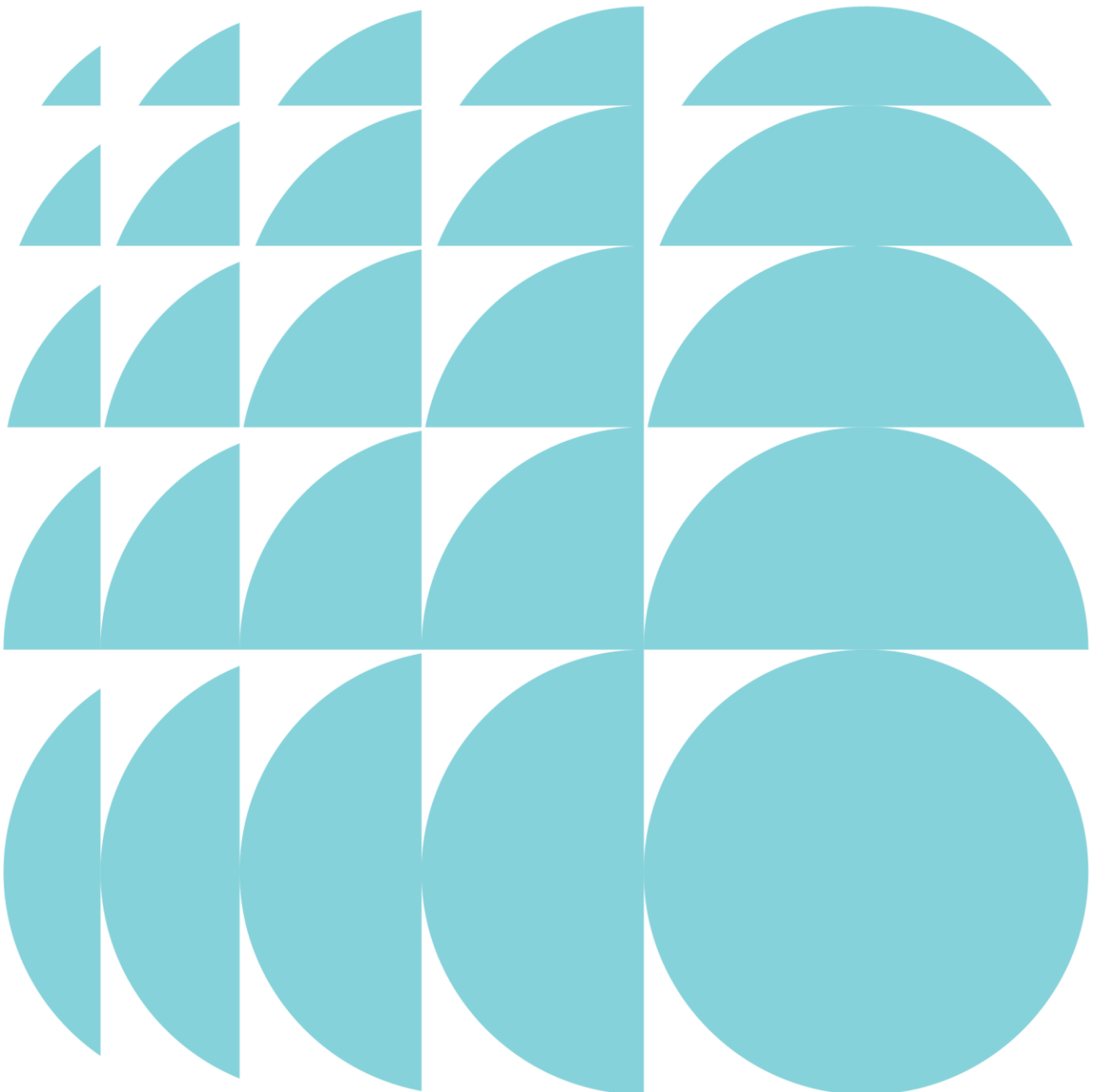




CONTACT

Andrew Duggan Director aduggan@ethosurban.com 02 9956 6962

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This document has been prepared by:



Christopher Curtis 22/8/2017

This document has been reviewed by:



Claire Burdett and Alexis Cella 22/8/2017

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B2	9/8/2017	CC	CB/AC
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Ethos Urban
ACN 615 087 931 Pty Ltd.
www.ethosurban.com
173 Sussex Street, Sydney
NSW 2000 t 61 2 9956 6952

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1.0 Introduction

This Statement of Environmental Effects (SEE) is submitted to the Department of Planning and Environment (the Department) in support of a Section 96(1A) application to modify State Significant Development (SSD) consent SSD – 7317 relating to the construction of a commercial campus at the Australian Technology Park, Eveleigh, comprising site preparation works, the construction of three mixed use buildings with a total gross floor area (GFA) of 107,427m², car and bicycle parking, landscaping, road and public domain works, and building identification signage zones.

This Section 96(1A) application seeks approval for design amendments to Building 3. Specifically, approval is sought for the following:

- changes to the layout of the retail, wellness, community, child care, terrace and creative hub spaces;
- an overall increase in gross floor area (GFA) by 399m²;
- enhancements to the roof top to introduce a community garden;
- relocation of signage zones;
- reconfiguration of plant and core, including changes to the location of stairwells and amenities; and
- revision of the canopy to provide for sunlight access.

