

20 December 2016

**NSW Planning Assessment Commission Determination Report  
Australian Technology Park (ATP), Eveleigh (SSD 7317)**

## **1. INTRODUCTION**

On 14 October 2016, the Planning Assessment Commission (the Commission) received from the Department of Planning and Environment (the Department) an application from Mirvac Projects Pty Ltd (the Applicant) seeking approval for a State significant development application to develop a new commercial campus at the Australian Technology Park (ATP) (hereafter referred to as the Site), located at Eveleigh.

The application has been referred to the Commission for determination in accordance with the Minister for Planning's delegation dated 14 September 2011, because the Department received more than 25 public submissions in the nature of objections and the City of Sydney Council also objected to the proposal.

Ms Lynelle Briggs AO, Chair of the Commission, nominated Ms Abigail Goldberg (Chair), Mr Stephen O'Connor and Professor Zada Lipman to constitute the Commission to determine the application.

### **1.1 Summary of Development Application**

This application seeks approval for a new commercial campus at on the Site consisting of:

- three mixed use buildings to include commercial, retail, community office, child care and gym uses; and
- associated public domain improvements.

The proposal includes building heights ranging from four to nine storeys. No works are proposed to any of the existing buildings within the ATP precinct, including heritage buildings.

### **1.2 Need for Proposal**

In its Environmental Impact Statement, the Applicant states that the proposal has a capital investment value of \$433,133,000 and will generate 2,100 construction jobs and 10,500 operational jobs.

The Department has assessed the proposal against the relevant strategic plans for the Site, including *A Plan for Growing Sydney*, *Sustainable Sydney 2030* and *Redfern-Waterloo Built Environment Plan (Stage One)*. The Department considers that the proposal meets the objectives of these plans as it provides office floor space to help grow a more internationally competitive economy and will generate 10,500 operational jobs close to public transport.

The Commission notes that *A Plan for Growing Sydney* will be implemented through District Plans, which are currently on exhibition until March 2017. The Site is within the Central District, which includes the City of Sydney local government area. The Commission has considered this plan in section 4.7 of this report.

## **2. DEPARTMENT'S ASSESSMENT REPORT**

The Department's assessment report identified the following key issues associated with this proposal:

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

- child care centres.

In addition, the report addressed a range of other issues that were raised in comments from the public. The report concluded that the application is acceptable given the proposal satisfactorily responds to the issues raised. The Department recommended approval, subject to conditions.

### **3. MEETINGS, SITE VISIT & CORRESPONDENCE**

#### Site visit and briefing from the Applicant

On 14 November 2016, the Commission inspected the Site and the surrounding area. The Site visit was accompanied by the Applicant, who outlined details of the proposal. The Commission also familiarised itself with the Site's proximity to residences on Henderson Road and examined the surrounding built form, public domain, access to public transport and local road network (**Appendix 1**).

The Commission met with the Applicant at the Commission offices subsequent to the Site visit to clarify details regarding the proposal. A summary of this meeting is included in **Appendix 2**.

The Commission conducted subsequent meetings with the Applicant on 6 and 12 December to address concerns pertaining primarily to the design of Building 1 and its relationship to the surrounding area, contributions, and the Applicant's SEPP 1 objections regarding height and gross floor area (GFA) (**Appendix 10 and 11**).

#### Briefing by the Department of Planning & Environment

On 14 November 2016, the Commission was briefed by representatives of the Department. The Department provided information about the Site, presented an overview of the proposed development and discussed the impacts associated with the development (**Appendix 3**) and their assessment of the application.

#### Briefing by UrbanGrowth NSW Development Corporation (UrbanGrowth)

On 14 November 2016, the Commission was briefed by representatives of UrbanGrowth NSW Development Corporation (**Appendix 4**). UrbanGrowth provided information regarding the history of the Site, including the sale process and subsequent activities.

#### Meeting with City of Sydney Council (Council)

On 14 November 2016, the Commission met with Council officers to discuss their views and issues they considered to be outstanding in relation to the proposed development (**Appendix 5**).

#### Meeting with Transport for New South Wales (TfNSW)

On 17 November 2016, the Commission met with representatives from TfNSW to discuss project application and implications for existing infrastructure including rail and road networks (**Appendix 6**).

