

7 August 2017

15756

Carolyn McNally  
Secretary  
Department of Planning & Environment  
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Dear Brendon

Further to the meeting with yourself, representatives of the City of Sydney Council (Council) and Mirvac on 30 June 2017, we write to respond to the issues raised at the meeting.

At the meeting, it is understood that Council suggested that if further amendments to the wording of Condition B8 were proposed, whereby the exact number of car spaces within Buildings 1, 2 and the on-street public domain area were nominated and 'General Arrangement' (GA) Plans were produced to illustrate the allocation, then Council would consider retracting its objection to the Modification Application.

Accordingly, plans that illustrate the proposed car parking allocation are included at **Attachments A, B and C** and Mirvac requests that the following further amendments to Condition B8 be approved:

#### **B8 Car Parking**

A maximum total of 738 new car parking spaces shall be provided, comprising:

- a) ~~207~~ **205** car parking spaces in Building 1;
- b) ~~489~~ **500** car parking spaces in Building 2; and
- c) ~~42~~ **33** on-street car parking spaces within the ATP.

The relationship of the proposed car parking allocation within each building is discussed in the following sections.

## 1.0 Building 1

On 23 May 2017, the Department of Planning & Environment (the Department) issued approval of the amended plans for Building 1. The plans for Building 1 (stamped 23 May 2017) illustrate a total of 205 car parking spaces across the Lower Ground, Mezzanine and Upper Ground levels (refer to **Attachment A**).

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## 2.0 Building 2

An amended Lower Ground general arrangement plan (Ref: AR-DWG-BB-B2-300L) was included within the package of documents that were submitted as part of the original modification application in April 2017. The plan illustrated a total provision of 234 car parking spaces across the Lower Ground level.

As noted in the original modification application letter (dated 20 April 2017), testing of the design of Building 2 was still being undertaken at that time.

In light of Mirvac's requirement to allocate 500 car spaces within Building 2 and further design development, the general arrangement of the Lower Ground and Mezzanine levels of Building 2 have been further amended. They propose a total of 500 spaces across both levels.

**Table 1** provides a summary of the proposed additional changes to the Lower Ground level and also the newly proposed changes to the Mezzanine level as illustrated on the revised Architectural Drawings, prepared by FJMT (refer to **Attachment B**), along with reasons for the specific changes.

**Table1- Schedule of additional design changes**

Proposed change	Driver for change
<b>Lower Ground level</b>	
Reconfiguration of parking layout to show a total of 235 spaces at Lower Ground level including 6 accessible parking spaces.	Design development, review and rationalisation of accessible parking requirements and requirement to provide 500 car spaces within Building 2 in total.
Reconfiguration of the rainwater tank room.	Design development – the rainwater tank room is required to accommodate additional grease arrestors.
Alterations to the internal finished floor levels <sup>1</sup>	Design development – required in order to provide design co-ordination and provide adequate clearances for reticulating the building services.
Increase in the size of the generator diesel tanks within the loading dock.	Design development – to accommodate tenant generator requirements.
Provision of additional security doors to the goods lifts and back of house facilities.	Design development – to provide additional security within the car park.
Provision of an additional security door within the south-western lobby.	Design development – to provide additional pedestrian access facilities and increase legibility into and from the building.

<sup>1</sup> The amended plan references SSL (Structural Slab Level),k which in this instance is also the Finished Floor Level

Proposed change	Driver for change
Minor modification to the internal wall within the south-western lobby area.	Design development – to provide increased security for Retail Tenancy 6.
Relocation of electrical and communications cupboards.	Design development – required to accommodate amended lift design.
Minor modifications to the cleaner's room.	Design development – inclusion of hydraulic infrastructure.
Minor modifications to the position of various structural columns.	Design development – resulting from more detailed review of structural engineering requirements.
<b>Mezzanine level</b>	
Reconfiguration of parking layout to show a total of 265 car spaces at Mezzanine level.	Design development and requirement to provide 500 car spaces within Building 2 in total.
Alterations to the internal finished floor levels <sup>1</sup>	Design development – required in order to provide design co-ordination and provide adequate clearances for reticulating the building services.
Minor modifications to the position of various structural columns.	Design development – resulting from more detailed review of structural engineering requirements.

## 3.0 Public Domain

The detailed design and delivery of the public domain areas within the ATP are being developed in two stages. The detailed design for Stage 1 of the public domain area (which includes Central Avenue and Davy Road) is close to being finalised, however the detailed design of Stage 2 (which includes Locomotive Street) is still at a very high level concept stage.

Accordingly, an indicative parking plan for Central Avenue and Davy Road is included at **Attachment C**. It illustrates the indicative provision of 31 on-street car parking spaces (parking + drop-off spaces).

It is proposed that 2 additional drop-off on-street spaces will be provided along Locomotive Street, however the approximate location of these two spaces has not been finalised.

Notwithstanding this, as indicatively shown, it is Mirvac's intention to provide a total of 33 on-street car parking spaces, within the ATP.

## 4.0 Substantially the Same Development

Section 96 (1A) of the EP&A Act states that a consent authority may modify a development consent if *"it is satisfied 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)"*.

It is noted that the assessment that accompanied the original modification application considered that the development as proposed to be modified, was substantially the same development as the development for which consent was originally granted. The reasons for this conclusion were listed.

The additional modifications to the Lower Ground and Mezzanine levels of the development (as described in Section 2.0) are simply brought about due to design development and do not seek to modify the approved use or building envelopes and do not give rise to any new matters/ areas of non-compliance. In fact in most cases they aim to provide a better internal design than proposed previously. It is therefore considered that the development, as proposed to be modified continues to be substantially the same as the development for which consent was originally granted.

## 5.0 Environmental assessment

Section 96(3) of the EP& Act requires the consent authority to take into consideration such of the matters referred to in Section 79C(1) as are of relevance to the development, the subject of the application.

The proposed additional modifications as set out in Section 2.0 above, do give rise to any new matters that have not been assessed previously either within the original development application or the modification application letter (dated 20 April 2017). It is therefore considered that further additional assessment is not required.

## 6.0 Conclusion

We trust that this letter provides the Department and Council with the relevant information in regard the provision of car parking spaces within Buildings 1 and 2 and the on-street spaces within the public domain area at ATP.

The additional proposed modifications to the general arrangement of the Lower Ground and Mezzanine levels of Building 2 have resulted from Mirvac's detailed design development review and the requirement to provide 500 car spaces within Building 2. These modifications are considered to be of minimal environmental impact and ensure that the development is substantially the same as the development for which consent was originally granted.

We trust that this information is sufficient enough Council to consider retracting its objection to the Modification Application SSD 7317 MOD 2 and the Department to finalise its assessment and determine the application.

Yours sincerely,



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Principal

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