The SEE has been prepared by Ethos Urban on behalf of Mirvac Projects Pty Ltd, and is based on Architectural Drawings provided by Sissons Architects (see **Appendix A**) and other supporting technical information appended to the report (see Table of Contents).

This report describes the site, its environs, the proposed development, and provides an assessment of the environmental impacts of the proposed changes. The report also identifies the necessary mitigation measures to protect or lessen the potential impacts of the proposed amendments on the environment.

1.1 Background to the Project and Statutory Context

Australian Technology Park (ATP) has been continuously developed since its establishment in 1996, founded on a vision to sustain a thriving, technology-focused, growth-oriented business park producing leading products and services. In 2014, the NSW Government resolved to offer development sites within the ATP for sale through a selective tender process conducted by Urban Growth NSW Development Corporation (UGDC). In November 2015 Mirvac Projects Pty Ltd (Mircvac) was named as the successful party and ownership and development rights of the precinct were subsequently transferred.

The ATP is located within the Redfern-Waterloo precinct which is identified as a State Significant Development 'specified site' in Schedule 2 of *State Environmental Planning Policy (State and Regional*

Development) 2011. Development with a capital investment value (CIV) of more than \$10 million on the site is SSD for the purposes of the EP&A Act.

1.1.1 State Significant Development 7317

In December 2015 State Significant Development Application SSD 7317 (SSD 7317) was submitted to the Department and was publicly exhibited between 14 January 2016 and 29 February 2016. Following the submission of a significant volume of additional information and amended plans, the development was approved by the Planning Assessment Commission on 20 December 2016.

The approved State Significant Development (approved SSD) comprises 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 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.

1.1.2 Previous modification applications

Since receipt of the Instrument of Approval for SSD 7317, two modification applications have been submitted to the Department. These comprise:

- SSD 7317 MOD 1 - approved on 26 June 2017, which granted approval to changes relating to:
 - the timing for the approval of the landscaping and public domain plan (Condition B53(a))I and
 - the timing for the completion of the landscaping and public domain works (Condition B53(d)).
- SSD 7317 MOD 2 - submitted on 21 April 2017, which is undetermined at this time. MOD 2 seeks approval for alterations to the layout of the Lower Ground and mezzanine levels within Building 2, the upper signage zones on the southern elevation of Building 1 and minor word changes to Conditions A2, B4 and B8.

1.1.3 Approval of amended architectural plans for Building 3

Condition B3(b) of the Instrument of Approval for SSD 7317 requires Mirvac to provide amended architectural plans for Building 3 to the Secretary in line with the wording of the Condition:

“Prior to the issue of the Construction Certificate for the Stage 2 Structure works for the relevant building, amended architectural plans/ elevations and documentation shall be submitted for approval by the Secretary showing:.....

.....

2. removal of the substation at the south east corner of Building 3, or its relocation within the building fabric, and amendments to the eastern elevation stair/ lift core of Building 3 to increase activation of the Vice Chancellor’s oval and shall be consistent with the following concept plans:

- SisArch-CD_002 REV1 – ATP Community Building – GA Plan & Section – dated 13.12.16;*
- SisArch-CD_003 REV1- ATP Community Building – 3D Perspectives – dated 13.12.16;.....[condition continued]”*

On 19 July 2017, Mirvac submitted amended plans to the Department to satisfy Condition B3(b)2 of SSD 7317. The Department issued approval of the amended plans on 1 August 2017.

1.2 SSD 7317 – MOD 3

Throughout the redesign exercise undertaken to meet the requirements of Condition B3(b)2, additional design analysis was undertaken that highlighted the need to refine the base building design for Building 3 beyond the design which was approved on 1 August 2017.

Accordingly, this application represents the third modification application relating to SSD 7317 and seeks approval for design changes to Building 3 in order to provide a more appropriate and appealing built form, reconfigured community spaces and the introduction of new elements such as a roof farm/ community garden.

A detailed description of the proposed amendments is included at Section 3.0.

2.0 Site Analysis

2.1 Site Location and Context

The ATP precinct is strategically located approximately 5km south of the Sydney CBD, 8km north of Sydney airport and within 200m of Redfern railway station. The precinct is located within the City of Sydney local government area (LGA) and is bound by one of Sydney's primary railway arteries to the north, railway workshops and yards to the north-west, government-owned community housing to the west, Henderson Road to the south and Garden & Cornwallis Streets to the east.

The precinct's locational context is shown at **Figure 1** and a aerial photograph of the ATP precinct is included at **Figure 2**.

