

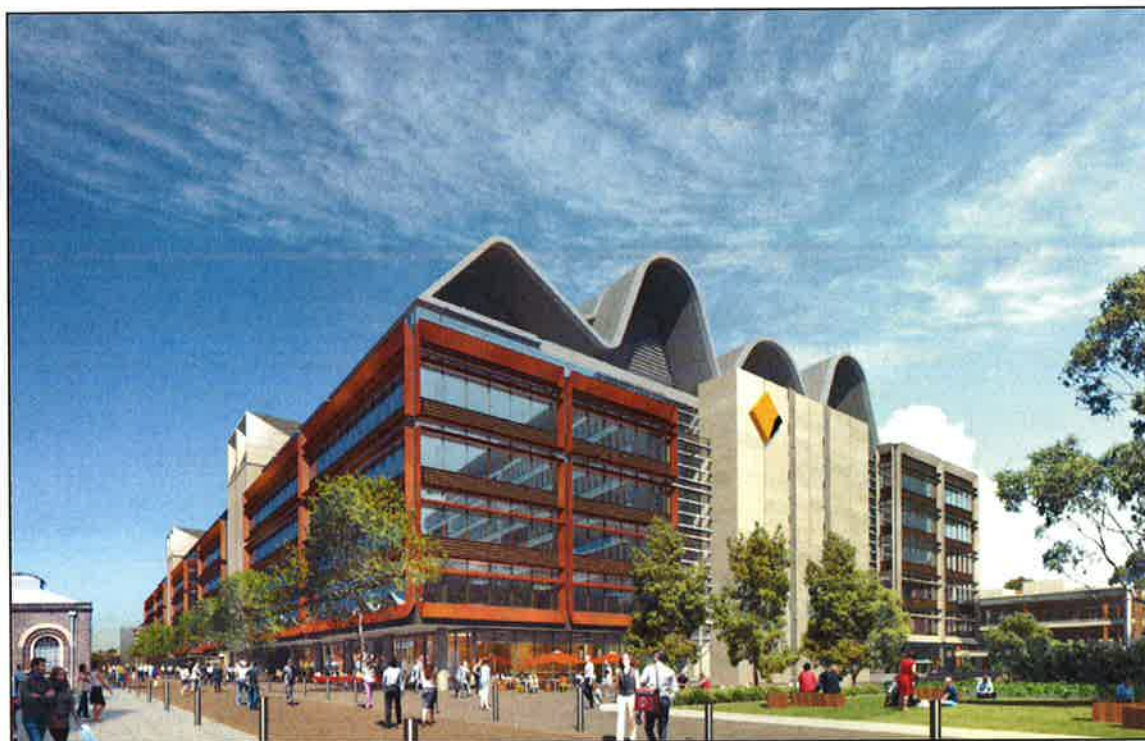


Planning &
Environment

**STATE SIGNIFICANT DEVELOPMENT
ASSESSMENT REPORT:**

***Redevelopment of the Australian
Technology Park, Eveleigh***

SSD 7317



Environmental Assessment Report
Section 89H of the *Environmental Planning and
Assessment Act 1979*

September 2016

ABBREVIATIONS

Applicant	Mirvac Projects Pty Ltd, or any other person or persons who rely on this consent to carry out the development that is subject to this consent
CIV	Capital Investment Value
Commission	Planning Assessment Commission
Department	Department of Planning and Environment
EIS	Environmental Impact Statement prepared by JBA Planning dated December 2015
the Act	<i>Environmental Planning and Assessment Act 1979</i>
the Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
Minister	Minister for Planning
RtS	Response to Submissions Statement prepared by JBA Planning dated May 2016
Secretary	Secretary of the Department of Planning and Environment, or her delegate
SEPP	State Environmental Planning Policy
SSD	State Significant Development
SSP SEPP	<i>State Environmental Planning Policy (State Significant Precincts) 2005</i> , formally known as the State Environmental Planning Policy (Major Development) 2005

Cover Photograph: Photomontage of proposed commercial building (Building 2) (Source: Applicant's EIS)

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NSW Government
Department of Planning & Environment

EXECUTIVE SUMMARY

This report assesses a State significant development application (SSD 7317) submitted by Mirvac Projects Pty Ltd (the applicant) which seeks approval for a new commercial campus at the Australian Technology Park (ATP), Eveleigh. The proposal comprises three mixed use buildings, ranging in height from four to nine storeys, and includes commercial, retail, community office, child care and gym uses, together with associated public domain works.

The Environmental Impact Statement (EIS) was publicly exhibited from Thursday 14 January 2016 until Monday 29 February 2016 (47 days). The Department received nine public authority submissions and 98 public submissions, 92 of which objected to the proposal. The City of Sydney Council objected to the proposal due to the height of Building 1 and the gross floor area (GFA) exceedance and inadequate development contributions. Other key issues raised in public submissions include heritage; public transport capacity, traffic and parking; loss of public access; overshadowing; design excellence; development contributions; and construction impacts.

The applicant submitted a response to submissions proposing minor design refinements to the roof top plant on Building 1 and providing additional information to address or clarify issues raised during exhibition.

In its assessment, the Department considered the merits of the proposal in accordance with relevant matters under Section 79C and the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), together with the principles of Ecologically Sustainable Development. The Department's assessment identified the key issues to include: built form; transport, traffic, walking and cycling; public benefit and contributions; heritage; construction impacts, contamination and the child care centres.

Following a detailed assessment of the proposal, the Department concludes the proposal is appropriate, as it is consistent the State's strategic planning objectives for the site and the Redfern-Waterloo area, as set out in *A Plan for Growing Sydney* and the objectives of the SSP SEPP.

The proposed built form, including the building height and GFA exceedance, is appropriate as it generally reflects the desired future character of the site and exhibits design excellence, as set out in the SSP SEPP. The proposed built form will have an acceptable impact on the surrounding area, subject to conditions to improve the interface between Building 1 and the adjacent Alexandria Child Care Centre, and to reduce its overshadowing impacts on properties to the south of Henderson Road.

Given the site's access to current and planned public transport opportunities, proposed walking and cycling provision and a Workplace Travel Plan, the Department is satisfied new employees accommodated in the ATP will favour sustainable forms of travel, as opposed to private car use. Nevertheless, the proposal will result in 1,555 car parking spaces being provided within the ATP, which is within the maximum limit of 1,600 spaces for the entire ATP, as set out in the SSP SEPP, and the predicted traffic volumes can be accommodated with only minor delays to surrounding intersections.

The Department notes the proposal includes an offer for Council to adopt much of the public domain areas, when the Commonwealth Bank of Australia vacate the site, and an offer for works-in-kind in lieu of a financial contribution. The Department has recommended a partial offset to the required contribution noting there is some material public benefit provided by the works-in-kind to the public domain areas. The Department has also recommended a condition requiring a Community Access Plan demonstrating how facilities within the ATP will be publicly accessible to the wider community.

On balance, it is considered the proposal is in the public interest and the Department recommends that the Planning Assessment Commission approve the application, subject to the recommended conditions.

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1. BACKGROUND

1.1 Introduction

This report assesses a State significant development application (SSD 7317) submitted by Mirvac Projects Pty Ltd (the applicant) which seeks approval for a new commercial campus at the Australian Technology Park (ATP) (**Figure 1**). The proposal comprises three mixed use buildings, ranging in height from four to nine storeys, and includes commercial, retail, community office, child care and gym uses, together with associated public domain works.

The three buildings are proposed on three existing at grade car parks, although the proposal includes public domain works throughout the ATP (**Figure 2**). The proposal does not include changes to the existing buildings within the ATP, including any of the heritage buildings.

1.2 Site location and context

The subject site (also known as the ATP) is located in the City of Sydney local government area, in the suburb of Eveleigh (**Figure 2**). It is located approximately 2.5 km to the south west of the Sydney central business district (CBD), approximately 5km to the north of Sydney Airport, within 200m of Redfern railway station and 400m from Redfern town centre.

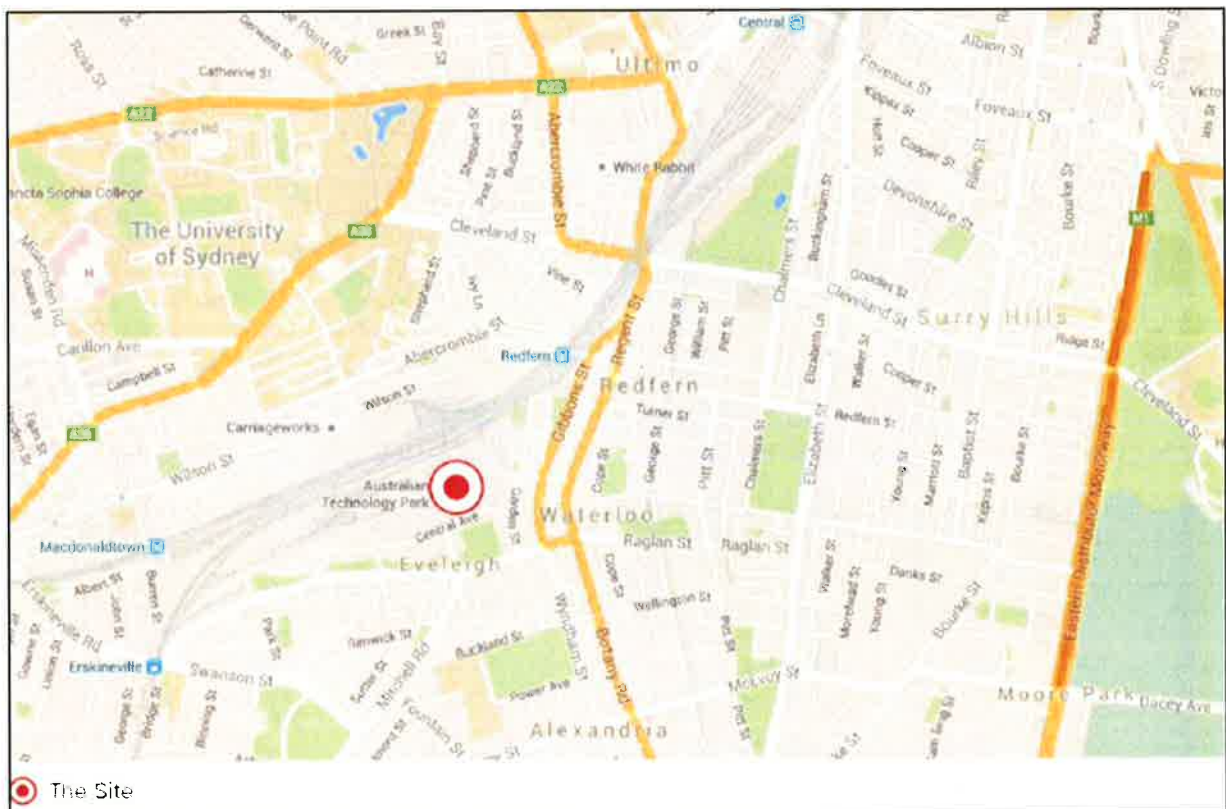


Figure 1: Australian Technology Park location (Source: applicant's EIS)

The ATP has an area of 13.5 hectares (ha) and bound by (**Figure 2**):

- 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; and
- Garden Street and Cornwallis Street to the east.



Figure 2: The ATP site shown in a solid red outline, with three development sites shown in dashed outline (Base map source: Nearmap)



Figure 3: The ATP site shown in a solid red outline, with three development sites shown in dashed outline (Source: adapted from the ATP website)

The ATP currently accommodates a mix of uses, including a business park with a focus on technology and innovation, exhibition space, ancillary retail and car parking. The existing character of the built form is also varied. It contains the single storey Locomotive Workshop, with its large

building footprint (of about 2.3ha) used for exhibitions, education, theatre, business and transport heritage displays. The ATP also contains the Media City / Channel 7 building, with a large building footprint (of about 1.3ha), and several smaller buildings ranging in height from two to six storeys, used for exhibition, business, retail and research and education purposes.

Historically, the ATP formed part of a wider precinct dedicated to railway related uses, including maintenance workshops, storage and marshalling yards. The ATP is located with the Eveleigh Railway Workshops, which is a State heritage item. Several buildings and structures within the ATP are also listed on the State heritage register, including the Locomotive Workshop, former Engine Shop, Eveleigh Locomotive Workshops Machinery Collection, Eveleigh Locomotive Workshops Precinct, the Water Tower and the Works Manager's Office.

More specifically, the ATP accommodates the following buildings (**Figure 3**), although no works are proposed to these buildings:

- **Locomotive Workshop:** A two storey sandstone brick building, consisting of 16 equally sized bays with a corrugated iron roof. The building was first used in about 1885 for the manufacture and repair of locomotive parts. It is currently used for exhibition space and a heritage workshop display, with some ancillary office and retail;
- **New Locomotive Workshop / National Innovation Centre:** A two storey sandstone brick building built in 1907, similar in construction to the Locomotive Workshop, consisting of two equally sized bays. Previously used for manufacturing locomotives, and currently used as office space by ATP Innovations (an incubator for technology based businesses);
- **Works Manager's Office / International Business Centre:** A two storey masonry building from around the 1940s, which has been rendered and painted off-white. Previously used as offices for the Works Manager, and now used as office space for Regal IT (IT consultants and product provider);
- **National Information & Communications Technology Australia (NICTA) building:** A six storey building, completed in 2008 to accommodate the NICTA research facility. Externally, uses weathered steel cladding on the six service cores and off form concrete, with recycled hardwood flooring throughout, to reflect the historical and industrial character of the site;
- **TfNSW Transport Management Centre:** A three storey red brick building fronting onto Garden Street, with a mix of steel louvres and glazing fronting Central Avenue;
- **Eveleigh Ambulance Centre:** A three storey brick building, with a mix of render, glazing and louvres fronting onto Garden Street;
- **Biomedical Building:** A four storey purpose-built scientific facility, completed in 2000. Materials include concrete, external stainless steel staircase and metal louvres to reflect the industrial character of the site. Currently used for education purposes (TOP Education Institute / University of Sydney); and
- **Media City / Channel 7:** An 11 storey media complex, with a lower four storey portion to the west to transition to the adjoining residential areas and child care facility, containing offices, studios, car parking and ancillary retail. The building is reinforced concrete with curtain wall glazing.

The ATP also contains three at-grade car parks, which are proposed as development sites in this application (**Figure 2**), including:

- **Lot 9:** a car park (272 spaces) to the west of Davy Road used infrequently during special events. This site has an area of 8,300m², with an irregular shape and flat topography. There is a 3m metre wide drainage easement setback from the western boundary of the site, in the area of a small disused car park;
- **Lot 12:** a car park (280 spaces) to the east of Central Plaza, which is used frequently by visitors and employees of the ATP. This site has an area of 11,850m². As the site falls from the north to the south by approximately 5 metres, it is split over two levels through the centre of the site by the remnants of the Foundry wall; and
- **Lot 8:** a car park (53 spaces) to the east of Davy Road used by visitors and employees of the ATP. This site is generally flat and rectangular in shape with an area of 1,937m².

The site contains three internal roads (Central Avenue, Davy Road and Locomotive Avenue) and various publicly accessible open spaces, including playing courts, the Vice Chancellor's Oval, Innovation Plaza, Central Plaza and Mitchell Way.

Public transport

The site is highly accessible by train as it is located within 200 m of the main entrance to Redfern station and within 50 m of a secondary entrance to Platform 10. Redfern station is one stop from Central station and is well served by Intercity and Sydney metropolitan train lines. Redfern station has direct trains to the CBD (10mins), Bondi Junction (16mins), Parramatta (25mins), Cronulla (50mins), Liverpool (52mins), Hornsby (55mins), Gosford (84mins) and Wollongong (90mins). It is also approximately 750m from Erskineville station. The proposed metro station at Waterloo will be located approximately 400m to the south east of the site.

The site is also well served by bus services, with bus stops located on Henderson Road, Wyndham Street and Regent Street. These stops are served by busses between Mascot and Railway Square (305), Marrickville and the City (308), Port Botany and Railway Square (309) and Eastgardens and Railway Square (310).

Walking and cycling

The network of roads, footpaths, open spaces and pedestrian walkways, within and surrounding the site, creates good pedestrian and cycling connectivity, most notably through to Redfern Station. The railway line, forming the site's northern boundary, forms a barrier to pedestrian and cycling connectivity to the north.

Vehicular circulation, access and parking

Central Avenue is the main road through the site, and provides access to the onsite car parks. It is accessed from Garden Street in the east and Davy Road to the south, although it does not connect through to Alexander Street in the west. Davy Road connects Central Avenue and Henderson Road. There are currently 1,453 car parking spaces within the ATP, including 272 spaces for special events on Lot 9, 53 spaces on Lot 8, 280 spaces on Lot 12 and 22 on street spaces.

The Locomotive Workshop is serviced from Locomotive Avenue, which has restricted access provided from Garden Street.

1.3 Surrounding context

The surrounding area is characterised by a mix of land uses (**Figure 2**), including:

- directly to the north is an expanse of railway infrastructure, including railway lines, sidings and sheds, including the Large Erecting Shed. Further north of the railway lines is the single storey Carriageworks workshop, North Eveleigh and Redfern Station development precincts, two storey residential terraces along Wilson and Abercrombie streets and the University of Sydney campus;
- directly to the west is the single storey Alexandria Child Care Centre, with its north facing external play space, and further west is the South Eveleigh development precinct which includes a number of residential buildings ranging in height from two to five storeys;
- to the south is an established residential area comprising mostly one / two storey residential terraces and commercial tenancies within a heritage conservation area to the south of Henderson Road; and
- to the east is the Alexandria Hotel (local Heritage Item) and mostly three / four storey residential buildings on Garden Street and Cornwallis Street. Further east is the Redfern town centre.

2. PROPOSED DEVELOPMENT

2.1 Project description

The proposal seeks approval for a new commercial campus at the ATP, comprising three mixed use buildings ranging in height from four to nine storeys, together with associated public domain improvements (Table 1 and Figures 4 - 8). The new commercial campus is intended to be occupied by Commonwealth Bank of Australia.

Table 1: Key components of the proposal, as set out in the applicant's Response to Submissions (RTS)

Aspect	Description
Development summary	<ul style="list-style-type: none"> • Site preparation works, including clearance of the existing car parking areas / ancillary facilities, excavation and remediation. • Construction of three mixed use buildings with a total gross floor area (GFA) of 107,427m² (Figure 4) and public domain works (Figure 5). • Building identification signage.
Building 1 (Lot 9) (Figure 6)	<ul style="list-style-type: none"> • Maximum height of nine storeys (plus one level of plant) / RL57.9 AHD. • Total GFA of 46,830m², comprising: <ul style="list-style-type: none"> ○ 45,210m² commercial / office GFA; ○ 384m² retail GFA; ○ 855m² child care GFA; and ○ 381m² GFA for circulation, foyer, building services, plant and end of trip facilities on ground and mezzanine levels. • Fit-out and operation of the child care facility.
Building 2 (Lot 12) (Figure 7)	<ul style="list-style-type: none"> • Maximum height of seven storeys (plus one level of plant) / RL51.99 AHD (excluding roof feature). • Total GFA of 56,686m², comprising: <ul style="list-style-type: none"> ○ 53,683m² commercial / office GFA; ○ 2,184m² retail GFA; and ○ 819m² for circulation, foyer, building services, plant and end of trip facilities on ground and mezzanine levels. • 24 hour operation of the supermarket (600m² GFA)
Building 3 (Lot 8) (Figure 8)	<ul style="list-style-type: none"> • Maximum height of four storeys (plus one level of plant) / RL38 AHD. • Total GFA of 3,911m², comprising: <ul style="list-style-type: none"> ○ 456m² retail GFA; ○ 375m² gym GFA; ○ 900m² child care GFA; ○ 976m² community office GFA; ○ 1,082m² commercial GFA; and ○ 122m² for circulation, foyer, building services, plant and end of trip facilities on ground and mezzanine levels. • Fit-out and 24 hour operation of the gym. • Fit-out and operation of the child care facility.
Public domain	<ul style="list-style-type: none"> • Upgrades to the existing public squares and pedestrian connections, including a new disabled access ramp to Cornwall Street, seating and trees. • Resurfacing and upgrades to facilities in the Vice Chancellor's Oval and sports courts, with new fitness equipment and children's play area. • Resurfacing and reconfiguration of existing roadways, including the repaving of Locomotive Street.
Parking	<ul style="list-style-type: none"> • A total of 1,574 car parking spaces within the ATP, including 748 new car parking spaces in the development plots, comprising: <ul style="list-style-type: none"> ○ Building 1: 217 spaces; ○ Building 2: 489 spaces; ○ Building 3: 0 spaces; and ○ On-street: 42 spaces. • 606 secure bicycle spaces, motorcycle spaces and service/courier spaces.
Jobs and Capital Investment Value	<ul style="list-style-type: none"> • 10,500 operational jobs / 2,100 construction jobs • \$433,133,000
Construction staging	<ul style="list-style-type: none"> • Staged construction certificates for each building and the public domain.

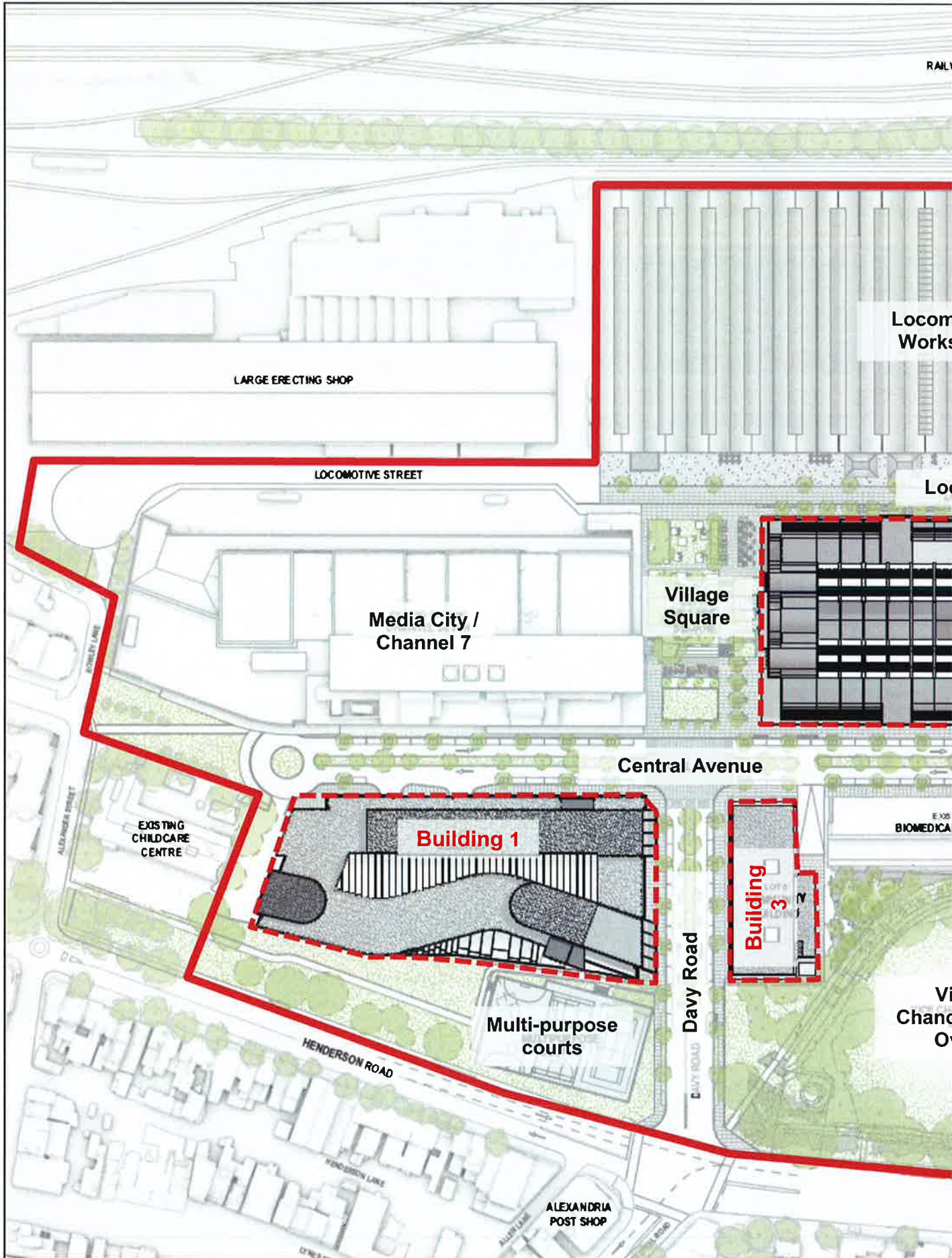


Figure 4: Proposed site plan (Source: applicant's RTS)

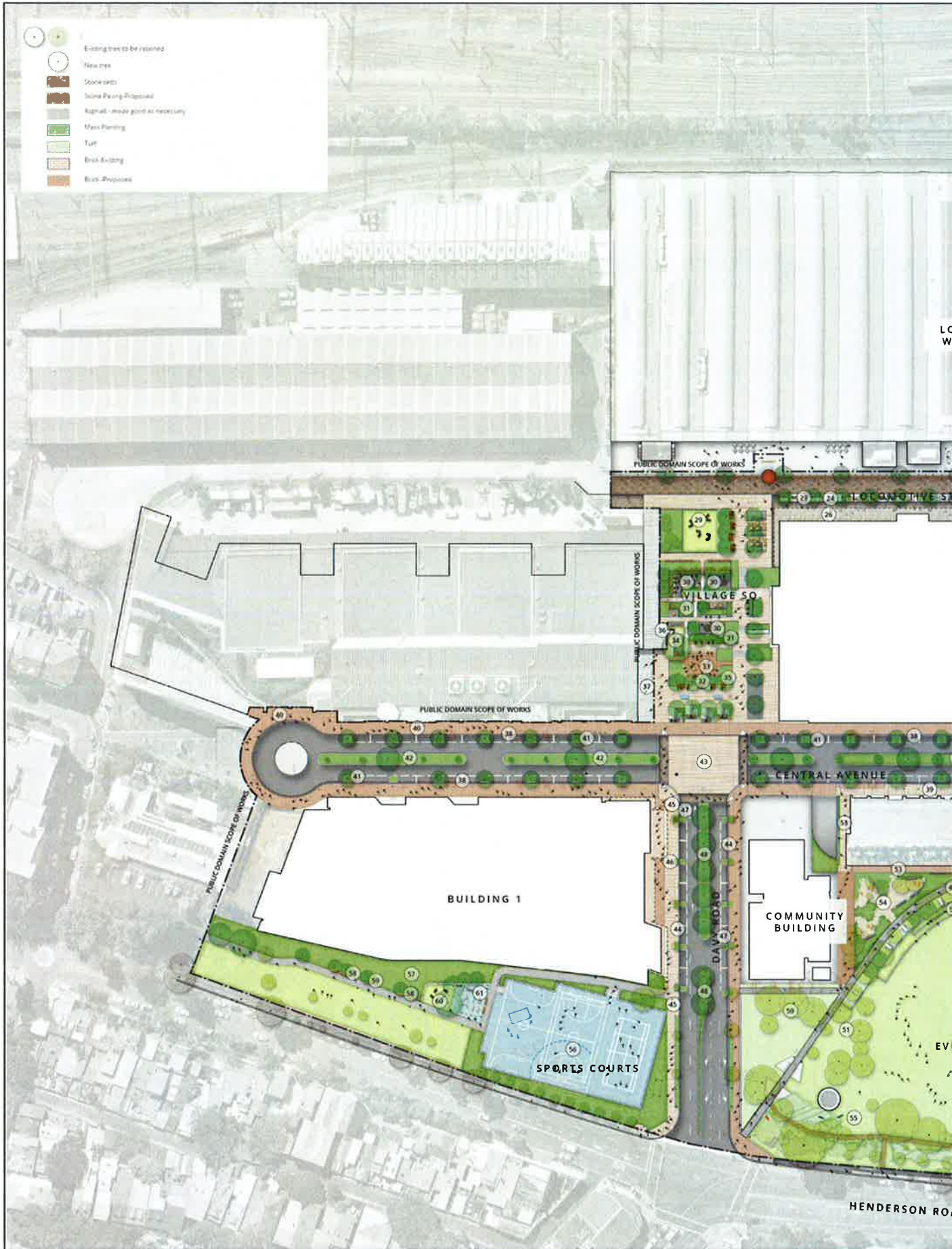


Figure 5: Proposed landscape plan (Source: applicant's RTS)



Figure 6: Photomontage of Building 1 showing the southern elevation and inset showing typical commercial level floor plan (Source: applicant's EIS)



Figure 7: Photomontage of Building 2 showing the northern and western elevations and inset showing a typical commercial level floor plan (Source: applicant's EIS)



Figure 8: Photomontage of Building 3 showing the western elevation and inset showing the ground level floor plan (Source: applicant's EIS)

2.2 Project need and justification

A Plan for Growing Sydney

A Plan for Growing Sydney is a strategic document that guides the development of the Sydney Metropolitan area for the next 20 years.

