



Planning &
Environment

**STATE SIGNIFICANT DEVELOPMENT:
Section 96(1A) Modification Application**

AUSTRALIAN TECHNOLOGY PARK, EVELEIGH

SSD 7317 MOD 3



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

December 2017

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Published December 2017
NSW Department of Planning & Environment
www.planning.nsw.gov.au

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*NSW Government
Department of Planning & Environment*

1. BACKGROUND

1.1 Introduction

This report provides an assessment of a proposed modification for the redevelopment of a commercial campus at the Australian Technology Park (SSD 7317).

The application is lodged by Mirvac (Applicant) pursuant to Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) located within the commercial campus at the Australian Technology Park (ATP).

It seeks approval for an amended design for Building 3 including changes to the internal configuration, a 406 square metre (m²) increase in gross floor area (GFA), the addition of a rooftop community garden, new signage zones, reconfiguration of plant and building core and revisions to the roof canopy.

1.2 Subject site

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

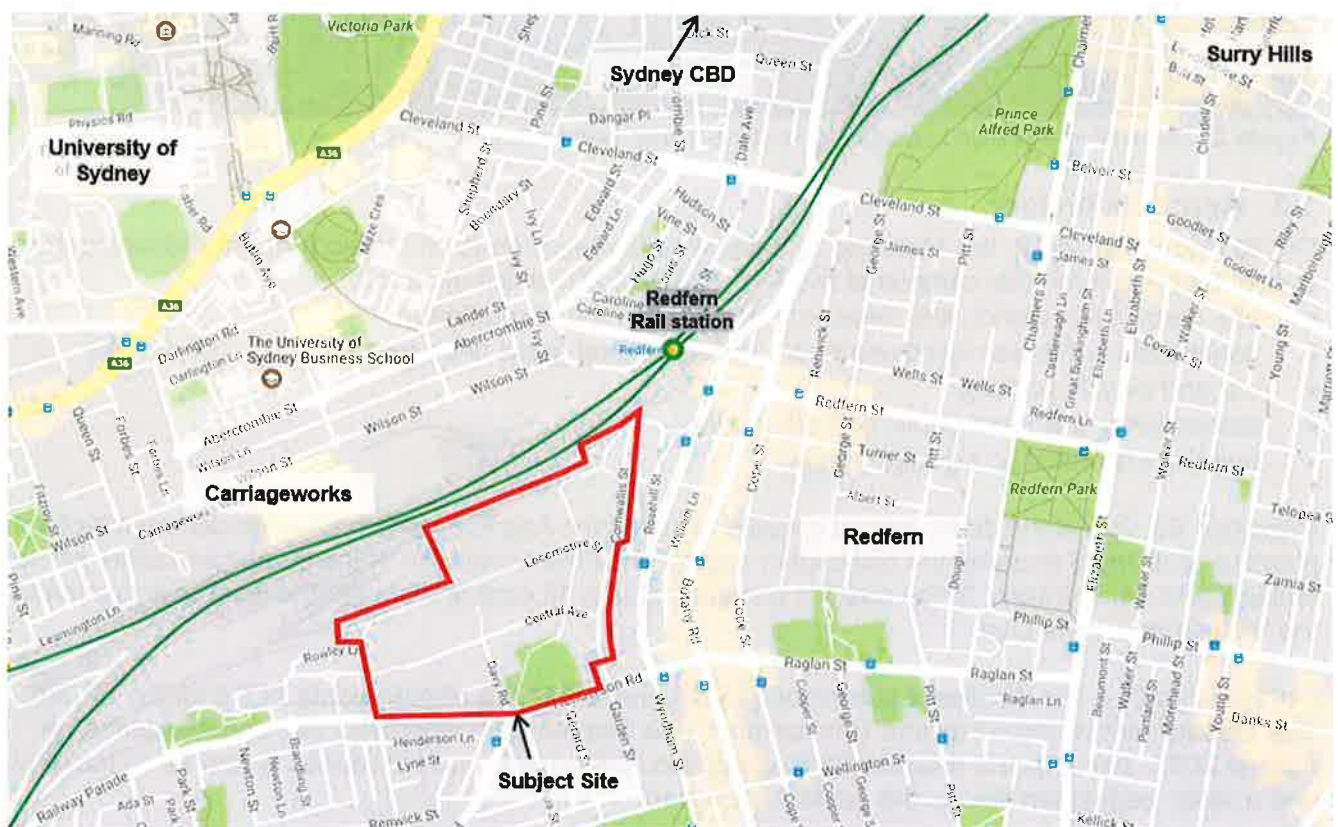


Figure 1: Australian Technology Park location (Base map source: Nearmap)

The ATP has an area of 13.5 hectares (ha) and is bound by (**Figure 2**):

- 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.



Figure 2: The ATP site shown in a solid red outline (Base map source: Nearmap)

1.3 Approval history

On 20 December 2016, the 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 buildings with a total gross floor area (GFA) of 107,427 m²
- car and bicycle parking
- landscaping, road and public domain works
- building identification signage zones.

Condition B3. 2(b) of the development consent required the Applicant to submit amended architectural plans for Building 3 showing the removal or relocation of the substation at the southeast corner of the building and amendments to the eastern elevation and/or lift core to increase the level of activation to the Vice Chancellor's Oval.

On 19 July 2017, the Applicant submitted plans pursuant to the requirements of Condition B3.2(b). The Department of Planning and Environment (the Department) approved the updated plans on 1 August 2017. These plans relocated the substation to the north and introduced a new retail tenancy and a wider pedestrian link on the eastern elevation.

The Department has considered the proposal against these plans approved as part of the satisfaction of Condition B3. 2(b).

1.4 Modification applications

On 26 June 2017, the Commission approved a modification to the development consent (MOD 1) to defer the approval of a landscaping and public domain plan and stage the delivery of the public domain works (Condition B53).

On 22 August 2017, the Department approved a modification to the development consent (MOD 2) for amendments to the required Voluntary Planning Agreement (Condition B4), car parking (Condition B8), amendments to an approved building identification signage zone on Building 1, and internal and external alterations to Building 2.