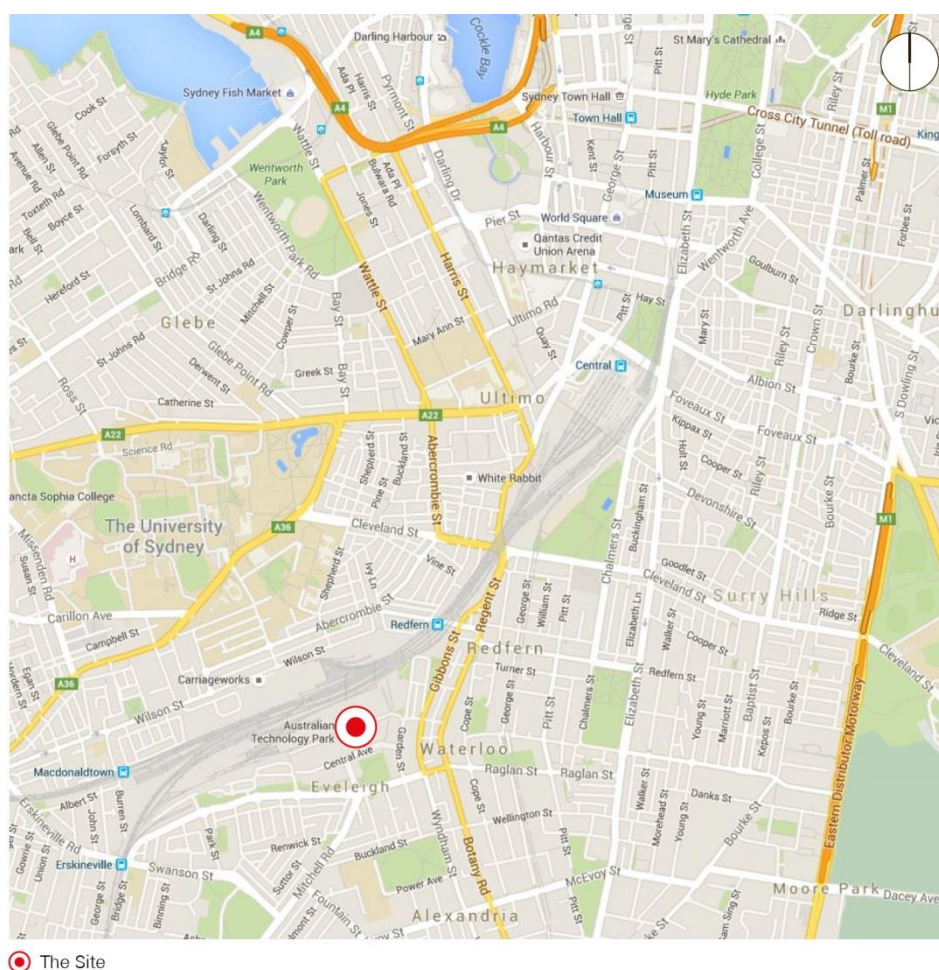


Figure 1 – Location of the ATP site



Figure 2 – Aerial imagery of the ATP precinct (November 2016)

2.2 Building 3 Development Site

The Building 3 Community Building site is legally described as Lot 8 in DP1136859, it has an area of 1,937m² and is irregular in shape. The approved cantilevered roof structure however, protrudes into the airspace above part Lot 4007 in DP1194309, as shown in **Figures 3 and 4**.

The Building 3 site has a primary frontage to Davy Road of 64m and a depth of approximately 30m. It is a former at-grade car park but is not currently in operation. The Building 3 site is generally level and comprises a hardstand surface area, with some small shrubs and grass in landscaped beds surrounding the hardstand areas.

Under the SEPP (State Significant Precincts) 2005, the site is zoned as Business Park, with a height limit of 10 storeys and a maximum GFA of 16,450m².

The site plan illustrates the proposed development at 100 Central Avenue. The plan shows the layout of the site, including the proposed buildings, streets, and public spaces. Key features include:

- Streets:** Central Avenue runs horizontally across the top, and Davy Street runs vertically along the left side of the site.
- Buildings:**
 - Building 01:** Located to the west of the site, adjacent to Davy Street.
 - Building 02:** Located to the north of the site, adjacent to Central Avenue.
 - Biomedical Building:** Located to the east of the site, adjacent to Central Avenue.
 - Building 03:** The proposed development, located on the site. It is a multi-story building with a cantilevered upper section.
- Public Spaces:**
 - Sheltered Public Square:** Located to the south of Building 03, adjacent to Davy Street.
 - Public Link:** A connection between Building 03 and the Biomedical Building.
- Site Boundary and Cantilever:**
 - Site boundary:** Indicated by a solid red line.
 - Approved cantilever:** Indicated by a dashed blue line, showing the extent of the cantilevered upper section of Building 03.

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3.0 Proposed Modifications

This application seeks approval under Section 96(1A) of the EP&A Act to modify the approved SSD to provide a more sophisticated and refined design for the Building 3 Community building. The scope of the modification application is addressed in the following sections. Amended Architectural Drawings and an Architectural Design Statement, prepared by Sissons Architects are included at **Appendices A** and **B** respectively.

3.1 Overview of Proposed Modifications

The key modifications proposed to Building 3 include:

- changes to the layout of the retail, wellness, community, child care, terrace and creative hub spaces;
- an overall increase in gross floor area (GFA) by 399m²;
- enhancements to the roof top to introduce a roof farm/ community garden;
- relocation of signage zones;
- reconfiguration of plant and core, including changes to the location of stairwells and amenities; and
- revision of the roof structure.

For completeness, the following description re-states all aspects of the proposed modified development for which approval is sought, but clearly indicates where no change is proposed from the approved design.

3.1.1 Project Overview

The modified description of the development is summarised as follows:

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 107,826m², 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 4,310m²/ height of five storeys).
- car and bicycle parking;
- landscaping, road and public domain works; and
- building identification signage zones.