The proposal is consistent with the objectives of the Plan as it:

- significantly increases office floor space to help grow a more internationally competitive economy (Direction 1.1) and expand Sydney CBD's footprint along the Central to Eveleigh corridor (Action 1.1.2); and
- accommodates approximately 10,500 jobs, of which a significant proportion will be highly-skilled, in the ATP, which is identified as a knowledge hub within the Global Economic Corridor (Direction 1.6).

Sustainable Sydney 2030

Sustainable Sydney 2030 prepared by the City of Sydney Council sets a target of 97,000 new jobs (between 2006 and 2030) with an increase in finance, advanced business services, education, creative industries and tourism sectors. The proposal for 10,500 new technology focused jobs at the ATP will significantly contribute to meeting this target.

The proposal for a commercial campus, with excellent access to public transport and the Sydney CBD, will also enhance Sydney's role as a globally competitive and innovative city.

Redfern-Waterloo Built Environment Plan (Stage One)

The Built Environment Plan (Stage One) 2006 (RW BEP) provides a planning framework for the redevelopment of several strategic sites in the Redfern Waterloo area, including the ATP. It was used to inform the planning controls for the Redfern-Waterloo area in the *State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP)*.

The RW BEP identifies the ATP as a new business park to harness the potential job growth and activity around Redfern station to meet local and metropolitan employment needs. It specifically

seeks to promote a range of technology enterprises involved in research, development, innovation and commercialisation, media as well as supporting uses to reinforce ATP as a world class technology and business centre.

The proposal is consistent with the land use strategy in the RW BEP, as the proposed commercial campus will contribute to the business park function of the ATP and provide employment opportunities in close proximity to Redfern station. The commercial campus will accommodate approximately 10,500 technology focussed staff from the Commonwealth Bank of Australia.

3. STATUTORY CONTEXT

3.1 State significant development

The proposal is State significant development (SSD) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development with a capital investment value of more than \$10 million and located on land within Redfern-Waterloo pursuant to Clause 2 of Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). Therefore the Minister for Planning is the consent authority.

3.2 Delegations

On 14 September 2011, the Minister delegated functions to determine SSD applications to the Planning Assessment Commission (the Commission) in cases where an objection has been received by the relevant local Council, where the proponent has provided a political donation disclosure statement, or where there are more than 25 public submissions objecting to the proposal.

A political donation has not been disclosed in relation to this application. However, Council object to the proposal and more than 25 public submissions objecting to the proposal have also been received. The application is therefore referred to the Commission for determination.

3.3 Permissibility

The proposed office, retail, child care and gym uses are permissible within the Business Park zone under the SSP SEPP (which is taken to be an environmental planning instrument (EPI) pursuant to Section 120 of Schedule 6 to the EP&A Act). The proposed upgrades to the existing outdoor recreation facilities are permitted with consent in the Recreation Zone – Public Recreation zone part of the site.

3.4 Environmental planning instruments

Under Section 79C of the EP&A Act, the Secretary's assessment report is required to include a copy of, or reference to, the provisions of any SEPP and EPI that substantially govern the carrying out of the project and have been taken into consideration in the assessment of the project.

In accordance with Schedule 3 (Part 5, Clause 3) of the SSP SEPP, all other EPIs do not apply to Redfern-Waterloo sites, except for State Environmental Planning Policies. Applicable SEPPs therefore include:

- *State Environmental Planning Policy (State and 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. 1 – Development Standards;*
- *State Environmental Planning Policy No. 55 – Remediation of Land; and*
- *State Environmental Planning Policy No. 64 – Advertising and Signage.*

The Department's consideration of relevant SEPPs is provided in **Appendix B**. The proposal is generally consistent with the relevant provisions of the abovementioned SEPPs.

3.5 Objects of the EP&A Act

Decision-makers are required to consider the objects in Section 5 of the EP&A Act when making decisions under the Act. The proposal complies with the objects of the EP&A Act, as considered in Table 2.

Table 2: Consideration of the proposal against the objects of the EP&A Act

Objects of the EP&A Act	Consideration	Complies?
<i>(a) to encourage:</i>		
<i>(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,</i>	The proposal will result in more efficient use of land in an existing urban area and in close proximity to public transport. The proposal will also deliver jobs to enhance economic and social welfare, retain existing public access across the site and contribute to the protection / interpretation of the heritage environment.	Yes
<i>(ii) the promotion and co-ordination of the orderly and economic use and development of land,</i>	The site is identified for development as a business park in the SSP SEPP. The project has a CIV of \$433 million, and will create 10,500 operational jobs / 2,100 construction jobs, which will benefit the economy of NSW.	Yes
<i>(iii) the protection, provision and co-ordination of communication and utility services,</i>	The proposal does not impact on existing communication and utility services, but will provide suitable utilities to service future development.	Yes
<i>(iv) the provision of land for public purposes,</i>	The proposal will retain and enhance publicly owned and accessible land on the site.	Yes
<i>(v) the provision and co-ordination of community services and facilities, and</i>	The proposal includes improvements to the public domain and community office floor space for use by the community.	Yes
<i>(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and</i>	The proposal does not impact on native animals and plants.	Yes
<i>(vii) ecologically sustainable development, and</i>	Section 3.6 of this report considers the proposal against the principles of ESD.	Yes
<i>(viii) the provision and maintenance of affordable housing, and</i>	The proposal includes a financial contribution of \$8.5 million towards affordable housing (indexed annually).	Yes
<i>(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and</i>	The proposal is State significant development in accordance with the SRD SEPP. Council has been consulted on the proposal.	Yes
<i>(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.</i>	Section 4 of the EIS sets out the communication and stakeholder engagement undertaken by the applicant. The Department also exhibited the proposal (Section 4), providing a formal opportunity to comment and provided other opportunities for community participation through the assessment process.	Yes

3.6 Ecologically Sustainable Development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) from the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD

requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle;*
- (b) *inter-generational equity;*
- (c) *conservation of biological diversity and ecological integrity; and*
- (d) *improved valuation, pricing and incentive mechanisms.*

The applicant has considered and addressed ESD principles as they relate to the proposal in Section 5.24 of the EIS. ESD principles have informed the design, construction and proposed operation of the development.

The Department has assessed the proposed development in relation to the ESD principles and has made the following conclusions:

- **Precautionary Principle** - the proposal will not result in any serious or irreversible environmental damage, as:
 - the site has been appropriately planned for development in the SSP SEPP;
 - the site will be remediated so it is suitable for the proposed land uses;
 - the site is located within close walking distance to Redfern station and several bus routes to support sustainable transport choices;
 - the proposal includes stormwater treatment measures to eliminate present or future impacts on water quality; and
 - the proposal will achieve the following minimum environmental standards (**Table 3**):

Table 3: Proposed minimum environmental standards (Source: applicant's EIS)

Building	Minimum Green Star Rating	Minimum NABERS Energy	Minimum NABERS Water
Building 1	6 Stars	5 Stars	4 Stars
Building 2	6 Stars	5 Stars	4 Stars
Building 3	5 Stars	4.5 Stars	3.5 Stars

- **Inter-Generational Equity** - the proposal will not result in adverse impacts on the health, diversity and productivity of the environment for the benefit of future generations, as:
 - the proposal will not result in any serious or irreversible environmental damage, as detailed above;
 - the proposal creates significant employment opportunities for the benefit of current and future generations; and
 - the proposal delivers community benefits in the form of affordable housing contributions, public domain improvements and community office floor space.
- **Biodiversity Principle** – the proposal will have no significant impact on biodiversity or ecological value, as
 - the site is located in a dense urban area with existing buildings and paved car parking; and
 - contaminated land will be remediated to reduce the export of gross pollutants.
- **Valuation Principle** – the proposal includes a number of energy, water and waste reducing measures that will reduce the ongoing operating costs of the development.

Having considered the objects of the EP&A Act, including the principles of ESD in its assessment of the application, the Department is satisfied that the proposal encourages ESD.

3.7 Secretary's Environmental Assessment Requirements

Section 1.5 of the Environmental Impact Statement (EIS) demonstrates how the proposal complies with the Secretary's Environmental Assessment Requirements. The Department considers that these matters have been addressed sufficiently in the EIS to adequately consider and assess the proposal for the purposes of determination.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

In accordance with Section 89F(1)(a) of the EP&A Act, the Secretary is required to exhibit the EIS for at least 30 days. The Department publicly exhibited the EIS from Thursday 14 January 2016 until Monday 29 February 2016 (47 days) on its website, at its office on Bridge Street, at the City of Sydney Council's offices at Town Hall House and the Redfern Neighbourhood Service Centre. The Department advertised the public exhibition in the Central Courier, Sydney Morning Herald and Daily Telegraph on Wednesday 13 January 2016. It also wrote to notify surrounding landholders and relevant State and local government authorities of the public exhibition.

4.2 Submissions received during exhibition

The Department received nine public authority submissions and 98 public submissions during the exhibition of the application. A link to these submissions is available at **Appendix A**.

The issues raised by public authorities are summarised in **Table 4** and the key issues raised by the public are summarised in **Table 5**. The submissions are considered in **Section 5** and/or by way of recommended conditions in the instrument of consent at **Appendix E**.

Table 4: Summary of public authority submissions on the EIS

City of Sydney Council (Council)

Council supports the proposed use of the site to create jobs and support economic growth. However, Council objects to the proposal due to lack of Section 94A (contribution) levies and the building height non-compliance to the west of Building 1. Council raises concerns in relation to the sale and legacy of the ATP; bulk, scale and design; requirements for a competitive design process; landscaping and public domain; transport, parking, cycling and walking; heritage; public health issues; construction management; and the capture of project commitments.

Transport for NSW (TfNSW) and Sydney Trains

TfNSW does not object to the proposal, but provided the following comments:

- the Transport Impact Assessment should be updated to include details of modal share, trip generation for all modes, ability for the network to accommodate trips, intersection modelling, parking and recommended mitigation measures;
- Sydney Trains requires further information and assessment for any ground penetration works deeper than 2m within 25m of the rail corridor; and
- a Construction Traffic Management Plan will be required prior to the commencement of any works.

Roads and Maritime Services (RMS)

RMS does not object to the proposal, but provided the following comments:

- the proposal must take into account land previously acquired by RMS for the widening of Henderson Road;
- the Traffic & Transport Impact Assessment should include:
 - further intersection modelling, including Gibbons Street / Wyndham Street / Boundary Road; Wyndham Street / Henderson Road and Botany Road / Henderson Road;
 - an assessment of trip generation based on land use (and not proposed parking) and taking into account all modes of travel;
 - proposals for new pedestrian access at Redfern Station and links to the proposed Waterloo station;
 - separate traffic generation and short term parking arrangements for the two child care facilities; and
 - loading facilities and accessible parking for the Community Building.

UrbanGrowth NSW Development Corporation (UGNSW)

UGNSW does not object to the proposal but advised that:

- it does not support waiving the contributions in lieu of an offer of material public benefits and requires further detail on the cost of the proposed works, benefit to the wider community, timing of works, future
-

dedication, handover and management; and

- the affordable housing contribution required is currently \$8.5m to be indexed and recalculated at the time of payment.

Heritage Council of NSW (HC)

The Heritage Council raised concerns and recommended conditions of consent requiring:

- the northern elevation of Building 2 be setback from Locomotive Street;
- the proposed trees and under storey planting along Locomotive Street be modified to maintain the industrial character of the Locomotive Workshop;
- the Interpretation Plan be updated to include interpretation proposals for the design of buildings and landscaping, including consideration of the Foundry Walls and moveable heritage assets; and
- specific archaeological works, including recording, storage and interpretation of findings and arrangements for ceasing work if any archaeological deposits or relics, not identified in the applicant's Heritage Impact Statement, are discovered.

NSW Environmental Protection Authority (EPA)

The EPA advised it would not comment on the proposal as it did not constitute a scheduled activity under the *Protection of the Environment Operations Act 1997*.

Office of Environment and Heritage – Greater Sydney Planning Team (OEH)

OEH advised it would not comment on the proposal as it does not contain biodiversity, natural hazards or Aboriginal Cultural Heritage issues.

Sydney Water

Sydney Water does not object to the proposal and advised the proposal could connect to existing water and wastewater infrastructure and recommended standard conditions for compliance certificates and building plan approval.

Federal Department of Infrastructure and Regional Development & Sydney Airport

The Federal Department of Infrastructure and Regional Development (Airspace Protection) approved the penetration of Building 1 into the prescribed airspace for Sydney Airport up to a maximum height of 57.9 AHD subject to conditions. Sydney Airport did not object to Building 2 and the Community Building to a height of 56m AHD.

Ninety eight submissions were received from the public, including submissions from the following interest groups:

- Alexandria Residents Action Group;
- Redwatch; and
- The Rail, Tram and Bus Union NSW Branch Retired Members Association.

Of the 98 public submissions, 92 objected to the application, three supported the application and three provided comments. Of the 95 submissions objecting or providing comments, 10 indicated that they supported the principle of redevelopment. Of the 92 objections, 36 were submitted as form letters through the local Member for Parliament, Jenny Leong MP.

The key issues raised in public submissions, including those in support of the proposal, are listed in **Table 5**.

Table 5: Summary of the key issues raised in public submissions

Issue	% of total submissions
Impact on heritage, including the Locomotive Workshop, Aboriginal heritage, heritage interpretation and the adjacent conservation area	63
Lack of public transport capacity, including stations, trains and buses	57
Loss of public / green space and loss of public access across the site	49
Impact on on-street parking on surrounding streets	48
Overshadowing impacts on adjoining properties, including the child care centre	43
General impacts of the building height non-compliance	41
Sale of public land for commercial purposes	41

Impact on traffic from this proposal and cumulative impact from other proposals	40
Design excellence, including bulk, scale and massing of the built form	25
Inadequate development contributions and community benefits	24
Use of the site for a financial institution, including the loss of the ATP's innovation / technology focus and loss of jobs from Western Sydney	21
Noise impacts, including noise during construction and 24 hour operation	20
General impacts of the gross floor area non-compliance	18
Light pollution impacts on surrounding properties	18
Privacy impacts on surrounding properties, including the child care centre	16
Loss of views, including sky views and views of the Locomotive Workshop	15

Other issues raised in the submissions include air pollution during construction; inadequate consultation; sustainable travel choices; inconsistency with the SEARs; impact on property values; economic impact on existing businesses and local job creation; connections to North Eveleigh; security concerns; affordable housing provision; lack of infrastructure / services to support the development; loss of cultural buildings, such as the Carriage Works; 24hr operation of the supermarket; general loss of amenity; use of the Vice Chancellors oval for construction; and construction hours.

The three submissions supported the proposal for the following reasons:

- the empty spaces will finally be developed with a coherent group of well-designed buildings;
- positive improvements to the public realm;
- retention of the existing green space;
- compliance with the RW BEP; and
- the principle of the community building.

4.3 Response to Submissions

On 23 May 2016, the applicant submitted a Response to Submissions (RTS) which responds to the issues raised during the public exhibition (**Appendix A**). In addition to providing further justification in response to issues raised, the applicant amended the proposal to:

- reduce the amount and height of rooftop plant on Building 1;
- increase activation and articulation in the northern elevation of Building 1;
- reduce the size of the external car park canopy to the west of Building 1;
- increase activation in the northern elevation of Building 2;
- increase activation in the southern elevation of Building 3;
- provide a child care administration area in level 2 of Building 3;
- improve the public domain on Locomotive Street; and
- enhanced public facilities at the multipurpose courts, including exercise equipment, bike facilities, drinking fountain and additional seating.

4.4 Submissions received on the Response to Submissions (RTS)

The Department received eight public authority submissions, including two submissions from Council, and two public submissions in response to the applicant's Response to Submissions (RTS). One of the public submissions was from the Rail, Tram and Bus Union NSW Branch Retired Members Association. A link to these submissions is available at **Appendix A**.

The issues raised by public authorities are summarised in **Table 6**. The key issues raised by the public are consistent with those raised during the exhibition of the EIS (**Table 5**). The submissions are considered in **Section 5** and/or by way of recommended conditions in the instrument of consent at **Appendix E**.

Table 6: Summary of public authority submissions on the Response to Submissions (RTS)

City of Sydney Council (Council)

Council reaffirmed its strong objection to the following aspects of the proposal:

- Section 94A (contribution) levies should not be waived as none of the proposed works are above and beyond what is typically provided in a suburban business park and the proposal does not cater for the demand it creates on services and infrastructure; and
- the height exceedance of Building 1 is unreasonable and unnecessary through excessive bulk and scale, visual impact, lack of building height transition and overshadowing.

Council advised the following concerns remain unresolved or partially unresolved:

- integration with the future north south connection over the railway line;
- lack of underground car parking;
- car parking to the west of Building 1 should be replaced with landscaping;
- amenity of the outdoor space for the child care centre in Building 1;
- activation of Building 3 fronting the Vice Chancellor's Oval;
- pedestrian connectivity across Davy Road;
- additional infrastructure required for the sports courts;
- ownership and design of the public domain;
- lack of public domain upgrades beyond the site boundary;
- requirements for an Arboriculture Impact Assessment;
- excessive car parking;
- vehicle and loading dock access and pedestrian priority;
- the need for upgrades of pedestrian and cycle connections beyond the ATP and connection to existing networks and Redfern and Waterloo stations;
- re-use of the former foundry bricks in the public domain;
- heritage interpretation;
- fit-out and use of the retail floorspace;
- construction impacts, including vehicle access, construction hours and consultation; and
- opportunities for recycled water use and stormwater management targets.

Transport for NSW (TfNSW) and Sydney Trains

TfNSW has suggested conditions requiring a Work Place Travel Plan and Construction Pedestrian and Traffic Management Plan. TfNSW also request all access and roadways within the ATP be 'bus capable' should future need arise.

Sydney Trains recommended a number of conditions to protect its operations.

Roads and Maritime Services (RMS)

RMS have advised that all of its requirements have been addressed.

UrbanGrowth NSW Development Corporation (UGNSW)

UGNSW advised that the proposed works are largely to the benefit of the land owners and existing or new tenants and employees of the ATP, and do not address the requirements of the Contributions Plan in full as the works do not contribute towards broader community benefits envisaged. UGNSW acknowledge that the surrounding community benefits from the public space and connectivity in the site, and therefore recommends a credit of \$3.2m towards the contribution levy.

Heritage Council of NSW (HC)

The Heritage Council reiterated its concerns and recommended conditions in relation to the impact of the northern elevation of Building 2 and the proposed trees on the heritage of the Locomotive Workshop.

Sydney Water

Sydney Water raised no additional comment, although noted the proponent will need to work closely with Sydney Water in relation to the supply of water and waste water.

5. ASSESSMENT

Table 6 identifies the matters for consideration under Section 79C of the EP&A Act that apply to SSD. Additional information and consideration is provided in subsequent sections of this report and the relevant appendices or the EIS.

Table 6: Section 79C(1) Matters for Consideration

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactory complies, as considered in Section 3.4 and Appendix B
(a)(ii) any proposed instrument	Not applicable, as there are no proposed instruments
(a)(iii) any development control plan (DCP)	Not applicable, as DCPs do not apply to SSD
(a)(iia) any planning agreement	Satisfactory complies, as considered in Section 5.4
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	Satisfactorily complies with the relevant requirements of the Regulation, including the procedures relating to development applications (Part 6), public participation procedures for SSD and environmental impact statements (Schedule 2)
(a)(v) any coastal zone management plan	Not applicable
(b) the likely impacts of that development	Likely impacts of the development are considered in Section 5 and through conditions in Appendix E
(c) the suitability of the site for the development	The site is considered suitable for the development, as considered in Sections 3 and Section 5
(d) any submissions	Submissions are considered in Sections 4 and Section 5
(e) the public interest	The public interest is considered in Section 5.4
Biodiversity values except if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable, as the site does exhibit biodiversity value.

5.1 Key assessment issues

The Department has considered the proposal, the issues raised in submissions and the applicant's RTS, and considers the key planning issues associated with the proposal are:

- built form;
- transport, traffic, walking and cycling;
- public benefits and contributions;
- heritage;
- construction impacts;
- contamination; and
- child care centres.

A number of other issues have also been identified in relation to 24 hour operation of the supermarket, wind impacts, crime prevention, light spill, reflectivity, signage zones and access.

5.2 Built form

The application seeks approval for three buildings, within a commercial campus setting (**Figure 9**).

Building 1 is proposed to be nine storeys, plus a level of plant, with a total GFA of 46,830m². The building is between 120m and 140m in length and between 50m and 65m in depth. Above ground car parking is proposed on the lower three levels of Building 1 and externally (at grade) in the western setback area adjacent to the Alexandria Child Care Centre. The proposed building design includes a series of internal atria to provide solar access to the large commercial floorplates within Building 1 (**Figure 10**).

Building 2 is proposed to be seven storeys, plus a level of plant and an ornamental roof structure, with a total GFA of 56,686m². The building is between 136m and 177m in length, with a depth of 74m. Due to the north to south slope of the site, the two levels of car parking are located underground at the northern elevation and above ground at the southern elevation. The design of Building 2 also provides solar access to the large commercial floorplates through a series of internal atria.

Building 3 is proposed to be four storeys, plus a level of plant, with a total GFA of 3,911m².

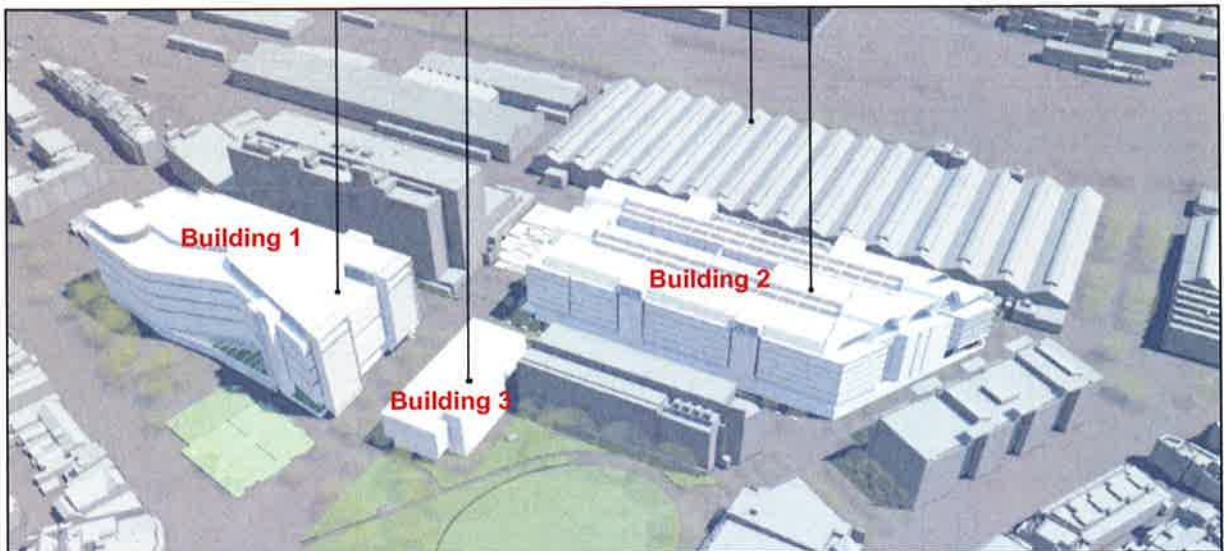


Figure 9: Proposed site plan for the ATP (Source: applicant's EIS)

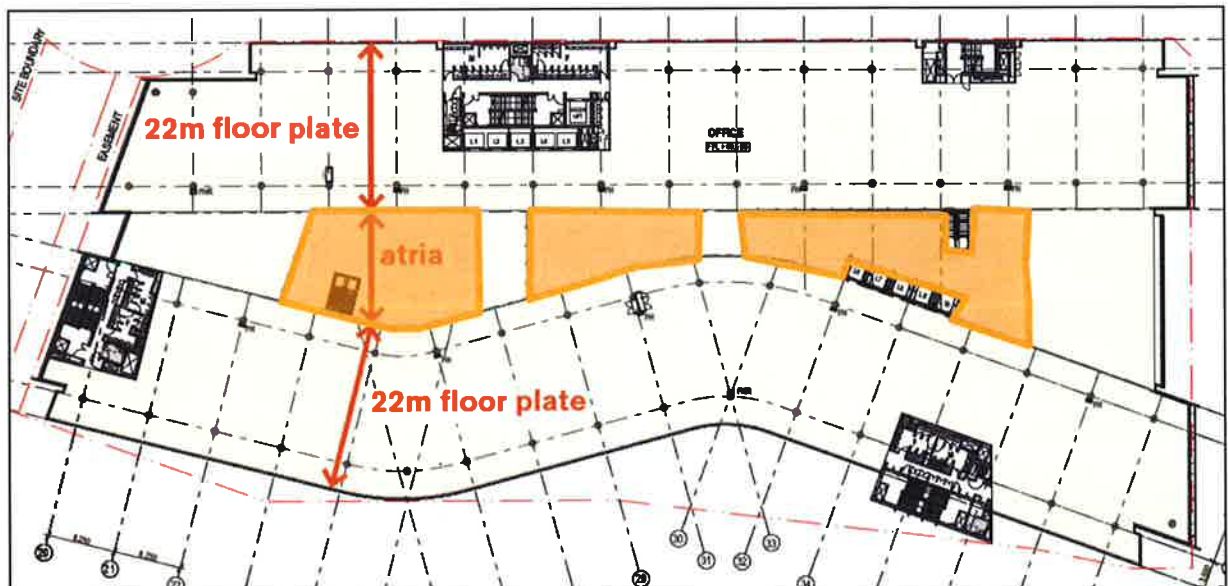


Figure 10: Typical commercial floor plan of Building 1 showing atria in orange (Source: applicant's RTS)

The SSP SEPP contains two principle development standards applying to the site, namely building height and GFA maximums. Building 1 exceeds the maximum height at its western end (**Figure 11**), while Building 1 and Building 2 exceed the maximum GFA (**Table 6**). The applicant's SEPP 1 objections in support of the proposed height and GFA non-compliance are considered in **Appendix C and Appendix D**. Building 3 is significantly smaller than intended in the SSP SEPP.

