Plant GA Plan	25.07.17
Fjmt-AR-DWG-11009	DA7	Roof Plan	25.07.17
Fjmt-AR-DWG-11050	DA7	Elevations – South & East	25.07.17
Fjmt-AR-DWG-11051	DA7	Elevations – North & West	25.07.17
Fjmt-AR-DWG-11052	DA0	Sections	16.12.15
Fjmt-AR-DWG-11053	DA1	Sections	27.04.16
Building 2			
Fjmt-AR-DWG-BB-B2-300L	P	General Arrangement Plans – Lower Ground	19.07.17
Fjmt-AR-DWG-BB-B2-300M	P	General Arrangement Plan – Mezzanine	19.07.17
Fjmt-AR-DWG-2100U	DA1	Upper Ground Plan	27.04.16
Fjmt-AR-DWG-21001	DA0	Level 1 Plan	16.12.15
Fjmt-AR-DWG-21002	DA0	Level 2 Plan	16.12.15
Fjmt-AR-DWG-21003	DA0	Level 3 Plan	16.12.15
Fjmt-AR-DWG-21004	DA0	Level 4 Plan	16.12.15
Fjmt-AR-DWG-21005	DA0	Level 5 Plan	16.12.15
Fjmt-AR-DWG-21006	DA0	Level 6 Plan	16.12.15
Fjmt-AR-DWG-21007	DA0	Roof Plan	16.12.15
Fjmt-AR-DWG-21050	DA0	Elevations – North & West	17.12.15
Fjmt-AR-DWG-BB-B2-3300	01	Elevations – South & East	04.04.17
Fjmt-AR-DWG-21052	DA0	Sections	16.12.15
Fjmt-AR-DWG-21053	DA0	Sections	16.12.15
Fjmt-AR-DWG-21054	DA0	Sections	16.12.15
Fjmt-AR-DWG-BB-B2-3401	B	Sections E & F	19.10.16
SK.03	A	Indicative Parking Plan	07.08.17
Building 3			
<u>DA 3000B</u> APS_099	<u>2</u> 4	<u>DA PLAN – BELOW GROUND</u> BG PLAN	<u>17.10.17</u> 19.07.17
<u>DA 3000G</u> APS_100	<u>4</u> 4	<u>DA PLAN – GROUND</u> L00 PLAN	<u>30.10.17</u> 19.07.17
<u>DA 3101</u> APS_101	<u>2</u> 4	<u>DA PLAN – LEVEL 01</u> L01 PLAN	<u>17.10.17</u> 19.07.17
<u>DA 3102</u> APS_102	<u>3</u> 4	<u>DA PLAN – LEVEL 02</u> L02 PLAN	<u>17.10.17</u> 19.07.17
<u>DA 3103</u> APS_103	<u>2</u> 4	<u>DA PLAN – LEVEL 03</u> L03 PLAN	<u>17.10.17</u> 19.07.17
<u>DA 3104</u> APS_104	<u>2</u> 4	<u>DA PLAN – LEVEL 04</u> L04 PLAN	<u>17.10.17</u> 19.07.17
<u>DA 3105</u>	<u>2</u>	<u>DA PLAN – LEVEL 5 (ROOF)</u>	<u>17.10.17</u>
<u>DA 3300</u> APS_201	<u>3</u> 4	<u>DA ELEVATIONS – WEST AND NORTH</u> ELEVATIONS-01	<u>17.10.17</u> 19.07.17

