

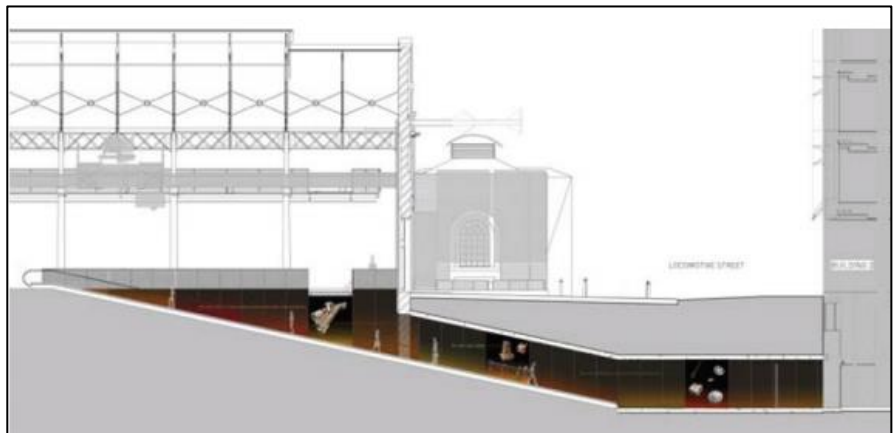


**Planning &  
Environment**

***STATE SIGNIFICANT DEVELOPMENT:  
Section 4.55(1A) Modification Application***

***AUSTRALIAN TECHNOLOGY PARK, EVELEIGH***

***SSD 7317 MOD 5***



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

June 2018

Cover Photograph: Photomontage of a travelator beneath Locomotive Street (Source: Applicant's EIS).

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## 1. BACKGROUND

### 1.1 Introduction

This report provides an assessment of an application to modify the State significant development (SSD) consent for a commercial campus at the Australian Technology Park (ATP) (SSD 7317).

This modification application seeks approval to construct part of a concrete tunnel beneath Locomotive Street to facilitate a future pedestrian connection (travellator) between car parking provided on the lower ground level of Building 2 and the Locomotive Workshop.

The works outside of the site boundary and the future travellator are proposed within a related application currently under assessment (SSD 8517) (**Section 1.4**).

The application has been lodged by Mirvac Projects Pty Ltd (the Applicant), pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

### 1.2 Subject site

The ATP site is located within 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), within 200 metres (m) of Redfern railway station, 400 m from Redfern town centre and approximately 5km north of Kingsford Smith Airport.



Figure 1: The ATP site (in orange) with the location of the tunnel (in red) (Base Source: nearmap.com)

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

- 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.

### 1.3 Previous approvals

On 20 December 2016, the Planning Assessment Commission (Commission) (now the Independent Planning 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 (Buildings 1, 2 and 3 as shown in **Figure 1**) with a total gross floor area (GFA) of 107,427 square metres (m<sup>2</sup>)
- car and bicycle parking
- landscaping, road and public domain works
- building identification signage zones.

Construction of the commercial campus has commenced, with construction of Building 1 nearing completion and construction of Buildings 2 and 3 well underway.

The consent has been previously modified on four occasions, and a further three applications are currently under assessment (**Table 1**).

**Table 1: Summary of modifications**

MOD No.	Summary of Modifications	Approval Date
MOD 1	Defer the timing of a landscape and public domain plan and the delivery of works.	26 June 2017
MOD 2	Amendments to a Voluntary Planning Agreement, parking provision, building identification zones and ground floor layout in Building 2.	22 August 2017
MOD 3	Modifications to Building 3, including changes to the building form and design, increase in GFA by 406m <sup>2</sup> , establish a rooftop community garden and introduction of signage zones.	1 December 2017
MOD 4	Modifications to Building 1, to provide additional rooftop plant and photovoltaic panels, which increases the height to 60.9m AHD.	20 October 2017
MOD 6	Modifications to Building 2, such as changes to the layout of the lower and upper ground floor levels, reduction in car parking, façade materials and signage zones.	Under assessment
MOD 7	Modifications to Building 1, including external façade changes, new signage zone and additional plant on the roof.	Under assessment
MOD 8	Modifications to Building 1, to increase the number of lockers and decrease the number of bicycle parking spaces.	Under assessment

### 1.4 Other relevant applications

The Department is currently assessing two SSD applications for the adaptive reuse of the Locomotive Workshop, namely:

- SSD 8517 - for the adaptive reuse of the eastern portion of the Locomotive Workshop (Bays 1 – 4a) and two annex structures for a mix of retail, function centre, education, recreation and industrial uses. This proposal also seeks consent for part of the tunnel and traveller linking the Locomotive Workshop to Building 2
- SSD 8449 - for the adaptive reuse of the western portion of the Locomotive Workshop (Bays 5 – 13 and Bay 15) and two annex structures for commercial and light industrial uses.