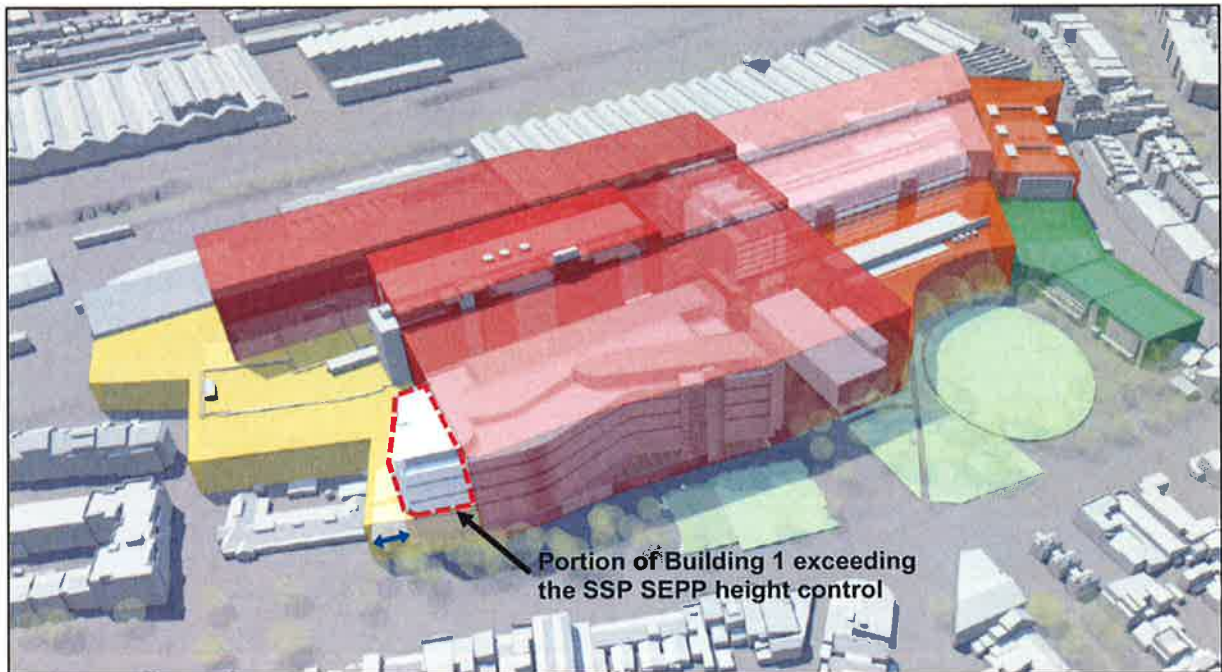


Figure 11: Proposal compared to the building height restriction in the SSP SEPP, with the building height exceedance shown in red and the 13m building setback identified by the blue arrow (Source: applicant's RTS)

Table 6: Proposed building height and GFA compared with the SEPP height and GFA provisions

	SSP SEPP restriction	Proposed	Complies?
Gross Floor Area (GFA)			
Building 1	44,000m ²	46,830m ²	No (+ 2,830m ² / 6.4%)
Building 2	42,000m ²	56,686m ²	No (+ 14,686m ² / 35%)
Building 3	16,450m ²	3,911m ²	Yes (- 12,539m ² / 76.2%)
Total*	102,450m ²	107,427m ²	No (+ 4,977m ² / 4.9%)
Building height (storeys)			
Building 1	Part 4 / 10**	9 + 1 plant	In part (+5 + 1)
Building 2	Part 9 / 11**	7 + 1 plant	Yes
Building 3	10**	4 + 1 plant	Yes

* The SSP SEPP does not set a total maximum GFA for the three buildings

** Rooftop plant, other than a lift room, stairs or metre room, is defined as a storey

Council strongly objects to the height of Building 1 due to the excessive bulk and scale, visual impact, lack of building height transition and overshadowing impacts. Council is also concerned about the above ground car parking, the external car parking to the west of Building 1 and the lack of activation of the south east corner of Building 3 fronting the Vice Chancellor's Oval.

Public submissions also raised concerns in relation to the height and GFA exceedance, and in particular overshadowing, bulk, scale, massing and loss of outlook (visual impacts).

The Department requested the applicant to further consider the proposed form and massing of Building 1. The Department specifically requested further analysis of the overshadowing and visual impacts of the proposal compared to a height and GFA compliant scheme and further consideration be given to reducing the overshadowing impacts of Building 1 on the surrounding area, including options to amend the proposed building form, such as:

- relocating above ground car parking into a basement car park;
- reducing or relocating GFA from the west of Building 1 to areas previously marked as car parking or elsewhere in the precinct; and
- rationalising the rooftop plant, or relocating some of it to the ground floor or basement.

The Department also required further justification in relation to the activation and articulation of the proposed buildings.

In the RTS, the applicant made minor design changes to reduce the height and scale of rooftop plant on Building 1, reduce the size of the external car park canopy to the west of Building 1 and increase activation in all three buildings.

The applicant has provided further analysis demonstrating that Building 1 will not overshadow the adjacent child care centre to the west and argues it will not result in significant additional overshadowing of properties to the south of Henderson Road beyond that of a height and GFA compliant scheme (see **Section 5.2.3**). The applicant contends that car parking cannot be located within the basement of Building 1, as issues associated with the groundwater, geology, contamination, proximity of the rail tunnel and construction impacts would add significant cost and delay to the project. GFA from Building 1 cannot be relocated to Building 2, as the applicant contends that Building 2 is already at the upper limit of an acceptable interface with the heritage listed Locomotive Workshop. The applicant contends that Building 3 cannot accommodate additional GFA, due to adverse overshadowing and overbearing relationship on the Vice Chancellors Oval and it will create a less inviting entrance to the precinct from the south.

The Department has carefully considered the building form, including the proposed height and GFA exceedance in light of the concerns raised by Council and in public submissions, together with the proposed amendments and justification provided by the applicant in response to submissions. The key issues in the Department's consideration of built form are:

- consistency with the existing and future character of the area;
- visual impacts;
- overshadowing / solar access; and
- design excellence.

5.2.1 Relationship with the existing and future character of the area

A Plan for Growing Sydney identifies the ATP as a knowledge hub within the Global Economic Corridor, which is to accommodate a growth in high-skilled jobs by expanding employment opportunities. The SSP SEPP and the *Redfern Waterloo Built Environment Plan 2006* (BEP 2006) envisage a business park on the site. The proposal is consistent with the desired future character for the site as it delivers significant job growth within a business park, with a built form that generally reflects that envisaged in the SSP SEPP and in the BEP 2006 (**Figure 12**).



Figure 12: Indicative future character of the ATP as envisaged in the BEP 2006 (Source: BEP 2006)

The existing character of the ATP, with large commercial buildings, is very different to the finer grain, lower scale character of surrounding properties. Notwithstanding this, Building 2 is located centrally within the ATP and Building 3 is considerably smaller in scale and less than envisaged in the SSP SEPP. These buildings are unlikely to adversely impact on the surrounding area. The key issue for the Department is the bulk, form and overall design and treatment of Building 1 to ensure an appropriate relationship with the surrounding area.

Building 1 is setback from the properties to the south along Henderson Road by at least 44m, which includes a busy road, mature trees and open / recreation space. The Department considers this setback creates a suitable transition to the lower scale buildings to the south and provides a distinct visual separation between the site and the surrounding area.

The SSP SEPP sets a four storey height control at the western end of Building 1, which extends to its boundary with the adjoining Alexandria Child Care Centre. As proposed, Building 1 exceeds this four storey height control by five storeys plus a level of plant (**Figure 11**). However, the proposal provides a 13m setback to the boundary of the Alexandria Child Care Centre.

In terms of its relationship to the adjoining Alexandria Child Care Centre, the Department is satisfied there is a reasonable design response for this part of Building 1, as it does not result in additional adverse impacts on the Alexandria Child Care Centre beyond that of a building height compliant scheme. In particular, the proposed built form does not overshadow the child care centre beyond a very small portion of the centre's roof and part of the car park (see **Section 5.2.3**). The proposed 13m setback provides a reasonable separation distance which reduces the visual dominance of the building scale on the child care centre, in particular when viewed from ground level.

However, to provide a genuine separation between Building 1 and the adjacent child care centre to offset the increase in height, the Department recommends the external car parking and canopy to the west of Building 1 be deleted and replaced with landscaping. This will screen and soften the interface with the child care centre and provide further opportunities for pedestrian connectivity between Central Avenue and Henderson Road. It will result in the loss of 19 external car parking spaces, however the Department considers that sufficient car parking is provided within Building 1 and Building 2 (see **Section 5.3.2**), and the benefits of this separation and connectivity are greater than the benefits of the car parking. The Department recommends a condition accordingly.

In addition, the Department considers the built form of the proposal also enhances the existing character of the ATP, as:

- Building 1 reflects the length and height of the adjoining Media City / Channel 7 building;
- Building 2 reflects the length of the Locomotive Workshop, and its five storey height at the northern elevation would have less of an adverse impact on the heritage value of the Locomotive Workshop than the building height allowed in the SSP SEPP; and
- all three buildings reflect the pattern of existing streets and squares, creating a sense of enclosure and improved legibility through the site, while retaining existing views through the site, and in particular views of the Locomotive Workshop.

5.2.2 Visual impacts

In consideration of design excellence, the SSP SEPP requires the consent authority to consider whether the form and external appearance of the building will improve the quality and amenity of the public domain. This includes the visual impacts of the proposal when viewed from the public domain. The Department notes that 15% of public submissions raised concern about the visual impact of the proposal, including view loss.

The applicant has submitted a View Impact Study (VIS), which examines the visual impact of the proposed buildings from key vantage points in the public domain within and surrounding the ATP. The VIS includes computer generated photomontages showing the proposed buildings in the existing context.

The Department has considered the applicant's VIS and notes, given the site's topography, that:

- Building 1 and Building 3 are likely to be highly visible from Henderson Road and the public domain to the south and west of the ATP (**Figure 13**); and
- the proposal is likely to reduce visibility of the Locomotive Workshop when viewed from the south and east (**Figure 14**).



Figure 13: Examples of visual impacts of Building 1 and Building 3 when viewed from the south of Henderson Road and from the west of the ATP (Source: applicant's RTS)



Figure 14: Current and proposed view of the Locomotive Workshop, as viewed along Locomotive Avenue (Source: applicant's RTS)

The Department is satisfied the visual impacts of the proposal are acceptable, because:

- any development of the site, including a SSP SEPP compliant scheme, will have a significant visual impact as the location for the three proposed buildings is currently devoid of development;
- the proposal is consistent with the future character for the area as envisaged in the SSP SEPP;
- the visual impact as a result of the height and GFA exceedance is minor given the scale of the overall development;
- the proposal retains views of Locomotive Workshop from the south, via Central Plaza and Davy Road, and from the east, along Locomotive Avenue, which is identified as a significant view in the ATP's Conservation Management Plan (CMP); and
- Building 1 is setback from the properties to the south of Henderson Road by 44m and to the western boundary by 13m, which will provide visual separation and continue open sky views.

5.2.3 Overshadowing / solar access

The Department has carefully considered the proposal in relation to potential overshadowing / solar access impacts on the surrounding properties beyond the site boundary. Building 2 is located within the centre of the ATP, and will therefore not result in adverse overshadowing impacts beyond the site boundary. As Building 3 is significantly smaller than envisaged in the SSP SEPP height and GFA controls, it will have far less overshadowing impacts on the public domain and Vice Chancellors Oval than the controls would allow.

Council and 43% of public submissions have raised concerns that Building 1 will overshadow the Alexandria Child Care Centre to the west and residential properties to the south of Henderson Road. The Department's consideration of overshadowing impacts therefore focusses on Building 1.

In its RTS, the applicant has reduced the extent and height of the rooftop plant on Building 1 to reduce overshadowing impacts on properties to the south of Henderson Road. The applicant has also prepared a detailed shadow analysis, comparing overshadowing impacts on the Alexandria Child Care Centre and the properties to the south of Henderson Road from the proposed scheme compared to a hypothetical similar scheme that complies with the GFA and height controls in the SSP SEPP (compliant scheme).

The Department has carefully considered the overshadowing impacts resulting from Building 1, and in particular during midwinter (June 21), being the worst case scenario. The Department has examined the impacts to the Alexandria Child Care Centre and residential properties to the south of Henderson Road below.

Alexandria Child Care Centre

The applicant's overshadowing analysis indicates the proposal will not adversely overshadow the adjoining child care centre and its associated external play space and solar panels. This is

because the shadow cast by the proposal falls within the shadow already cast the existing Media City / Channel 7 building to the north (Figure 15).

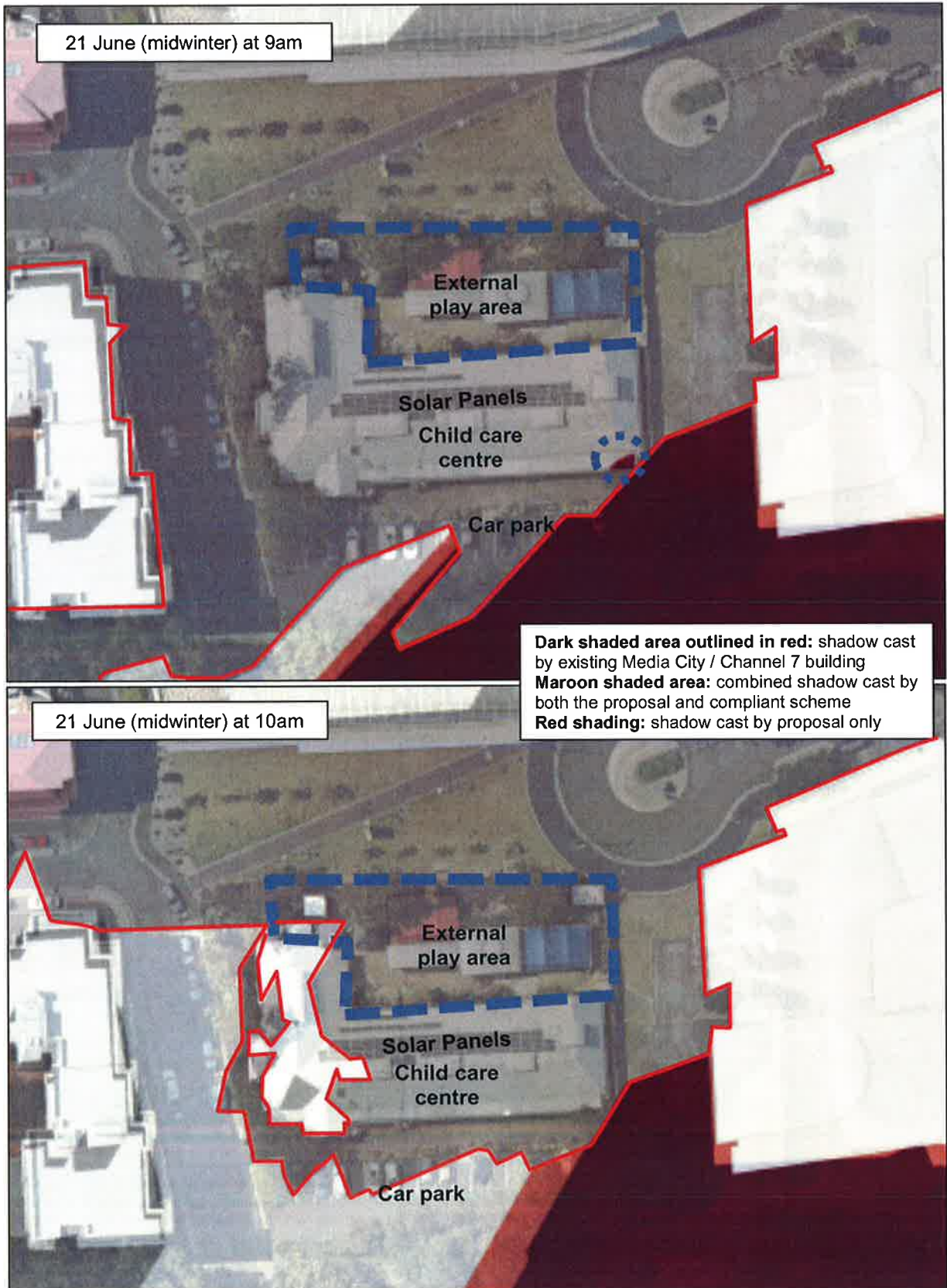


Figure 15: Overshadowing of the Alexandria Child Care Centre (Source: applicant's RTS)

In addition to any overshadowing caused by the existing Media City / Channel 7 building to the north, the proposed scheme and a GFA / height compliant scheme will overshadow approximately 4m² of the south east corner of the child care centre roof between 9am and 10am in midwinter (being the worst case scenario) (**Figure 15**). The Department is satisfied this overshadowing will impact only a small area of the roof (and is clear of the solar panels mounted on the roof), will not impact on the amenity of the centre and its external play area and the shadow will last until 10am in midwinter.

The Department also notes the proposed scheme will overshadow an area of the car park to the south of the child care centre building (**Figure 15**). However, this overshadowing will not impact on the amenity of the centre or its external play area, and will pass by 11am in midwinter.

The Department is therefore satisfied the proposal will not adversely overshadow the Alexandria Child Care Centre, and considers Building 1 is acceptable.

Residential properties on Henderson Road

In the RTS, the applicant has provided a detailed shadow analysis showing likely overshadowing on residences to the south of Henderson Road from the proposal compared to a GFA / height compliant scheme. The applicant's analysis is provided hourly between 9am and 3pm in midwinter (June 21).

The applicant's analysis shows that both a compliant scheme and the proposed scheme will overshadow a number of properties to the south of Henderson Road for periods of the day between 9am and 3pm in midwinter (**Figure 16**), most notable in the morning or afternoon during midwinter. This analysis also shows the building height exceedance to the west of Building 1 results in additional overshadowing to these properties, when compared to a compliant scheme. This results in properties to the south of Henderson Road being shadowed for longer than what would occur from a compliant scheme (**Figure 16**).

The applicant's analysis also considers the number of skylights in properties to the south of Henderson Road that would be overshadowed between 9am and 3pm in midwinter. This shows that 21 of the 24 skylights will be negatively impacted by the proposal at different periods between 9am and 3pm in midwinter, compared to 20 skylights impacted by the compliant scheme.

Legend for the images below:

- Grey shading shows the shadow cast by existing buildings
- Maroon shading shows the combined shadow cast by both the proposal and compliant scheme
- Blue shading shows the shadow cast by compliant scheme only
- Red shading shows the shadow cast by proposal only
- Yellow shows location of skylights

June 21 (midwinter) at 9am



June 21 (midwinter) at midday



June 21 (midwinter) at 3pm



Figure 16: Overshadowing of properties to the south of Henderson Road between 9am and 3pm in midwinter (Source: applicant's RTS)

The City of Sydney's Development Control Plan 2012 (DCP) recommends that dwellings achieve a minimum of two hours of direct sunlight between 9am and 3pm in midwinter (June 21). Although acknowledging the DCP does not apply to SSD, the Department considers the DCP provides an appropriate minimum level of solar amenity for the purposes of assessment in the absence of any other applicable guidelines.

The applicant's analysis shows that parts of three residential properties to the south of Henderson Road (namely Nos. 106-108, 110 and 112) will not achieve this as a result of the proposal, compared to five properties as a result of a height and GFA compliant scheme (namely Nos. 98, 100, 102, 104 and 106-108) (**Figure 17**). The applicant's analysis also shows that all skylights will receive at least two hours of direct sunlight between 9am and 3pm in midwinter.

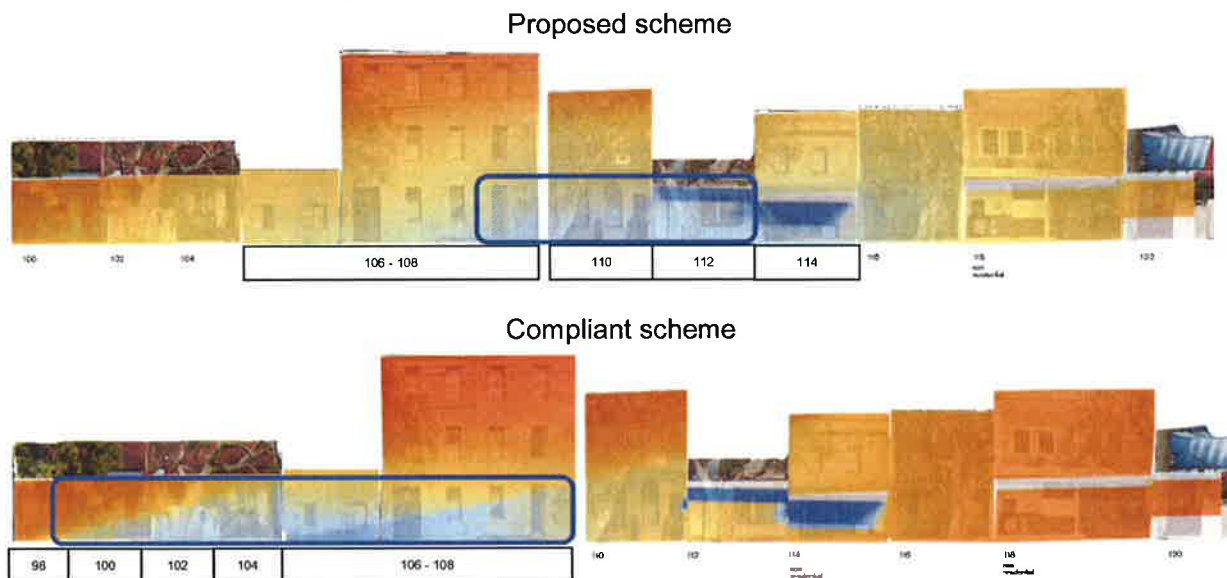


Figure 17: Properties on the south of Henderson Road likely to receive at least two hours of direct sunlight between 9am and 3pm in midwinter (shown in yellow and orange) and less than two hours shown in blue (Source: applicant's RTS) Note that No. 114 is not a residential property and partially overshadowed by its own awning.

The Department has carefully considered the applicant's sunlight analysis against the requirements of the DCP. While it shows the proposal will not result in additional overshadowing impacts beyond that of a compliant scheme, the Department notes that, in addition to including the maximum allowable height and GFA, the compliant scheme used for the modelling includes several design features that enhance bulk and height to the building and subsequently result in additional overshadowing impacts. These include:

- three levels of above ground car parking; and
- the series of internal atria (**Figure 10**).

In terms of design, these features are considered to be acceptable in themselves (see **Section 5.2.4**). However, the premise of the applicant's justification is that significant overshadowing impacts to the properties to the south of Henderson Road would be acceptable on the basis of a comparison with a compliant scheme. The Department acknowledges that any building in this location and of the height envisaged in the SPP SEPP is likely to result in some solar access impacts to these properties. However, the Department does not agree that this compliant scheme should be taken as supportable in its current form given it contains design features that enhance the bulk (which are not reflected in the GFA calculation) and creates significant overshadowing impacts (beyond the established DCP threshold).

The Department therefore does not accept this analysis is sufficiently robust to provide justification for significant overshadowing impacts associated with the proposed exceedance of the height and GFA controls for the site.

Subsequently to forming this view, the Department requested the applicant amend Building 1 so that all residential properties to the south of Henderson receive at least two hours of direct sunlight between 9am and 3pm in midwinter. The applicant has provided concept diagrams and an updated shadow analysis showing the extent of amendments to Building 1 to achieve this requirement. These amendments include (as shown in blue on **Figure 18**):

- removal of 206m² GFA from the southern elevation at Level 7;
- removal of 53m² GFA from the northern and southern corner at Levels 1 to 7; and
- reconfiguration and removal of 15m² of the rooftop plant.