3.1.2 Key development statistics

Table 1 provides a comparison summary of the key development statistics of the proposed modification and the approved Building 3 design.

Table 1- Key development information

Component	Approved	Proposed	Change
Total GFA (Buildings 1, 2 and Community Building)	107,427m²	107,826m²	+399m² (0.38%)
Community Building			
Maximum height	5 storeys (inc plant) RL38.4m AHD	5 storeys (inc plant) RL38.4m AHD	No Change No Change
Floor areas			
- Below Ground	- 0m ²	- 0m ²	No Change
- Ground Floor	- 999m ²	- 1,225m ²	+226m ²
- Level 01	- 986m ²	- 993m ²	+7m ²
- Level 02	- 876m ²	- 870m ²	-6m ²
- Level 03	- 1,050m ²	- 1,090m ²	+40m ²
- Level 04	- 0m ²	- 132m ²	+132m ²
Total GFA	3,911m²	4,310m²	+399m²
Car parking	Nil	Nil	Nil
Proposed uses			
- Ground Floor	- wellness and retail	- wellness and retail	No Change
- Level 01	- community	- community	No Change
- Level 02	- child care	- child care	No Change
- Level 03	- creative hub	- creative hub	No Change
- Level 04	- roof	- community	Additional community space

3.2 Architectural Design

The proposed architectural design for Building 3 has retained the substantial key features from the approved design, but has principally been amended to provide a finer grained and more sophisticated exterior aesthetic, improve the interior circulation of the building and provide increased activation at ground level.

Architectural drawings prepared by Sissons Architects are included at **Appendix A** and detailed descriptions of the proposed amendments are set out below.

3.2.1 Below Ground

Changes proposed to the approved Below Ground layout include the removal of the sewer tank, rainwater tank and stormwater pit and the relocation of the lift pit and grease arrestor. The grease arrestor has also been reduced in size.

3.2.2 Ground Floor

At Ground Floor level, the amendments include:

- relocation of the back of house facilities, public amenities, a lift lobby, two lifts and fire stairs to a plant core located within the eastern portion that rises up through the building;
- relocation and consolidation of services/ utility rooms, the substation, waste room, cleaners room and rainwater tank facilities to the north-eastern part of the building;
- reconfiguration of the retail tenancy layout and minor amendments to the positioning of the wellness centre;
- relocation and refinement of the pedestrian link through the building, the internal pedestrian circulation areas (including the lifts) and the pedestrian entrances;
- relocation of fire stairs and the provision of an additional fire stair;
- relocation of the lifts;
- reduction of the finished floor level from 16.3m AHD to 16.25m AHD of Retail Tenancies 2 and 3 and the wellness area; and
- introduction of a finished floor level of 16.825m AHD to Retail Tenancy 1 to tie in with the Central Avenue levels;
- provision of articulation to the northern and western facades.

3.2.3 Level 1

Level 1 has seen a rationalisation of amenities and the plant room on the eastern side of the building, and the centralisation of the community space to provide a larger northern terrace. Other amendments include:

- relocation and refinement of the stairwells and lift cores to minimise the intrusion into the community space;
- expansion of the community space to extend the full width of the building;
- reconfiguration of the terrace spaces to provide a northern terrace accessed from the community space and a southern terrace that includes redesigned auditoria seating and pedestrian access from the ground floor level; and

- increase in the height of the finished floor level from 20.8m AHD to 20.9m AHD.

3.2.4 Level 2

The modifications to Level 2 include:

- relocation of fire stairs and the provision of an additional fire stair;
- minor reconfiguration to the child care tenancy area;
- minor reconfiguration of the northern and southern terrace areas to include safe havens and provide direct access to the fire stair wells;
- increase to the finished floor level from 24.8m AHD to 24.93m AHD.

3.2.5 Level 3

At Level 3, the modifications include:

- removal of the wrap around terrace;
- expansion of the creative hub space to extend to the full width of the building;
- introduction of void spaces between the edge of the community hub space and the vertical screening elements;
- relocation and consolidation of the plant, amenities and fire stairs; and
- increase in the finished floor level from 28.8m AHD to 29.1m AHD.

3.2.6 Level 4

At Level 4, the modified design seeks to utilise the roof top of the building. In place of the solid roof canopy structure, an open roof farm/ community garden area, community space and community kitchen will be provided along with associated store rooms. The reconfigured eastern plant core will contain a fire stair, plant rooms and a lift.

The canopy roof that extends to the north and south has also been redesigned to provide a more lightweight structure that incorporates photovoltaic cells that will act as louvres to provide a more dappled form of shade upon the public domain space below. The approved cantilevered canopy had dimensions of approximately 27m wide by 82.5m in length, with the proposed canopy having a width of 23.1m and a length of 84.8m. The proposed canopy is divided into two components by the proposed rooftop farm space.

3.2.7 Building Height

The modifications to the Building 3 design do not seek any amendment to the overall maximum height of the development, which remains at 38.4m AHD, or five storeys.

3.2.8 Gross Floor Area

The proposed GFA of 4,310m² is an increase of 399m² from the approved GFA (3,911m²). This represents a 10% increase in GFA for Building 3. However, it represents only a 0.38% increase in the amount of GFA that was approved across the ATP precinct under SSD 7317.

