

# Modification of Development Consent

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

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



David McNamara  
**Director**  
**Key Sites Assessments**

Sydney 13 December 2018

## SCHEDULE 1

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

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

- site preparation works, site clearance, excavation and remediation
- construction of three mixed use buildings with a total gross floor area (GFA) of 108,412 m<sup>2</sup>, comprising:
  - Building 1 for commercial/office, retail and child care uses (GFA of 46,830 m<sup>2</sup> / height of nine storeys);
  - Building 2 for commercial/office and retail uses (GFA of 56,554 m<sup>2</sup> / height of seven storeys);
  - Building 3 for retail, gym, child care, community office and commercial uses (GFA of 5,028 m<sup>2</sup> / height of four storeys).
- car and bicycle parking
- landscaping, road and public domain works and
- building identification signage zones

**Applicant:** Mirvac Projects Pty Ltd

**Consent Authority:** Minister for Planning

**The Land:** Australian Technology Park, Eveleigh

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

**Modification:** **SSD 7317 MOD 12:** modification to the approved landscape masterplan, including changes to the boundary, new wellness precinct and indigenous garden, feature lighting, introduction of a public domain and external signage strategy, and a mechanism for minor changes to the approved detailed landscape and public domain plans.

## SCHEDULE 2

The consent (SSD 7317) is modified as follows:

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

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

- a) State significant development application and conditions of consent (SSD 7317);
- b) Environmental Impact Statement (EIS) prepared by JBA Urban Planning Consultants Pty Ltd, dated December 2015;
- c) The Remedial Action Plan entitled 'Australian Technology Park Remedial Action Plan, 2 Locomotive Street, Eveleigh NSW dated 15 June 2016 and prepared by JBS&G;
- d) The Site Audit Report entitled 'Site Audit Report - Remedial Action Plan for Australian Technology Park dated June 2016 and prepared by Graeme Nyland of Ramboll Environ Australia Pty Ltd;
- e) Response to Submissions (RtS) and Amended Proposal prepared by JBA Urban Planning Consultants Pty Ltd, dated May 2016;
- f) Additional information submitted subsequent to the RtS;
- g) The Section 96(1A) modification application SSD 7317 Mod 1, prepared by JBA Urban Planning Consultants Pty Ltd, dated 11 April 2017 and response to submissions dated 29 May 2017;
- h) The Section 96(1A) modification application SSD 7317 Mod 2, prepared by JBA Urban Planning Consultants Pty Ltd, dated 20 April 2017, response to submissions dated 19 June 2017 and correspondence from Ethos Urban dated 7 August 2017; and
- i) The Section 96(1A) modification application SSD 7317 Mod 4, prepared by Ethos Urban Pty Ltd, dated 31 August 2017, correspondence from FJMT Architecture dated 11 October 2017 and correspondence from Ethos Urban dated 13 October 2017 and 17 October 2017;
- j) The Section 96(1A) modification application SSD 7317 Mod 3, prepared by Ethos Urban Pty Ltd, dated 25 August 2017, response to submissions dated 6 October 2017 and additional information dated 30 October 2017 and 23 November 2017;
- k) The Section 4.55(1A) modification application SSD 7317 Mod 5, prepared by Ethos Urban Pty Ltd, dated 25 January 2018, and the Response to Submissions from Ethos Urban Pty Ltd, dated 7 May 2018;
- l) The Section 4.55(1A) modification application SSD 7317 Mod 7, prepared by Ethos Urban Pty Ltd, dated 16 April 2018, response to submissions dated 25 May 2018 and additional information dated 5 June 2018;
- m) The Section 4.55(1A) modification application SSD 7317 Mod 6, prepared by Ethos Urban Pty Ltd, dated 16 April 2018, Response to Submissions from Ethos Urban Pty Ltd, and additional information dated 5 July 2018;
- n) The Section 4.55(1A) modification application SSD 7317 Mod 10, prepared by Ethos Urban Pty Ltd, dated 26 June 2018 and the Response to Submissions dated 31 July 2018;
- o) The Section 4.55(1A) modification application SSD 7317 Mod 8, prepared by Ethos Urban Pty Ltd, dated 8 May 2018 and the Response to Submissions dated 27 August 2018;
- p) The Section 4.55(1A) modification application SSD 7317 Mod 13, prepared by Ethos Urban; dated 21 August 2018;
- q) The Section 4.55(1A) modification application SSD 7317 Mod 14, prepared by Ethos Urban Pty Ltd, dated 4 September 2018;
- r) The Section 4.55(1A) modification application SSD 7317 Mod 11, prepared by Ethos Urban Pty Ltd, dated 3 July 2018 and the Response to Submissions dated 10 September 2018;
- s) The Section 4.55(1A) modification application SSD 7317 Mod 9, prepared by Ethos Urban Pty Ltd, dated 21 August 2018, Response to Submissions dated 12 October 2018 and additional information dated 22 and 29 November 2018; **and**