#### Public Meeting

The Commission held a public meeting at the Australian Technology Park, Eveleigh on 17 November 2016, at which 8 speakers presented (**Appendix 7**).

Issues raised at the public meeting and in written submissions received at the meeting are summarised in **Appendix 8**. The summary addresses:

- Height and GFA non-compliance;
- Design of buildings;
- Traffic and parking;
- Public infrastructure;

- Heritage;
- Contributions; and
- Overshadowing.

#### Meeting with the Heritage Council of NSW (Heritage Council)

On 23 November 2016, the Commission met with members of the Heritage Council to discuss their views and issues they considered to be outstanding in relation to the proposed development (**Appendix 9**).

#### **4. ADDITIONAL INFORMATION**

As a result of matters addressed at the public meeting and the Commission's own review of the Department's assessment report (including associated expert reports), the Commission sought additional information from the Applicant including details regarding the public domain, car parking, heights of buildings in the adjoining areas, built form precedents, the design of Building 1 and the SEPP 1 objections for height and GFA.

#### **5. COMMISSION'S CONSIDERATION**

In arriving at its determination, the Commission has carefully considered:

- all information provided by the Applicant;
- the Department's Assessment Report and draft Conditions of Consent;
- advice and recommendations from government agencies;
- all written and verbal comments from the public; and
- relevant matters for consideration specified in section 79C of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Taking this information into account, the Commission considers the following matters to be key to the determination:

1. Height and GFA;
2. Integration;
3. Contributions;
4. Heritage;
5. Transport and Accessibility; and
6. Traffic and Parking.

Each item is addressed in the following pages, as well as a number of other matters relevant to the determination.

##### **4.1 Height and GFA**

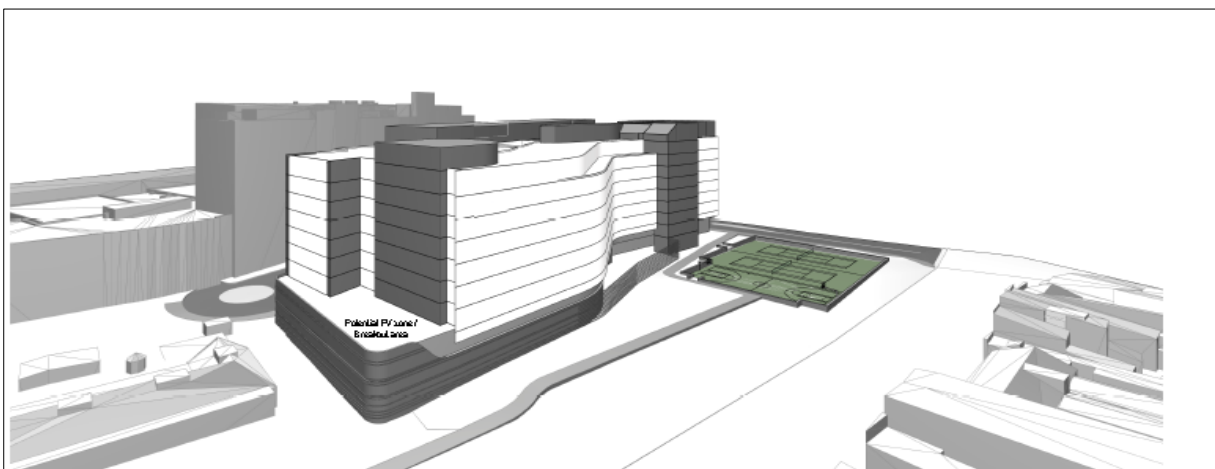
Concerns were raised in public submissions, by Council and in correspondence provided to the Commission and the Department regarding the application's non-compliance with building height and GFA controls as set out in the Redfern Waterloo Built Environment Plan (BEP) 2006.

The Commission acknowledges that two of the three buildings proposed seek approval for variance to the GFA controls (Building 1 and Building 2). In the case of Building 1, both the height and GFA controls are exceeded, while Building 2 conforms to the height controls but exceeds the GFA. With regard to Building 2, the Commission considers the variance to be acceptable because the building is located in the centre of the site where it's bulk and scale is of least impact, and because the design of the building has regard to existing surrounding buildings, including the heritage listed Locomotive workshops. The variance also has public benefit in that it supports employment generating uses on the Site.