3.2.9 Materials and Finishes

The proposed design utilises and expands upon the material and finishes palette proposed as part of the approved design. The proposed materials and finishes are illustrated on the Architectural Plans included at **Appendix A** and comprise a mix of the following:

- precast concrete panelling and concrete finishes;
- suspended photovoltaic cell louvre panels;
- glazing;
- vertical screening and cladding;
- steel columns;
- gabion walls;
- grey cladding;
- clear glass balustrades;
- metal louvres; and
- horizontal shading.

3.2.10 Proposed Use

Whilst an additional community space is proposed to be provided at Level 4, no amendment is proposed to the approved uses within the building.

3.2.11 Signage

There are changes to the approved signage zones, with four main signage zones proposed as part of this modification application.

Two are located on the ground floor at the western and southern elevations, related to the two smaller retail tenancies. Two larger signage zones are proposed on the core of the building on its northern and southern elevations.

3.3 Stormwater Drainage

The proposed modifications do not amend the stormwater drainage system approved for the development, as confirmed in the statement provided by AT&L at **Appendix C**.

3.4 Utilities and Services

The modified development will be connected to the available services to the site, in accordance with the requirements of the relevant service providers. Further the proposed modifications do not amend the civil and services strategy approved for development, as confirmed in the statement provided by AT&L at **Appendix C**.

3.5 Modifications to Conditions

The proposed modifications described above necessitate amendments to the consent conditions as identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***.

Condition A2

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

- a) State significant development 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 S96(1A) Modification and Amended Proposal prepared by Ethos Urban dated August 2017;***
- h) **Following drawings as set out in the table below, except for:**
 - a. Any modifications which are Exempt or Complying Development;
 - b. Otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by fjmt and SISSONS

Building 3			
Drawing No.	Rev	Name of Plan	Date
SisARCH-AR-DWG-3100B	DA0	Below Ground GA Plan	15.12.15
SisARCH-AR-DWG-3100G	DA1	Ground Level GA Plan	28.04.16
SisARCH-AR-DWG-31001	DA0	Level 01 GA Plan	15.12.15
SisARCH-AR-DWG-31002	DA1	Level 02 GA Plan	06.05.16
SisARCH-AR-DWG-31003	DA0	Level 03 GA Plan	15.12.15
SisARCH-AR-DWG-31004	DA0	Level 04 Plant GA Plan	15.12.15
SisARCH-AR-DWG-31005	DA0	Roof Plan	15.12.15
SisARCH-AR-DWG-31050	DA0	Elevations	15.12.15
SisARCH-AR-DWG-31060	DA0	Elevations	15.12.15

Architectural (or Design) Drawings prepared by fjmt and SISSONS

Schedule 1 of Condition B3(b)(2) Submission – qA414757

Drawing No.	Drawing Title	Date	Revision
APS_010	B3 – Site Plan & Section	19.07.17	1
APS_099	BG Plan	19.07.17	1
APS_100	L00 Plan	19.07.17	1
APS_101	L01 Plan	19.07.17	1
APS_102	L02 Plan	19.07.17	1
APS_103	L03 Plan	19.07.17	1
APS_104	L04 Plan	19.07.17	1
APS_300	3d Perspectives	19.07.17	1
APS_201	Elevations 01	19.07.17	1
APS_202	Elevations 02	19.07.17	1
APS_203	Sections	19.07.17	1
APS_400	Area Plans	19.07.17	1
DA_1030	DA Site Plan and Section	02.08.17	1
DA_3000B	DA Plan – Below Ground	02.08.17	1
DA_3000G	DA Plan - Ground	02.08.17	1
DA_3101	DA Plan – Level 01	02.08.17	1
DA_3102	DA Plan – Level 02	02.08.17	1
DA_3103	DA Plan – Level 03	02.08.17	1
DA_3104	DA Plan – Level 04	02.08.17	1
DA_3105	DA Plan – Level 05 (Roof)	02.08.17	1
DA_3300	DA Elevations – West and North	02.08.17	1
DA_3301	DA Elevations – East and South	02.08.17	1
DA_3350	Nominated Signage Plans	02.08.17	1
DA_3400	DA Sections	02.08.17	1

4.0 Substantially the Same Development

Section 96(1A)(b) 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” and “it is satisfied that the development to which the consent as modified relates is substantially the same

development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)".

The approved development is for the following:

- site preparation works, site clearance, excavation and remediation;
- construction of three mixed use buildings with a total GFA of 107,427m²;
- car and bicycle parking;
- landscaping, road and public domain works; and
- building identification zones.

Whilst there is no hard and fast rule when it comes to determining what constitutes 'substantially the same development' the 'substantially the same test' has been considered and approved through various cases within the Land & Environment Court.

The applied phrasing as described in *Moto Projects (No2) Pty Ltd v North Sydney Council [1999] NSWLEC 280*, requires the consent authority to undertake both quantitative and qualitative analysis:

"The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved....Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including circumstances in which the development consent was granted)".