- t) **The Section 4.55(1A) modification application SSD 7317 Mod 12, prepared by Ethos Urban Pty Ltd, dated 13 July 2018, the Response to Submissions dated 20 September 2018 and further information dated 23 October 2018; and**
- u) following drawings as set out in the table below, except for:
- any modifications which are Exempt or Complying Development;
  - otherwise provided by the conditions of this consent.

<b>Architectural (or Design) Drawings prepared by fjmt and SISSONS</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
Fjmt-AR-DWG-G1000	DA2	Drawing List	18.05.16
Fjmt-AR-DWG-G1001	DA1	Site Plan	27.04.16
Fjmt-AR-DWG-G1002	DA1	Site Analysis	27.04.16
Fjmt-AR-DWG-G1003	DA1	Site Retail Plan UG + LG	27.04.16
<b>Building 1</b>			
Fjmt-AR-DWG-1100L	DA6	Lower Ground GA Plan	26.06.18
Fjmt-AR-DWG-1100M	DA2	Mezzanine GA Plan	18.05.16
Fjmt-AR-DWG-1100U	DA0	Upper Ground Floor Plan	17.12.15
Fjmt-AR-DWG-11001	DA0	Level 01 Plan	16.12.15
Fjmt-AR-DWG-11002	DA0	Level 02 Plan	16.12.15
Fjmt-AR-DWG-11003	DA0	Level 03 Plan	16.12.15
Fjmt-AR-DWG-11004	DA0	Level 04 Plan	16.12.15
Fjmt-AR-DWG-11005	DA0	Level 05 Plan	16.12.15
Fjmt-AR-DWG-11006	DA0	Level 06 Plan	16.12.15
Fjmt-AR-DWG-11007	DA0	Level 07 Plan	16.12.15
Fjmt-AR-DWG-11008	DA6	Level 08 Plant GA Plan	06.02.18
Fjmt-AR-DWG-11009	DA8	Roof Plan	06.02.18
Fjmt-AR-DWG-11050	DA11	Elevations – South & East	26.06.18
Fjmt-AR-DWG-11051	DA9	Elevations – North & West	06.02.18
Fjmt-AR-DWG-11052	DA0	Sections	16.12.15
Fjmt-AR-DWG-11053	DA1	Sections	27.04.16
<b>Building 2</b>			
Fjmt-AR-DWG-BB-B2-300L-R	02	General Arrangement Plans – Lower Ground	06.03.18
Fjmt-AR-DWG-BB-B2-300M	P	General Arrangement Plan – Mezzanine	19.07.17
Fjmt-AR-DWG-BB-B2-300U	Q	General Arrangement Plans – Upper Ground	06.03.18
Fjmt-AR-DWG-BB-B2-3101	M	General Arrangement Plans – Level 01	25.01.18
Fjmt-AR-DWG-BB-B2-3102	M	General Arrangement Plans – Level 02	25.01.18
Fjmt-AR-DWG-BB-B2-3103	M	General Arrangement Plans – Level 03	25.01.18
Fjmt-AR-DWG-BB-B2-3104	M	General Arrangement Plans – Level 04	25.01.18
Fjmt-AR-DWG-BB-B2-3105	N	General Arrangement Plans – Level 05	25.01.18
Fjmt-AR-DWG-21006	DA0	Level 6 Plan	16.12.15
Fjmt-AR-DWG-21007	DA1	Roof Plan	31.07.18