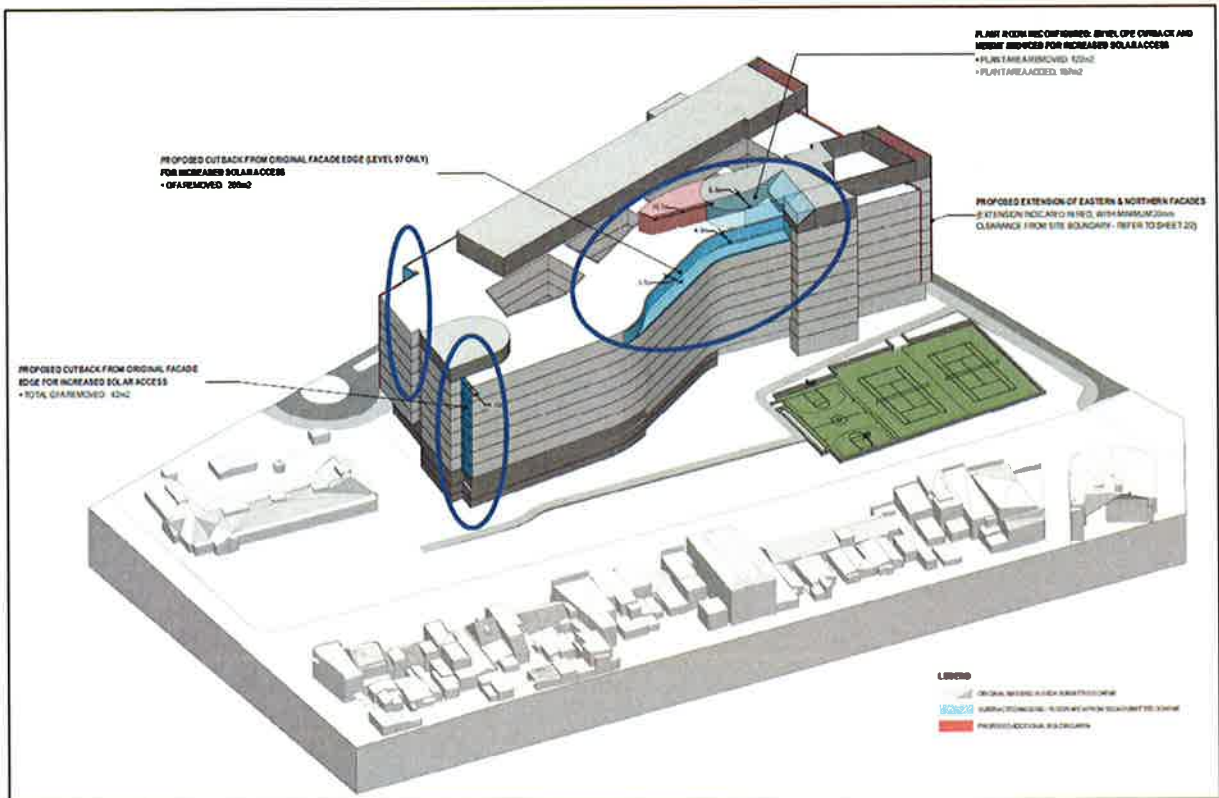


Figure 18: Concept diagrams showing area of Building 1 to be removed in blue (Source: applicant's additional information)

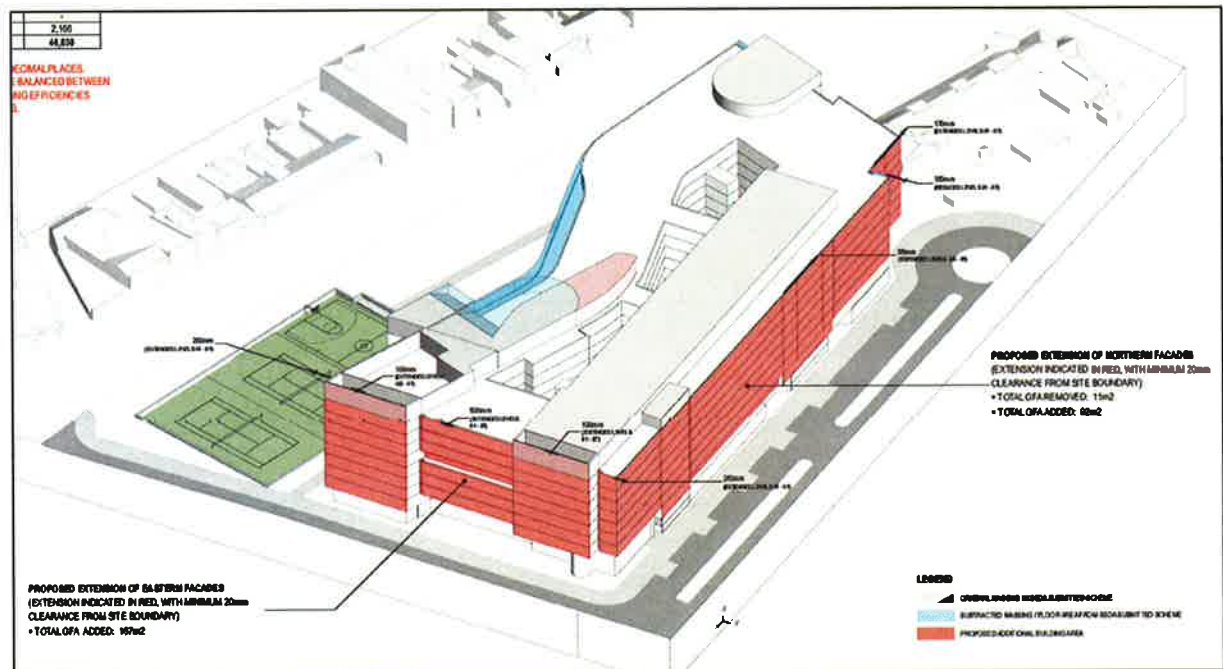


Figure 19: Concept diagrams showing area of Building 1 to be expanded in red (Source: applicant's additional information)

The applicant notes that the built form of Building 1 can accommodate the removed GFA (of 259m²) by extending the building floorplate by between 55mm and 500mm to the north and east (Figure 19), while ensuring that the residential properties to the south of Henderson Road continue to receive at least two hours of direct sunlight between 9am and 3pm in midwinter (Figure 20).

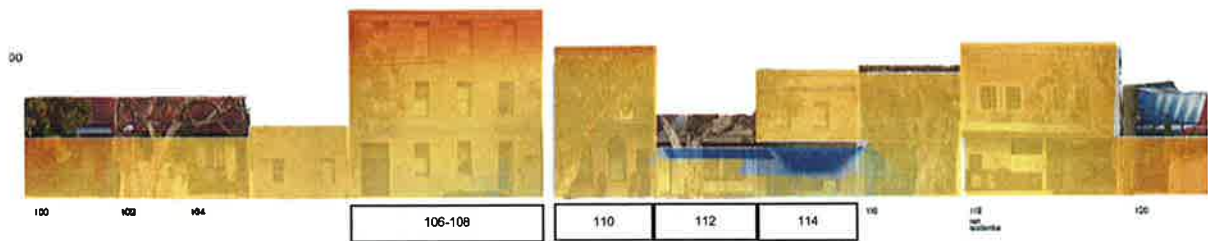


Figure 20: Properties to the south of Henderson Road to receive at least two hours of direct sunlight between 9am and 3pm in midwinter (shown in yellow and orange) and less than two hours shown in blue as a result of the amendments (Source: applicant's concept diagrams).

The Department has reviewed the applicant's concept diagrams and updated shadow analysis and is satisfied that:

- the amendments to Building 1 will result in residential properties to the south of Henderson Road receiving at least two hours of direct sunlight between 9am and 3pm in midwinter;
- the proposed relocation of GFA to the north and eastern façades will not result in any noticeable increase in overshadowing impacts when compared to the proposed building;
- the amendments to Building 1 will not fundamentally alter the building design and its relationship with surrounding buildings; and
- the amendments to Building 1 will not compromise the delivery of office accommodation on the site.

The applicant will need to amend the architectural drawings for Building 1 to reflect in detail the revised built form demonstrated in the concept diagrams (**Figure 18** and **19**), so that all properties to the south of Henderson Road receive at least two hours of direct sunlight between 9am and 3pm in midwinter. This is required through a recommended condition.

The Department considers that, subject to the recommended condition, the proposal will not result in unacceptable overshadowing impacts, beyond those envisaged through the SSP SEPP controls.

5.2.4 Design Excellence

Council and public submissions have raised concerns in relation to design excellence. Concerns raised by Council relate to:

- requirements for a competitive design process;
- the lack of underground parking;
- the external car parking to the west of Building 1 should be replaced with landscaping;
- the amenity of the outdoor space for the child care centre in Building 1; and
- activation of Building 3 fronting the Vice Chancellor's Oval.

The SSP SEPP requires the Department consider whether the proposal exhibits design excellence in terms of:

- architectural design, materials and detailing;
- form and external appearance of the building; and
- sustainable design principles.

The Department notes that as the proposed buildings are lower than 12 storeys, a design competition is not required by the SSP SEPP. Nevertheless, the Department's consideration of the issues raised in submissions and whether the proposal exhibits design excellence is set out below.

Architectural design, materials and detailing

The Department considers the proposed buildings achieve a high standard of architectural design, materials and detailing, which are appropriate to creating a new business park with a distinctive and modern identity in this location.

Building 1 is oriented east west to reflect the orientation and hierarchy of existing streets. The building is also designed to relate to the orientation and scale of the adjacent Media City / Channel 7 building. The northern elevation is vertically articulated through alternating bays of full height glazed curtain walls or solid core / panel cladding. The building is horizontally articulated through a combination of flat and profiled spandrels and sunshades. The southern elevation presents as a continuous, full height, curved glazed curtain wall façade to give the building a distinctive character from the south. A projecting core provides a single vertical design element on this façade.

Building 2 is also orientated east west to reflect the orientation and hierarchy of the existing street pattern. The length of Building 2 reflects the length of the Locomotive Workshop to the north. A full height glazed entrance located midway along the northern façade of Building 2 relates to the entrance of the Locomotive Workshop. Vertical articulation in Building 2 is achieved through a combination of glazed curtain walls and solid core cladding, with horizontal articulation achieved through a combination of aluminium spandrels, louvres and sunshades. The roof form of Building 2 incorporates a curved roof feature, designed as a modern interpretation of the pitched roof of the Locomotive Workshop.

Building 3 is a simple glass clad building, with an external skin of horizontal louvres / aluminium tube sunscreens. The orientation of Building 3 relates to the intersection of Davy Road and Central Avenue, with clear building entrances and ground floor uses activating the street.

Form and external appearance of the buildings

The Department considers the form and external appearance of the three buildings will positively enhance the quality and amenity of the public domain, for the following reasons:

- the proposed buildings are orientated to reflect the pattern and hierarchy of existing streets and squares, thus enhancing a sense of enclosure and facilitating legibility through the precinct;
- the proposed buildings have clear entrances off the public domain, with building identification signage and opportunities for wayfinding and public art, which enhance legibility through the precinct;
- the proposed buildings provide adequate ground floor activation in most locations fronting the public domain, especially in areas of high pedestrian activity being along the main pedestrian corridors and the squares (**Figure 21**);
- the proposed glazed facades at the upper levels provide natural surveillance of the public domain;
- the form and orientation of proposed buildings will not adversely overshadow the public domain beyond that already envisaged through the SSP SEPP controls;
- Building 1 is setback from Henderson Road to provide visual separation when viewed from the south of the ATP; and
- Building 2 is setback from the Locomotive Workshop at ground level to provide separation to this heritage item.

The Department notes Council's concerns in relation to the lack of underground car parking in Building 1 and Building 2, and the long lasting impact that this would create in terms of building height, visual impacts, poor activation and acoustic impacts.

Due to the topography of the site, car parking in Building 2 is located below ground at its northern elevation and above ground at its southern elevation. However, the car parking levels in Building 2 are adequately screened on the southern elevation by retail tenancies and plant. These retail tenancies (which account for approximately 63% of the southern building façade on the ground level) and the commercial uses on the upper levels of this elevation provide sufficient activation to Centre Avenue. The Department is therefore satisfied with the proposed car parking arrangements in Building 2.

Above ground car parking is proposed on three levels in Building 1, namely the lower ground, mezzanine and upper ground levels. Car parking on these levels is located towards the western end of the building, fronting the northern, southern and western elevations. The Department

considers the above ground car park on these elevations is acceptable as it is a part of the ATP with less pedestrian activity. Also it is suitability screened through solid cladding and aluminium louvres, while the adjacent public domain space is highly visible through the glazed curtain wall façades of the commercial floors above. The Department also notes the car parking in this location reflects the car parking arrangements in the adjacent Media City / Channel 7 building. The Department is therefore also satisfied with the proposed car parking arrangements in Building 1.

The Department shares Council's concerns that the predominantly solid façade of the stair / lift core to the east of Building 3, together with the proposed substation to the south east of the building, will not sufficiently activate the public domain in the north western corner of the Vice Chancellor's Oval (**Figure 21**). This is particularly important as the building in this location presents genuine urban design opportunities to provide improved activation of the public domain.

The Department notes the proposed child care facility on Level 1 provides some limited activation to the adjacent public domain. In the RTS, the applicant has replaced some gym floor space on the ground floor to the south of Building 3 with retail, however this does not increase activation to the public domain to the east of the building (**Figure 21**). The Department therefore considers that further design amendments are required to increase activation and improve the amenity of the public domain. A condition is therefore recommended requiring the removal or relocation of the proposed substation and design amendments to increase activation of the south east corner of Building 3.

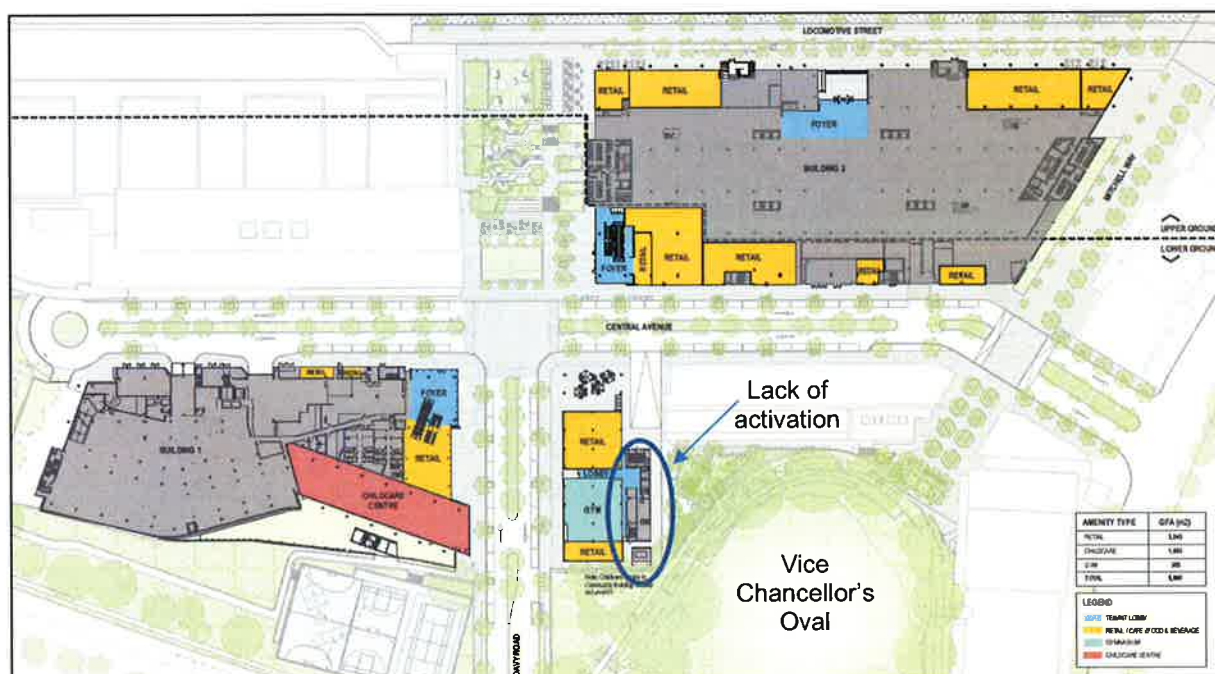


Figure 21: Proposed activation of the public domain at ground level (Source: applicant's RTS)

The Department is satisfied that, subject to the recommended conditions, the form and external appearance of the three buildings will enhance the quality and amenity of the public domain.

Sustainable design principles

The Department considers the proposed buildings meet sustainable design principles, having regard to the following:

- the proposal encourages ESD and commits to acceptable resource, energy and water efficiency standards (**Section 3.6**);
- Building 1 and Building 2 are orientated east west to maximise solar access and incorporate internal atria to provide solar access to the large commercial floorplates;

- an efficient mechanical heating, ventilating and air conditioning (HVAC) system is proposed for Building 1 and Building 2, while Building 3 will be naturally ventilated through operable windows;
- all buildings incorporate sunshades and louvres to the northern façades to provide shade;
- on average wind conditions around the site are expected to be similar to existing conditions with the public domain in most locations being suitable for standing or walking;
- visual privacy will be provided as Building 1 is setback from Henderson Road by 44m and setback from the Alexandria Child Care Centre by 13m;
- noise and vibration impacts are also considered acceptable, subject to the recommended conditions;
- rogue reflections from some elevations can be mitigated through condition (**Section 5.9**); and
- safety and security impacts are considered acceptable (**Section 5.9**).

The proposed development also incorporates water sensitive urban design (WSUD) measures to reduce potable water consumption, minimise wastewater generation and treat urban stormwater. This includes rainwater harvesting tanks and treatment for reuse in the proposed HVAC, irrigation and WC flushing. The applicant notes that the predicted rainwater supply may not be sufficient to meet the expected grey / recycled water demand, and in particular for WC flushing and irrigation, is unlikely to offer tangible water saving benefits. Although, the Department notes the size of the rainwater storage tanks will also prolong supply during periods of less rain.

The Department notes from a specific submission from Council's that two existing buildings within the ATP (NICTA and Media City / Channel 7) may already be dual plumbed to enable the supply of recycled water for non-potable uses and the streets serving the three proposed buildings may also already be served by recycled water mains.

Consistent with the principles of ESD, the City's policy targets to minimise potable water consumption through water efficiency and recycling, and given the size of the ATP and scale of the proposed development, the Department considers it reasonable for the applicant to explore opportunities to maximise rainwater harvesting and reuse within the ATP.

The Department recommends a condition requiring a detailed rainwater harvesting and recycled water reuse (RH&RWR) strategy be prepared in consultation with Council. This strategy is to include an analysis of the existing RH&RWR infrastructure within the ATP precinct, an analysis of relevant leading industry best practice and proposals to maximise RH&RWR use in Building 1, Building 2 and Building 3. Importantly the strategy is to identify opportunities to enhance RH&RWR infrastructure to be implemented as part of the development. The Department anticipates such opportunities would include (but are not limited to) increased rainwater storage tanks or connection into an integrated RH&RWR system through the ATP precinct.

5.2.5 Conclusion

The Department has carefully considered the built form impacts of the proposed development, and in particular the proposed GFA / height exceedance. The Department acknowledges the built form generally reflects the development of the site as envisaged in the SSP SEPP.

However, the key issue associated with the built form is that Building 1 overshadows some of the properties to the south of Henderson Road. The Department considers this can be addressed through minor amendments to the building, and has recommended a condition accordingly.

The Department considers the proposal exhibits design excellence, subject to several conditions requiring minor amendments to the buildings, including:

- removal of the external car park at the western end of Building 1 to provide a genuine separation and pedestrian connectivity between this building and the adjacent Alexandria Child Care Centre;
- improvements to activation at the south eastern corner of Building 3 to improve activation of the Vice Chancellor's Oval; and

- requirements for a rainwater harvesting and recycled water reuse strategy to be prepared for ATP precinct.

5.3 Transport, traffic, walking and cycling

The Department considers that potential transport and traffic impacts are key considerations in the redevelopment of the ATP.

Concerns raised in public submissions note there is insufficient public transport capacity to accommodate the proposed expansion of the ATP and in particular a lack of train capacity at Redfern station. Council recommend improvements to pedestrian and cycling infrastructure outside of the ATP to ensure there is sufficient capacity to accommodate additional pedestrian movements to and from the site, particularly between the site and Redfern and the future Waterloo Metro stations. Council also suggest a pedestrian crossing half way up Davy Road to connect the existing pedestrian path. TfNSW has recommended that pedestrian infrastructure be enhanced between the site and nearby bus stops.

The application includes a Transport Impact Assessment (TIA), which identifies the likely transport and traffic issues relevant to the proposal. It also includes traffic modelling of the potential traffic impacts on the existing road network and key intersections surrounding the ATP.

Having considered the application and issues raised in submissions, the Department considers the key transport assessment issues are:

- modal-split, including transport, walking and cycling provision;
- vehicle parking and loading dock entry arrangements; and
- traffic generation.

5.3.1 Modal-split, including transport, walking and cycling provision

The TIA predicts the likely proportion of people using a particular type (or mode) of transport to and from the ATP (known as the modal-split) (**Table 7**).

Table 7: Current and predicted modal-split for the ATP precinct

Mode	% Use	
	Existing*	Predicted
Car	46	7.5
Car-Share	2	2.5
Public Transport	42	80
Walk (Only)	6	5
Other Mode / Cycle	4	5

*Note existing modes splits based on Census data (Journey to Work)

Due to the public transport accessibility afforded by Redfern station, the future Waterloo metro station, existing local busses, limited parking on site and implementation of a Workplace Travel Plan, the TIA predicts that 80% of future travel choices within the ATP will favour public transport (which is approximately 8,400 employees). This represents a significant shift towards public transport use (an increase of 38%), largely replacing car use (a decrease of 38.5%). Other modes of transport are not expected to alter significantly, with about 5% of employees (being about 525 employees) predicted to walk and the same amount predicted to cycle to the site.

The Department is satisfied that the proposal maximises opportunities afforded by the accessibility of the site to achieve a significant shift towards sustainable forms of transport. However, the Department notes the predicted shift towards public transport use will result in additional demand on public transport, pedestrian and cycling infrastructure surrounding the site, and in particular on links to and from public transport. These are considered in turn below.

Public transport capacity and links to public transport

The Department notes that the NSW Government has committed to upgrading Redfern station and has also announced the location of the new Waterloo metro station, approximately 250m to the east of the site (**Figure 22**). In addition, preliminary discussions are underway between the applicant, TfNSW and UrbanGrowth on the potential construction of a new pedestrian / cycle bridge over the railway line, which will improve links between the ATP, Redfern station, North Eveleigh and future public transport opportunities. These infrastructure improvements are likely to be funded by the NSW Government, potentially using proceeds from the sale of the ATP.

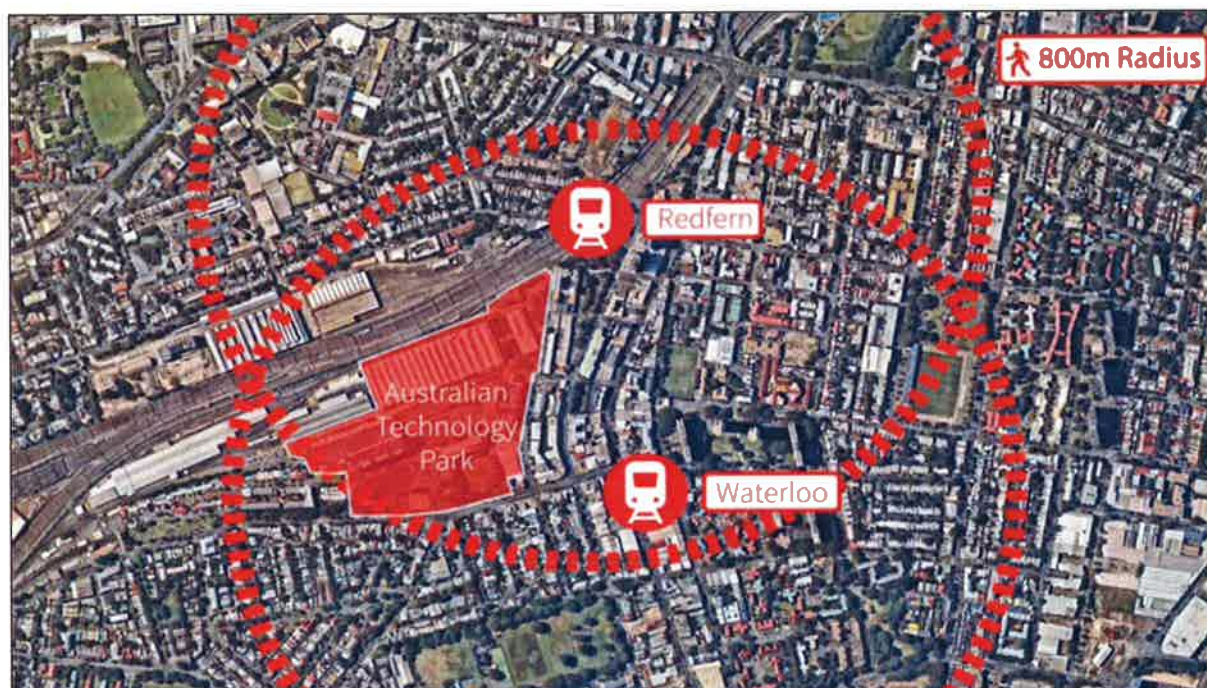


Figure 22: Redfern and proposed Waterloo station locations (Source: Applicant's RtS)

As the proposal will increase demand for public transport, and the use of pedestrian and cycling connections to access public transport within and outside of the ATP, the Department considers it reasonable that the development contributes towards pedestrian / cycling upgrades in the Redfern-Waterloo area, in accordance with the *Redfern-Waterloo Contributions Plan 2006*. As set out in **Section 5.4**, the applicant is required to pay a development contribution of approximately \$3.5m, which will be used by UrbanGrowth to fund public domain improvements and road, public transport and access infrastructure within the wider Redfern-Waterloo area.

In addition, the applicant has confirmed the ATP will accommodate the southern landing of pedestrian / cycle bridges, when required, and the applicant will prepare design options for improved and safer pedestrian connectivity between Redfern station and the ATP (i.e. along part of Cornwallis Street / Marion Street). The applicant has also confirmed the proposal will not compromise the delivery of a further pedestrian / cycle bridge over the railway line, with the southern landing being located between the Locomotive Workshop and Large Erecting Shed, and this can be effectively integrated within the public domain and existing pedestrian / cycle links. The Department has recommended a condition accordingly.

The Department is satisfied the proposal's impact on public transport capacity is acceptable, as the required contribution will partly fund upgrades to pedestrian / cyclist infrastructure and public transport upgrades beyond the site boundary. In addition, the applicant will be required to accommodate any new pedestrian / cycle bridge landings within the ATP and connect these into the public domain.

Pedestrian connectivity within the ATP

Using the anticipated modal share, the applicant has identified the number of people arriving by public transport during the AM peak to understand the maximum number of people arriving at the site and the preferred pedestrian pathways (**Figure 23**).

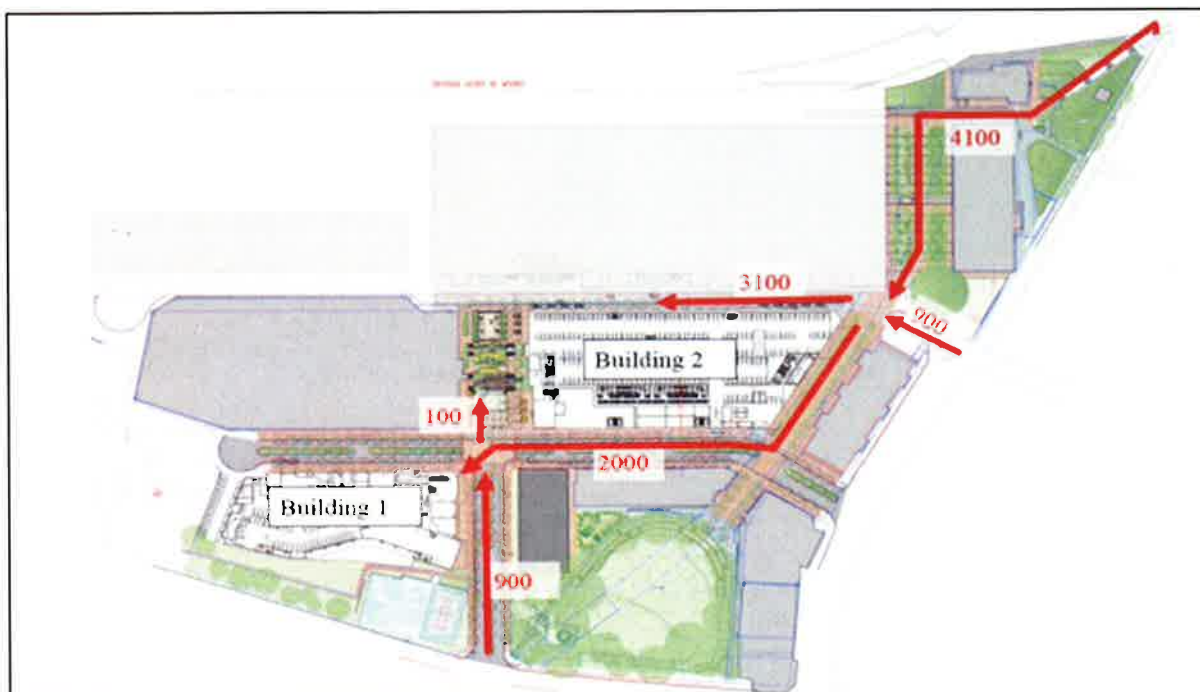


Figure 23: Major pedestrian routes into and through the ATP during the AM Peak (Source: Applicant's Additional Clarification)

Figure 23 shows the busiest pedestrian links are anticipated to be those that connect to Redfern Station with approximately 4,100 people arriving in the AM peak hour. Based on the predicted number of pedestrians and their preferred pedestrian pathways, the majority of pedestrians are anticipated to use existing pedestrian movement corridors, allowing free pedestrian movement through the site without pedestrian conflicts and delays.

