



Australian Technology Park

*State Significant
Development
Modification Assessment
(SSD 7317 MOD 13)*



October 2018

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Cover photo

Photomontage of Building 1 at the Australian Technology Park (Source: SSD 7317)

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
Council	City of Sydney Council
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
Minister	Minister for Planning
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development



1. Introduction

1.1 Preamble

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

The modification application seeks to extend the external play area of the child care in Level of Building 1.

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 The site

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



Figure 1 | Site Location (Base map source: Nearmap)

The ATP has an area of 13.5 hectares 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 Approval History

On 20 December 2016, the then 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 commercial buildings (**Figure 1**) with a gross floor area (GFA) of 107,427 m²
- car and bicycle parking
- landscaping, road and public domain works
- building identification signage zones.

The development consent includes the following conditions relevant to this modification application:

- Condition A2 (Terms of Consent) lists the approved plans for Building 1
- Condition A5(b) (Limits of Consent) states the consent does not approve the fit out and operation of the child care centres in Buildings 1 and 2
- Condition A15 (Future assessment of child cares) outlines a detailed plan of management and operation should accompany future applications for the fit out and operation of the approved child care centres.

In addition to the subject application (MOD 13), the development consent has been modified on nine occasions and four modifications are under assessment, as summarised in **Table 1**.

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Determined by	Type	Approval Date
MOD 1	Modification to defer approval of landscaping and public domain plans and stage the delivery of the public domain works.	Commission	96(1A)	26 June 2017
MOD 2	Modifications to the voluntary planning agreement, car parking, building identification signage zone on Building 1, and internal and external alterations to Building 2.	Department	96(1A)	22 August 2017
MOD 3	Modifications to Building 3, including changes to the layout and design, increase in GFA, introduction of a rooftop community garden and signage zones.	Department	96(1A)	1 December 2017
MOD 4	Modification to increase the height of rooftop plant on Building 1 and amend Condition A14 (Airspace Protection).	Department	96(1A)	20 October 2017
MOD 5	Modification to introduce a concrete structure below Locomotive Street to accommodate a future travelator connecting Building 2 to the Locomotive Workshop.	Department	4.55(1A)	29 June 2018
MOD 6	Modification to Building 2, including reallocation of car parking spaces, subdivision of retail tenancies and changes to facade materials and signage zones.	Department	4.55(1A)	16 August 2018
MOD 7	Modification to Building 2, including internal layout changes and amendments to facade materials and signage zones.	Department	4.55(1A)	17 July 2018
MOD 8	Modification to increase the number of lockers within Buildings 1 and 2, and reallocate bicycle parking spaces from these buildings to the public domain.	Department	4.55(1A)	24 September 2018

MOD 9	Modification to Building 1 to allow the use of external terrace space on Level 1 (west) and Level 7 (south) by employees.	TBC	4.55(1A)	Under assessment
MOD 10	Modification to Building 3, including internal and external changes and amendments to the rooftop community garden plan of management.	Department	4.55(1A)	3 September 2018
MOD 11	Modification to the timing for the delivery of required works or plans, such as the loading dock management plan, heritage interpretation plans, landscaping and public domain and waste disposal.	TBC	4.55(1A)	Under assessment
MOD 12	Modification to amend the approved landscape masterplan, provide public domain signage and an external signage strategy.	TBC	4.55(1A)	Under assessment
MOD 14	Modification to roof materials and signage zone location in Building 2.	TBC	4.55(1A)	Under assessment



The proposal specifically seeks approval to extend the eastern wall (being 1800 mm in height) of the child care centre external play area further eastwards in Building 1 by 4.3 m (as shown in **Figures 2 and 3**).

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3. Strategic Context

3.1 Greater Sydney Region Plan

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. The GSC has prepared the Greater Sydney Region Plan to provide a 40-year vision for a metropolis of three cities, the Eastern Harbour City, the Western Parkland City and the Central River City, that will rebalance growth and deliver its benefits more equally and equitably to residents across Greater Sydney.

By integrating land use, transport links and infrastructure across the three cities, more people will have access within 30 minutes to jobs, schools, hospitals and services.