On 20 October 2017, the Department approved a further modification (MOD 4) to increase the height of roof top plant on Building 1 and amend Condition A14 (Airspace Protection).

2. PROPOSED MODIFICATION

The application (SSD 7317 MOD 3), as revised in the Applicant's Response to Submissions (RtS), seeks approval for a redesign of Building 3. The application includes internal and external modifications, as summarised in **Table 1** below.

Table 1: Key components of the modification

Aspect	Description
GFA	An increase in GFA of 406 m ² , predominantly across the Ground Level and Level 4.
Internal configuration	Changes to the internal layout of the retail, wellness centre, child care, community centre, terrace, creative hub, as well as a reconfiguration of the plant, building core and stairwells.
Signage	Introduction of four new signage zones, including: - two signage zones associated with two of the retail tenancies, located on the ground floor on the western and southern elevation - two large scale signage zones on the core of the building, on the northern and southern elevations.
Rooftop community garden	A revision to the approved rooftop plan to transform it into a rooftop community garden.

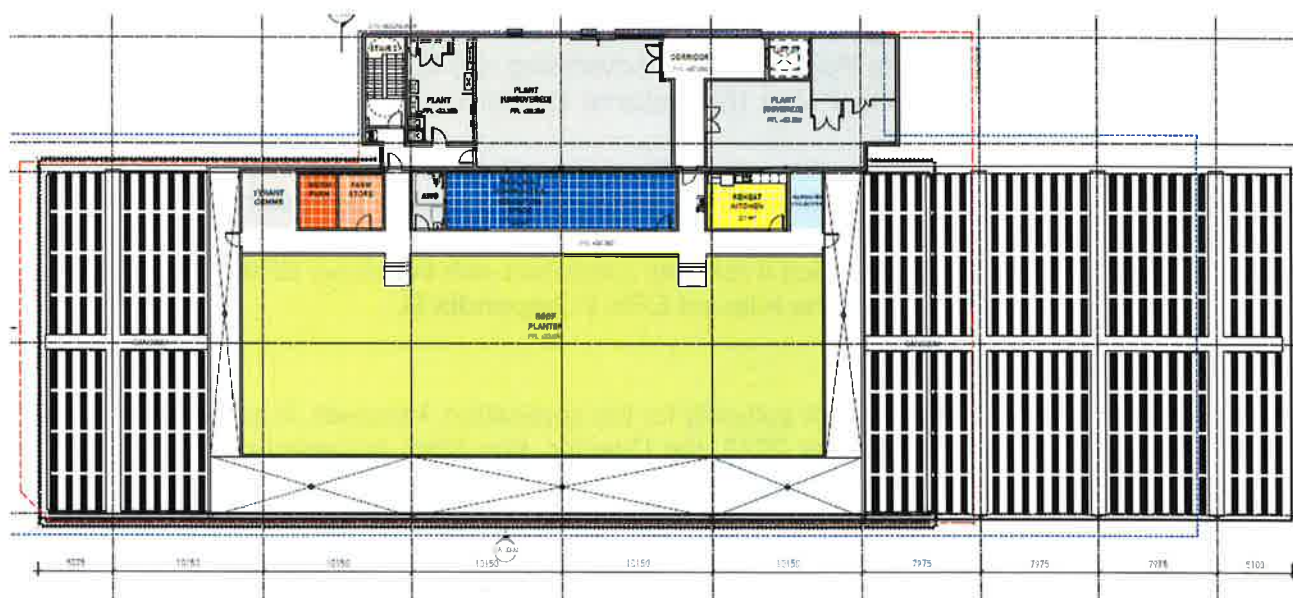


Figure 3: The roof top community garden. Source: Applicant's EIS.

3. STATUTORY CONTEXT

3.1 Modification of approval

Section 96(1A) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of the subject application (**Table 2**):

Table 2: S96 (1A) considerations

Section 96(1A) matters for consideration	Comment
S96(1A)(a) that the proposed modification is of minimal environmental impact.	Section 5 of this report provides an assessment of the impacts associated with the proposal. The proposal consists of internal and external changes as a result of design development. The scale and inherent nature of the development is unchanged and therefore the Department is satisfied that the proposed modifications will have minimal environmental impacts.
S96(1A)(b) that the development to which the consent as modified 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 Department is satisfied the proposed changes would result in development that is substantially the same as the originally approved development.
S96(1A)(c) The application has been notified in accordance with the regulations.	The modification application has been notified in accordance with the Regulation. Details of the notification are provided in Section 4 of this report.
S96(1A)(d) Any submission made concerning the proposed modification has been considered.	The Department has received six agency submissions and no public submissions on the proposal. The comments provided in the submissions have been considered in Section 4 and Section 5 of this report.

3.2 Environmental planning instruments

The following 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 (Infrastructure) 2007
- State Environmental Planning Policy (Urban Renewal) 2010
- 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 (SEPP 64)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

The Department comprehensively assessed the original SSD application against the above EPIs. As the proposal is limited to internal and external modifications, predominantly as a result of design development, the Department is satisfied it remains consistent with the above EPIs. The Department has considered the proposal against the relevant EPIs in **Appendix B**.

3.3 Consent Authority

The Minister for Planning is the consent authority for the application. However, in accordance with the Minister's delegation dated 11 October 2017, the Director, Key Sites Assessments may determine the application under delegation as:

- City of Sydney Council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.

4. CONSULTATION AND SUBMISSIONS

4.1 Notification & Submissions

The Department notified relevant State and local government authorities of the proposal in writing. The Department also made the proposal publicly available on its website.

The Department received six submissions from public authorities. Transport for NSW, EPA, OEH and RMS stated they had no comments on the proposal. The comments made in submissions received by public authorities are summarised in **Table 3**. No submissions from the public were received.

Table 3: Summary of public authority submissions on the EIS.

City of Sydney Council (Council)

Council does not object to the proposal, however it provided comments and raised concerns in relation to:

- the design and operation of the community rooftop garden
- the changes to the design of the roof canopy
- the increased building bulk
- the interface between the building and the Vice Chancellor's Oval
- the change in location of the pedestrian link
- the changed design of the western elevation (Davy Road)
- passive surveillance, ventilation, natural light and activation
- heritage interpretation for Building 3.