With regard to Building 1, the Commission notes that the initial plans received from the Applicant required both a variance to the GFA and height controls as the design of the building included a non-conforming nine

storey element at the western end of Building 1. While the variance in GFA was considered acceptable by the Commission due to its supporting employment generating uses on the Site, the variation to height was considered to be problematic in this location which adjoins an existing child care centre and apartment buildings which are of a substantially lower scale. Accordingly, the Commission sought amended plans from the Applicant in order to improve integration with the local context and address concerns relating to the interface with the surrounding land uses.

Amended plans were received from the Applicant addressing the concerns of the Commission and resulting in a building design that takes into account both the current and desired future character of the precinct. Whilst the amended design still requires a variation to the height controls, this variance has been substantially reduced and the revised massing is considered to provide an overall improved outcome that addresses both community and Council concerns (**Figure 1**). The Commission is satisfied that the revised design is both sympathetic to the surrounding land uses and provides a significantly more appropriate interface with the Alexandria Child Care Centre.



**Figure 1:** Building 1 view from the south-west.

The Commission notes that the proposed design of Building 3 is within the height and GFA controls.

#### Consideration of State Environmental Planning Policy No 1 – Development Standards (SEPP 1) Objection

The Applicant submitted written justification in support of the proposed variation to the height and GFA controls in the form of SEPP 1 Objections.

As a result of the changes to the design of Building 1 arrived at the request of the Commission, a revised SEPP 1 Objection for the height of the building was required to be submitted. In addition, the Commission required the Applicant to reconsider the original SEPP 1 Objections for the variance to GFA for both Buildings 1 and 2 on the grounds that neither were sufficiently robust in planning terms and both included matters irrelevant to a planning approval.

The Applicant subsequently provided revised SEPP 1 Objections to address the height and GFA non-compliances for the proposal. In these Objections the Applicant contends that the proposal overall *meets development needs into the future while also supporting and reinforcing the overall vision for the ATP*. The Commission is of the view that the revised SEPP 1 Objections provide valid support for the variances proposed for both the height and GFA controls.

## **4.2 Integration**

Many concerns were raised in public submissions and by Council about the impact of the original proposed buildings, in particular with regard to their bulk and scale. The Commission acknowledges these concerns, and noted that the Secretary of the Department's assessment requirements (SEARs) had sought that effective integration with the surrounding context be achieved.

While the Commission considered that integration of the built form had been broadly addressed across the Site, and was also proposed by the Applicant to be supported through a range of public domain improvements, the western edge of the original Building 1 proposal provided an unacceptable interface with adjoining existing buildings and land use, as noted in 4.1 above. The Commission considers that the amended plans for the western component of Building 1 creates a substantially more acceptable transition and interface with its context.

The Commission is now satisfied the proposal minimises bulk and scale impacts on the surrounding locality, whilst respecting the intention of the built form controls. In addition, the Commission is of the view that the revised design of Building 1 has the bulk of its height through the centre portion of the building which alleviates impacts on the surrounding edges. While the building is proposed to be set back approximately 6.6 metres from the Alexandria Child Care Centre, providing sufficient space for mature landscaping to further buffer the interface with the Alexandria Child Care Centre.

The Commission observes that substantial revisions to the Building 1 design had already been achieved through negotiation with the Department as part of their response to submissions process to reduce overshadowing impacts upon properties to the south of the Site along Henderson Road. The Commission considers that the setback of the building from Henderson Road in combination with these changes will minimise overshadowing impacts.

## **4.3 Contributions**

The Commission was presented with a range of views regarding the Contributions required from the Applicant towards the local area. The public asserted that the proposed Contributions were insufficient while Council, UrbanGrowth and the Department provided conflicting justification for calculating the contributions required.

However, the Commission's powers in regard to Contributions under the Redfern-Waterloo Authority Contributions Plan 2006 (RWA Contributions Plan) are restricted. As a result, the Commission cannot impose a condition for payment of a contribution for anything less than that specified in the RWA Contributions Plan. Works in kind cannot be offset against the contribution required as envisaged by the applicant in the absence of a Voluntary Planning Agreement (VPA) offer and acceptance. The power of the Commission is therefore limited to imposing a condition requiring the payment of a 2% levy.