The proposal is consistent with the Region Plan, as it contributes to innovative approaches to the use of land and floor space, including co-location of compatible such as child care facilities and office buildings, in accordance with Objective 6: Services and infrastructure meet communities' changing needs.

3.2 Eastern City District Plan

The GSC has also prepared District Plans to implement the Regional Plan through local planning and influence state agency decisions. District plans connect local planning with the longer-term metropolitan planning for Greater Sydney.

The site is located within the Eastern City District area. The proposed modification is consistent with the relevant objectives in the Eastern City District Plan as it:

- provide services and social infrastructure (Planning Priority E3)
- encourage people to be more physically active, in accordance with Planning Priority E4: Fostering healthy, creative, culturally rich and socially connected communities.



4. Statutory Context

4.1 Scope of Modifications

Section 4.55(1A) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining an application that seeks to modify an SSD application and results in minor environmental impacts.

The matters for consideration under section 4.55(1A) of the EP&A Act that apply to the modification of the project approval (SSD 7317 MOD 13) have been considered in **Table 2**.

Table 2 | Section 4.55(1A) Modification involving minimal environmental impact

Section 4.55(1A) Evaluation	Consideration
a) that the proposed modification is of minimal environmental impact, and	Section 6.1 of this report provides an assessment of the impacts associated with the modification application. The Department is satisfied that the proposed modification will have minimal environmental impacts.
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), and	The modification application seeks to extend the external play area of the child care centre in Building 1, and therefore results in development that is substantially the same as the originally approved development.
c) the application has been notified in accordance with the regulations, and	The modification application has been notified in accordance with the EP&A Regulations. Details of the notification are provided in Section 5.1 of this report.
d) any submission made concerning the proposed modification has been considered.	The Department received three submissions on the proposal from City of Sydney Council (Council), UrbanGrowth NSW and Heritage Council. The issues raised in submissions have been considered in Section 6.1 of this report.

4.2 Consent Authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act.

[The Minister's delegate as consent authority](#)

However, under the Minister's delegation dated 11 October 2017, the Director, Key Sites Assessments, may determine the application as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objection.

4.3 Environmental Planning Instruments

The following environmental planning instruments (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 (Urban Renewal) 2010

- State Environmental Planning Policy (Infrastructure) 2007
- 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.

The Department undertook a comprehensive assessment of the development against the above mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the modification does not result in any inconsistency with these EPIs.

4.4 Objects of the EP&A Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.



5. Engagement

5.1 Department's Engagement

Clause 117(3B) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to SSD. Accordingly, the application was not advertised. However, it was made publicly available on the Department's website on 28 August 2018, and referred to relevant government agencies, namely Heritage Council and UrbanGrowth NSW, the City of Sydney Council (Council), and surrounding landowners with a request for comments by 10 September 2018 (14 days).

5.2 Summary of Submissions

The Department received submissions from Heritage Council, UrbanGrowth NSW and Council. No public submissions were received.

A link to the submissions is provided in **Appendix A**.

5.3 Key Issues – Government Agencies

Heritage Council advised that it had no objection to the proposal as the proposed change is minor, will not substantially alter the approved design, and will not therefore result in any further heritage impacts. UrbanGrowth NSW advised that Conditions A10 and A11 relating to development and affordable housing contributions are to remain unchanged.

5.4 Key Issues – Council

Council advised that it does not object to the proposal.

5.5 Response to Submissions

Following the notification of the modification application, the Department considered a Response to Submissions (RtS) was not required given the minor nature of the proposed change and that the submissions did not raise any issues.