Council also requested further information on the scale and nature of the signs intended for the proposed signage zones.

Office of Environment and Heritage – Heritage Division

The Heritage Division considers the proposed changes are acceptable and considers that no further impact on heritage values will result from the modification.

4.3 Response to Submissions

The Applicant provided the following additional information as part of its RtS:

- further justification and refinements to the articulation and materials, bulk and scale, the pedestrian link, glazing and activation and the service core
- a draft plan of management for the rooftop community garden
- an assessment of the building against the Crime Prevention Through Environmental Design (CPTED) principles
- plans showing the layout of the kitchen as part of the rooftop community garden
- clarification of the total internal and external area of the child care centre
- further details in relation to signage zones, indicative design and content
- confirmation the heritage interpretation for Building 3 is being developed.

The Department referred the Applicant's RtS to Council, who provided a further submission, as summarised in **Table 4** below.

Table 4: Summary of public authority submissions on the RtS.

City of Sydney Council (Council)

Council remains concerned about:

- the design and extent of the roof canopy
- the enlarged floorplate widths to level 1 and level 3 in terms of daylight amenity impacts and perceived building bulk
- the activation of the eastern frontage to the Vice Chancellor's Oval
- the replacement of timber batten screen with white aluminium
- lack of certainty that the materials proposed will be used.

Council advised the additional information provided relating to the rooftop garden, rooftop kitchen, signage and heritage interpretation is acceptable.

5. CONSIDERATION OF PROPOSED MODIFICATION

The Department has considered the proposed modifications, the issues raised by Council and the Applicant's response to those issues in its assessment of the application. The Department considers the key issues associated with the proposed external and internal design changes relate to the overall design quality of Building 3 having regard to:

External Changes

- roof canopy
- building materials and finishes
- rooftop community garden
- signage.

Internal Changes

- activation
- safety and passive surveillance
- site connectivity.

5.1 External Changes

5.1.1. Building materials and finishes

The proposal seeks approval for an altered and refined schedule of materials and finishes for Building 3. The main body of the building is proposed to be predominantly precast concrete panelling, with black louvres and opaque and non-opaque glazing. The roof canopy is proposed to be designed with PV cells louvres held up by nine steel columns. The third level (around the child care centre) features an aluminium powder coated batten screening (**Figure 5**) in place of originally proposed timber screening. A gabion wall (a box/caged structure filled with stacked rocks) is proposed to the ground floor on the east and west elevations.

Council raised concerns about the use of aluminium screening in lieu of the timber screening which was originally proposed (**Figure 6**). Council considers that timber provides a high quality natural finish, warmth and texture and ages well. Council also noted that the materials schedule includes a notation which allows for similar materials to be used which creates uncertainty as to the final materials that will be used.

In response to Council's concerns, a materials board was provided which the Council has endorsed.

In response to concerns about the batten screening in particular, the Applicant stated aluminium provides a better design outcome than timber given it is consistent with the colour palette for the building and the materials of the adjacent buildings.



Figure 4: North-west perspective showing the proposed aluminium batten screening. Source: Additional information provided by the Applicant, 23rd November.



Figure 5: North-west perspective showing the originally proposed timber batten screening. Source: Applicant's Section 96 application.

The Applicant also stated that timber was been removed from the materials schedule due to their concerns regarding the suitability of use in a child care facility and risks relating to combustibility / spread of flame.

In response to the concerns raised, the Applicant revised the materiality of the batten screening and roof canopy to a lighter finish (**Figure 4**).

The Department notes that aluminium is used in the other buildings in the ATP precinct, whereas timber is not used as an external building material in Building 1, 2 or 3 as approved. The Department considers the lighter finish for the aluminium to both the batten screening and roof canopy provides a better visual outcome compared to the darker colours noting Council's concerns about the perceived bulk of the revised design of the building and roof canopy.

Further noting Council's concerns about the certainty of building materials, the Department recommends a condition requiring the materials be in accordance with the details provided. The condition will require consistency of materials with the materials board except for the roof canopy cladding, shown on the materials board as a black-grey but which will be consistent with the updated perspectives provided (**Figure 5**). This will ensure the built outcome is consistent with the proposed materials and colours submitted with this application.

The Department supports the proposed changes to materials for Building 3 given:

- aluminium is consistent with the character and materials palette for ATP
- the lighter materials palette reduces the perceived bulk of the building and roof canopy

In light of concerns evident in the broader community regarding building cladding, the Department has recommended a standard condition requiring a Certifying Authority to be satisfied that the proposed external materials comply with the NCC prior to the issue of the Construction Certificate for Building 3 façade works.

5.1.1. Roof canopy

The proposal seeks to redesign the roof canopy and in doing so increase its length from 16.25 metres to 24.5 metres measured from the southernmost edge of the building (**Figure 6**). The Applicant is proposing a lightweight steel canopy with PV cells that act as louvres, allowing sunlight to come through to the public domain area below, compared to the approved roof which shades the public domain area.

The Applicant contends the new design and finishes are commensurate with the overall architectural character of the precinct and complement the industrial heritage of the Locomotive Workshops. The Applicant also noted that feedback provided from the community consultation sessions supported the proposed re-designed roof canopy.

Council does not support the proposed amended roof canopy and considers the approved design provides an elegant sculptural quality to the building as well as greater visual interest. Council also raised concern about the greater extent of the proposed roof canopy compared to what has previously been approved.

The Department has considered Council's concerns about the roof canopy and considers that while the canopy is longer, it is acceptable for the following reasons:

- the industrial architectural style is appropriate to the precinct
- the proposed design will allow sunlight to the area below and also be finished in white/silver which will offset the perception that it is heavier and bulkier than that previously approved
- the extended rooftop canopy will provide additional weather protection to the open space area and will create a sense of place and contribute to the activation of the south, southeast and southwest of the building
- the use of PV cells on the roof canopy contributes to the energy efficiency of the building perspectives

The Department also notes the Council's comments were made on the design before it was amended and this design was bulkier/heavier in appearance than the revised design (**Figure 6**).