The provisions contained within RWA Contributions Plan further limits the staging or deferral of payments.

The Commission has amended the contributions conditions to be consistent with the power provided to it by the RWA Contributions Plan. A condition (**A11**) requiring the payment of a 2% levy prior to the issue of the first construction certificate has therefore been included in the modified consent.

## **4.4 Heritage**

The Commission notes the SEARs requirement (cl 7) to address the impacts of the proposal on the heritage significance of the APT precinct. There are a number of important and unique heritage items on the Site. The Commission notes that the Eveleigh Railway Workshops are listed on the NSW State Heritage Register, while the associated machinery is listed on the ATP Section 170 Register. Concerns about the impact of the

proposed development on the heritage values of the Site were the most frequently raised issues in the public submissions received by the Department and in presentations made to the Commission at its public meeting.

As a result, the Commission met with members of the Heritage Council and sought their input on matters still to be addressed with the Applicant. The Heritage Council requested in particular that the Applicant remove all trees proposed along Locomotive Street in front of the Locomotive Workshops out of respect for the industrial character of the building. The Heritage Council also proposed additional conditions including a requirement for on-going consultation with themselves to ensure the industrial character of the Site is retained and interpretation of the heritage and history of the site is effectively addressed. Additionally, the Commission notes the Department's inclusion of a condition requiring the potential reuse and interpretation of the remnants of the Foundry Wall located east of Central Plaza.

The Commission has addressed all the recommendations of the Heritage Council, and is satisfied that subject to the relevant conditions, the future development of the Site can be undertaken in a manner sympathetic to the heritage significance of the Site and the wider ATP precinct.

The Commission has also accepted conditions by the Department to protect and preserve any potential Aboriginal heritage or archaeological relics identified on Site.

#### **4.5 Transport and Accessibility**

The Commission notes the concerns raised by the public pertaining to the transport options available to the future tenants of the Site.

Accordingly, the Commission sought clarification from TfNSW regarding impact in terms of traffic generation, as well as the likely impacts on the surrounding road network and public transport infrastructure. The Commission notes as a result of the advice of TfNSW, a condition has been included to ensure a Work Place Travel Plan is developed to inform users of the Site about sustainable and safe travel options.

The Commission also requested information regarding the capacity at Redfern Train Station. TfNSW confirmed that whilst upgrades may be required to Redfern Station in the future there are no works currently committed to or funded. However, TfNSW provided assurance that a range of management measures were under consideration and would be implemented by TfNSW should Redfern Train Station and/or the surrounding road network reach capacity. The Commission acknowledges the commitment from TfNSW to engage with the Applicant to ensure the respective users of the Site have sufficient public transport options available (**Condition F14**).

The Commission has reviewed the Applicant's Transport Impact Assessment (TIA) which includes discussion about the modes of transport available to the Site. The Commission notes that whilst the anticipated modal split from car use to public transport requires a very significant behavioural change, many of the future users of the Site will be unable to access the Site for parking and therefore may well seek to utilise alternate modes of transport. Consequently, the Applicant has incorporated paths of travel through the Site connecting modes of public transport to the Site.

The Commission notes the Applicant's revised plans include the relocation of the accessible ramp proposed for the north-east area of the Site, which complies with the Disability Discrimination Act (DDA). Additionally, the Commission notes that the existing boom gate located on Locomotive Street will be removed to provide for the free passage of pedestrians traversing through the Site.

The Commission is of the view that the Applicant has provided adequate measures through the Site to ensure improved connectivity to the public transport network and this is reinforced through the inclusion of Conditions (**B58 and F23**).

#### 4.6 Traffic and Parking

The Commission is cognisant of the concerns of the public regarding traffic to be generated by the proposal and potential parking impacts associated with it. The Commission acknowledges that the information submitted with the application included a traffic assessment prepared by GTA Consultants (2015). The assessment has based its findings on the existing car parking occupancy rates. The Commission notes that these findings indicate a level of service satisfactory to the operation of the surrounding road network and public infrastructure.

Notwithstanding this, the Commission notes that conditions proposed by the Department require further traffic assessment to be undertaken in consultation with TfNSW. The Commission also notes that TfNSW is of the view that the modelling prepared by the Applicant to date is satisfactory.