The Department notes Council's suggestion for a further pedestrian crossing half way up Davy Road to connect pedestrian connections to the south of Building 1 and Building 3. However, the Department considers the existing pedestrian crossings at the junction of Henderson Road / Davy Road and Central Avenue / Davy Road provide suitable pedestrian crossing opportunities and are more desirable for pedestrians entering the ATP from the south and west.

The Department considers the proposed public realm works, such as raised pavements flush with the footpath and zebra crossings at intersections, reflects the existing pedestrian movement corridors and will facilitate the movement of pedestrians through the site within minimal pedestrian conflict and delay.

Cycling connections, cycle parking and end-of-trip provision facilities

The applicant contends the ATP is well connected to the existing cycle network (**Figure 24**) and the associated facilities are adequate to support predicted demand for cycling, based on the applicant's predicted modal share.

To support sustainable travel options, the applicant has proposed 643 bicycle parking spaces, designed in accordance with the relevant Australian Standards, comprising:

- 606 employee bicycle parking spaces, with about 586 spaces provided on the lower ground level of Building 1 and about 320 spaces provided on the lower ground level of Building 2, both with direct access from the public domain;
- end of trip facilities linked to the bicycle parking in Building 1 and Building 2, including 542 lockers, 64 showers and male and female changing rooms; and
- 37 visitor spaces within the public domain.

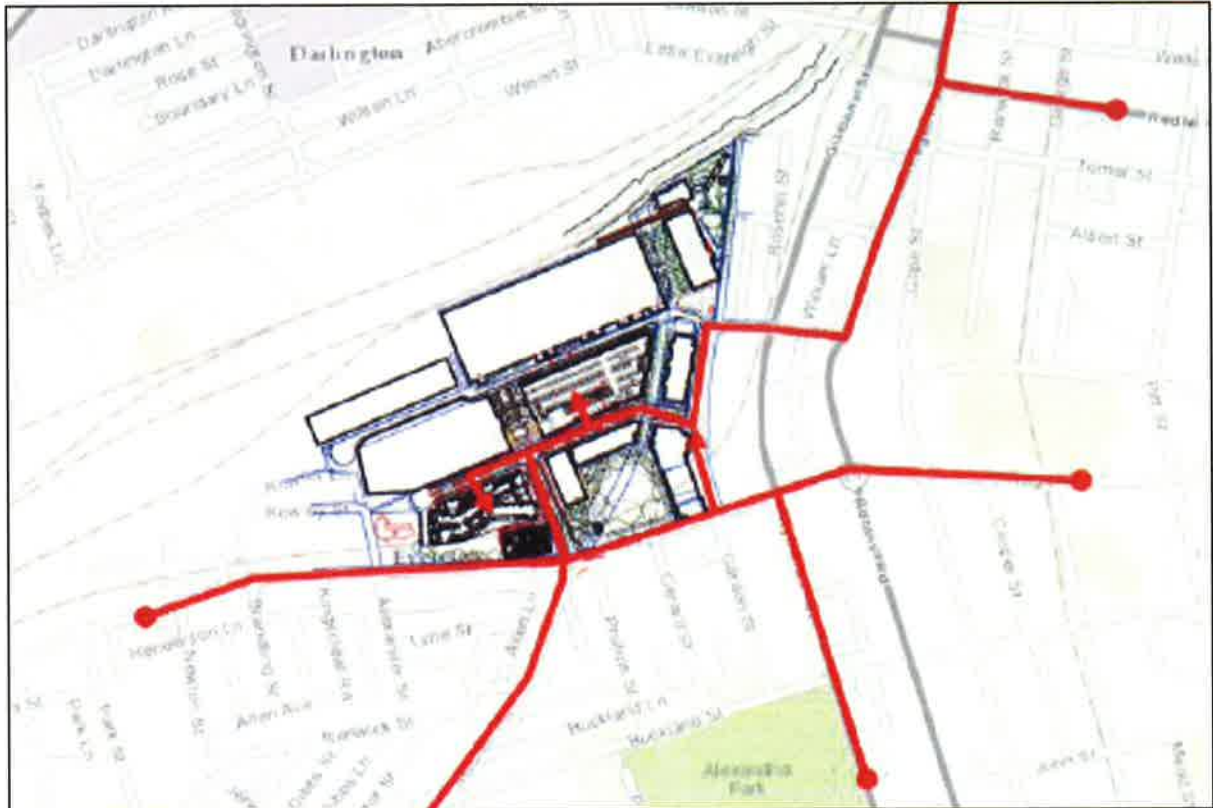


Figure 24: Major cycle routes (Source: Applicant's Rts)

The Department considers the proposal is well connected into the existing cycle network and provides adequate cycle parking and end of trip facilities, which are well integrated within Building 1 and Building 2 at ground level with separate access directly off the public domain. Accordingly, the Department recommends a condition of consent requiring the provision of the cycle parking and associated end of trip facilities.

5.3.2 Vehicle parking and loading dock entry arrangements

Vehicle parking

Concerns were raised in public submissions that insufficient car parking spaces is provided and this will result in additional pressure for on-street parking spaces. Conversely, Council has raised concerns that an excessive number of car parking spaces are provided inconsistent with the modal-shift targets for the precinct. TfNSW has recommended that a WTP be prepared in consultation with TfNSW.

The SSP SEPP stipulates the total car parking provision within the ATP should not exceed 1,600 spaces.

At present the ATP contains a total of 1,453 car parking spaces. The proposal seeks approval for a net additional 121 car parking spaces, which will result in a total of 1,574 car parking spaces within the ATP (**Table 8**). This is 26 spaces less than the maximum of 1,600 stipulated in the SSP SEPP.

The Department's recommendation in **Section 5.2** removes the external car park to the west of Building 1, which will reduce the number of car spaces proposed by 19 spaces. The Department's recommendation therefore results in a total of 1,555 car parking spaces within the ATP (**Table 8**), which is 45 spaces less than the maximum of 1,600 stipulated in the SSP SEPP.

Table 8: Comparison between the existing and proposed car parking provision*

Building/Location	Existing	Proposed	Recommended
Existing surface car park (Lot 9) / Building 1	272 **	217 (including 19 external spaces)	198
Existing surface car park (Lot 12) / Building 2	280	489	489
Existing surface car park (Lot 8) / Building 3	53	0	0
Channel 7 Building (staff)	363	363	363
Channel 7 Building (visitor)	339	339	339
Biomedical Building (staff)	33	33	33
Locomotive Workshop	4	4	4
Nicta Building	66	66	66
National Innovation Centre	4	4	4
International Business Centre	17	17	17
On-Street Spaces	22	42	42
Total	1,453	1,574	1,555
Difference		+121	+102

* Includes 19 external car parking spaces deleted as per the Department's recommendation in **Section 5.2**

** Currently not in use

The Department considers the ATP site is well placed to assertively pursue sustainable transport options being well serviced by high quality public transport infrastructure and noting the increase in public transport capacity with the NSW Government's commitment to deliver a new Metro Station at Waterloo.

The Department has considered the following points in the context of its assessment of the provision of car parking spaces:

- the provision of 1,555 spaces is consistent with and below the maximum parking threshold as specified by the SEPP (SSP);
- the limited parking will assist in achieving the modal transport targets, specifically the increase use of public transport to access the site (see **Section 5.3.1**);
- the number of parking spaces proposed for employees in Building 1 and Building 2 (being 687 spaces) is considered reasonable for the predicted 7.5% of employees expected to use a car (approximately 787 people), with an expectation that not all employees will work or drive to work every day;
- the surrounding streets generally contain parking restrictions further limiting their availability to provide parking spaces for people travelling to and from the ATP site for work and encouraging the use of alternate travel options;
- the applicant has committed to the provision of appropriate facilities including the provision of bicycle and end of trip facilities and public domain improvements to enhance pedestrian and cycle links through the site; and
- the applicant has committed to implementing a Workplace Travel Plan to effectively support workers in utilising sustainable travel options to access the site.

Therefore, the Department considers the proposal provides adequate and reasonable car parking and is well placed to enable workers to utilise alternate sustainable transport options to access the site. The Department recommends a condition requiring a maximum of 1555 car parking spaces be provided, which includes the reduction of 19 spaces.

Loading dock entry arrangements

Building 1 and Building 2 are proposed to each have separate car parking and loading dock entry points fronting Central Avenue (Figure 25).

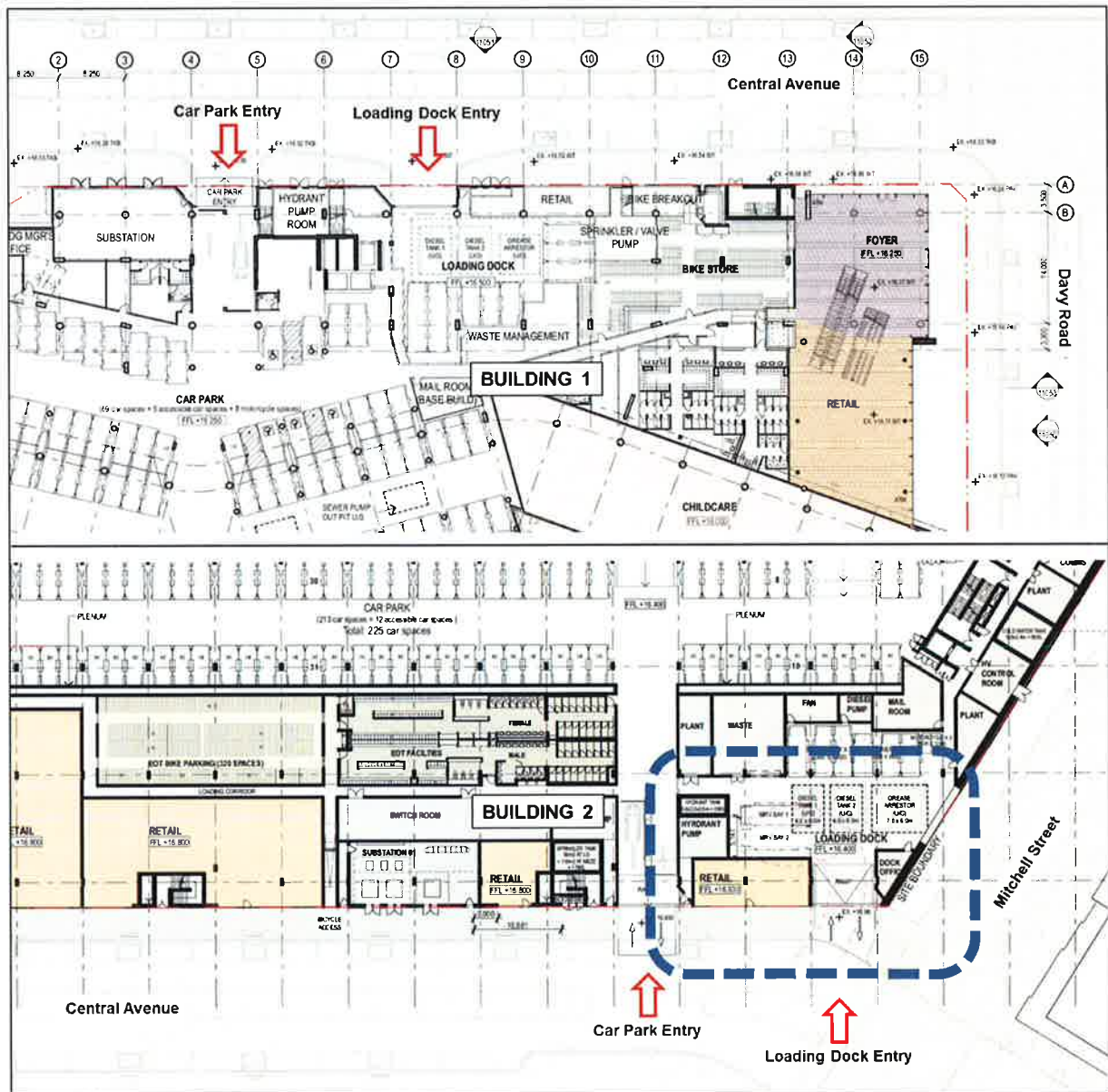


Figure 25: Car park and loading dock entry points for Building 1 (top) and Building 2 (bottom), with the area requiring reconfiguration shown in blue (Base source: Applicant's Rts)

Council has raised concern that the multiple driveways for each building have a negative impact on pedestrian amenity and safety and recommends that each building's car parking and loading dock be accessed via a single vehicular access.

The applicant contends the development will provide appropriate vehicular / pedestrian sightlines and safety crossing measures to prevent vehicle and pedestrian conflicts.

The Department notes the two vehicular entrances for Building 1 are separated by approximately 18m, located away from the intersections and provide clear sightlines for access and egress. The

Department is satisfied the location and design of these entrances sufficiently safeguard pedestrian safety and amenity.

The loading dock entrance for Building 2 is however proposed to be located at the corner of the building, adjacent to the Central Avenue / Mitchell Road intersection (approximately 1.5m away from the corner of the intersection). It is not clear how this access provides sufficient sight lines for pedestrians leaving the Central Avenue/Mitchell Road intersection to continue along Central Avenue, which is identified as a key pedestrian connection and estimated to distribute up to 2000 pedestrians at the AM peak.

In addition, there is no right hand turn available into the loading dock from Central Avenue due to a proposed road island and plantings located opposite the entry. This will cause large vehicles entering from Garden Street to the east to traverse along Central Avenue, past another key pedestrian intersection at Davy Road/Central Avenue to access the roundabout and enter the loading dock from a left hand turn. To ensure appropriate sight lines at key intersections, reduce vehicular movements through the site and to ensure pedestrian safety the Department considers the car parking and loading dock entrances for Building 2 should be consolidated into one vehicle access ramp located away from the Central Avenue / Mitchell Road intersection. The Department notes this may result in some minor reconfiguration of the internal plant (hydrant pump and tank) and that the retail unit on the south eastern corner of the building may in the future be enlarged to wrap around and activate this corner of the building.

To ensure all vehicular entrances enhance pedestrian priority, the Department recommends continuous footpath paving be implemented at all driveway crossovers to fully integrate the vehicle entrances with the adjoining footpath.

The Department recommends a condition requiring the car park and loading dock entrances for Building 2 be combined and appropriately designed driveway crossovers be implemented. The Department also recommends a condition requiring a loading dock management plan to ensure the safe operation of the loading dock when integrated with the vehicular access.

5.3.3 Traffic generation

The TIA has calculated the existing traffic generation based on surveys of exiting car parking occupancy rates. It confirms the current land-uses within the ATP generate 586 vehicles per hour (vph) during the AM peak (8-9am) and 415 vph during the PM peak (5-6pm). It is estimated the proposal will increase the total traffic generation during the AM peak by 336 vph and the PM peak by 257 vph (**Table 9**).

Table 9: Comparison between the existing and predicted traffic generation

Peak Period	Existing (vph)	Predicted (vph)	Difference +/- (vph)
AM Peak (8-9am)	586	922	336
PM Peak (5-6pm)	415	672	257

Concerns have been raised in public submissions about the impact of the traffic generated by the development on the surrounding road network. Using the predicted vehicle movements the TIA has modelled the impact of the proposal on the 'Level of Service' (LOS) of key intersections surrounding the ATP (**Table 10**). LOS A indicates a good level of service, LOS D generally indicates an intersection is operating within capacity and LOS E and F indicate there is an overcapacity and some form of upgrade is required.

Table 10: Comparison between the existing and predicted peak period intersection delay and LOS

Intersection	AM Peak Delay / LOS		Difference (+/-)	PM Peak Delay / LOS		Difference (+/-)
	Existing	Predicted		Existing	Predicted	
Garden St – Henderson Rd	14sec / A	15sec / B	+ 1 sec	15sec / B	17sec / B	+ 2 sec
Mitchell St – Henderson Rd	41sec / C	47sec / D	+ 6 sec	41sec / C	43sec / C	+ 2 sec
Alexander St – Henderson Rd	12sec / A	12sec / A	0	10sec / A	10sec / A	0
Garden St – Central Ave	8 sec / A	8 sec / A	0	7 sec / A	7 sec / A	0
Garden St – Locomotive St	11sec / A	11sec / A	0	10sec / A	10sec / A	0
Henderson Rd – Wyndham St	43sec / D	46sec / D	+ 3 sec	43sec / D	44sec / D	+ 1 sec
Reglan St – Botany Rd	33sec / C	36sec / C	+ 3 sec	45sec / D	49sec / D	+ 4 sec
Boundary St – Wyndham St	14sec / A	16sec / B	+ 2 sec	15sec / B	26sec / B	+ 11 sec
Regent St – Boundary St	33sec / C	35sec / C	+ 2 sec	34sec / C	35sec / C	+ 1 sec

The Department notes from **Table 10** that traffic generated by the proposal will:

- not change the LOS for the majority of intersections, except for three intersections with a slightly reduced LOS during the AM Peak only - as shown in red on **Table 10**;
- add some additional delay at several intersections surrounding the ATP, with the greatest delay occurring at the intersection of Boundary Street – Wyndham Street in the PM Peak (being a 11 second delay); and
- result in the LOS at one intersection only (Mitchell Street – Henderson Road) being at capacity (LOS D), with several other intersections with an existing LOS D being no worse as a result of the proposal.

The Department considers that on balance the intersections would continue to operate satisfactorily, with the majority of intersections retaining the same level of service with no noticeable delays. The Department considers the likely traffic generation impact of the proposal and intersection performance is acceptable, and notes that RMS did not raise a concern with the results of the modelling.

5.3.4 Conclusion

The Department is satisfied that the ATP site is well located to effectively capitalise on the future increased capacity of public transport services in the area, including upgrades to Redfern station, a new Metro station at Waterloo and the future investment in the pedestrian / cycle connectivity.

The Department is satisfied that the proposal includes adequate pedestrian and cycling infrastructure, together with a Workplace Travel Plan, to effectively achieve the predicted modal-split, and in particular the significant shift towards public transport use. In addition, the Department notes the proposed parking is within the cap of 1,600 parking spaces within the ATP, and is unlikely to put pressure on surrounding on-street car parking. However, the Department recommends a condition requiring the relocation of the loading dock entrance in Building 2 to improve pedestrian safety at the corner of this building, and the preparation of a loading dock management plan.

The Department is also satisfied the proposal will not significantly impact on traffic in the surrounding area.

5.4 Public benefit and contributions

This section of the Department's assessment considers the proposed public benefits and contributions to be provided as part of the development. This comprises:

- an offer for works within the ATP to the value of \$18.9m in lieu of contributions;
- an offer for the public domain areas to be dedicated to Council; and

- affordable housing contributions of about \$8.24m (to be indexed annually).

The framework for assessing contributions and affordable housing contributions is set out in the *Redfern-Waterloo Authority Contributions Plan 2006* (Contributions Plan) and the *Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006* (Affordable Housing Plan), respectively.

The Department's consideration of the applicant's proposed public benefit offer is set out in detail below.

5.4.1 Development contributions

The Contributions Plan authorises the Minister for Planning to impose a condition of consent for development within the Redfern-Waterloo Operational Area requiring the payment of a development levy.

The contribution levy required in accordance with the Contributions Plan is \$9,528,926, being 2% the cost of the development (\$476,446,300). Contributions paid in accordance with the Contributions Plan are to be used by the Minister towards meeting the cost of providing works set out in the Contribution Plan's schedule of works within the Redfern-Waterloo Works Area, under the following four categories:

- public domain;
- road, public transport and access infrastructure;
- community facilities; and
- drainage.

The Contributions Plan provides alternatives to the payment of the development levy, including an opportunity to make an offer to the Minister as part of an application for consent. This would be an offer to carry out works or provide a material public benefit towards which the development levy is to be applied.

In accordance with this provision in the Contributions Plan, the applicant has made an offer for works (referred to as works-in-kind) to the value of \$18,903,000 in lieu of the contribution levy. The applicant contends the proposed works-in-kind will provide a material public benefit and specifies these works under the four categories outlined in the Contributions Plan, as follows:

- public domain works (\$9,333,000) comprising planting and raised concrete planters, street furniture, lighting, ping pong tables, work points, public art / heritage interpretation, bike racks, seating and external dining areas;
- road, public transport and access infrastructure works (\$6,660,000) comprising upgrades to the Locomotive Street surface and footpaths, new road blisters, upgrades to intersections and pedestrians ramps, enlarged pedestrian paths and new on street parking;
- community facilities (\$2,760,000) comprising upgrades to the sports courts, play equipment/space, new fitness station, precinct Wi-Fi, BBQs and CCTV; and
- drainage (\$150,000).

Twenty four percent of public submissions raised concern in relation to inadequate development contributions and community benefit. Council strongly objects to the applicant's contributions offer, stating the proposed works are routine works to cater for the incoming workers and the proposal does not cater for the demand it creates on services and infrastructure.

Likewise, UrbanGrowth notes the proposed works are largely to the benefit of the land owners and existing or new tenants and employees of the ATP, but supports a partial discount in the required contribution levy in lieu of some works that are considered to provide a material public benefit. UrbanGrowth has suggested a reasonable offset to the required contribution is \$3.2m, being a \$2m (or 50%) offset in the required \$4m towards public domain works and an offset of \$1.2m for delivery of a child care centre (in Building 3) as identified in the Contributions Plan.

The Department has carefully considered the applicant's offer of works-in-kind, together with the comments raised by the public, Council and UrbanGrowth. The Department supports UrbanGrowth and Council's view that, whilst the proposed works-in-kind involve extensive upgrades to the public domain within the ATP, this is commensurate with the addition of 10,500 new employees on the site that is to be delivered by the proposal.

The Department considers that many of the proposed works-in-kind are expected as part of the development and/or will be used only by employees of the ATP. In particular, the proposed road, public transport and access infrastructure works are required to provide access and egress to the proposed buildings for the additional 10,500 employees and their visitors. These works are also required to repair the roads within the ATP, which are proposed to be used for construction of the three buildings. The proposed drainage works are also required to manage stormwater discharge on the site. The Department therefore does not accept that these works will deliver a material public benefit for the wider community, and therefore does not support an offset in the contribution levy for these works-in-kind.

The Department does not agree with UrbanGrowth that the proposed child care centre in Building 3 should be considered as a direct contribution offset, given the likely increase in demand for child care places from new employees to the ATP. Arrangements for this centre to be accessible and affordable to the surrounding community are also unknown.

However, the Department considers the public domain areas and community facilities will be used by employees within the ATP and the local community for pedestrian connectivity and active and passive recreation. The Department therefore considers the proposed works-in-kind in the public domain (such as street furniture, ping pong and seating) and community facilities (such as upgrades to the sports courts, play equipment, new fitness station and BBQs) may also benefit the wider community.

The Department is therefore satisfied that 50% of the cost of the public domain works and community facilities constitute a reasonable material public benefit and should be applied as an offset to the development levy that would otherwise be imposed. The applicant's calculations of the cost of these works these works (as specified on page 55 of the Response to Submissions May 2016) is \$12,093,000. 50% of this cost therefore equates to an offset of \$6,046,500 (which would result in a contribution payment of \$3,482,426).

The Department has discussed this approach with UrbanGrowth staff, who have raised concern with the proposed offset for the following reasons:

- it will reduce funds available for it to deliver works within the Redfern-Waterloo area;
- the proposed works-in-kind will benefit employees of the ATP and the immediate surrounding community, however not the wider Redfern-Waterloo area covered by the Contributions Plan; and
- the existing community facilities within the ATP, such as the multipurpose courts, are currently at capacity.

The Department maintains its position that the rationale for calculating the recommended offset is reasonable and reflects the requirements for considering offers of works-in-kind set out in the Contributions Plan. In relation to the second point above, the Department considers that it is highly difficult and problematic to attempt to clearly analyse and articulate the extent and varying proportion of the Redfern-Waterloo community who may or may not benefit from the proposed works-in-kind within the ATP. The Department has therefore applied a reasonable broader evaluation that employees of the ATP and the Redfern-Waterloo community will benefit from the works-in-kind to the public domain and community facilities equally (therefore being a 50% offset for these works-in-kind).

The Department accepts the third point raised by UrbanGrowth as a valid concern, and notes the application does not specify arrangements for the community to access facilities within the ATP.

The Department therefore recommends a condition requiring a Community Access Plan, outlining arrangements for the community to book and use facilities within the ATP, ensuring that the system is publicly accessible, bookings are free of cost and facilities shall reasonably be available to the public 7 days a week.

The Department is satisfied that the offer of works-in-kind in lieu of a financial contribution has been considered in accordance with the Contributions Plan, and the Department's recommended offset and condition requiring a Community Access Plan is reasonable.

5.4.2 Ownership of the public domain

The applicant proposes to maintain ownership of the public domain areas within the ATP precinct (Lot 4007, shown on **Figure 26**) to ensure proper management, repair, maintenance and operational arrangements. The applicant advises this will be managed through a Precinct Management Agreement (PMA) between the various building owners and the CBA (as the anchor tenant).

Council initially requested the public domain revert to public ownership and that the applicant adopt the City's Street Design Code. However, the applicant has subsequently made an offer to Council to enter into a Voluntary Planning Agreement (VPA), which will give Council the option of accepting the dedication of the public domain (**Figure 26**) in the event that the anchor tenant (CBA) vacates the precinct. Council has confirmed its agreement to this arrangement.