Figure 6: The amended roof canopy (subject proposal).



Figure 7: The approved roof canopy. Source: Information provided by the Applicant to fulfil Condition B3.2(b).

5.1.3. Rooftop community garden

The proposal seeks to provide a new element to the building in the form of a community rooftop garden (**Figure 3**). The community rooftop garden is intended as a space where members of the community can gather to grow food and participate in workshops and wellness activities.

Council considers the community rooftop garden to be a positive addition to Building 3 but noted that insufficient information had been provided as to the design and operation of the space. As part of the RtS, the Applicant provided additional information including a draft plan of management (POM) for the community garden which covers the vision, type of planting, operating hours, access, funding and maintenance arrangements. Council has reviewed the draft POM and considers it to be acceptable.

The Department agrees that the rooftop community garden is a positive addition and believes it would contribute to the appeal of the building to the community, if appropriately managed. The Department recommends a detailed plan of management should be provided once greater detail on the future programming of the community garden is known. The detailed POM should address the matters covered in the draft POM in greater detail and will also need to address other aspects such as community access, community user groups, gardening practises, plot allocation, rostering, safety, waste and water management and mechanisms to encourage community participation.

In conclusion, the Department supports the community rooftop garden and sees it as a positive element that will encourage use of the building by the community.

5.1.4. Signage

The application is proposing four new signage zones for building identification signage on Building 3. Two signage zones are associated with retail tenancies on the ground floor on the western and southern elevation. The other two are large scale signage zones located on the service core, on the northern and southern elevations. The signage zones are intended to indicate the potential location of signage only, and no approval is being sought for the signage content as part of the subject application.

Council is satisfied with the information provided on signage in the RtS and withdrew their initial concerns relating to scale and signage type.

The Department considers the signage zones are appropriate in scale and use, and are well integrated into the architectural design of the building. Building identification signage is consistent with the broader signage strategy for Australian Technology Park which includes 13 building identification signage zones across Building 1 and 2. Furthermore, building identification will assist the community with wayfinding, and the use and awareness of the building by the community is essential to its success. An assessment of the signage zones against SEPP 64 can be found in **Appendix B**.

The Department notes the final design, content and illumination of any signage will be subject to approval by the Secretary prior to installation as required by Condition F7 of the original consent by the Commission.

5.2 Internal Changes

5.2.1. Activation

Activation to the Vice Chancellor's Oval

The proposal seeks approval for changes to the internal configuration of the ground floor along the eastern frontage of the building (**Figures 7 and 8**) including:

- changes to servicing, lifts and fire stairs
- changes to the location, size and configuration of the retail tenancy and pedestrian link through the building.

The proposed changes alter the proportion of active uses to the eastern façade facing the Vice Chancellor's Oval, which was a key issue in the Department's assessment of the original proposal and the imposition of Condition B3. 2(b) (refer to **Section 1.3**).

The Applicant contends that it is often not practical to provide active uses along all frontages, and that overall the proposal provides opportunities for surveillance and activation of the Vice Chancellor's Oval noting:

- the public domain to the south of the Building 3 incorporates active play infrastructure linking with the proposed outdoor seating and south-facing retail unit
- the area to the east of Building 3 is a less active grassed area for BBQs and seating.

Council raised concerns about the level of activation of the Vice Chancellor's Oval and requested that all options be considered for redesigning the ground floor to reduce the length of the service core and increase opportunities for activation.



Figure 7: Eastern elevation on the ground floor, as approved (with activated edges shown in green and inactive edges shown in red).

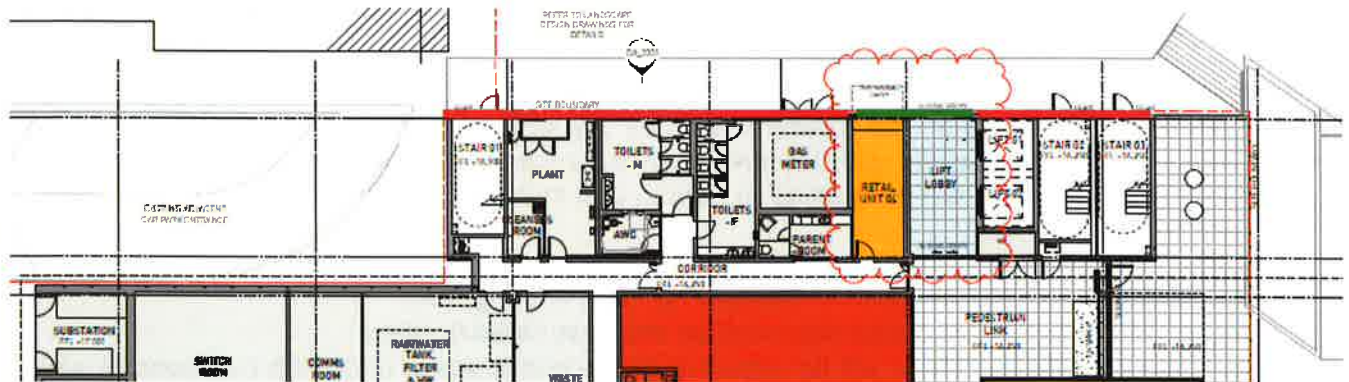


Figure 8: Proposed ground floor plan (with activated edges shown in green and inactive edges shown in red). Base Image Source: Applicant's RTS.

The Department has considered the proposal in light of its previous assessment and the concern raised by Council. The Department notes Building 3 has frontages to Davy Road to the west, Central Avenue to the north and the Vice Chancellor's Oval to the south and east.

The Department acknowledges that Building 3 requires a high level of servicing (in relation to its relative size) to achieve the ESD targets for a zero-emissions building, and the approved remediation strategy does not allow for a basement structure. Therefore the majority of this servicing is provided on the eastern portion of the ground floor. In addition, three independent fire stairs are required to service the community, commercial and child care uses within the building which limits the ability to reduce the length of the service core as suggested by Council.