<u>DA 3301</u>	<u>5</u>	<u>DA ELEVATIONS – EAST AND SOUTH</u>	<u>30.10.17</u>
APS_202	4	ELEVATIONS 02	15.12.15
APS_300	4	3D PERSPECTIVES	19.07.17
<u>DA 3350</u>	<u>4</u>	<u>NOMINATED SIGNAGE ZONES</u>	<u>17.10.17</u>
<u>DA 3400</u>	<u>3</u>	<u>DA SECTIONS</u>	<u>17.10.17</u>
<u>DA 3501</u>	<u>1</u>	<u>FAÇADE DETAILS – L00 GABION WALL</u>	<u>17.10.17</u>
<u>DA 3502</u>	<u>1</u>	<u>FAÇADE DETAILS – L01 GLAZING</u>	<u>17.10.17</u>
<u>DA 3503</u>	<u>1</u>	<u>FAÇADE DETAILS – L02 SCREEN & GLAZING</u>	<u>17.10.17</u>
<u>DA 3504</u>	<u>1</u>	<u>FAÇADE DETAILS – L03 GLAZING</u>	<u>17.10.17</u>
<u>DA 3505</u>	<u>1</u>	<u>FAÇADE DETAILS – L03 CANOPY</u>	<u>17.10.17</u>
<u>DA 3901</u>	<u>1</u>	<u>DA 3D PERSPECTIVES</u>	<u>17.10.17</u>
<u>DA 3902</u>	<u>1</u>	<u>DA 3D PERSPECTIVES</u>	<u>17.10.17</u>
<u>DA 3903</u>	<u>1</u>	<u>DA 3D PERSPECTIVES</u>	<u>17.10.17</u>
<u>DA 3904</u>	<u>1</u>	<u>DA 3D PERSPECTIVES</u>	<u>17.10.17</u>
<u>DA 3906</u>	<u>1</u>	<u>DA 3D PERSPECTIVES</u>	<u>17.10.17</u>
<u>DA 3907</u>	<u>1</u>	<u>DA 3D PERSPECTIVES</u>	<u>17.10.17</u>
<u>DA 6001</u>	<u>A</u>	<u>SCREEN MATERIAL STUDIES – WHITE</u>	<u>23.11.17</u>
Public Domain / Landscape Drawing prepared by Aspect Studios			
Drawing No.	Rev.	Name of Plan	Date
14080_LA_001	Response to Council	Landscape Master Plan	May 2016

2) Condition B60 is added by the insertion of the **bold and underlined** words / numbers as follows:

Service entrance – Building 3

B60 Prior to the issue of the relevant Construction Certificate, amended plans shall be submitted for the Secretary's approval showing method(s) / treatment(s) to prevent the ground floor service entrance located to the north fronting Central Avenue being a blind corner and being able to be used as a place of concealment or for other anti-social activities.

3) Condition B61 is added by the insertion of the **bold and underlined** words / numbers as follows:

External walls and cladding flammability – Building 3

B61 The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate for Building 3 façade works, the Certifying Authority must:

- a) be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and**
- b) ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.**

A copy of the documentation required under (b) must be provided to the Secretary within 7 days of being accepted by the Certifying Authority.

4) Condition D47 is added by the insertion of the **bold and underlined** words / numbers as follows:

Materials and Samples Board – Building 3

D47 The design details of the proposed building facade including all external finishes, colors and glazing must be in accordance with the sample board prepared by Sisson Architects and provided to the Department on 20 October 2017, with the exception of the roof canopy color which shall be consistent with drawing DA 6001 Revision A dated 23 November 2017.

5) Condition F25 is added by the insertion of the **bold and underlined** words / numbers as follows:

External walls and cladding flammability – Building 3

F25 Prior to the issue of an Occupation Certificate for Building 3, evidence shall be submitted to the PCA demonstrating all external walls of the building, including attachments, comply with the relevant requirements of the NCC, consistent with the requirements of Condition B61.

6) Condition F26 is added by the insertion of the **bold and underlined** words / numbers as follows:

Community rooftop garden – Plan of Management - Building 3

F26 A detailed Plan of Management for the rooftop garden is to be prepared prior to commencement of use. A copy of the Plan of Management shall be provided to the Department of Planning and Environment for approval.

The Plan of Management shall include, but not be limited to:

- a) the purpose/vision of the facility;**
- c) arrangements for waste disposal of both organic and non-organic materials;**
- d) an outline of the proposed gardening practices;**
- e) water management proposed including details of how rainwater will be stored, used and harvested;**
- f) details of where gardening tools will be stored and the plan for their maintenance, or whether participants will have to provide their own tools;**
- g) safety procedures for participants and who will be responsible if an accident were to occur;**
- h) whether plots will be allocated, and the process for applying for plots and transferal of plots;**
- i) the management arrangements for shared areas, including any rostering arrangements;**
- j) the hours the garden can be accessed and how it can be accessed;**
- k) provisions for equitable access and use;**
- l) a system for effectively managing and minimizing anti-social behavior;**
- m) a system for effectively handling complaints;**
- k) how the community garden activities will be funded;**
- l) arrangements for local community access to the rooftop community garden that are consistent with the Community Action Plan (CAP) for ATP, including arrangements for the community to book and use the community rooftop garden, ensuring that:**
 - (a) the booking system is publicly accessible;**
 - (b) facilities shall be provided free of cost to the community; and**
 - (c) facilities shall be available to the community 7 days a week.**

End of Modifications