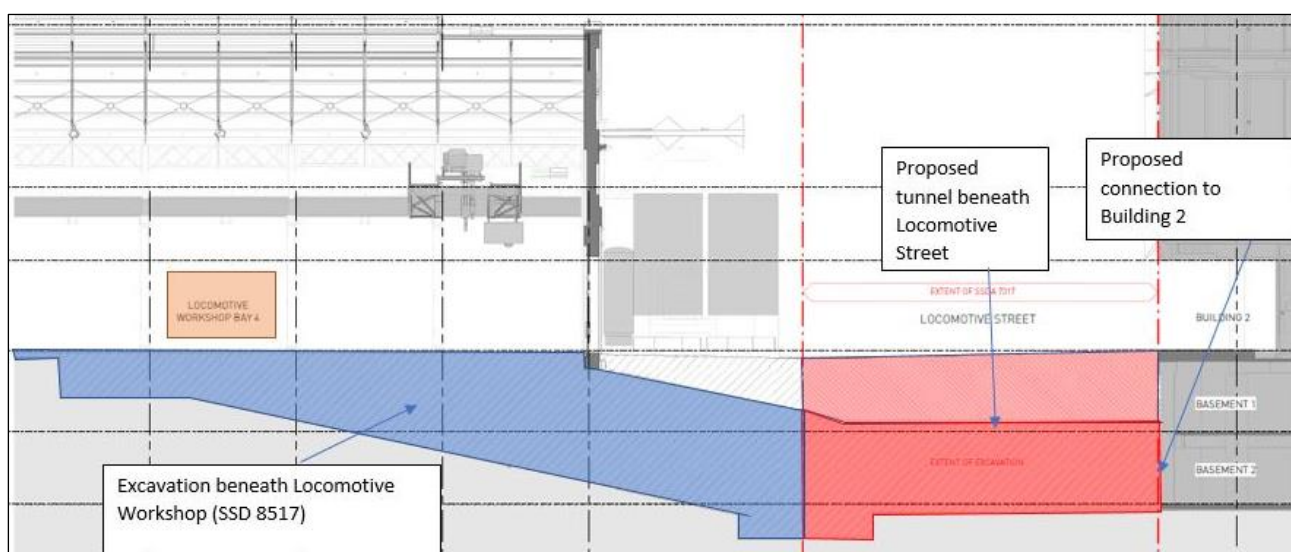


## 2. PROPOSED MODIFICATION

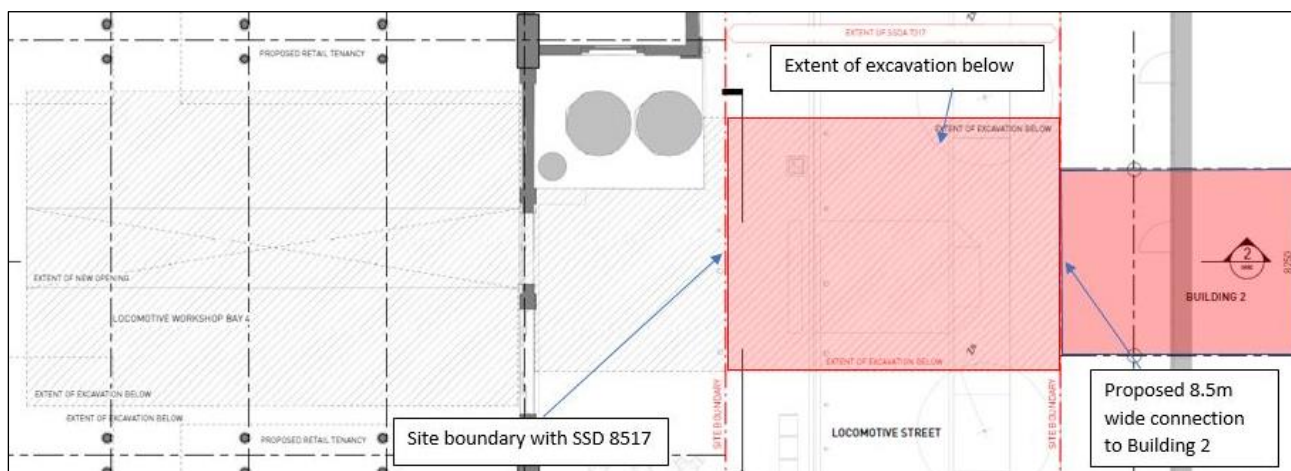
This modification application (SSD 7317 MOD 5) seeks approval to:

- excavate (to approximately 6.5m) and construct a concrete tunnel beneath Locomotive Street (5.6m wide x 14.8m long) (**Figures 2 and 3**)
- construct an opening in the northern wall of the lower ground level car park in Building 2
- remove three car spaces within the lower ground level car park of Building 2.