Further *Moto Projects Pty Ltd v North Sydney [1999] NSWLEC 280* established the following key principles when considering what constitutes a modification:

- The verb "modify" means to alter without radical transformation.
- "Substantially" in this context means essentially or materially or having the same essence.
- A development as modified would not necessarily be "substantially the same development" simply because it is precisely the same use as that for which consent was originally granted.
- A modification application involves undertaking both quantitative and qualitative comparison of the development as originally approved and modified.
- Although the comparative task required under Section 96 involves a comparison of the whole development being compared, the fact does not eclipse if a particular feature of the development, particularly if that feature is found to be important material or essential to the development.
- Environmental impacts of the proposed modifications are relevant in determining whether or not a development is 'substantially the same'.

With the above in mind, the development, as proposed to be modified, is substantially the same development as the development for which consent was originally granted as:

- the proposed modifications do not generally alter the key components of the approved development description;
- the proposed amendments do not seek to amend the approved land uses within Building 3;
- the proposed building envelope and configuration of the proposed building remains largely the same;
- there is no change to the overall height of Building 3 which remains at 38.4m AHD;
- the increase of 399m² of GFA is considered minor and represents a 0.38% increase in GFA across the entire ATP precinct which is considered minor in the context of the scale of the entire development;
- the additional 399m² of GFA within Building 3 does not give rise to an increase in the bulk and scale of the development and does not give rise to any new or compounded environmental impacts;
- the environmental impacts of the modified development remain the same as the approved development;
- the changes to the external appearance of the building are solely cosmetic and do not alter the overshadowing, bulk or mass of the building, rather they provide a better outcome than the approved condition.

For these reasons, the Department can be satisfied that the modified proposal is substantially the same development for which consent was originally granted. Furthermore, it is important to note that the extent of the proposed modifications are minor in nature and are considered to have only minimal environmental impact beyond those considered during the assessment of SSD 7317 and the more recent approved plans.

5.0 Assessment of Environmental Impacts

This section considers the planning issues relevant to the proposed modifications and contains our assessment of the associated environmental impacts. Section 96(1A) of the EP&A Act requires the consent authority to take into consideration such of the matters referred to in section 79C(1) as are of relevant to the development, the subject of the application.

Section 79C(1) of the EP&A Act states:

“In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
- (iii) any development control plan, and*
- (iv) any matters prescribed by the regulations, that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environment, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

We discuss each of these matters, as are relevant to the development, below.

5.1 Statutory and Strategic Context

The Environmental Impact Statement submitted with the original State Significant Development application addresses the proposed development's level of compliance against the relevant strategic plans, policies, guidelines and statutory planning instruments, including:

- *Environmental Planning and Assessment Act 1979;*
- *Environmental Planning and Assessment Regulation 2009;*
- *A Plan for Growing Sydney;*
- *Sydney 2030 (City of Sydney);*
- *Development Near Rail Corridors and Busy Roads: Interim Guideline;*
- *Guide to Traffic Generating Developments;*
- *NSW Planning Guidelines for Walking and Cycling;*
- *NSW Long Term Master Plan;*
- *Redfern Waterloo Built Environment Plan (Stage One) August 2006;*
- *Sydney's Cycling Future;*
- *Sydney's Walking Future;*

- SEPP (State and Regional Development) 2011;
- SEPP Major Development 2005 (now known as the SEPP (State Significant Precincts) 2005);
- SEPP (Infrastructure) 2007;
- SEPP (Urban Renewal) 2010;
- SEPP 55 (Remediation of Land);
- SEPP 64 (Signage);
- *Sydney Local Environmental Plan 2012*; and
- Sydney Development Control Plan 2012.

The proposed modifications do not affect the development's level of compliance with the majority of the relevant planning instruments and strategic documents. However, it is considered necessary to re-examine Building 3's level of compliance with certain provisions within SEPP (State Significant Precincts) 2005, the principal planning instrument that relates to the site.

5.1.1 Compliance with SEPP (State Significant Precincts) 2005

The modified development continues to be consistent with the objectives of the Business Zone – Business Park zone in that:

- it continues to provide a community building that will incorporate spaces for a range of community-led technology, and educational facilities;
- it continues to provide retail uses that will serve and support the needs of the working and local community population;
- it incorporates and seeks to maximise the principals of CPTED within the modified design; and
- it provides a high quality and sophisticated design.

Furthermore, the modified development is consistent with the relevant development controls in that:

- The proposed use of the building has not altered and therefore continues to be permissible with development consent.
- The Height of Building Map permits 10 storeys on the Building 3 site, therefore the proposed 5 storey building is below the maximum building height.
- The Gross Floor Area Map permits a maximum of 16,450m² on the Building 3 site, therefore given the proposed GFA of the modified building is 4,310m², it falls below the maximum permitted GFA on the Building 3 site. Refer to Section 5.3.1.
- The proposed design demonstrates a high standard of architectural design that incorporates a more refined and sophisticated materials palette and aesthetic than the previously approved design.
- No heritage assets, or heritage interpretation currently exist on the Building 3 site, however it partially overlaps with the site of the former Alexandria Goods Yard. Accordingly, the potential impacts of the modified development on heritage significance of the site have been assessed as discussed in Section 5.4.