Fjmt-AR-DWG-21050	DA3	Elevations – North & West	24.08.18
Fjmt-AR-DWG-21050	DA2	Elevations – South & East	31.07.18
Fjmt-AR-DWG-21052	DA0	Sections	16.12.15
Fjmt-AR-DWG-21053	DA0	Sections	16.12.15
Fjmt-AR-DWG-21054	DA0	Sections	16.12.15
Fjmt-AR-DWG-BB-B2-3401	B	Sections E & F	19.10.16
SK.03	A	Indicative Parking Plan	07.08.17
SA-AR-DWG-BB-B4-0410	A	Building 2 – Travelator B2/B4 Link	12.09.17
SA-AR-DWG-BB-B4-0411	A	Building 2 – Travelator Plan & Sections	12.09.17
AR-ST-DWG-BB-B4-3010	A	Travelator Plan and Details	30.04.18
SA-AR-DWG-BB-B4-0480	A	Travelator Excavation Extent – Locomotive Street	04.05.18
<b>Building 3</b>			
DA_3000B	3	DA PLAN – BELOW GROUND	14.06.18
DA_3000G	8	DA PLAN - GROUND	14.06.18
DA_3101	5	DA PLAN – LEVEL 01	14.06.18
DA_3102	6	DA PLAN – LEVEL 02	14.06.18
DA_3103	5	DA PLAN – LEVEL 03	14.06.18
DA_3104	5	DA PLAN – LEVEL 04	14.06.18
DA_3105	5	DA PLAN – LEVEL 5 (ROOF)	14.06.18
DA_3300	7	DA ELEVATIONS – WEST AND NORTH	04.07.18
DA_3301	8	DA ELEVATIONS – EAST AND SOUTH	14.06.18
DA_3350	4	NOMINATED SIGNAGE ZONES	17.10.17
DA_3400	5	DA SECTIONS	24.04.18
DA_3501	1	FAÇADE DETAILS – L00 GABION WALL	17.10.17
DA_3502	1	FAÇADE DETAILS – L01 GLAZING	17.10.17
DA_3504	1	FAÇADE DETAILS – L03 GLAZING	17.10.17
DA_3505	2	FAÇADE DETAILS – L03 CANOPY	24.04.18
DA_3506	2	FAÇADE DETAILS – LEVEL 02 BALUSTRADE & SCREENING	24.04.18
DA_8000	3	ATP – B3 COMMUNITY BUILDING FAÇADE FINISHES	26/07/2018
<b>Public Domain / Landscape Drawing prepared by Aspect Studios</b>			
<b>Drawing No.</b>	<b>Rev.</b>	<b>Name of Plan</b>	<b>Date</b>
<b>14080_LA_001</b> <b>15080_S4.55_01</b>	<b>Response to Council H</b>	Landscape Master Plan <b>For Section 4.55</b>	<b>May 2016</b> <b>19 Oct 2018</b>
<b>ATP External Signage Strategy prepared by Urbanite Pty Ltd</b>			
<b>Document Name</b>	<b>Rev.</b>	<b>Date</b>	
<b>Australian Technology Park - External Signage Strategy</b>	<b>B</b>	<b>28 May 2018</b>	

- (b) Schedule 2 Part A – Condition B53 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

Landscaping and Public Domain Plan

B53A Detailed landscape and public domain plan(s), drawn to scale, by a qualified landscape architect or landscape designer, must be prepared in consultation with Council and the

Heritage Council and approved by the Secretary prior to the issue of the first relevant public domain stage Construction Certificates as follows:

- (i) Public Domain Area 1; and
- (ii) Public Domain Area 2.

**Note: For the avoidance of doubt, the Indigenous Garden does not form part of the public domain for the purposes of Conditions B53A, B53AA, B53B, B53C, and B53D.**

The applicant is required to provide evidence to the Secretary of the extent of consultation with Council and the Heritage Council, together with an explanation of comments raised and how the plans have been amended to address the comments.