In addition, noting the prominence of the other three frontages and higher levels of pedestrian activity in these areas, the Department agrees with the Applicant that the eastern elevation fronting the Vice Chancellor's Oval is the most appropriate location for the bulk of the servicing.

Notwithstanding, the Department is satisfied that activation of the eastern frontage has been maximised through:

- a glazed entry door to the lifts and pedestrian link through the building
- a small retail tenancy adjacent to this entry which the Applicant expects may be occupied by a small coffee shop
- activation of the south eastern corner of the building including a retail tenancy and outdoor seating to complement the playground infrastructure to the south of the building.

The Department is also satisfied that a good level of passive surveillance will be provided to the Vice Chancellor's Oval by occupants of the upper levels of the building, passers-by and park users.

The Department therefore supports the proposed internal changes to the building and is satisfied that the nature and general arrangement of active uses to the Vice Chancellor's Oval remains consistent with the approved plans.

Activation of Davy Road

The proposal seeks to make the following internal changes to the western portion of the building which fronts Davy Road (**Figures 9 and 10**):

- divide the approved retail tenancy on the western frontage into two separate retail units
- amend the location and configuration of the wellness centre.

Council raised concern about the level of activation on the western elevation of the building on Davy Road, suggesting that increasing the level of glazing to Davy Road could provide greater opportunities for passive surveillance.

The Department notes Council's concern about the Davy Road frontage and notes this is a primary street address for Building 3. The Department notes that 40% of the frontage features glazed retail shop fronts which is consistent with the previously approved plans for Building 3. In addition, the remainder of the frontage will be finished in gabion wall treatment which provides visual interest to the blank facades.

The Department considers the level of activation is reasonable given:

- it is equivalent to that previously approved on the Davy Road frontage
- the south end of Davy Road will be activated by the public space under the roof canopy, which has the auditorium entrance and a retail tenancy, and is designed to encourage people to linger, gather and meet
- a larger than usual quantity of servicing is required on the ground floor due to the target to achieve a zero-emissions building.

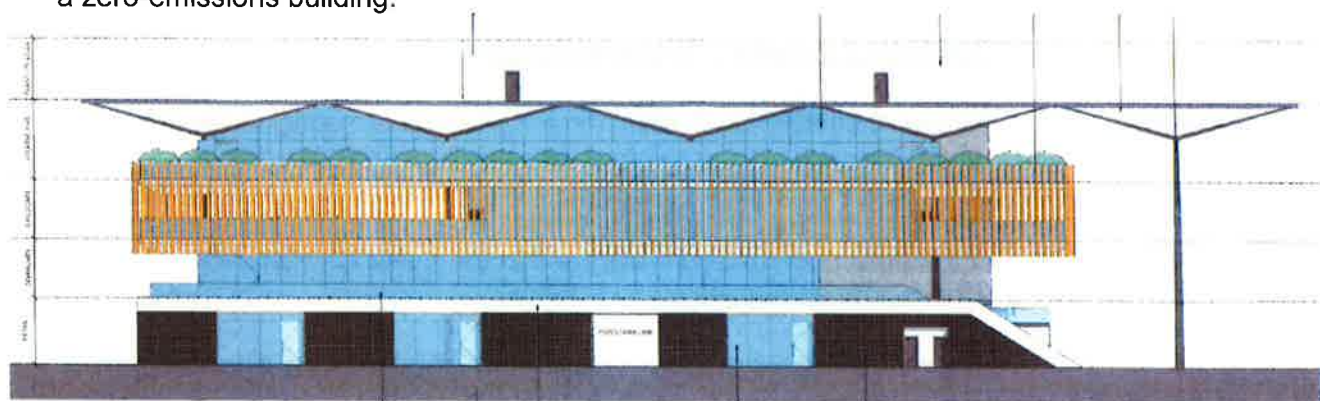


Figure 9: Western elevation to Davy Road, as approved.

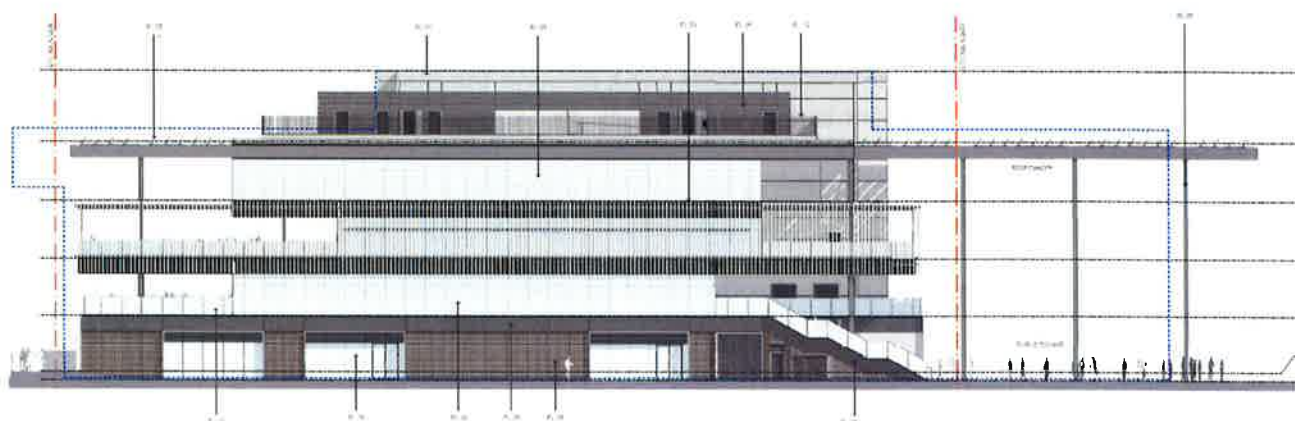


Figure 10: Western elevation to Davy Road, as proposed. Source: Applicant's EIS.