The Applicant seeks these modifications to facilitate a future pedestrian connection, via travelator, between the parking in Building 2 and the proposed adaptive reuse of the Locomotive Workshop (for which approval is sought pursuant to SSD 8517) (**Figures 2 and 3**).



**Figure 2: Section showing the new tunnel below Locomotive Street (in red) and the future connection below the Locomotive Workshop (in blue) (Base source: Applicant's RTS)**



**Figure 3: Plan showing the new tunnel below Locomotive Street (in red) and the site boundary with SSD 8517 (Base source: Applicant's RTS)**

## 3. STATUTORY CONTEXT

### 3.1 Modification of approval

Section 4.55(1A) of the EP&A Act requires the consent authority to be satisfied that the following matters addressed in respect of the subject application (**Table 2**).

**Table 2: Section 4.55(1A) considerations**

Section 4.55(1A) matters for consideration	Comment
(a) that the proposed modification is of minimal environmental impact	The Department is satisfied that the proposal will have minimal environmental impacts, as it relates to minor excavation and construction works centrally within the ATP precinct. The limited scope of construction works is unlikely to adversely impact on surrounding land uses, as these will be screened from construction impacts by new / existing buildings in the precinct ( <b>Section 5</b> ).
(b) that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).	As the proposal is limited to providing a tunnel below Locomotive Street, it does not modify the approved use or building envelopes and is of minimal environmental impact. The Department is therefore satisfied the proposal results in development that is substantially the same as the originally approved development.
(c) the application has been notified in accordance with the regulations	The modification application has been appropriately notified in accordance with the Regulation. Details of the notification are provided in <b>Section 4</b> of this report.
(d) any submission made concerning the proposed modification has been considered.	The Department received submissions on the proposal from three public authorities. The comments provided in submissions are considered in <b>Sections 4</b> and <b>5</b> .

### 3.2 Environmental Planning Instruments

SSD 7317 was assessed against the following environmental planning instruments (EPIs):

- State Environmental Planning Policy (State & 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. 55 – Remediation of Land (SEPP 55).

The Department has considered the proposed modifications against these EPIs, and is satisfied that the proposal continues to be consistent with the requirements of the EPIs.

### 3.3 Consent authority

In accordance with the Minister for Planning delegation of 11 October 2017, the Director, Key Sites Assessments may determine this application as:

- the relevant Council has not made an objection; and
- there are no public submissions objection; and
- a political disclosure statement has not been made.

## 4. CONSULTATION AND SUBMISSIONS

### 4.1 Notification and submissions

The Department made the application publicly available on its website and referred it for comment to the City of Sydney Council (Council), the NSW Heritage Council, Transport for NSW (TfNSW) and UrbanGrowth. Due to the minor nature of the proposed modification, it was not notified by any other means.

The Department received submissions from Council, NSW Heritage Council and TfNSW (**Table 3**). Copies of the submissions may be viewed at **Appendix A**. No submissions from the public were received.

**Table 3: Summary of submissions**

<b>City of Sydney Council (Council)</b>
Council does not object to the proposal, but noted that, as the proposed works rely on the approval of SSD 8517, the two applications should be assessed concurrently.
<b>NSW Heritage Council</b>
The NSW Heritage Council does not object to the proposal, noting that: <ul style="list-style-type: none"> <li>the proposed changes would not result in any further impact on the heritage values of the site</li> <li>no approval is given or implied for any works for the travelator which requires a separate application.</li> </ul>
<b>Transport for NSW (TfNSW)</b>
TfNSW advised it had no comments on the proposal.

## 4.2 Response to Submissions

On 7 May 2018, the Applicant provided a response to submissions (RtS) (**Appendix A**), in which it provided:

- justification for carrying out works under Locomotive Street ahead of the public domain works
- information on the relationship with the proposed adaptive reuse of the Locomotive Workshop, including the treatment of the boundary with the Locomotive Workshop
- details of the excavation beneath Locomotive Street, a contamination impact statement, construction noise and vibration impact statement (CNVIS) and structural details of the proposed tunnel.

