



CB/AD  
15756  
19 June 2017

Ms Carolyn McNally  
Secretary  
Department of Planning & Environment  
GOP Box 39  
SYDNEY NSW 2001

Attention: Brendon Roberts

Dear Mr Roberts

**SECTION 96 (1A) MODIFICATION APPLICATION - SSD 7317 MOD 2  
AUSTRALIAN TECHNOLOGY PARK, EVELEIGH**

We refer to the above modification application which was submitted to the Minister for Planning on 28 April 2017. This sought approval to amend development consent SSD 7371 by altering the layout of the Lower Ground Floor within Building 2, relocating and expanding the upper signage zone on the southern elevation of Building 1 and modifying Conditions A2, B4, B8 and B11. JBA has prepared this letter on behalf of Mirvac Projects Pty Ltd (Mircac).

Submissions from Urban Growth NSW Development Corporation (Urban Growth) and the City of Sydney Council have been received by the Department of Planning & Environment (the Department). It is noted that Urban Growth do not object to the proposed alterations and amendments proposed in the modification application, being SSD 7317 MOD 2.

Whilst the City of Sydney submission raised issues in relation to Modification Nos. 1 and 2, this letter responds to the issues raised in relation to Modification No. 2 only. Further, this letter also responds to a request for information from the Department as outlined in an email to JBA dated 26 May 2017.

**REQUEST FOR INFORMATION FROM THE DEPARTMENT OF PLANNING**

The Department has requested the following information in regard to bicycle parking:

- Further justification as to why up to 20 bicycle spaces cannot be located within secure parking in either Buildings 1 or 2.
- What other options have been considered to provide these spaces within a secure location, to ensure that they are reserved for use by employees of Buildings 1 and 2.
- Provide a plan clearly showing proposed bicycle parking options.

In response, since submission of the modification application, Mirvac has continued to test the design of Buildings 1 and 2 and has found that it is possible to fit the full requirement of 606 employee/ staff bicycle spaces within Buildings 1 and 2 in line with the requirement in Condition B11. We therefore seek that the request to amend Condition B11 is withdrawn. The Department can be satisfied that 643 bicycle spaces will be provided on-site as required and therefore we do not propose to provide the further information sought in the email dated 26 May 2017.

## ISSUES RAISED BY THE CITY OF SYDNEY

The City of Sydney have “strongly objected” to both modification applications 1 and 2. We believe the City of Sydney has raised a disproportionate level of criticism against amendments that are minor in nature and in no way, interfere or obstruct the ongoing discussions and negotiations between Mirvac and the City of Sydney in relation to the Voluntary Planning Agreement (VPA). The obligation of Mirvac to enter into a planning agreement with the City of Sydney is not reduced or otherwise diminished because of the proposed amendments to Condition B4 or more widely Modification No.2.

The City of Sydney does not support the word ‘generally’ being inserted into Conditions B4, B8 and B11 as it considers that the word is ambiguous and removes certainty from those conditions of consent.

The following is our response in relation to each specific Condition.

### Condition B4

Mirvac is currently in negotiation with the City of Sydney in regard to the VPA. The third draft of the VPA was issued by Mirvac to the City of Sydney on 24 May 2017. Mirvac are happy to withdraw the request to insert the word ‘generally’ into the first paragraph of the Condition.

### Condition B8

The modification application letter, dated 20 April 2017, notes that the amendments to Condition B8 are proposed to provide Mirvac with a degree of flexibility to determine the mix and location of car spaces between Buildings 1 and 2 and the public domain. The insertion of the phrase “*generally in accordance with the following allocation*”, does not enable Mirvac to provide more than 738 car spaces within Precinct, but simply makes the condition more workable from a detailed design and delivery perspective. The Department and City of Sydney can therefore be comfortable in the knowledge that the amendments to Condition B8 would not give rise to any additional environmental impacts or affect the concentration of environmental impacts that have previously been considered.

### Condition B11

In response to the City of Sydney’s issues to the proposed amendments to Condition B11, we re-iterate that the request to modify the condition is retracted.

## APPROVAL OF MODIFICATION NO.2

It is understood that no further information, in addition to that set out in this letter is required by the Department to finalise the assessment and determine Modification No. 2, in a prompt and expeditious manner.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or [cburdett@jbaurban.com.au](mailto:cburdett@jbaurban.com.au).

Yours faithfully



Claire Burdett  
Principal Planner