5.2.2. Safety and passive surveillance

The Applicant provided an assessment of the building against the Crime Prevention Through Environmental Design (CPTED) principles which concluded:

- active uses, clear sight lines, appropriate lighting and the installation of CCTV cameras provide surveillance
- community use of Building 3 and regular maintenance provide territorial reinforcement and reduce the incidence of crime
- a swipe card system and physical barriers will control access to the building.

The Department has reviewed the proposal and the applicant's CPTED Assessment and agrees the provision of active uses on each frontage of the building provides an appropriate level of activation and surveillance to the public domain surrounding the site. The north, west and south facades include active ground level retail uses which in conjunction with the use of the public domain in this location will ensure an appropriate level of surveillance consistent with CPTED principles. The proposed access to the lift lobby, pedestrian link through the building and small retail tenancy on the eastern façade, in conjunction with an existing café tenancy on the north end of the adjoining biomedical building, provide an acceptable level of activation and surveillance over the public domain to the east of the building.

In response to concerns raised by the Department about the proposed recessed service entrance potentially being a blind spot/enclave, the Applicant has advised that the service entrance must be recessed given the substation located adjacent to the service entrance has a 3-metre stringline exclusion zone for blast protection. Additionally, the gas regulator located within the void cavity directly adjacent to the substation needs to have external access. However, the Applicant has agreed to provide lighting and CCTV surveillance for the service entrance to alleviate any safety concerns.

The Department notes that lighting and CCTV are two possible methods to ensure the recessed service entrance does not increase opportunities for crime or other anti-social activities. However, noting that other methods and treatments may also be appropriate, the Department recommends a condition requiring amended plans showing additional methods/treatments to prevent the service entrance being able to be used as a place of concealment for other anti-social activities prior to issue of a Construction Certificate for Building 3.

Subject to this condition, the Department considers that adequate measures have been taken to ensure the safety of people in the public domain around the building, through the addition of active uses fronting the Oval and public streets, as well as installed CCTV cameras, restricted building access after-hours, lighting, clear sight lines and regular maintenance.

5.2.3. Site connectivity

The proposal seeks to reconfigure and relocate the pedestrian link providing an east-west link through the building closer to the south side of the building than currently approved and change its configuration to a L shape (**Figures 11 and 12**). The Applicant contends that the connectivity of the site will not be affected by the change, noting that the east-west connection is retained through the sliding doors at the eastern edge of the lift lobby.

The Department considers site connectivity will not be negatively impacted by the change given it is substantially the same as previously approved as the connection between Davy Road (to the west) and the Vice Chancellor's Oval (to the east) has been retained. Further, it is noted the pedestrian study submitted as part of the original application shows the main pedestrian desire line runs to the south of the building and along the pathway running on the edge of the Vice Chancellor's Oval. On this basis, the Department is satisfied that the site connectivity both around and through the building is acceptable, and consistent with the level of connectivity in the original approval.



Figure 11: The ground level as approved.



Figure 12: The ground level as proposed. Source: Applicant's amended plans.

6. CONCLUSION

The modification application has been assessed in accordance with the matters for consideration under section 96(1A) of the EP&A Act and the Department is satisfied that the proposal complies with all statutory and strategic provisions and will adequately address the issues raised by City of Sydney Council, subject to the recommended amendments to the conditions.

The Department's assessment concludes the proposed modification is acceptable on the basis that it would:

- not detract from the overall design of the ATP precinct
- not result in any additional impacts to the surrounding area
- maintain consistency with the objectives of the original approval.

Consequently, it is recommended the modification is approved subject to the recommended conditions.

7. RECOMMENDATION

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

- **consider** the findings and recommendations of this report
- **determine** that the application falls within the scope of Section 96(1A) of the EP&A Act
- **approve** the modification application (SSD 7317 MOD 3), subject to conditions
- **sign** the attached notice of modification (**Appendix C**).

Prepared by: Genevieve Hastwell
Key Sites Assessments

Recommended by:

A. Watson

Amy Watson
Team Leader, Key Sites Assessments

DECISION

Approved by:

[Signature] 1/12/17

Ben Lusher
Director, Key Sites Assessments

as delegate of the Minister for Planning.

APPENDIX A RELEVANT SUPPORTING INFORMATION

The notice of modification and supporting documents and information to this assessment report can be found on the Department of Planning and Environment's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8682

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S)

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 79C(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP);
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP);
- State Environmental Planning Policy (Major Development) 2005;
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55);
- State Environmental Planning Policy (Urban Renewal) 2010;
- State Environmental Planning Policy No. 1 – Development Standards;
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64);
- Sydney Local Environmental Plan (SLEP) 2012; and
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

COMPLIANCE WITH CONTROLS

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

<i>State Environmental Planning Policy (State and Regional Development) 2011</i>		
Relevant Sections	Consideration and Comments	Complies?
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development,	The proposed modification is to a SSD.	Yes
8 Declaration of State significant development: section 89C (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The original proposal is SSD as: a) the development is permissible with consent (pursuant to Clause 7 of the SSP SEPP); and b) the development has a CIV of more than \$10m on land identified within the Redfern-Waterloo Site (pursuant to Clause 2(g) of Schedule 2 of the SRD SEPP).	Yes
Schedule 2 State significant development — identified sites (Clause 8 (1)) 2 Development on specified sites	The original development had a CIV of more than \$10m on land identified within the Redfern-Waterloo Site.	Yes

Development that has a capital investment value of more than \$10 million on land identified as being within any of the following sites on the State Significant Development Sites Map: (g) Redfern-Waterloo Sites.		
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State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP (ISEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The development constitutes traffic generating development in accordance with clause 104 of the ISEPP, however it is not considered that the level of traffic generated by the proposal will be altered by the modification. The ISEPP requires traffic generating development to be referred to RMS for comment. RMS was notified and had no comments.

State Environmental Planning Policy (State Significant Precincts) 2005

The SSP SEPP seeks to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State (State Significant Precincts) for the benefit of the State. The SSP SEPP is the relevant EPI for the site and contains applicable development standards.