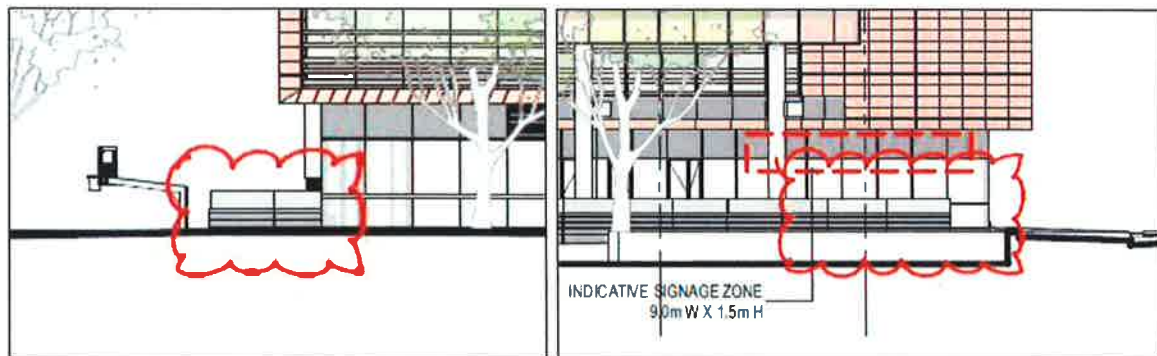
6. Assessment

The Department has reviewed the proposal and considers the only issue relates to built form.

6.1 Built Form

In its assessment of the original application (SSD 7317), the Department supported the general configuration of the internal and external layout of the child care centres in Buildings 1 and 2. However, the final fit out and operation of the child care centres in these buildings was subject to separate approval from the relevant consent authority (Condition A5(b)).

The proposal seeks to extend the eastern wall (being 1800 mm in height) of the child care centre external play area eastwards by 4.3 m (**Figures 4 and 5**). The approved plans currently shows this eastern wall associated with the child care centre being setback from the site boundary by 6.65 m. The modification will reduce the setback to 2.5 metres.



Figures 4 and 5 | Proposed Southern Elevation (left) and Eastern Elevation (right) of Building 1 (Source: fjmt)

The Applicant stated the child care external area at the Lower Ground Level of Building 1 has been built 300 mm off the southern site boundary, instead of on the site boundary. The Applicant contends that this reduces outdoor space for the child care centre. The proposed change seeks to increase the size of the external play area to meet the minimum requirement in the *Education and Care Services National Regulations 2011*. The Applicant has provided a statement from the architect (fjmt) demonstrating that the proposed changes are consistent with the relevant standards highlighted in the original application.

The Department notes that Heritage Council and Council do not object to the proposed changes, and UrbanGrowth NSW advises that Conditions A10 and A11 relating to development and affordable housing contributions are to remain unchanged.

The Department considers that the extension of the external area of the child care centre is acceptable as:

- the change is minor, and will not result in additional built form or streetscape impacts on the surrounding area
- it does not substantially change the design of the building, and this element of the building is still adequately setback to the site boundary (by 2.5 m)
- no change is required to the development and affordable housing contributions, as advised by UrbanGrowth NSW

- the Applicant has demonstrated that the proposed change ensure compliance with the *Education and Care Services National Regulations 2011*.

The Department therefore supports the changes to the external area of the child care centre in Building 1 and recommends amendments to Condition A2.



7. Evaluation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate as it:

- complies with relevant statutory provisions and remains consistent with relevant EPIs
- is substantially the same development as originally approved, and does not result in adverse environmental impacts
- increases outdoor space for the child care centre in Building 1 consistent with the *Education and Care Services National Regulations 2011*
- has minimal impacts on the built form of Building 1 and surrounding area.

Consequently, the Department concludes the proposal is in the public interest and should be approved, subject to changes to the existing conditions of consent.



8. Recommendation

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

- **considers** the findings and recommendations of this report;
- **determines** that the modification application (SSD 7317 MOD 13) falls within the scope of section 4.55(1A) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for approving the modification application;
- **modifies** the consent SSD 7317; and
- **signs** the attached Modification of Development Consent (**Appendix C**).

Recommended by:

Brendon Roberts

Team Leader

Key Sites Assessments



9. Determination

The recommendation is: **Adopted by:**

David McNamara 23.10.2018

Director

Key Sites Assessments



Appendices

Appendix A – List of Documents

- SSD 7317, being the development consent for the new commercial campus at the ATP, granted by the Commission on 20 December 2016, together with submissions raised, Applicant's response to submissions, Department' assessment and Commission's assessment report.
- Associated modifications to the development consent, SSD 7317.
- Statement of Environmental Effects/Environmental Assessment
(http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9556)
- Submissions
(http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9556)

Appendix B – Consolidated Consent

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9556

Appendix C – Modification of Development Consent

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9556