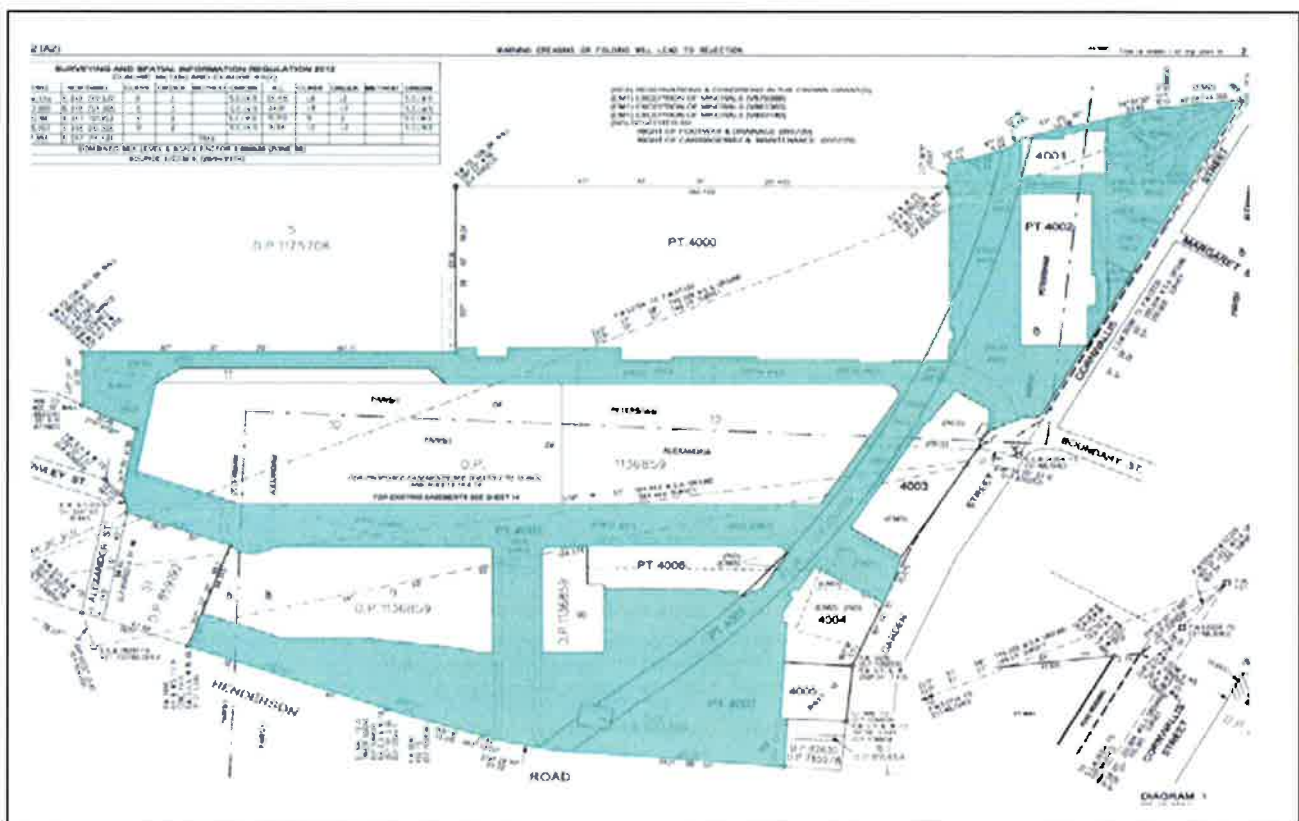


Figure 26: Public domain shown in aqua (Source: applicant's RTS)

The Department has reviewed the terms of this offer (dated 8 August 2016) and notes:

- the public domain works within Lot 4007 will be designed and constructed generally in accordance with Council's public domain design guidelines;
- Lot 4007 will be dedicated to Council in the event that CBA vacates the ATP;
- at the time of dedication, the quality and maintenance standard of Lot 4007 will be as good a condition or better than Council managed public domain and infrastructure surrounding the ATP;
- the PMA for the ATP will:

- be provided to Council for review and comment prior to its adoption;
- provide for Council representatives to attend regular meetings of the Precinct Management Committee;
- note that Council supports Lot 4007 being in private ownership whilst CBA is a tenant of the ATP;
- note that any staged / curated activities on Lot 4007 achieve a balance between those events tailored for the commercial occupants of the ATP as well as those events tailored for the enjoyment of the community;
- executed prior to the grant of the first Occupation Certificate for Building 1, Building 2 and Building 3 within the ATP*;
- the VPA is to be executed and registered on title prior to the issue of the first Construction Certificate for any façade works within the ATP.

** Note: this does not require a condition of consent, as it forms part of the agreement between Council and applicant, and will be set out in the VPA.*

The Department is satisfied that, in the first instance, the applicant is responsible for delivering the upgrades and maintenance of the public domain, as this will ensure the works reflect the applicant's aspirations for the character of the precinct and any maintenance works will be carried out without delay. The Department also notes that the public domain design and construction will need to be capable of being consistent with Council's public domain design guidelines, at the time of dedication.

The Department notes that the offer to enter into a VPA gives Council the opportunity to adopt the public domain areas (Lot 4007), once CBA vacate the ATP, and the terms of offer gives Council an opportunity to have a say in the management and maintenance of the space.

Nevertheless, the Department is also satisfied that the public domain area (Lot 4007) will remain publicly accessible through an existing easement over Lot 4007.

The Department is therefore satisfied in the proposed arrangements for the initial and future ownership of the public domain, and accordingly recommends a condition of consent requiring a VPA in accordance the applicant's offer, dated 8 August 2016.

5.4.3 Affordable housing contribution

The Affordable Housing Plan authorises the Minister for Planning to impose a condition on an approval granted within the Redfern-Waterloo Operational Area requiring the payment of an affordable housing contribution. This calculates the contribution using a rate (indexed annually at 1 July) per m² of GFA, based on the date of payment. For example, if paid in 2016/17 the Affordable Housing Plan would require a contribution of 107,427m² x \$82.30 = \$8,841,242. This contribution will be used by UrbanGrowth to deliver affordable housing within the Redfern-Waterloo area.

In its submission, UrbanGrowth notes that the applicant has agreed to pay the affordable housing contribution and recommends a condition of consent requiring the contribution to be paid in accordance with the Affordable Housing Plan.

The Department is satisfied the proposed affordable housing contribution is consistent with the Affordable Housing Plan, and accordingly recommends the condition of consent advised by UrbanGrowth.

5.5 Heritage

The ATP precinct is located with the Eveleigh Railway Workshops, which is a State heritage item. Several buildings and structures within the ATP are also listed on the State heritage register, including the Locomotive Workshop, former Engine Shop (now called the New Locomotive Workshop), Eveleigh Locomotive Workshops Machinery Collection, Eveleigh Locomotive Workshops Precinct, the Water Tower and the Works Manager's Office.

Of these, only the Locomotive Workshop, Works Manager's Office and the former Engine Shop (now called the New Locomotive Workshop) are specifically listed as heritage items in the SSP SEPP (**Figure 27**).

A Conservation Management Plan for the ATP (CMP), endorsed by the Heritage Council of NSW in March 2014, currently applies to the site.

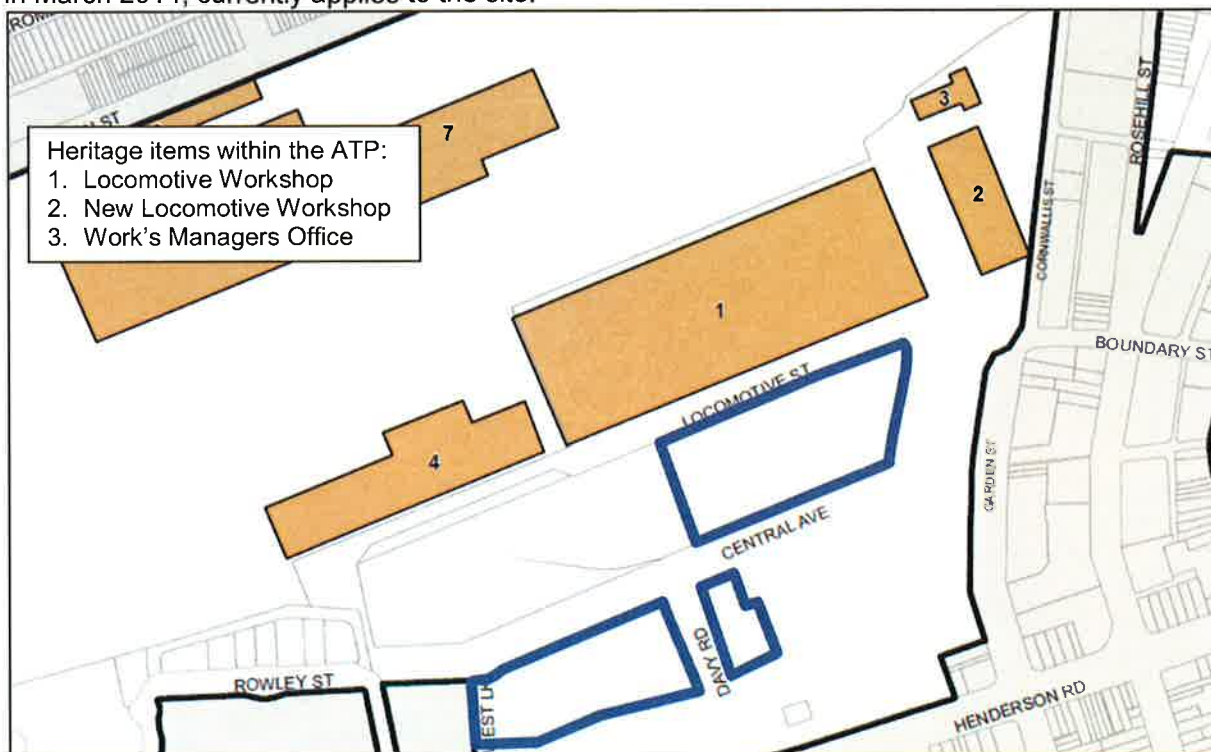


Figure 27: State heritage items listed in the SSP SEP, with the three building locations outlined in blue

The area to the south of Henderson Road is identified as a Conservation Area in Sydney's LEP. However, the proposal is unlikely to impact on this conservation area, beyond any visual and overshadowing impacts considered in earlier sections.

Sixty-three percent of public submissions raised concerns about potential heritage impacts, including concerns about works to the Locomotive Workshop, Aboriginal heritage, heritage interpretation and impacts on the conservation area to the south of Henderson Road. The Heritage Council of NSW (HC) raised concern about the potential impact of Building 2 on the Locomotive Workshop and heritage interpretation. The City of Sydney requests that the bricks of the former Foundry be reused on site.

The Department notes the application does not involve works directly to any of the listed buildings. However, Building 2 is to be located adjacent to the Locomotive Workshop, to the south of Locomotive Street, and the proposal involves public domain upgrades in the precinct, including the relocation of some moveable heritage items.

The EIS is supported by a Heritage Impact Statement (HIS) prepared by Curio Projects, which concludes the proposal is compliant with the policies, land use maps and principles outlined in the BEP 2006 and the CMP.

The CMP and the HIS acknowledge that the ATP is unlikely to contain archaeological heritage, including Aboriginal heritage, however, the Department recommends a standard condition requiring any unintended archaeological finds to be recorded and archived.

The Department has carefully considered the proposal, including the HIS and concerns raised in submissions, and considers the key heritage issues associated with the development are:

- impact of Building 2 on the Locomotive Workshop; and
- heritage interpretation.

5.5.1 Impact of Building 2 on the Locomotive Workshop

The HC raised concerns that the northern alignment and articulation of Building 2 along Locomotive Street will diminish the scale and setting of the Locomotive Workshop. It notes the alignment of Building 2 does not comply with the setback requirement of the BEP 2006 (**Figure 28**). The HC are also concerned that the public domain treatment, and in particular the species and number of trees, will diminish the industrial setting of the Locomotive Workshop.

The BEP shows an indicative location for the provision of publicly accessible open space along the south of Locomotive Street (**Figure 28**), however the BEP does not specify the purpose and dimensions of this space. The Department calculates the depth of this space to be approximately 12m from Locomotive Street.



Figure 28: Indicative location of future public open space to the south of Locomotive Street (Source: BEP 2006)

Building 2 is proposed to be setback from Locomotive Street by 4.5m at ground level to a height of 3.9m (**Figure 29**). This results in a building separation to the Locomotive Workshop of 28m at ground level. The upper levels of Building 2 are cantilevered above this setback, creating a building separation to the Locomotive Workshop of 23.5m. The entrance to Building 2 is also setback by 28m, but this setback is the full building height, and located to relate to the entrance of the Locomotive Workshop. The vertical articulation of the upper levels is designed to reflect the articulation of the Locomotive Workshop.



Figure 29: Proposed setback and public domain treatment of Locomotive Street (Source: applicant's RTS)

The northern elevation of Building 2 must integrate with the setting and character of the Locomotive Workshop. The Department notes that neither the SSP SEPP nor the BEP specifically require Building 2 be setback from Locomotive Street. Nevertheless, the Department's assessment has carefully considered how the proposed northern elevation of Building 2 relates to the Locomotive Workshop, and in particular at the upper levels where no setback is proposed.

The Department considers the 23.5m building separation between the building upper levels and the Locomotive Workshop provides a reasonable visual separation to the Locomotive Workshop, while enclosing the view of the heritage item. The architectural treatment of the northern elevation of Building 2, and in particular the vertical articulation of alternating bays and the entrance location, relates to the vertical articulation of the heritage features and the entrance of the Locomotive Workshop.

The proposed separation between the ground level and entrance of Building 2 and the Locomotive Workshop of 28m is appropriate (**Figure 29**), and includes publicly accessible open space illustrated in the BEP (**Figure 28**). The setback at ground level will provide public open space along the south of Locomotive Street, which will create an active pedestrian street frontage through building entrances, retail uses and outdoor seating (subject to a future DA), which will enhance visual appreciation of the heritage item.

The Department also considers the design of the public domain between Building 2 and the Locomotive Workshop adequately respects the heritage character of the workshop, and therefore is appropriate, as:

- the proposed materials for paving and street furniture, such as porphyry stone, grated tree pits and iron stormwater grates in the public domain will reflect the industrial character of the Locomotive Workshop;
- the design of the public domain along Locomotive Street, currently used for deliveries and serving the workshop, will improve pedestrian safety and amenity; the proposal also includes opportunities for heritage interpretation; and
- in response to submissions, the applicant has reduced the number of trees and changed the tree species to improve views of the Locomotive Workshop.

The Department is therefore satisfied that Building 2 and the surrounding public domain treatment enhances the heritage setting of the Locomotive Workshop and is therefore acceptable.

5.5.2 Heritage interpretation

Submissions by the public, HC and Council raised comments in relation to heritage interpretation. Public submissions required the interpretation plan be consistent with the CMP, include effective consultation with key stakeholders and consider the contribution the ATP made to Aboriginal heritage (in terms of employment and equality). The HC requires an opportunity to comment on an updated interpretation plan to inform the detailed design of the new buildings and landscaping works, and consider the retention or interpretation of the Foundry walls and methods to retain and interpret existing moveable heritage. Council request the materials from the remaining Foundry wall be reused elsewhere on site.

The applicant has proposed to prepare an updated heritage interpretation plan in accordance with relevant NSW Heritage Division guidelines. The plan will be prepared in three stages, as follows:

- Stage 1 – interpretation plan, including review of opportunities and constraints and stakeholder consultation, including consultation with Aboriginal stakeholders, former workers and ATP Volunteers (prior to construction certificate);
- Stage 2 – content development, including development of key stories and design concepts (prior to occupation certificate); and
- Stage 3 – implementation, including finalisation of detailed design and installation (prior to occupation certificate).

The Department supports the applicant's proposal for an updated heritage interpretation plan, acknowledging that this includes early stakeholder involvement consistent with the comments raised in submissions. The Department recommends the preparation of this updated heritage interpretation plan through condition, and require it be prepared in accordance with the adopted CMR, the existing Eveleigh Workshops Interpretation Plan and in consultation with HC and Council. The Department also recommends a condition requiring the Foundry Walls be re-used elsewhere within the development or suitable interpretation as agreed in consultation with Council.

5.6 Construction impacts

The proposal includes earthworks and construction works that have the potential to generate noise and vibration impacts on surrounding sensitive receivers, including the surrounding residential properties along Henderson Road (the nearest being within 55m of proposed Building 1), Garden Street, Alexander Street and Cornwallis Street and the Alexandria Child Care Centre (being within about 15m of proposed Building 1) (**Figure 30**). The applicant anticipates these works will be undertaken in two overlapping stages, taking approximately two years to complete.

Concerns raised in public submissions relate to construction impacts including construction noise, air pollution, use of Vice Chancellor's Oval for construction and construction hours. Council also raised concerns about construction hours, construction traffic and requirements for a construction liaison committee/group.

The applicant has submitted a Noise and Vibration Report (NVR) and preliminary Construction Environmental Management Plan (CEMP) as part of the EIS, which were updated by the RtS. These include an assessment of the existing background noise levels, noise generating activities, cumulative impacts and mitigation measures.

The Department has carefully reviewed the proposal and submissions, and considers that the key issues in relation to construction impacts are noise, construction hours, and traffic.

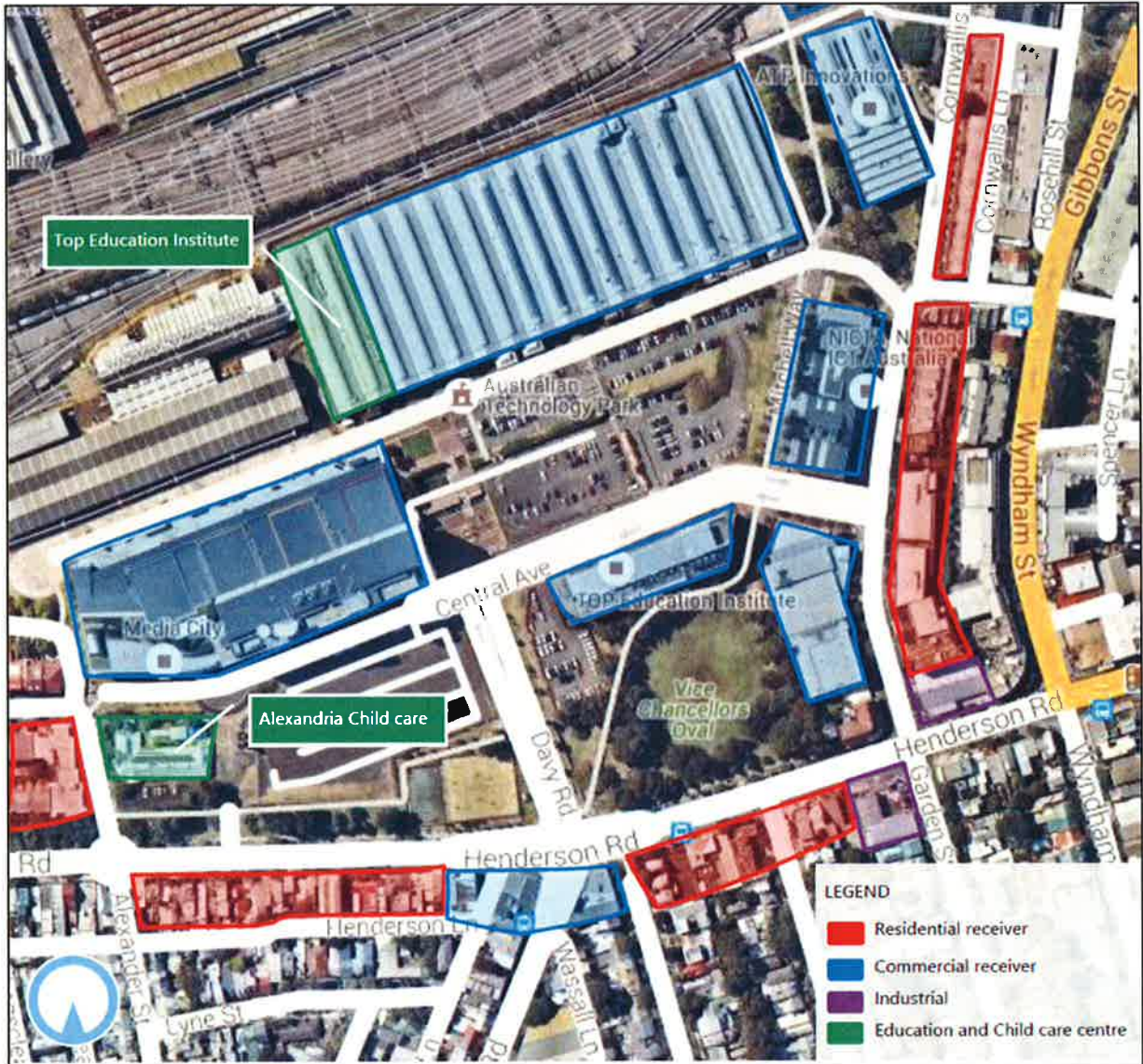


Figure 30: Noise receiver locations (Source: Applicant's RtS)

5.6.1 Construction hours

The application seeks approval for construction hours that differ from Council's and the ICNG standard construction hours (Table 12).

Table 12: Comparison between the proposed construction hours and Council's and the ICNG's standard construction hours

	Mon-Fri	Sat	Sun / Public holiday
ICNG standard hours	8am - 6pm	8am - 1pm	No works
Council's standard hours	7:30am - 5:30pm	7:30am - 3:30pm	No works
Proposed construction hours	7am - 6pm	7am - 5pm	No works

When compared against the ICNG and Council's standard construction hours, the proposal seeks an additional hour construction from Monday to Friday (Table 12), being an hour earlier than the ICNG standard hours in the morning and a half hour earlier in the morning and a half hour later in the evening than Council's standard hours. On Saturday, the proposal seeks to double the construction hours that are allowed under the ICNG or seeks two additional hours when compared against Council's standards, with works ceasing at 5pm.

The applicant states that the proposed construction hours are generally in accordance with similar developments within Sydney and the extension of hours balances neighbouring amenity with project delivery requirements. The applicant has committed to implementing noise mitigation measures including:

- erecting noise barriers;
- locating noisy equipment away from sensitive receivers;
- using the quietest and least vibration emitting construction methods where possible;
- limiting equipment use and switching off equipment when not needed;
- community consultation, staging work, site inductions, complaint management; and
- noise monitoring.

The Department notes the impact of construction activities differs between development sites and is largely dependent on site context, proposed construction methods and the proximity of sensitive receivers. Consequently, the appropriateness of construction hours, particularly proposed construction beyond the standard policy limits, must be considered on its merits having regard to the key impact on sensitive noise receivers.

The proposed construction hours during the week are not significantly different to the ICNG or Council's standard construction hours. However, the proposed construction hours on Saturday significantly exceed the ICNG standard hours and to a lesser extent Council's standard hours.

The nearest residential receivers are 50m from the proposed Building 1, and considering the cumulative impact of the construction works over the predicted two year construction program and the anticipated noise levels outside of the ICNG guidelines at these receivers (**Section 5.6.2**), the Department considers the proposed construction hours are excessive and do not allow sufficient respite for the surrounding properties.

The Department acknowledges that limiting the development to the ICNG construction hours may unreasonably restrict construction activity and prolong the overall construction duration.

The Department therefore recommends the development be limited to Council's standard construction hours, which in this instance strikes an appropriate balance between protecting neighbouring amenity while allowing for flexibility to finalise the construction program promptly.

The Department has recommended a condition accordingly. Other conditions are also recommended to require the finalisation and implementation of a CEMP and implementation of the recommended noise mitigation measures within the NVR. To ensure appropriate community consultation and complaint resolution is undertaken, the Department also recommends a condition requiring the establishment of a Community Liaison Group.

5.6.2 Construction noise

The *Interim Construction Noise Guide 2009* (ICNG) provides guidelines for the consideration of noise impacts during construction. The ICNG sets out noise management levels (NML) and how these are to be applied to various sensitive receivers during the ICNG's standard construction hours (C1) and outside of these hours (C2) (**Table 13**). In summary, the ICNG recommends standard NMLs of 10dB above background noise during standard construction hours (C1). It also applies a lower NML of 5dB above background noise for works undertaken outside of the standard hours (C2).

The Department notes the applicant has applied the less restrictive C1 NML to all proposed construction hours, and not the more restrictive C2 NML for construction outside of the ICNG standard construction hours (as discussed in **Section 5.6.1**). Nevertheless, the Department has considered the applicant's noise modelling predictions against both the C1 NML and C2 NML (**Table 13**).

Table 13: Noise impacts on sensitive receivers (exceedances of C1 and C2 shown in red)

Receiver	NML in the ICNG (dBA)		Predicted noise levels (dBA)	
	C1 NML (standard hours)	C2 NML (outside standard hours)	Earthworks (excavation)	Construction
R1 Henderson Rd (West of Mitchell Rd)	56	51	69	66
R2 Henderson Rd (East of Mitchell Rd)	59	54	66	63
R3 Garden St	59	54	65	62
R4 Cornwallis St	59	54	70	67
E1 Child care centre (internal)	45	40	49	46
E1 Child care centre (external)	65	60	69	66
E2 TOP Education (internal)	45	40	50	47
C2a 6-8 Central Avenue (Eastern offices)	50	45	48	45
C2b 6-8 Central Avenue (Southern offices)	50	45	50	47
C2c 6-8 Central Avenue (Studios)	-	-	12	9
C3 13 Garden St	50	45	49	46

This modelling shows the most affected receivers will be residential properties on Henderson Road (west of Mitchell Road) and Cornwallis Street, which are predicted to experience exceedances of the:

- C1 NML by between 11-13 dBA for earthworks and 8-10 dBA for structural works; and
- C2 NML by between 16-18 dBA for earthworks and 13-15 dBA for structural works.

Noise levels experienced at nearby commercial receivers would be less than the recommended NML for commercial properties of 70 dBA. The predicted construction noise levels at the adjoining child care centre would exceed the recommended ICNG levels by a maximum of 4dBA internally and externally, which the Department considers is a minor exceedance.

The applicant's preliminary CEMP confirms the proposed works will require the use of a range of construction machinery/equipment, such as bulldozers, excavators, cranes, a variety of trucks, material hoists and piling rigs. The applicant's NVR confirms the modelling undertaken assumes a 'typical worst case' scenario, whereby all plant is running continuously. As such, the modelling represents the likely noise levels that would occur during intensive periods of construction and represent the uppermost range of expected noise levels.

The Department has considered the proposed noise impacts during construction and is satisfied that these impacts are reasonable, subject to the reduction in the hours of construction (**Section 5.6.1**), as:

- the modelling has assumed a worst case scenario and therefore noise impacts may be less than forecast in the NVR;
- the finalisation and implementation of the preliminary CEMP will ensure the impacts of noise are effectively managed and mitigated;
- noise experienced by commercial receivers would be less than the recommended NML of 70 dBA; and
- the applicant will establish a Community Liaison Group, including representatives from the surrounding residential properties and the Alexandria Child Care Centre.

5.6.3 Construction traffic

A Construction Traffic Management Plan (CTMP) has been submitted with the EIS (and updated by the RtS), which includes an assessment of the likely construction traffic volumes and potential impacts, and proposes measures to mitigate any impacts.

The proposal is predicted to generate approximately 40 – 50 construction vehicles per day, which equates to approximately 4 – 6 vehicles per hour. The Department considers the predicted

construction traffic generation is minor and the surrounding road network will be able to accommodate the proposed construction traffic.

TfNSW has recommended the applicant prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) to appropriately manage the potential impacts of the development on the road network and nearby intersections. In addition, it has recommended the CPTMP considers the cumulative impacts of other projects within the immediate vicinity of the site. The Department recommends a condition accordingly.

Due to the site's proximity to railway infrastructure, Sydney Trains has also recommended conditions to safeguard its assets. The Department considers these conditions to be reasonable and they are recommended accordingly.