State Environmental Planning Policy (State Significant Precincts) 2005		
Relevant Sections	Consideration and Comments	Complies?
2 Aims of Policy The aims of this Policy are as follows: (c) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State; and (d) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.	The broader ATP development facilitates the redevelopment of an identified State significant precinct for the orderly use and development of the ATP as a commercial campus to deliver 10,500 jobs.	Yes
Part 5 The Redfern–Waterloo Authority Sites		
7 Land use zones The ATP site is zoned Business Zone – Business Park and Recreation Zone – Public Recreation, and the consent authority must	The proposed uses are permissible with consent within the zone.	Yes

take into consideration each of the objectives for development in the zone.		
8 Business Zone – Business Park Objectives of the zone are: (a) to establish business and technology parks to encourage employment generating activities that provide for a wide range of business, technology, educational and entertainment facilities in the Zone, (b) to support development that is related or ancillary to business, technology or education, (c) to support development for retail uses that primarily serve the needs of the working population in the Zone and the local community, (d) to ensure the vitality and safety of the community and public domain, (e) to ensure buildings achieve design excellence, (f) to promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area. Unless specified as being prohibited, development is permitted with consent on land within the Business Zone – Business Park.	The broader ATP development is consistent with the objectives of the zone, as it establishes a new commercial campus generating 10,500 business and technology focussed jobs within the ATP, together with a range of related or ancillary uses, such as community office space, retail, child care and gym uses. The proposed retail provision within Building 3 will support the working population within the ATP precinct and the local community. Design excellence and safety are considered in Section 5.	Yes
12 Recreation Zone – Public Recreation Objectives of the zone are: (a) to enable land to be used for public open space or recreational purposes, (b) to enable development for the enjoyment of the community, (c) to ensure the vitality and safety of the community and public domain, (d) to enhance and protect the natural environment for recreational purposes, (e) to promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area.	The area of the site zoned Recreation Zone – Public Recreation will continue to be used for public open space or recreation purpose. The proposal involves enhancements to the public domain and landscaping, and upgrades to the existing recreation facilities for the benefit of the local community and the new working population. Safety of the public domain is considered in Section 5 of this report. No changes are proposed to the landscaping plan.	Yes
21 Height, floor space ratio and gross floor area restrictions	The original proposal exceeded the building height and GFA restrictions, as follows:	Yes

The following height and GFA restrictions apply to the site: <table><tr><td></td><td>B1</td><td>B2</td><td>B3</td></tr><tr><td>Building height (storeys)</td><td>Part 4 / Part 10</td><td>Part 9 / Part 11</td><td>10</td></tr><tr><td>GFA (m²)</td><td>44,000</td><td>42,000</td><td>16,450</td></tr></table> Note: The total maximum FSR for the land to which this subclause applies is equivalent to 2:1.		B1	B2	B3	Building height (storeys)	Part 4 / Part 10	Part 9 / Part 11	10	GFA (m ²)	44,000	42,000	16,450	• Building 1 exceeds the 4-storey height restriction by 5-storeys (plus one level of plant) at the western portion of the building; • Building 1 exceeds the GFA by 2,830m²; and • Building 2 exceeds the GFA by 14,686m². The change in the GFA of Building 3 changes the site wide figures for GFA and FSR for the Australian Technology Park, as follows: <table><tr><td></td><td>SSP SEPP (m²)</td><td>Approved</td><td>Proposed</td></tr><tr><td>GFA</td><td>222,486</td><td>227,463</td><td>227,869</td></tr><tr><td>FSR</td><td>2:1</td><td>2.044:1</td><td>2.048:1</td></tr></table> The change is marginal and does not alter the Department's previous assessment of the FSR non-compliances and impacts as assessed as part of the original application.		SSP SEPP (m²)	Approved	Proposed	GFA	222,486	227,463	227,869	FSR	2:1	2.044:1	2.048:1	
	B1	B2	B3																							
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GFA	222,486	227,463	227,869																							
FSR	2:1	2.044:1	2.048:1																							
22 Design excellence The consent authority must consider whether the proposed development exhibits design excellence, having regard to: (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the building will improve the quality and amenity of the public domain, (c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency, (d) if a competition is held, the results of the competition. The consent authority may require a design competition for any development over 12 storeys consistent with guidelines issued by the Redfern–Waterloo Authority and approved by the Minister.	The Department is satisfied that the proposal exhibits design excellence, as considered in its assessment in Section 5.2. A design competition was not required as the proposal does not exceed 12 storeys. The impact of the modification on safety are discussed in Section 5.	Yes																								
23 Car parks Car parking at the ATP must not exceed 1,600 car spaces.	The quantity of parking (1,555 car spaces) at the ATP is unaffected by the modification.	Yes																								

26 Notification of advertised development Subject to the Act and the regulations, notice of a development application for consent to carry out development on land within the Redfern–Waterloo Authority Sites is to be given in accordance with the provisions of any applicable development control plan.	A development control plan does not apply to the site. The proposal was publicly exhibited in accordance with Section 89F of the EP&A Act (see Section 4).	Yes
27 Heritage conservation A person must not, in respect of a building, work, relic, tree or place that is a heritage item: (a) demolish, dismantle, move or alter the building, work, relic, tree or place, or (b) damage or remove the relic, or (c) excavate land for the purpose of discovering, exposing or moving the relic, or (d) damage or despoil the tree or place, or (e) erect a building on, or subdivide, land on which the building, work or relic is situated or that comprises the place, or (f) damage any tree or land on which the building, work or relic is situated on or on the land which comprises the place, or (g) make structural changes to the interior of the building or work, except with the consent of the consent authority.	There are no further impacts on heritage significance as a result of the modification.	Yes
28 Preservation of trees or vegetation The objective of this clause is to preserve the amenity of the Redfern–Waterloo Authority Sites through the preservation of trees and other vegetation. This clause applies to species or kinds of trees or other vegetation that are identified for the purposes of this clause by a development control plan adopted by the consent authority.	A development control plan does not apply to the site.	N/A

State Environmental Planning Policy (Urban Renewal) 2010

SEPP (Urban Renewal) aims to facilitate the orderly and economic development and redevelopment of sites on and around urban renewal precincts and the delivery of Government strategies relating to urban renewal precincts.