5.2 Matters for consideration under Section 79C(b) of the EP&A Act

Section 96(3) of the EP&A Act requires a consent authority to take into consideration the matters referred to in Section 79C(1) that are of relevance to the development the subject of the application. The EIS submitted within the original SSD 7317 application addressed the following environmental impacts:

- compliance with planning policies and environmental planning instruments;
- built form and design excellence;
- GFA distribution and land use mix;
- public domain and urban design;
- transport, traffic and access;
- Aboriginal and European heritage;
- ecologically sustainable development;
- accessibility;
- noise and vibration;
- civil infrastructure and utilities;
- railway infrastructure;
- operational waste management;
- water cycle management;
- geotechnical;
- contamination;
- wind impacts;
- reflectivity;
- Building Code of Australia (BCA) and fire safety;
- crime and public safety;
- social and economic impact;
- ecologically sustainable development; and
- site suitability and public interest.

As identified in Section 3.0, the development contemplated by this modification application sits generally within the envelope of the approved building form, which was designed with input from the various technical specialists that assessed the approved design. Each of the detailed reports and assessments that supported the approved design have been reviewed by the relevant specialist consultants to assess whether the findings, conclusions and recommendations within the original reports continue to apply to the modified development. Where it has emerged that further assessment is necessary, this has been undertaken.

The following specialist technical statements have been prepared to reflect and assess the modified development:

- Architectural Drawings, prepared by Sissons Architecture (**Appendix A**);
- Architectural Design Statement, prepared by Sissions Architecture (**Appendix B**);
- Accessibility Statement, prepared by Morris Goding Accessibility Consulting (**Appendix C**);
- Heritage Statement, prepared by Curio Projects (**Appendix D**);
- Acoustic Statement, prepared by Renzo Tonin & Associates (**Appendix E**);
- BCA Compliance Statement, Prepared be Advanced Building Approvals (**Appendix F**);
- Civil, Stormwater and Infrastructure Services Statement, prepared by AT&L (**Appendix G**);
- Certificate of Investment Value, prepared by Mirvac Constructions (**Appendix H**);
- Waste Management Plan, prepared by Waste Audit (**Appendix I**);
- Childcare Certificate of Design, prepared by Davenport Campbell (**Appendix J**);
- Fire Engineering Statement, prepared by Arup Fire (**Appendix K**);

The relevant matters that require specific detailed assessment in relation to the modification application are further discussed below.

5.3 Built Form

The built form of the modified development generally retains the key parameters of the approved building envelope. As demonstrated in the Architectural Plans (**Appendix A**), the minor increase in GFA of 339m² within the development, resulting from the reconfiguration of the internal layout and provision of additional community facilities within the building, does not generally alter the bulk and scale or the approved development.

Overall, the proposed modifications are considered to offer a better outcome than the approved design. Further, the modified design achieves:

- increased activation at ground level by the repositioning and expansion of the retail tenancies;
- a more refined and sophisticated design;
- greater amenity for visitors utilising the public domain area beneath the louvered roof canopy as it will allow the provision of dappled sunlight access;
- improved fire egress opportunities; and
- improved efficiencies in building management services.

Overall, the amendments to the development are considered acceptable for the following reasons:

- the development continues to provide a high quality, architecturally designed development;
- the maximum height of the building has not been amended;
- the development is not expected to give rise to any adverse overshadowing impacts on neighbouring properties or open space;

- the development is not expected to generate any additional adverse environmental impacts; and
- the development will contribute positively to the ATP precinct and local surrounds, and will provide a high visual quality and amenity to the streetscape.

5.3.1 Gross Floor Area

The proposed modification results in an increase in GFA of 399m², which is 12,140m² less than the maximum permitted GFA for the Building 3 site under the SEPP (State Significant Precincts) 2005. Notwithstanding this, the Environmental Impact Assessment for the original application assessed the GFA compliance for Buildings 1, 2 and 3 cumulatively. While **Table 2** demonstrates that the modified development will result in a 5.24% cumulative variation from the GFA standard, this represents a 0.38% increase to the total approved GFA under the terms of SSD 7317, which is considered to be extremely minor in scale.

In consideration of the significant benefits that the modified design would bring and that it will not give rise to any unacceptable new or compounded environmental impacts, it is not considered necessary to require the proposed development to comply with the approved GFA value for the entire ATP development site.

Table 2- GFA distribution and analysis

Site	SEPP Maximum GFA (m ²)	Approved/ Proposed GFA (m ²)	Difference	Percentage
Building 1	44,000	46,830	+2,830	+6.4%
Building 2	42,000	56,686	+14,686	+34%
Building 3	16,450	4,310	-12,140	-73%
Total	102,450	107,826	+5,376	+5.24%

5.4 Heritage

Curio Projects has prepared a statement (**Appendix D**) to assess any additional heritage impacts resulting from the proposed modifications to the design, namely:

- the amendments to the roof canopy;
- revision of the pedestrian through site link;
- removal of the Level 1 western terrace; and
- the provision of the roof farm.

The key findings of the assessment are as follows:

- the footprint of the building generally remains the same as that previously proposed;
- the ground impacts will remain constant with previous impact assessments;
- the design change to the roof canopy and provision of the roof farm will have no additional visual impact on any heritage values of the ATP site;

- the design and materiality will complement the heritage values of the ATP site; and
- the revision to the through site link will reinforce the southern access to the building and provide additional community space to complement and connect with adjacent areas of the ATP public domain.