The RtS was made publicly available on the Department website and was referred to the relevant public authorities. In response, the Department received a further submission from the NSW Heritage Council, reiterating its original advice and recommending a condition to avoid adverse impacts on the 'turntable' - a state heritage item on Locomotive Street located approximately 50m west of the proposed tunnel.

## 5. ASSESSMENT

The Department considers the key issues are:

- staged timing of tunnel works
- contamination
- construction impacts
- heritage
- Car parking provision (Condition B8)

### 5.1 Staged timing of tunnel works

The proposal seeks approval to construct part of a tunnel below Locomotive Street (**Figures 2 and 3**), which is ahead of the determination for the remainder of the tunnel and the traveller (through SSD 8517) that will connect into the Locomotive Workshop.

While Council does not object to the application, it noted that this modification application and the application for the remainder of the tunnel and traveller should be assessed concurrently. The NSW Heritage Council notes that support for this modification should not imply approval for the traveller, which requires a separate application. In this regard, the Department notes the NSW Heritage Council have provided in principle support for the adaptive reuse of the Locomotive Workshop (SSD 8517), but requires further details on the design of the traveller, including details on how it integrates with the Locomotive Workshop.

The Applicant contends that the proposed excavation is scheduled in advance of the works to Locomotive Workshop to avoid delaying the public domain works in Locomotive Street. The Applicant advises that, as the public domain works to Locomotive Street are programmed to commence in

February 2019, it is logical to excavate and construct the shell in the ground before completing the public domain works.

The Department supports the proposal, as deferring the construction of the tunnel until the remainder of the tunnel works are determined will serve to delay the delivery of the public domain works to Locomotive Street, which may unnecessarily reduce public access through the ATP site. The Department also notes that the tunnel itself, capped at either end by hoardings, will not result in any additional adverse visual, heritage or design impacts, and would be of limited consequence to the locality in the unlikely event that it is not able to be completed. In this regard, the Department supports the NSW Heritage Council recommendation for a condition that no approval is granted or implied for the traveller within the tunnel shell.

The Department therefore supports the application, subject to the recommended condition.

## 5.2 Contamination

The proposal seeks to extend excavation north of Building 2 under Locomotive Street, install a concrete shell and back fill, before completing the public domain works. Potential contamination and remediation were issues in the assessment of the original application (SSD 7317), due to the former industrial uses of the site. The Department supported the remediation strategy to ensure site suitability for the commercial use, being to 'cap and cover' the contaminants and implement long term environmental management and monitoring.

In support of this application, the Applicant submitted a remediation statement, prepared by JBS&G. This notes the Remedial Action Plan (RAP) prepared in support of SSD 7317 remains appropriate for the excavation and construction of the tunnel for the following reasons:

- the tunnel walls and base will form a physical barrier preventing contact to contaminants in situ
- there is no soil vapour health risk within the Locomotive Workshop or Building 2 associated with the change
- environmental monitoring by a site auditor and a further validation report (Site Audit Statement (SAS)) will be prepared to ensure the site has been appropriately remediated on completion of the works.

The Department notes the approved RAP has been endorsed by an accredited EPA site auditor and can be relied upon to ensure the land will be remediated using appropriate methodologies, consistent with the requirements of State Environmental Planning Policy 55 (SEPP 55). While existing conditions of consent require remediation works to be carried out in accordance with the approved RAP and SAS, the Department recommends that the relevant condition for a SAS be updated to specifically provide for the excavation and construction of the tunnel below Locomotive Street.

The Department also notes that as the excavation zone for the new tunnel does not differ substantially from that approved, existing requirements for management plans, including for the treatment and disposal of contaminated materials at a suitably licensed facility, long term environmental monitoring and to ensure any potential contaminated dust is identified and mitigated during the construction, remain appropriate.

With these recommended conditions, the Department is satisfied the site can be safely remediated and validated for its intended commercial use and will not result in additional impacts.

## 5.3 Construction impacts (noise and vibration)

The proposed tunnel is located approximately 150m from the nearest residential properties (to the east of the ATP on Cornwallis Street) and is in close proximity to several commercial properties within the ATP (being adjacent to Building 2 and close to the Locomotive Workshop) (**Figure 1**).