The site is located within the Redfern-Waterloo urban renewal precinct which forms part of the broader Central to Eveleigh strategy. The proposal provides high value jobs in a knowledge-intensive organisation (Commonwealth Bank Australia) as well as new community facilities. The

proximity of the business park to public transport network will reduce car dependency. These are all objectives of the central to Eveleigh strategy for North Eveleigh and therefore the proposal achieves the objectives of the Urban Renewal SEPP by facilitating the orderly development of a renewal precinct in line with the government's strategic objectives.

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. Remediation was addressed as part of the original application and is not affected by the subject modification.

State Environmental Planning Policy No. 64 – Advertising and Signage

State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64) applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria which are contained in Schedule 1.

The subject application only seeks approval for the location and scale of the signage zones. An existing condition (Condition F7) of the original approval requires the Applicant to submit detailed signage plans to the Department for approval prior to installation. Therefore, the assessment of the signage zones against SEPP 64 relates only to the elements of the signage for which approval is currently being sought.

The table below demonstrates the consistency of the proposed signage with these assessment criteria.

State Environmental Planning Policy No. 64 – Advertising and Signage		
Assessment Criteria	Comments	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage zones are subtle and appropriate for the approved uses within Building 3. They are consistent with the desired future character of the ATP precinct as a business park.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The signage zones proposed are for building identification. Building identification signage is consistent with the mixed use, technology focused character of the ATP business park.	Yes
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	There are a number of heritage items near to the site, including the Locomotive Workshops buildings, water tower, former works managers' office and former engine shop to the north of the proposal. The Locomotive Workshops have views to the northern elevation of Building 3, where one signage zone is proposed to Retail Unit 01 on the ground floor. This signage zone is small scale and will not impact on views to or from the Locomotive Workshops.	Yes

	The proposed signage is incorporated into the architectural form of the building and will not detract visually from the surrounding area or impact on any sensitive environmental or heritage items.	
3 Views and vistas		
Does the proposal obscure or compromise important views?	The signage zones are contained within the built form of Building 3 and therefore do not have the potential to block views to any surrounding items.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?		
Does the proposal respect the viewing rights of other advertisers?	The signage zones will not block views to and from any advertising.	Yes
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The signage zones are appropriately scaled to the building and will not dominate the streetscape.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal will contribute to the visual interest of the streetscape.	NA
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	There is currently no approved signage on Building 3.	NA
Does the proposal screen unsightliness?	The signage zones will not impact on visual amenity.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signage zones are entirely incorporated into the built form.	Yes
Does the proposal require ongoing vegetation management?	No vegetation management is required.	Yes
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signage zones are appropriately scaled to the building.	Yes
Does the proposal respect important features of the site or building, or both?	The signage zones respect the heritage items on the site.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage zones are well incorporated into the built form and are appropriate to the future character of the area.	Yes
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or	The structure of the signage is yet to be determined and is not being approved as part of the proposal.	NA

structure on which it is to be displayed?		
7 Illumination		
Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft?	Illumination levels are not being approved as part of the subject proposal.	NA
Would illumination detract from the amenity of any residence or other form of accommodation?		
Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?		
8 Safety		
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signage zones are entirely incorporated into the built form. Safety will be assessed when the detailed plans showing the design and structure of the signage are submitted however the signage is not anticipated to affect pedestrian safety or obscure sightlines.	Yes
Would the proposal reduce safety for any public road?	The signage zones are located away from roads and so road safety is not an issue.	Yes

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (SEPP) sets out design provisions for new university, TAFEs, school and child care facilities to deliver a consistent standard across NSW.

Building 3 contains a child care facility and as such the modification has been assessed against the Educational Establishments and Child Care Facilities SEPP.

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	
Relevant Section	Consideration
Early childhood education and care facilities – specific development controls	
22 Centre-based child care — concurrence of regulatory authority required for certain development If the proposed child care centre does not comply with one of the non-discretionary development standards listed in Clause 25, then concurrence with the Department of Education is required for the development to be approved.	The future indoor and outdoor space areas would comply with the requirements of the Department of Education. The future child care centre proposal would comply with the two non-discretionary development standards.
25 Centre-based child care — non-discretionary development standards The development standards for location, indoor and outdoor space area, site area, site coverage, site dimension, colour of building materials or shade structures and design are non-discretionary.	The future child care centre would comply with the standards set by the Department of Education under Clause 25: Outdoor Space: 7m ² per child = 630m ² minimum (for 90 children) Indoor Space: 3.25m ² per child = 292.5m ² minimum (for 90 children)

Clause 108 of the Education and Care Services National Regulations applies to the subject development.	The internal and external areas comply and are 869m2 and 690m2 respectively. No assessment has been made against the design criteria as the use will be the subject of a separate DA with Council.
26 Centre-based child care—development control plans Clause 26 lists the provisions of Development Control Plans that do not apply to child care centres.	The provisions of Council's Development Control Plan in relation to child care centres do not apply. Relevant matters in the Child Care Planning Guideline will be considered by Council at the relevant DA stage.

Building 3 contains a child care facility and as such the modification has been assessed against the Educational Establishments and Child Care Facilities SEPP.

Sydney Local Environmental Plan (SLEP) 2012

The SLEP 2012 aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the City of Sydney LGA. The SLEP 2012 also aims to conserve and protect natural resources and foster economic, environmental and social wellbeing.

Australian Technology Park is a mixed use commercial campus comprising three mixed use buildings inclusive of retail, community, child care and gym uses.

ATP provides employment opportunities and community services close to public transport links and therefore contributes to the economic and social wellbeing of City of Sydney residents.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the SLEP 2012 and those matters raised by Council in its assessment of the development (refer to **Section 5**). The Department concludes the development is consistent with the relevant provisions of the SLEP 2012.

Other Policies

In accordance with Clause 11 of the State & Regional Development SEPP, Development Control Plans do not apply to State significant development.

APPENDIX C RECOMMENDED CONDITIONS OF CONSENT

The recommended conditions of consent can be found on the Department of Planning and Environment's website as follows.

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8682