The plan must reference the industrial character of the precinct, and be generally in accordance with Council's 'Public Domain Manual', and include:

- (i) Provision for the conservation and retention of movable heritage items;
- (ii) Interpretive devices for heritage features and in relation to the history of the site overall;
- (iii) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
- (iv) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable);
- (v) Deep soil depth, unencumbered by any structures for mature tree growth;
- (vi) No new trees are to be planted adjacent to the Locomotive Workshop in order to retain the industrial character of the building;
- (vii) Mature tree species that form a continuous canopy, as well as shrubs and understorey planting that provide a secondary canopy to the Alexandria Child Care Centre which upon full maturity of large trees will form a continuous screen between Building 1 and the Alexandria child care centre;
- (viii) Details of planting procedures and maintenance; and
- (ix) Details of drainage, waterproofing and watering systems.

**B53AA Amended detailed landscape and public domain plan(s), drawn to scale, by a qualified landscape architect or landscape designer, must be prepared for all modifications (except as provided for under Condition F9) in consultation with the Heritage Council and to the satisfaction of Council prior to the issue of the relevant Construction Certificate.**

**The amended plans must continue to reference the industrial character of the precinct, be generally in accordance with Council's 'Public Domain Manual', include the details required under Condition B53A(i)-(ix) and comply with the design intent established in the approved Landscape Masterplan (Condition A2).**

B53D Landscaping and public domain works in the approved plan are to be completed prior to the issue of the Occupation Certificate for each building (unless an appropriate bond is secured to cover the cost of the outstanding landscaping for the relevant public domain area). Staging is as follows:

- (i) Public Domain Area 1 will be completed prior to the issue of the first Occupation Certificate for Building 1, **with the exception of any change approved under Condition B53AA (including the Wellness Precinct) which is to be completed by the first Occupation Certificate for Building 2.**
- (ii) Public Domain Area 2 will be completed prior to the issue of the first Occupation Certificate for Building 2.

## Heritage Interpretation

- F3 Prior to the issue of the first Occupation Certification for Building 2, the Applicant shall submit Stage 2 of the Heritage Interpretation Plan for approval by the Secretary. This plan shall be prepared in accordance with Stage 1, the Applicant's Heritage Impact Statement and addendum, the ATP Conservation Management Plan and relevant NSW Heritage Division guidelines. Stage 2 shall be prepared in consultation with the Heritage Council and other stakeholders, including former workers, Aboriginal stakeholders, volunteers, the local community and relevant railway associations, and document the findings and recommendations raised.

**The Stage 2 Heritage Interpretation Plan shall include detailed design plans for the Indigenous Garden, details of the feature lighting and heritage interpretation signs, prepared in consultation with the Heritage Council and Council.**

## Public Domain Works

- F9 The works to the public domain **and landscaping** are to be completed **generally** in accordance with the approved plans. **The Certifying Authority may approve minor amendments to the approved design where the changes maintain the approved maintenance plan and access and circulation, and comply with the design intent established in the approved Landscape Masterplan (Condition A2).**

## **Management and maintenance of the Indigenous Garden**

- F27 Prior to the issue of the Occupation Certificate for the Indigenous Garden, a plan of management is to be submitted to the Secretary that shall include details of:**

- (i) The purpose/ vision of the Indigenous Garden;**
- (ii) Arrangements for waste disposal of organic and any non-organic materials;**
- (iii) An outline of the proposed gardening practices;**
- (iv) Water management processes;**
- (v) Details of where gardening tools will be stored and the plan for their maintenance;**
- (vi) Safety procedures for participants and who will be responsible if an accident were to occur;**
- (vii) The hours the garden can be accessed;**
- (viii) How the community will be aware of the Indigenous Garden, including any signage;**
- (ix) The role of the community volunteers;**
- (x) A system for effectively managing and minimising anti-social behaviour;**
- (xi) A system for effectively handling complaints; and**
- (xii) A maintenance plan. The maintenance plan is to be complied with during occupation of the development.**

End of modification  
(SSD 7317 MOD 12)