In its assessment of the original ATP application (SSD 7317), the Department noted that noise impacts from the proposed construction would exceed the noise management levels (NML) for residential properties in the Interim Construction Noise Guideline (ICNG), but would comply with the levels for commercial properties. As this represented the worst-case scenario and would be reduced through the implementation of the construction environmental management plan, it was supported subject to the following conditions:

- construction between 7.30am to 5.30pm Monday to Friday and 7.30am to 3.30pm on Saturday
- requiring detailed construction noise vibration management sub plans for each construction stage
- requiring community consultation during the construction, through a community liaison group.

The Applicant has provided a Construction Noise and Vibration Impact Statement (CNVIS) for the travelator works. Earthworks and construction of the travelator tunnel is predicted to comply with the noise levels set out in the original approval (SSD 7317). Given this, the Department is satisfied that the construction impacts associated with the travelator are reasonable, and can be appropriately managed through the existing conditions.

The Applicant's CNVIS also notes that the Commonwealth Bank will potentially occupy Buildings 1, 2 and 3 at about the same time as construction of the travelator. Given the proximity of the tunnel to Building 2 and the Locomotive Workshop, construction noise is now predicted to exceed the approved noise levels of 70dBA for commercial properties (by approximately 25dBA). The CNVIS also predicts these two buildings would be most at risk from vibration impacts from construction works.

The CNVIS recommends a range of control measures to reduce noise impacts, such as regular noise monitoring on the boundary during construction, together with complaints handling and ongoing community consultation.

The Department considers that the additional construction noise and vibration impacts on nearby commercial properties is reasonable, as this represents a worst case scenario and adequately controlled through the existing conditions of consent, subject to the following additional conditions:

- detailed vibration testing of equipment used, together with monitoring and mitigation measures, is to be undertaken to minimise any structural risk to the Locomotive Workshop and Building 2
- construction must be carried out in accordance with the recommendations of the CNVIS for the travelator
- rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the hours:
  - a) 9.00 am to 12.00 pm, Monday to Friday
  - b) 2.00 pm to 5.00 pm, Monday to Friday
  - c) 9.00am to 12.00pm, Saturday
- a noise and vibration complaints management system able to respond in real time, to concerns raised by the nearest affected receivers related to noise and or vibration level complaints.

Subject to the recommended conditions, the Department is satisfied that noise and vibration impacts during the excavation and construction of the tunnel will be appropriately mitigated and minimised.

### 5.3 Heritage

The proposed tunnel is located appropriately 50m to the east of the state heritage listed 'turntable' outside Bay 5 of the Locomotive Workshop. This turntable is part of the original built fabric within Locomotive Street, and is being retained for interpretation purposes.

While the NSW Heritage Council does not object to the proposal, it recommended a condition for an exclusion zone around the turntable to avoid any potential adverse heritage impacts during construction. The Department supports this request, and has recommended a condition accordingly.

#### 5.4 Car parking

The proposed opening of the lower ground level of Building 2 to accommodate the pedestrian tunnel will remove three car parking spaces in this building (500 to 497).

The Department notes that the consent specifies a maximum number of 738 spaces be provided in Building 1 and 2 and the public domain. It considers that a minor reduction in spaces will not have a material impact on the supply of off-street parking. In addition, the proposal continues to support the objectives to increase use of public transport to access the site. The Department therefore recommends the relevant condition is updated to reflect the reduction of three spaces.

## 6. CONCLUSION

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The modification application has been assessed in accordance with the matters for consideration under Section 4.55(1A) of the EP&A Act and the Department is satisfied that the proposal complies with all statutory and strategic provisions, 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 heritage or overall design intent of the ATP site
- not delay delivery of the public domain and or reduce pedestrian access through the ATP site
- ensure that the site can be safely remediated
- operate during construction to ensure acceptable amenity for neighbouring properties
- ensure an appropriate allocation of car parking across the site.

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

## 7. RECOMMENDATION

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It is therefore recommended that the Director, Key Sites Assessments:

- **consider** the findings and recommendations of this report
- **determine** that the application falls within the scope of Section 4.55 (1A) of the EP&A Act
- **approve** the modification application (SSD 7317 Mod 5), subject to conditions
- **sign** the attached notice of modification (**Appendix B**).


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Endorsed by:



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Approved by:

 29.6.18.

**Ben Lusher**  
Director  
Key Sites Assessments

## **APPENDIX A      RELEVANT SUPPORTING INFORMATION**

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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=9072](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9072)

## **APPENDIX B    RECOMMENDED CONDITIONS OF CONSENT**

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