The CTMP proposes that construction vehicles primarily enter/leave the site via Davy Street, with new temporary vehicular access / egress points onto Henderson Road and Garden Street (**Figure 31**). Council has raised concern that the proposed construction vehicle routes would adversely impact on residential properties to the east of the ATP and residential properties and the Alexandria Child Care Centre to the west of the ATP. It recommends that Davy Road is the only road used for construction traffic.

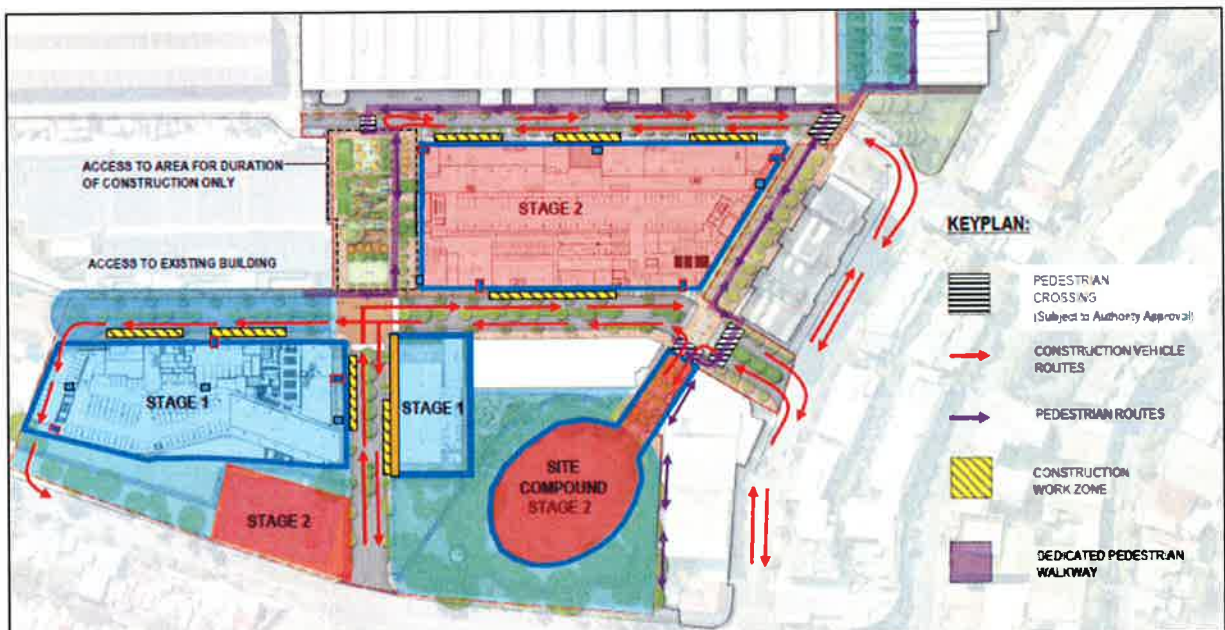


Figure 31: Proposed construction traffic (Source: Applicant's EIS)

Existing access / egress points and internal roads within the ATP have carriageway widths and intersection geometry designed for heavy vehicles associated with existing uses of the ATP. Using existing internal streets and access / egress points will also impact fewer sensitive receivers (residential and child care) to noise, dust and vibration impacts than the proposed access / egress at Henderson Road and Garden Street.

However, the Department notes that restricting construction vehicle access / egress to Davy Road would result in additional manoeuvring of construction vehicles within the site, which may result in greater noise impacts on nearby sensitive receivers and in particular the nearby Alexandria Child Care Centre. The Department therefore recommends a condition requiring further details of measures to limit construction vehicle access via the space between Building 1 and the Alexandria Child Care Centre and measures (such as acoustic barriers, air quality controls and/or periods of respite) to protect the amenity of the child care centre against any impacts of construction vehicles, including noise, vibration, dust and air pollution.

The proposal does not include any on-site car parking spaces for construction workers, which the Department supports. However, the Department recommends a formalised Green Travel Plan should be provided as part of the CPTMP to encourage public transport use for construction staff.

The Department therefore concludes that potential impacts from traffic generation can be effectively managed through the CPTMP, subject to the amendments discussed above.

5.7 Contamination

The ATP precinct was historically a large complex of rail workshops and yards used to manufacture steam locomotives. This comprised the use of brass, iron and steel founding, heavy engineering, refuelling, degreasing and cleaning, including the use of solvents and paints. Due to its past use and the use of various fill materials across the site, including ash, brick and construction rubble, the land is contaminated with petroleum hydrocarbons (oil products), heavy metals (copper, zinc and lead) and in parts, asbestos.

Several public submissions raised concern about the potential exposure to contaminated dust / air borne pollutants during construction, particularly given the adjacent child care centre and surrounding residential properties.

The applicant submitted a Detailed Site Assessment as part of the EIS, which included an Ecological Risk Assessment and Human Health Risk Assessment, and a Remedial Action Plan (RAP). In response to comments by Council, the applicant submitted a revised RAP, prepared by JBS&G, and provided a 'Section B' Site Audit Statement (SAS), prepared by Ramboll Environ.

The RAP evaluates a number of potential remediation strategies for the site, and identifies the preferred remediation strategy is to 'cap and cover' the contaminants and implement long term environmental management and monitoring. The RAP notes that, as a large proportion of the site will be covered by buildings or permanently paved, this approach will provide a physical barrier, preventing contact to contaminants. Areas without buildings or paving, such as areas to be landscaped, will be covered by a 'marker layer' (i.e. plastic liner) and overlaid with a minimum soil depth of 0.5m to prevent potential human or ecological exposure. The RAP also provides a validation process that requires a further SAS to confirm the successful remediation once completed.

The RAP identifies that some excavation activities may result in excess fill that is not appropriate for on site management or reuse. Waste materials are therefore to be classified in accordance with the EPA's *Waste Classification Guidelines 2014*, treated (immobilised, where required) and transported to an appropriately licensed facility. The RAP also recommends a Remediation Environmental Management Plan (REMP) and a Work Health Safety Management Plan (WHSMP) be prepared to minimise emissions of contaminants during construction (i.e. dust and odour) in conjunction with other management measures to protect workers and the general public.

The RAP has been reviewed and endorsed by an accredited Environment Protection Authority (EPA) independent site auditor (Mr. Graeme Nyland of Ramboll Environ Australia). The site auditor has issued a 'Section B' SAS verifying that the RAP is appropriate to remediate the site for the intended land use. The site auditor has recommended specific conditions to ensure that any risk of volatile organic compounds (compounds that are likely to be released to the air) be appropriately assessed. Further, as contaminants will remain in situ, the site auditor has also required long term environmental management plans and ongoing monitoring to manage the site in the future.

As the RAP has been endorsed by an accredited EPA site auditor, the Department is satisfied it can be relied upon to ensure that the land will be remediated using appropriate methodologies, consistent with the requirements of SEPP 55 (see **Appendix B**).

The Department has recommended conditions requiring that remediation works be carried out in accordance with the RAP and SAS, including the requirement for a REMP, WHSMP and long term

environmental monitoring. Importantly, the recommended conditions include a requirement for the site auditor to complete a further SAS and a validation report to ensure the site has been appropriately remediated on completion of the works. The Department also recommends that a waste management plan be submitted to ensure the appropriate classification, handling and, if required, treatment and disposal of contaminated materials at suitably licensed facility. A further condition is recommended requiring an Air Quality Management Sub-Plan be submitted as part of the Construction Framework Environmental Management Plan, to ensure that any potential contaminated dust is identified and mitigated during the construction.

With these conditions in place, the Department is satisfied the site can be safely and successfully remediated and validated in accordance with the relevant legislation.

5.8 Child care centres

The proposal seeks approval for the fitout and use of two child care centres, providing for a maximum of 90 children in each as follows (Figure 32):

- Building 1 (ground floor): 841m² internal area and 660m² external area (combined total of 1,501m²); and
- Building 3 (first floor): 794m² internal area and 660m² external area (combined total of 1,454m²).



Figure 32: Extract of proposed child cares (source: applicant's RTS)

Council is concerned the external area of the child care centre in Building 1 lacks direct sunlight due to its southerly orientation and the location of the fire stairs within the play area reduces sight lines for carer surveillance.

The applicant has provided certification that both child care centres are designed in accordance with relevant national regulations and standards, including the:

- *Education and Care Services National Regulations 2011*;
- *National Quality Standard 2011 (Australian Children's Education and Care Quality Authority)*; and
- *Early Years Learning Framework 2009 (Department of Education, Employment and Workplace Relations)*.

The applicant has also provided advice from a potential child care centre operator (KU Children's Services) stating that, whilst it recognises the challenges identified in relation to the child care centre's access to direct sunlight and the location of the external stair core, it does not believe these issues are significant to restrict a child care operator from providing a high quality education and child care program on the site.

Department's consideration

Although not applying to SSD, the Department notes Sydney's DCP requires external play areas achieve a minimum of three hours of solar access to 50% of the required outdoor area between 9am and 3pm on 22 June. However, the existing Media City / Channel 7 building to the north of Building 1, and the east / west orientation of Building 1, means that a child care centre provided elsewhere in this building is unlikely to achieve the DCP solar access requirements.

The Department notes both child care centres are designed to comply with relevant national regulations and standards. In addition, a potential child care centre operator has advised that the wider ATP site provides a variety of community and outdoor spaces that could be used as an informal extension of the child care centre.

The Department considers the proposed layout of the child care centre in Building 1, together with suitable arrangements for children to use the outdoor areas within the wider ATP, provides a reasonable balance between providing outdoor space that is shaded and space that has solar access.

The Department considers the stair core in Building 1 will not restrict or compromise surveillance / line of sight as:

- the external play area for each age group is directly adjacent to and accessible from the indoor areas for that age group, with surveillance and line of sight of the external play areas provided from various locations within the external and internal areas; and
- the stair core assists in separating the external play area to provide separate areas for different age groups (0-2 years and 2-5 years).

The applicant has not submitted details of the operation and fit out of the proposed child care centres, including details of the operator, a plan of management and the operator's specific fit out requirements. The Department therefore recommends a condition clarifying the operation and fit out of the child care centres does not form part of the approval and requires a separate development application.

The Department supports the general configuration of the internal and external layout of the child care centres in Building 1 and Building 2, subject to a condition requiring a detailed plan of operation and management to be submitted with future development applications for the child care centres. This condition also requires the plan of operation and management for the child care centre in Building 1 demonstrates suitable arrangements for children to have safe access to external areas with solar access within the wider ATP precinct, to be considered by the consent authority as part of its assessment of future development applications.

5.9 Other

Issue	Department's Assessment
24hr Operation of the Supermarket	<p>The proposal seeks approval for the 24hour operation of a supermarket measuring 600m² on the ground floor of Building 2, fronting Central Avenue. Whilst the Department supports the 24 hour operation of the supermarket in principle, it considers the assessment of the application for 24 hour operation of the supermarket will more appropriately be considered as part of a future application for the fit out of the supermarket.</p>
Wind Impacts	<p>The EIS includes a Wind Assessment Report, which considers the wind environment for pedestrians. This report concludes that, on average, wind conditions around the site are expected to be similar to existing conditions, with the pedestrian environment for most locations being classified as suitable for pedestrian standing or walking. The report also concludes the design would meet the intended use of the space for pedestrian comfort and safety.</p> <p>The Department notes that further wind tunnel testing and additional amelioration measures may be required during the detailed design stage for specific locations that require a greater level of amenity. The Department considers the proposal is acceptable in terms of wind impacts for pedestrian standing and walking, but recommends a condition requiring further wind tunnel testing for seating areas.</p>
Crime Prevention	<p>The EIS is accompanied by a Crime Prevention Through Environmental Design (CPTED) report prepared by a Certified NSW Police Risk Assessor at JBA Urban Planning. It finds that the ATP is located within a medium to high density zone of recorded crime. It also considers the proposed development in terms of surveillance, lighting, territorial reinforcement and environmental maintenance. The report concludes that the Crime Risk Assessment Rating of the proposed development is 'low'.</p> <p>The proposal has various positive design features in terms of crime prevention, including ground floor activation, upper level natural surveillance, pedestrian footfall, off street car parking, linear building design, landscape design and wayfinding. The CPTED report proposes a number of recommendations to improve crime prevention, including:</p> <ul style="list-style-type: none"> • signage within the car parking areas; • lighting to meet the relevant standard; • secure electronic access into parking, bicycle access and upper levels; • consideration of CCTV at building entrances; • ensuring landscaping does not result in concealment and does not restrict sightlines; • ensure mechanisms for on-going maintenance, including removal of graffiti; and • high quality public domain materials. <p>The Department considers the proposed design and layout of the new buildings will increase natural surveillance over the public domain and enhance connectivity and legibility through the site resulting in a safer environment and reduced crime risk. The proposal is therefore acceptable with regard to the CPTED principles.</p>
Light spill	<p>A number of public submissions raised concerns about potential light spill from the commercial office space at night. The Department notes this may be an issue for the residential properties surrounding the proposal at night, if not carefully assessed and managed. The Department therefore recommends a condition requiring a Lighting and Light Spill Report to analyse the potential impact of lighting on nearby residential properties and include recommendations and mitigation measures to minimise light spill impacts. This report is to be submitted to the Secretary for approval prior to the issue of a Construction Certificate.</p>
Reflectivity	<p>A Reflectivity Report has been submitted with the EIS which analyses the potential for glare on pedestrians and motorists as a result of the proposed development. The solar reflectivity assessment considers potential glare impacts from 24 key traffic and pedestrian routes within and surrounding the ATP, including routes travelling east and west along Henderson Road. Sydney DCP requires that light reflection from building materials used on facades of buildings must not exceed 20%.</p> <p>The assessment notes solar reflection will be controlled through the selection of low reflectivity surfaces and the use of glare amelioration devices. It notes the requirement to manage the reflectivity, beyond the City of Sydney requirement of 20%, at several façade locations. The Department notes that none of these façades front Henderson Road.</p>

	The Department is satisfied the proposal has considered and adequately addresses potential solar glare, and recommends a condition requiring reflectivity not exceed 20% as set out in the Sydney DCP and further analysis and potential amelioration be considered at certain facades.
Signage Zones	<p>The proposal seeks approval for the location of 13 building identification signage zones associated with buildings 1 and 2, one of which is located on a plinth at the south west corner of building 2. The application does not seek approval for the content and illumination of any these signs.</p> <p>The Department has considered the proposed building identification signs in accordance with <i>State Environmental Planning Policy 64 – Advertising and Signage (Appendix B)</i>, and is satisfied the location of these signs is compatible with the desired amenity and visual character of an area and is a suitable location.</p>
Access	<p>The EIS is accompanied by an Access Review, which reviews the design of three buildings and the public domain against relevant standards and legislation. The access review finds that the development has accessible paths of travel that are continuous throughout, the proposed development demonstrates an appropriate degree of accessibility and that the drawings indicate compliance with statutory requirements can be achieved.</p> <p>The review identifies a number of recommendations to improve accessibility, which will be take into account at the detailed design stage. Subject to the implementation of these recommendations, as required through condition, the Department considers the proposed development will provide equitable access.</p>

6 CONCLUSION AND RECOMMENDATION

The Department has carefully assessed the merits of the proposal, taking into consideration the issues raised in submissions, and is satisfied that impacts of the proposal are satisfactorily addressed in the applicant's EIS, RTS or through the Department's recommended conditions.

The Department concludes the proposal is appropriate, as it is consistent the State's strategic planning objectives for the site and the Redfern-Waterloo area, as set out in *A Plan for Growing Sydney* and the objectives of the SSP SEPP.

The proposed built form, including the building height and GFA exceedance, is appropriate as it generally reflects the desired future character of the site and exhibits design excellence, as set out in the SSP SEPP. The proposed built form will not adversely impact on the surrounding area (including the heritage character of the Locomotive Workshop), subject to conditions to improve the interface between Building 1 and the adjacent Alexandria Child Care Centre and reduce overshadowing impacts of Building 1 to properties to the south of Henderson Road.

Given the site's access to current and planned public transport opportunities, proposed walking and cycling provision and a Workplace Travel Plan, the Department is satisfied that new employees of the ATP will favour sustainable forms of travel, as opposed to private car use. Parking provision is within the maximum limit of 1,600 spaces for the entire ATP, as set out in the SSP SEPP, and the predicted traffic volumes can be accommodated with only minor delays to surrounding intersections (of up to 11 seconds).

The Department has recommended a partial offset to the required contribution noting there is some material public benefit provided by the works-in-kind to the public domain areas. The Department has also recommended a condition requiring a Community Access Plan demonstrating how facilities within the ATP will be publicly accessible to the wider community.

A further issue in the Department's assessment relates to the impact of the construction on the surrounding area. Given the site's close proximity to a range of sensitive receivers, including residential properties to the south of Henderson Road and the adjacent Alexandria Child Care Centre, the Department recommends a condition requiring the creation of Construction Liaison

Committee, a reduction in the proposed construction hours and further consideration given to measures to reduce construction vehicles and potential construction impacts adjacent to the Alexandria Child Care Centre.

The Department has reviewed a number of other issues, including contamination, the child care centres, 24 hour operation of the supermarket, wind impacts, crime prevention, light spill, reflectivity, signage zones and access, and is satisfied the proposal is appropriate and/or recommended conditions of consent to reduce the impact on the amenity of the surrounding environment.

The Department is satisfied the proposed development satisfactorily responds to the issues raised and recommends that the application be approved, subject to conditions.

7 RECOMMENDATION

It is recommended that the Planning Assessment Commission as delegate of the Minister:

- (a) **consider** all relevant matters under Section 79C of the *Environmental Planning and Assessment Act 1979*, including those contained in the assessment and recommendations of this report and appended documentation;
- (b) **grant** consent to the development application, subject to conditions, under section 89E of the *Environmental Planning and Assessment Act 1979*; and
- (c) **sign** the attached development consent (**Appendix E**).

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APPENDIX A SUPPORTING INFORMATION

The following documents and information supporting this assessment 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=7317

In particular:

1. The Secretary's Environmental Assessment Requirements (SEARs)
2. Environmental Impact Statement
3. Submissions
4. Applicant's Response to Submissions

APPENDIX B RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

Environmental planning instruments (EPIs) that are relevant to this project include:

- State Environmental Planning Policy (State and 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. 1 – Development Standards;
- State Environmental Planning Policy No. 55 – Remediation of Land; and
- State Environmental Planning Policy No. 64 – Advertising and Signage.

The tables below set out the Department's consideration of the project against all relevant provisions within these EPIs.

State Environmental Planning Policy (State and Regional Development) 2011		
Relevant Sections	Consideration and Comments	Complies?
3 Aims of Policy The relevant aim of this policy is to identify development that is SSD.	The development is declared to be SSD under Clause 8 (see below).	Yes
8 Declaration of SSD: section 89C Development is declared to be SSD for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The development is declared to be SSD as: a) the development is permissible with consent (pursuant to Clause 7 of the SSP SEPP); and b) the development has a CIV of more than \$10m on land identified within the Redfern-Waterloo Site (pursuant to Clause 2(g) of Schedule 2 of the SRD SEPP).	Yes
Schedule 2 SSD – identified sites 2 Development on specified sites Development that has a CIV of more than \$10 million on land identified as being within any of the following sites on the SSD Sites Map: (g) Redfern-Waterloo Sites.	The development has a CIV of more than \$10m on land identified within the Redfern-Waterloo Site.	Yes

State Environmental Planning Policy (State Significant Precincts) 2005		
Relevant Sections	Consideration and Comments	Complies?
2 Aims of Policy The aims of this Policy are as follows: (c) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State; and (d) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.	The proposal facilitates the redevelopment of an identified State significant precinct for the orderly use and development of the ATP as a commercial campus to deliver to 10,500 jobs.	Yes
Part 5 The Redfern-Waterloo Authority Sites		
7 Land use zones The ATP site is zoned Business Zone – Business Park and Recreation Zone – Public	The proposed uses are considered to be permissible with consent within the zone.	Yes

Recreation, and the consent authority must take into consideration each of the objectives for development in the zone.

8 Business Zone – Business Park

Objectives of the zone are:

- (a) to establish business and technology parks to encourage employment generating activities that provide for a wide range of business, technology, educational and entertainment facilities in the Zone,
- (b) to support development that is related or ancillary to business, technology or education,
- (c) to support development for retail uses that primarily serve the needs of the working population in the Zone and the local community,
- (d) to ensure the vitality and safety of the community and public domain,
- (e) to ensure buildings achieve design excellence,
- (f) to promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area.

Unless specified as being prohibited, development is permitted with consent on land within the Business Zone – Business Park.

The proposal is consistent with the objectives of the zone, as it establishes a new commercial campus generating 10,500 business and technology focussed jobs within the ATP, together with a range of related or ancillary uses, such as community office space, retail, child care and gym uses.

The proposed retail provision will support the working population within the ATP precinct and the local community.

Design excellence, crime prevention through environmental design and design of the public domain / landscaped areas is considered in **Section 5.2**.

Yes

12 Recreation Zone – Public Recreation

Objectives of the zone are:

- (a) to enable land to be used for public open space or recreational purposes,
- (b) to enable development for the enjoyment of the community,
- (c) to ensure the vitality and safety of the community and public domain,
- (d) to enhance and protect the natural environment for recreational purposes,
- (e) to promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area.

The area of the site zoned Recreation Zone – Public Recreation will continue to be used for public open space or recreation purpose. The proposal involves enhancements to the public domain and landscaping, and upgrades to the existing recreation facilities for the benefit of the local community and the new working population.

Crime prevention through environmental design and design of the landscaped areas are considered in **Section 5.2**.

Yes

21 Height, floor space ratio and gross floor area restrictions

The following height and GFA restrictions apply to the site:

	B1	B2	B3
Building height (storeys)	Part 4 / Part 10	Part 9 / Part 11	10
GFA (m ²)	44,000	42,000	16,450

Note: The total maximum FSR for the land to which this subclause applies is equivalent to 2:1.

The proposal exceeds the building height and GFA restrictions, as follows:

- Building 1 exceeds the 4 storey height restriction by 5 storeys (plus one level of plant) at the western portion of the building;
- Building 1 exceeds the GFA by 2,830m²; and
- Building 2 exceeds the GFA by 14,686m².

No.

This is considered further in **Section 5** and the SEPP 1 objections in Appendix C and D.

22 Design excellence

The consent authority must consider whether the proposed development exhibits design excellence, having regard to:

- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
- (b) whether the form and external appearance of the building will improve the quality and amenity of the public domain,

The Department is satisfied that the proposal exhibits design excellence, as considered in its assessment in **Section 5.2**.

A design competition was not required as the proposal does not exceed 12 storeys.

Yes

<p>(c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency, (d) if a competition is held, the results of the competition.</p> <p>The consent authority may require a design competition for any development over 12 storeys consistent with guidelines issued by the Redfern–Waterloo Authority and approved by the Minister.</p>		
<p>23 Car parks Car parking at the ATP must not exceed 1,600 car spaces.</p>	<p>The proposal, as modified through condition, results in a total of 1,555 car parking spaces at the ATP (Section 5.3).</p>	<p>Yes</p>
<p>26 Notification of advertised development Subject to the Act and the regulations, notice of a development application for consent to carry out development on land within the Redfern–Waterloo Authority Sites is to be given in accordance with the provisions of any applicable development control plan.</p>	<p>A development control plan does not apply to the site. However, the proposal was publicly exhibited for a minimum of 30 days in accordance with Section 89F of the EP&A Act (see Section 4).</p>	<p>Yes</p>
<p>27 Heritage conservation A person must not, in respect of a building, work, relic, tree or place that is a heritage item:</p> <ul style="list-style-type: none"> (a) demolish, dismantle, move or alter the building, work, relic, tree or place, or (b) damage or remove the relic, or (c) excavate land for the purpose of discovering, exposing or moving the relic, or (d) damage or despoil the tree or place, or (e) erect a building on, or subdivide, land on which the building, work or relic is situated or that comprises the place, or (f) damage any tree or land on which the building, work or relic is situated on or on the land which comprises the place, or (g) make structural changes to the interior of the building or work, <p>except with the consent of the consent authority.</p>	<p>The impact of the proposal on heritage significance is considered in Section 5.5.</p>	<p>Yes</p>
<p>28 Preservation of trees or vegetation The objective of this clause is to preserve the amenity of the Redfern–Waterloo Authority Sites through the preservation of trees and other vegetation. This clause applies to species or kinds of trees or other vegetation that are identified for the purposes of this clause by a development control plan adopted by the consent authority.</p>	<p>A development control plan does not apply to the site. Nevertheless, the proposal involves the replacement of trees and vegetation in accordance with the proposed landscape strategy (Appendix D of the RTS).</p>	<p>Yes</p>

State Environmental Planning Policy (Infrastructure) 2007

Relevant Sections	Consideration and Comments	Complies?
<p>3 Aims of Policy The relevant aims of this policy are to (e) identify matters to be considered in the assessment of development adjacent to particular types of infrastructure development; and (f) provide for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.</p>	<p>The Department consulted TfNSW, Sydney Trains and RMS during the public exhibition of the proposal and on the applicant's RTS. Comments raised by these agencies are considered as part of the Department's assessment in Section 5.</p>	<p>Yes</p>

<p>85 Development immediately adjacent to rail corridors Before determining a development application for development to which this clause applies, the consent authority must: (a) within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and (b) take into consideration (i) any response to the notice that is received within 21 days after the notice is given and (ii) any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.</p>	<p>The Department consulted TfNSW and Sydney Trains during the public exhibition of the proposal and on the RTS.</p> <p>Comments raised by TfNSW and Sydney Trains are considered as part of the Department's assessment of the application in Section 5 and/or addressed through recommended condition.</p>	<p>Yes</p>
<p>86 Excavation in, above or adjacent to rail corridors The consent authority must not grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor to which the development application relates, unless that rail authority is ARTC. In deciding whether to provide concurrence, the chief executive officer must take into account: (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on: (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.</p>	<p>The Department consulted TfNSW and Sydney Trains during the public exhibition of the proposal and on the RTS.</p> <p>Comments raised by TfNSW and Sydney Trains are considered as part of the Department's assessment of the application in Section 5 and/or addressed through recommended condition.</p>	<p>Yes</p>
<p>87 Impact of rail noise or vibration on non-rail development Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.</p>	<p>This clause applies as the proposal includes child care uses, which may be subject to impacts from rail noise / vibration. Comments raised by TfNSW and Sydney Trains are considered as part of the Department's assessment of the application in Section 5 and/or addressed through recommended condition.</p>	<p>Yes</p>
<p>101 Development with frontage to classified road The objectives of this clause are (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads. The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that: (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and (b) the safety, efficiency and ongoing operation of the classified road will not be</p>	<p>The site fronts onto Henderson Road, which is a classified road. However, the Department notes that vehicle access to the individual sites within the ATP uses existing internal roads, accessed from Davy Road and Garden Street, which are not classified roads. The impact of the proposal on traffic on surrounding roads is considered in Section 5.3.</p> <p>The Department consulted RMS during the public exhibition of the proposal and on the RTS.</p> <p>Comments raised by RMS are considered as part of the Department's assessment of the application in Section 5 and/or</p>	<p>Yes</p>

<p>adversely affected by the development as a result of:</p> <p>(i) the design of the vehicular access to the land, or</p> <p>(ii) the emission of smoke or dust from the development, or</p> <p>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</p> <p>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</p>	<p>addressed through recommended condition.</p>	
<p>104 Traffic-generating development</p> <p>Before determining a development application for development to which this clause applies, the consent authority must (a) give written notice of the application to the RTA within 7 days after the application is made, and (b) take into consideration:</p> <p>(i) any submission that the RTA provides in response to that notice and</p> <p>(ii) the accessibility of the site concerned, including (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</p> <p>(iii) any potential traffic safety, road congestion or parking implications of the development.</p> <p>The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.</p>	<p>The proposal is considered to be traffic generating development as it involves more than 10,000m² of commercial floor space and 'ancillary accommodation' for more than 200 motor vehicles.</p> <p>The Department consulted RMS during the public exhibition of the proposal and on the RTS.</p> <p>Comments raised by RMS are considered as part of the Department's assessment of the application in Section 5 and/or addressed through recommended condition.</p> <p>The Department considers that the site is accessible by public transport, as it is located within 200m of Redfern Station and within 450m of the future Waterloo station. The site is well served by buses and integrated within existing pedestrian and cycling networks. The applicant estimates that only 7.5% of the 10,500 employees will use private cars and parking is provided in accordance with maximum parking cap in the SSP SEPP. The proposal promotes sustainable transport use through the provision of bicycle parking, end of trip facilities and a Work Place Travel Plan, which includes car share, public transport subsidies (Opal Cards) and transport access guides.</p>	<p>Yes</p>

State Environmental Planning Policy (Urban Renewal) 2010		
Relevant Sections	Consideration and Comments	Complies?
<p>3 Aims of Policy</p> <p>The aims of this Policy are:</p> <p>a) to establish the process for assessing and identifying sites as urban renewal precincts;</p> <p>b) to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts</p> <p>c) to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by</p>	<p>The ATP is located within the Redfern-Waterloo Potential Precinct, as identified in the Urban Renewal SEPP.</p> <p>However, the site is also identified as a State significant precinct in the SSP SEPP. The Department is satisfied that the proposal facilitates the orderly and economic redevelopment of the site as it is consistent with the strategic direction for the precinct, as set out in <i>A Plan for Growing</i></p>	<p>Yes</p>

public transport.