Overall, Curio Projects considered that the amended design for Building 3 will have no additional physical or visual heritage impact to any of the significant heritage values of the ATP site and can be supported on heritage grounds.

5.5 Acoustic Impacts

Renzo Tonin & Associates assessed the proposed modifications in relation to potential acoustic impacts and confirm in their statement at **Appendix E**, that the changes to the design as part of this modification do not alter the findings of the original acoustic report, dated 16 December 2015 which concluded that:

- operational noise could be managed and mitigated in accordance with the relevant NSW policy and guidelines set out by the NSW Department of Planning and Environment, subject to detailed design aspects of mechanical plant and equipment;
- noise impact upon the building from local road traffic and rail could be mitigated in accordance with the NSW policy and guidelines set out by the NSW Department of Planning & Environment; and
- construction noise could be managed and mitigated in accordance with the submitted Construction Noise and Vibration Management Plan for the site, dated 17 January 2017.

Overall, it is considered that any potential acoustic impacts generated by the proposed development can be appropriately managed and mitigated.

5.6 Waste Management

Waste Audit have prepared an updated Waste Management Plan (**Appendix I**) that includes revised estimates for waste generation, waste management calculations and spatial requirements for the storage of garbage and recycling bins within the development.

Waste Audit identify that the proposed Building 3 design provides a 21m² waste storage room that is sufficient in size for bin storage and bin washing and there is also space for additional waste materials to be stored, should they be generated.

The updated Waste Management Plan also includes a number of recommendations to ensure that the waste is appropriately sorted, stored and managed. In line with the provisions set out within EIS that accompanied the original application, the recommendations contained within the updated Waste Management Plan will be implemented to ensure that no adverse impacts arise.

5.7 Fire Safety

The proposed modifications to the layouts of the various levels associated with the development are not considered to have any adverse impacts to fire safety. This has been confirmed by Arup (**Appendix K**) which identifies that the building will generally satisfy the Building Code of Australia (BCA) requirements around fire engineering.

It is noted that some aspects of the design are developed using performance based fire engineering solutions to achieve compliance with the performance requirements of the BCA. Specific non-compliances with the Deemed to Satisfy requirements will be addressed via alternative solutions that will be documented in the Fire Engineering Brief and Report as part of the formal fire strategy approvals process.

5.8 BCA

Advance Building Approvals have undertaken a review of the modified design against the applicable requirements of the Building Code of Australia (**Appendix F**). The report concludes that the proposed development is capable of complying with the provisions of the Building Code of Australia 2016, subject to the resolution of minor non-compliances that can be addressed at the construction certificate stage of the process and would not trigger a further amendment to the design.

5.9 Signage

The proposed changes to the signage zones do not have any additional impacts outside those previously assessed within the original application, including the findings of the SEPP64 Advertising and Signage assessment completed within the EIS. It is noted that Condition F7 of the SSD7317 consent provides that signage design details, content and illumination (if proposed) are to be submitted to the Secretary for approval prior to any installation of signage.

5.10 Accessibility

The modifications proposed as part of this S96(1A) application do not significantly alter the pedestrian entry to and from the site. These changes have been assessed by Morris Goding Accessibility Consulting and are considered to be consistent with the findings within the original Accessibility Report (refer to **Appendix C**). The proposed access provisions will be further developed during detailed design and can achieve compliance with the *Disability Discrimination Act 1992* Access to Premises Standards 2010 in accordance with the current conditions of consent.

5.10.1 Child Care

Davenport Campbell has assessed the modified design for Building 3 and have provided a Certificate of Design Intent (**Appendix J**) that certifies the Architectural Drawings (**Appendix A**) can accommodate a 90 place childcare centre in accordance with the relevant requirements of:

- NSW Government Children (Education and Care Services) Supplementary Provisions Regulation 2012;
- City of Sydney – Development Control Plan 2012;
- NSW Department of Planning and Environment – Draft Child Care Planning Guideline; and
- Part 4.3 National Early Childhood Education and Care Regulations.

5.11 Construction Impacts

The proposed modifications are generally in accordance with the Construction Management Plan (CMP) for the project. It is noted that the CMP is a working document that will continue to be refined in consultation with the appropriate authorities as required and appropriate measures will be put in place to actively manage and mitigate any impacts that may arise during construction.

6.0 Conclusion

The proposed development seeks approval for modifications to the design of Building 3 at the ATP precinct. These changes include:

- changes to the layout of the retail, wellness, community, child care, terrace and creative hub spaces;
- enhancements to the roof top to introduce a community garden;
- minor increase in GFA by 399m²
- relocation of signage zones;
- reconfiguration of plant and core, including changes to the location of stairwells and amenities; and
- revision of the canopy to provide for sunlight access.

The proposed changes will not result in any new or additional environmental impact outside of those already assessed and approved in the original SSD 7317 application.

In accordance with Section 96(1A) of the EP&A Act, the Department may modify the consent as:

- the proposed changes are of minimal environmental impact;
- the consent as proposed to be modified, is substantially the same development as development for which the consent was granted.

The proposal is generally consistent with the relevant environmental planning instruments applying to the site and a detailed assessment of the environmental impacts has been provided within this report in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979*.

In light of the merits of the proposed development, the significant public benefits proposed and in the absence of any significant environmental impacts, it is without hesitation that we respectfully recommend this application for development consent.