Sydney (Section 2.2), and the objectives and planning controls for the State significant precinct, as set out in the SSP SEPP.

<p>10 Development in potential precincts (1) This clause applies to a development application to carry out development on land that comprises all or part of a potential precinct if the proposed development is or involves subdivision, or has a capital investment value of more than \$5 million, and is not exempt or complying development. (2) The consent authority must not grant development consent unless it is satisfied that the proposed development is consistent with the objective of developing the potential precinct for the purposes of urban renewal. (3) For the purposes of subclause (2), the consent authority is to take into account whether or not the proposed development is likely to restrict or prevent the following: (a) development of the potential precinct for higher density housing or commercial or mixed development, (b) the future amalgamation of sites for the purpose of any such development within the potential precinct, (c) access to, or development of, infrastructure, other facilities and public domain areas associated with existing and future public transport in the potential precinct.</p>	<p>The proposal has a CIV of more than \$5m and is located within the Redfern-Waterloo Potential Precinct in the Urban Renewal SEPP and the State significant precinct in the SSP SEPP.</p> <p>The Department is satisfied that the proposal is consistent with the strategic direction for the precinct, as set out in <i>A Plan for Growing Sydney (Section 2.2)</i>, and the objectives and planning controls for the State significant precinct, as set out in the SSP SEPP.</p> <p>The proposal seeks to increase the commercial floorspace on the site (with a GFA in excess of 100,000m² in three buildings), with the GFA of Building 1 and Building 2 exceeding the maximum GFA control in the SSP SEPP. The application also includes proposals to enhance public domain areas to improve pedestrian access to Redfern Station.</p>	<p>Yes</p>
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State Environmental Planning Policy No. 1 – Development Standards		
Relevant Sections	Consideration and Comments	Complies?
<p>3 Aims of Policy This Policy provides flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5 (a) (i) and (ii) of the Act.</p>	<p>The proposal exceeds the building height and GFA development standards set out in the SSP SEPP.</p> <p>The applicant has submitted an SEPP 1 objection to request flexibility in the application of these development standards.</p>	<p>Yes</p>
<p>6 Making of applications Where development could, but for any development standard, be carried out under the Act (either with or without the necessity for consent under the Act being obtained therefor) the person intending to carry out that development may make a development application in respect of that development, supported by a written objection that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case, and specifying the grounds of that objection.</p>	<p>The EIS is supported by a written objection demonstrating that compliance with the relevant building height and GFA development standards (in the SSP SEPP) are unreasonable and unnecessary in the circumstances of the case (See Appendix D of the EIS).</p>	<p>Yes</p>
<p>7 Consent may be granted Where the consent authority is satisfied that the objection is well founded and is also of the opinion that granting of consent to that development application is consistent with the aims of this Policy as set out in clause 3, it may, with the concurrence of the Director,</p>	<p>The Department is satisfied that both SEPP 1 objections are well founded and the proposal warrants flexibility in the application of the building height and GFA development standard.</p> <p>The Department's assessment of the</p>	<p>Yes</p>

grant consent to that development application notwithstanding the development standard the subject of the objection referred to in clause 6.	SEPP1 objections relating to GFA and building height are set out in Appendix C and Appendix D of this report respectively.	
<p>8 Concurrence The matters which shall be taken into consideration in deciding whether concurrence should be granted are:</p> <p>(a) whether non-compliance with the development standard raises any matter of significance for State or regional environmental planning, and</p> <p>(b) the public benefit of maintaining the planning controls adopted by the environmental planning instrument.</p>	The Department's assessment of the SEPP1 objections relating to GFA and building height are set out in Appendix C and Appendix D of this report respectively.	Yes

State Environmental Planning Policy No. 55 – Remediation of Land

Relevant Sections	Consideration and Comments	Complies?
<p>2 Objects of this policy This Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p>	The Department notes that the site is potentially contaminated, and the application includes a Detailed Site Assessment and a Remedial Action Plan. An accredited EPA site auditor has confirmed, through a 'Section B' Site Audit Statement, that the RAP is appropriate to remediate the site for the intended land use (See Section 5.7).	Yes
<p>7 Contamination and remediation to be considered in determining development application A consent authority must not consent to the carrying out of any development on land unless:</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p> <p>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p>	The Department notes that the site is potentially contaminated, and the application includes a Detailed Site Assessment and a Remedial Action Plan. An accredited EPA site auditor has confirmed, through a 'Section B' Site Audit Statement, that the RAP is appropriate to remediate the site for the intended land use (See Section 5.7).	Yes
<p>9 Category 1 remediation work: work needing consent For the purposes of this Policy, a category 1 remediation work is a remediation work (not being a work to which clause 14 (b) applies) that is ... (d) development for which another State environmental planning policy or a regional environmental plan requires development consent.</p>	The remediation work is category 1 and therefore requires consent. The Department has considered the applicant's Detailed Site Assessment, Remedial Action Plan and the 'Section B' Site Audit Statement, and is satisfied that the site will be appropriately remediated for the intended land use in accordance with SEPP55 (See Section 5.7).	Yes
<p>10 Consent authority in relation to remediation works The consent authority in relation to a development application for consent to carry out a remediation work is ... (a) the person or authority that, in accordance with a provision made by an environmental planning instrument that applies to the land, is the consent authority for the development.</p>	The Planning Assessment Commission is the consent authority for the application (see Section 3.2).	Yes

12 Refusal of consent to category 1 remediation work

The consent authority must not refuse development consent for a category 1 remediation work unless the authority is satisfied that there would be a more significant risk of harm to human health or some other aspect of the environment from the carrying out of the work than there would be from the use of the land concerned (in the absence of the work) for any purpose for which it may lawfully be used.

The Department has considered the applicant's Detailed Site Assessment, Remedial Action Plan and the 'Section B' Site Audit Statement, and is satisfied that the site will be appropriately remediated for the intended land use in accordance with SEPP55 (See **Section 5.7**).

Yes

17 Guidelines and notices: all remediation work

(1) All remediation work must, in addition to complying with any requirement under the Act or any other law, be carried out in accordance with (a) the contaminated land planning guidelines, and (b) the guidelines (if any) in force under the Contaminated Land Management Act 1997, and (c) in the case of a category 1 remediation work— a plan of remediation, as approved by the consent authority, prepared in accordance with the contaminated land planning guidelines.
(2) A notice of completion of remediation work on any land must be given to the council for the local government area in which the land is situated (or, if the land is within the unincorporated area, to the Western Lands Commissioner).
(3) The notice is to be given within 30 days after the completion of the work.
(4) A copy of the notice must also be given within the same period to the consent authority, if consent was required for the remediation work and the consent authority is not one of the authorities referred to in subclause (2).

This is reflected in conditions contained in the recommended instrument of approval.

Yes

18 Notice of completion of remediation work

The notice required by clause 17 (2) must:
(a) be in writing prepared and signed by the person who carried out the work, and
(b) provide the person's name, address and business telephone number, and
(c) provide details of the person's qualifications to carry out the work, and
(d) specify, by reference to its property description and street address (if any), the land on which the work was carried out, and
(e) provide a map of the location of the land, and
(f) state when the work was completed, and
(g) specify the uses of the land, and the substances, that contaminated it in such a way as to present a risk of harm to human health or some other aspect of the environment, and
(h) specify the uses of the land immediately before the work started, and
(i) briefly describe the method of remediation used in the work, and
(j) specify the guidelines that were complied

This is reflected in conditions contained in the recommended instrument of approval.

Yes

with in the work, and (k) specify the standard of remediation achieved (in the light of the use proposed for the land), and (l) show in what manner the work (if a category 1 remediation work) complied with the conditions of the relevant development consent, and (m) state what action must be maintained in relation to the land after the completion of the remediation work if the standard of remediation achieved is to be maintained.		
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State Environmental Planning Policy No. 64 – Advertising and Signage

Relevant Sections	Consideration and Comments	Complies?
3 Aims, objectives etc This Policy aims to ensure that signage (including advertising): (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish.	The proposal seeks approval for the location of 13 building identification signage (BIS) zones associated with buildings 1 and 2, one of which is located on a plinth at the south west corner of building 2 (see Section 5.9). The design, content and illumination (if proposed) of any sign within the zone will be subject to a condition requiring approval by the Secretary.	Yes
6 Signage to which this Policy applies This Policy applies to all signage: (a) that, under another environmental planning instrument that applies to the signage, can be displayed with or without development consent, and (b) is visible from any public place or public reserve.	SEPP 64 applies as the proposed signage zones are permissible with consent and likely to be visible from the public domain and public recreation areas within and potentially surrounding the ATP.	Yes
8 Granting of consent to signage A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.	The Department is satisfied that the proposed signage zones are consistent with the objectives of this policy and the assessment criteria, as set below.	Yes
Schedule 1 Assessment criteria		
1 Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed BIS zones are compatible with the current and future character of the ATP, being a business park and therefore requiring building / business identification.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal does not involve outdoor advertising, but the proposal is consistent with the theme for BIS in the ATP, such as at Media City / Channel 7 and NICA.	Yes
2 Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal is consistent with the theme for BIS in the ATP and throughout the Sydney CBD. The proposed signage zones are well integrated with, and subservient to, the design of buildings and the public domain so as not to detract from the heritage and open space quality of the ATP.	Yes
3 Views and vistas Does the proposal obscure or compromise important views?	The proposed signage zones are attached to buildings and located below the ridge line, and well integrated with the public domain, so it will not obscure or	Yes

	compromise important views.	
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage zones are attached to buildings and located below the ridge line and therefore not visible on the skyline. They are also well integrated with the public domain so will not reduce the quality of vistas.	Yes
Does the proposal respect the viewing rights of other advertisers?	The proposed signage is attached to buildings and well integrated with the public domain so will not compromise the viewing rights of other advertisers.	Yes
4 Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage zones do not overly dominate each building façade, and are well integrated with, and subservient to, the design of buildings and the public domain.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The various sizes and locations of the proposed signage zones on the building facades and public domain add visual interest to the streetscape and landscape and enhances wayfinding through the ATP.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	There are no existing signs to be rationalised or simplified.	n/a
Does the proposal screen unsightliness?	There is no unsightliness to be screened.	n/a
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage zones are attached to buildings and located below the ridge line and therefore not visible on the skyline. Some of the building identification zones may be visible above the tree canopies, but this will add interest to streetscape and create identify for the ATP.	Yes
Does the proposal require ongoing vegetation management?	No vegetation management will be conducted as part of the management of the precinct.	Yes
5 Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposal is consistent with the theme for BIS in the ATP and throughout the Sydney CBD. The proposed signage zones are well integrated with, and subservient to, the design of buildings and the public domain so as not to detract from the heritage and open space quality of the ATP.	Yes
Does the proposal respect important features of the site or building, or both?	The proposed signage zones are well integrated with, and subservient to, the building architecture, and in particular the signage zones relate to the building articulation and building entrances to enhance wayfinding.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?		
6 Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposal seeks approval for the BIS zone only. The design, content and illumination (if proposed) of any sign within the zone will be subject to a condition requiring approval by the Secretary.	Yes
7 Illumination Would illumination result in unacceptable glare?	The design, content and illumination (if proposed) of any sign within the zone will be subject to a condition requiring approval by the Secretary.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?		
Would illumination detract from the amenity of any residence or other form of accommodation?		
Can the intensity of the illumination be adjusted, if necessary?		

Is the illumination subject to a curfew?		
8 Safety Would the proposal reduce the safety for any public road?	The proposed signage zones are consistent with the theme for BIS attached to buildings elsewhere in the City and within the ATP. They are well integrated with, and subservient to, the design of buildings and the public domain and the signage zones are unlikely to adversely impact on safety for road uses, pedestrians and cyclists.	Yes
Would the proposal reduce the safety for pedestrians or bicyclists?		
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?		
	The design, content and illumination (if proposed) of any sign within the zone will be subject to a condition requiring approval by the Secretary.	

APPENDIX C SEPP 1 OBJECTION: GFA - ASSESSMENT

The following assessment of the SEPP 1 Objection applies the principles arising from *Hooker Corporation Pty Limited v Hornsby Shire Council* (NSWLEC, 2 June 1986, unreported) by using the questions established in *Winten Property Group Limited v North Sydney Council* (2001) NSW LEC 46 (6 April 2001) and as reiterated in *Wehbe v Pittwater Council* (2007) NSW LEC 827. In applying the principles set out in the Winten case, the SEPP 1 Objection has been considered by reference to the following tests:

1. Is the planning control in question a development standard?

The planning control in question is the gross floor area (GFA) control in Clause 21(2A) of Part 5 of Schedule 3 of the State Significant Precincts SEPP. The EP&A Act defines a development standard as being a provision by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including requirements or standards in respect of (d) the cubic content or floor space of a building. As such any variation of this standard requires a SEPP 1 Objection, as has been prepared in this case.

2. What is the underlying purpose of the standard?

The State Significant Precincts SEPP does not include specific objectives for the GFA development standard. The Department has therefore considered the overall objectives of the Business Zone – Business Park zone, as set out in Clause 10 of Part 5, Division 1 of the SSP SEPP. The objectives of the zone are as follows:

- (a) *to establish business and technology parks to encourage employment generating activities that provide for a wide range of business, technology, educational and entertainment facilities in the Zone,*
- (b) *to support development that is related or ancillary to business, technology or education,*
- (c) *to support development for retail uses that primarily serve the needs of the working population in the Zone and the local community,*
- (d) *to ensure the vitality and safety of the community and public domain,*
- (e) *to ensure buildings achieve design excellence,*
- (f) *to promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area.*

Notwithstanding, the Department notes that the GFA control in the SSP SEPP is generally based on the recommended FSR for the ATP, as set out in the BEP 2006. The BEP notes that the proposed increase in FSR and height offers the opportunity to anchor the ATP and South Eveleigh sites as major employment generating centres for the local and metropolitan workforce.

3. Is compliance with the development standard consistent with the aims of the Policy, and in particular, does the development standard tend to hinder the attainment of the objects specified in s.5(a)(i) and (ii) of the Act?

The aim of the Policy in question is set out at Clause 3 of SEPP 1, and seeks to provide flexibility in the planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.

Wehbe V Pittwater Council (2007) NSW LEC 827 (21 December 2007) sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. It states that:

'An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.'

Accordingly, the following assessment considers the objection made by the applicant against objectives of the Business Zone – Business Park zone contained under Clause 10 of Part 5, Division 1 of the State Significant Precincts SEPP. The Department is satisfied that the proposal satisfies the zone objectives as it:

- establishes a new commercial campus generating 10,500 new jobs within the ATP, together with a range of related and ancillary uses to support the commercial campus, such as retail, child care and gym uses;
- includes 14 retail tenancies to support the need of employees and the local community;
- ensures the vitality of the community and public domain through an acceptable built form and achieving design excellence, subject to conditions (see **Section 5.2**) and making efficient use of brownfield sites with good public transport accessibility and in close proximity to Sydney CBD;
- is considered to be acceptable with regard to CPTED (crime prevention) principles (see **Section 5.9**);
- subject to recommended conditions, is considered to achieve design excellence in accordance with the design excellence provisions in the SSP SEPP (see **Section 5.2**); and
- predominantly upgrades the existing landscaped areas to maintain a strong visual and aesthetic value to enhance the amenity of the areas.

Further, despite the proposed variation, the Department is satisfied that the GFA exceedance is acceptable as:

- the additional GFA across the two non-compliant buildings will facilitate an increase in employment across the entire precinct from between 5,000 to 8,000 employees from a compliant scheme to approximately 10,500 employees as a result of the proposal;
- the majority of the additional GFA is proposed in Building 2 (increase of 35% GFA), which is located centrally within the ATP with no adverse impacts on the surrounding area (see **Section 5.2**) and an acceptable relationship with the heritage listed Locomotive Street (See **Section 5.5**);
- Building 1 is proposed to accommodate an increase of 6.4% GFA, within a building which the Department considers to have an acceptable built form, subject to recommended conditions (See **Section 5.2**); and
- the proposal includes retail tenancies, community office space, two childcare centres and a gym, which may serve employees in the ATP and the surrounding community.

Requiring compliance with the GFA development standard would hinder several objectives of the zone as the resultant building floor space would not fully utilise its potential to provide a large agglomerated commercial campus and to maximise additional jobs on the site.

As a result of this assessment the Department concludes that, notwithstanding the non-compliance with the development standard, the proposed development meets the objectives of the zone, without additional adverse impacts beyond that of a compliant proposal.

The Department therefore considers that it is both unreasonable and unnecessary for the proposal to comply with the GFA standard for Building 1 and Building 2, in this instance.

The Land and Environment Court has established that it is insufficient merely to rely on absence of environment harm to sustain an objection under SEPP 1. This position was confirmed in *Wehbe V Pittwater Council*. The following assessment considers whether the objection demonstrates that strict application of the development standard would hinder the attainment of the objectives of the Act.

Under the Act, Section 5(a)(i) & (ii) the following is required:

- (i) *The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
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- (ii) *The promotion and co-ordination of the orderly and economic use and development of land,*

The proposal will provide for the proper management and development of land within the City of Sydney for the purpose of promoting the social and economic welfare of the community and a better environment. The proposal is consistent with the strategic framework for the site, as set out in *A Plan for Growing Sydney* and within the SSP SEPP. The proposal facilitates the orderly and economic redevelopment of the site, providing employment opportunities, in an existing urban area in close proximity to public transport and the Sydney CBD. In addition, the development will contribute to the local demand for community office space, retail, gym and child care facilities.

It is considered, in the circumstances, strict application of the development standard would hinder the attainment of the objectives of the Act. As discussed previously, should the proposal be required to comply with the development standard, it would not fully utilise its potential to provide a large agglomerated commercial campus and maximise additional jobs on the site.

4. Is compliance with the standard unreasonable or unnecessary in the circumstances of the case?

The Department's analysis has found notwithstanding the non-compliance with the GFA development standard, the proposed development achieves the underlying objectives of that standard. Consequently, it is considered that the SEPP 1 Objection has established that compliance with the development standard is unreasonable and unnecessary in the circumstances.

5. Is the objection well founded?

The Department considers the SEPP 1 objection provided by the applicant is well founded on the basis that strict application would hinder the attainment of the objectives of the Act and that the proposed development achieves the underlying objectives of the standards, notwithstanding the non-compliance.

APPENDIX D SEPP 1 OBJECTION: HEIGHT - ASSESSMENT

The following assessment of the SEPP 1 Objection applies the principles arising from *Hooker Corporation Pty Limited v Hornsby Shire Council* (NSWLEC, 2 June 1986, unreported) by using the questions established in *Winten Property Group Limited v North Sydney Council* (2001) NSW LEC 46 (6 April 2001) and as reiterated in *Wehbe v Pittwater Council* (2007) NSW LEC 827. In applying the principles set out in the Winten case, the SEPP 1 Objection has been considered by reference to the following tests:

1. Is the planning control in question a development standard?

The planning control in question is the height of building restriction in Clause 21(1) of Part 5 of Schedule 3 of the SSP SEPP. The EP&A Act defines a development standard as being a provision by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including requirements or standards in respect of (c) the height of a building. As the height of building restriction is a development standard, any variation of this standard requires a SEPP 1 Objection, as has been prepared in this case.

2. What is the underlying purpose of the standard?

The SSP SEPP does not include specific objectives for the height of building development standard. The Department has therefore considered the overall objectives of the Business Zone – Business Park zone, as set out in Clause 10 of Part 5, Division 1 of the SSP SEPP. The objectives of the zone are as follows:

- (g) *to establish business and technology parks to encourage employment generating activities that provide for a wide range of business, technology, educational and entertainment facilities in the Zone,*
- (h) *to support development that is related or ancillary to business, technology or education,*
- (i) *to support development for retail uses that primarily serve the needs of the working population in the Zone and the local community,*
- (j) *to ensure the vitality and safety of the community and public domain,*
- (k) *to ensure buildings achieve design excellence,*
- (l) *to promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area.*

Notwithstanding, the Department notes that the building height control in the SSP SEPP is based on the recommended heights for the ATP, as set out in the BEP 2006. The BEP notes that where the ATP is not physically separated from the lower rise residential development by major roads, the BEP proposes appropriate heights adjoining these areas.

3. Is compliance with the development standard consistent with the aims of the Policy, and in particular, does the development standard tend to hinder the attainment of the objects specified in s.5(a)(i) and (ii) of the Act?

The aim of the Policy in question is set out at Clause 3 of SEPP 1, and seeks to provide flexibility in the planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.

Wehbe V Pittwater Council (2007) NSW LEC 827 (21 December 2007) sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. It states that:

'An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.'

Accordingly, the following assessment considers the objection made by the applicant against objectives of the Business Zone – Business Park zone contained under Clause 10 of Part 5, Division 1 of the State Significant Precincts SEPP. The Department is satisfied that the proposal satisfies the zone objectives as it:

- establishes a new commercial campus generating 10,500 new jobs within the ATP, together with a range of related and ancillary uses to support the commercial campus, such as retail, child care and gym uses;
- includes 14 retail tenancies to support the need of employees and the local community;
- ensures the vitality of the community and public domain through an acceptable built form and achieving design excellence, subject to conditions (see **Section 5.2**) and making efficient use of brownfield sites with good public transport accessibility and in close proximity to Sydney CBD;
- is considered to be acceptable with regard to CPTED (crime prevention) principles (see **Section 5.9**);
- subject to recommended conditions, is considered to achieve design excellence in accordance with the design excellence provisions in the SSP SEPP (see **Section 5.2**); and
- predominantly upgrades the existing landscaped areas to maintain a strong visual and aesthetic value to enhance the amenity of the areas.

Further, despite the proposed variation, the Department is satisfied that the built form is largely consistent with the desired future character of the ATP as set out in the SPP SEPP and BEP 2006. The proposal also complies with the height control in the SSP SEPP, except for the western portion of Building 1. The Department considers that the building height exceedance in this location is acceptable (see **Section 5.2**) as it:

- does not result in unreasonable overshadowing impacts to the south of Henderson Road beyond that of a compliant scheme as, subject to a recommended condition, all properties to the south of Henderson Road will receive at least 2 hours of direct solar access between 9am and 3pm at mid winter;
- is setback from the properties to the south of Henderson Road by 44m to create a suitable transition and distinct visual separation to the lower scale buildings to the south; and
- is setback from the Alexandria Child Care Centre to the west by 13m, and therefore considered not to result in additional adverse impacts, including overshadowing, on the centre beyond that of a compliant scheme and provides a reasonable separation distance which reduces the visual dominance of Building 1.

Requiring compliance with the height development standard would hinder several objectives of the zone, and in particular to encourage employment generating activities.

As a result of this assessment the Department concludes that, notwithstanding the non-compliance with the development standard, the proposed development meets the objectives of the zone, without additional adverse impacts beyond that of a compliant proposal.

The Department therefore considers that it is both unreasonable and unnecessary for the proposal to comply with the maximum four storey height standard for Building 1, in this instance.

The Land and Environment Court has established that it is insufficient merely to rely on absence of environmental harm to sustain an objection under SEPP 1. This position was confirmed in *Wehbe V Pittwater Council*. The following assessment considers whether the objection demonstrates that strict application of the development standard would hinder the attainment of the objectives of the Act.

Under the Act, Section 5(a)(i) & (ii) the following is required:

- (iii) *The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
-

- (iv) *The promotion and co-ordination of the orderly and economic use and development of land,*

The proposal will provide for the proper management and development of land within the City of Sydney for the purpose of promoting the social and economic welfare of the community and a better environment. The proposal is consistent with the strategic framework for the site, as set out in *A Plan for Growing Sydney* and within the SSP SEPP. The proposal facilitates the orderly and economic redevelopment of the site, providing employment opportunities, in an existing urban area in close proximity to public transport and the Sydney CBD. In addition, the development will contribute to the local demand for community office space, retail, gym and child care facilities.

It is considered, in the circumstances, strict application of the development standard would hinder the attainment of the objectives of the Act. As discussed previously, should the proposal be required to comply with the development standard it would result in a building floor plate configuration that would not be desirable to the tenant, and would therefore not deliver the employment opportunities afforded by the proposal.

4. Is compliance with the standard unreasonable or unnecessary in the circumstances of the case?

The Department's analysis found notwithstanding the non-compliance with the height development standard, the proposed development achieves the underlying objectives of that standard. Consequently, it is considered the SEPP 1 Objection has established compliance with the development standard is unreasonable and unnecessary in the circumstances.

5. Is the objection well founded?

The Department considers that the SEPP 1 objection provided by the applicant is well founded on the basis that strict application would hinder the attainment of the objectives of the Act and the proposed development achieves the underlying objectives of the standards, notwithstanding the non-compliance.

**APPENDIX E RECOMMENDED INSTRUMENT OF APPROVAL AND
CONDITIONS**