In addition, the Commission is of the opinion that the car parking proposed as part of this project is considered to have been suitably integrated into the design of Building 1 (as revised) and Building 2. The Commission is in agreement with the Department regarding the proposed number of car parking spaces as this is considered consistent with the modal shift targets for the Site and the SEARs for the proposal.

The Commission has however added to the conditions specific requirements that parking both during construction and on completion of the buildings in the local area be avoided by users of the site through a range of measures.

#### 4.7 Other matters

##### **A Plan for Growing Sydney and Draft Central District Plan**

The Commission notes that *A Plan for Growing Sydney (2014)* has stated its intention to include ATP within the area it describes as the 'Global Economic Corridor' in addition to the Site already being addressed in the *State Environmental Planning Policy (State Significant Precinct) 2005 (SSP SEPP)*, and *Redfern Waterloo Built Environment Plan (BEP) 2006*. The Commission notes that the BEP identifies ATP for business park uses, with the potential to harness job growth and related activity within the Redfern-Waterloo area.

The Central District priorities are to drive growth, enhance the Eastern City's role as a global leader and plan for jobs in strategic and district centres. The Commission considers that the proposal is consistent with the objectives and actions of the draft Central District Plan in that:

- the redevelopment of ATP would create an opportunity for the growth of commercial floor space and increase the capacity for productive business; and
- the operation of the commercial and retail tenancies as well as the gym and child care centres would create approximately 10,500 operational jobs close to public transport.

The Commission is satisfied that the proposal is consistent with these policy documents and planning instruments.

##### **Light spill**

Concerns were raised regarding existing light spill from buildings within the ATP precinct, and its impact on local residents, and the potential for the proposed buildings to provide additional light spill.

The Commission has reviewed the concerns raised and incorporated the Department's recommended condition pertaining to light spill of the outdoor lighting systems condition (**B34**). The Commission is of the view that the condition will adequately address light spill to adjoining properties.

Further, the Commission acknowledges the Reflectivity Report submitted with the application and the Department's inclusion of **Condition B6** requiring building facades to be designed to alleviate glare.

### **Ongoing Consultation**

Concerns were raised in comments provided to the Commission and at the public meeting regarding the role of the Community Liaison Group (CLG) required by **Condition B14**.

The Commission sought clarification from the Applicant on this issue and has added to the Conditions provided by the Department to ensure that this group will be effectively chaired.

The Commission has also sought clarification regarding complaints management procedures and is satisfied with the Applicant's response that a 24-hour phone number and contact details will be made public to ensure on-going rapid response to and management of complaints related to the Site.

The Commission also heard concerns regarding ongoing consultation with groups interested in and associated with the heritage of the site, including current and past rail workers and Aboriginal groups. In response to these concerns, the Commission has ensured that the Conditions imposed on the Site include requirements for ongoing consultation with these groups as well as with the Heritage Council.

### **Construction Impacts**

The Commission has noted concerns pertaining to construction impacts and more notably the impacts on the homes and businesses proximate to the Site.

The Commission notes the Applicant has committed to erecting noise barriers to address the issue of noise generated as a result of construction. Notwithstanding this, the construction hours adopted by the Department include a variance to the standard hours specified in the *Interim Construction Noise Guide 2009* (ICNG), however the hours have been curtailed to ensure compliance with Council's *Code of Practice for Construction Hours/Noise 1992* (**Condition D15**).

The Commission also notes the inclusion of a Construction Traffic Management Plan to mitigate traffic congestion during the construction period.

The Commission is of the view that the construction impacts during the hours permitted are reasonable in view of the scale of the project.

### **Technology Incubation Fund**

The Commission notes the community's concern regarding ongoing commitment to innovation in relation to technology on the Site. The Commission has clarified with both the Applicant and UrbanGrowth their commitment to ongoing support of innovation on the Site as well as encouragement of technology start-ups within ATP through the provision of a Technology Incubation Fund.

The Commission is also cognisant and supportive of the wider NSW Government's commitment to a technology focus at the Site.

### **Community Access to Facilities**

The Commission acknowledges concerns raised by the public pertaining to accessibility for the wider community to facilities within ATP.

The Commission notes that the Department have incorporated **Condition A12** to ensure a community access plan is implemented.

The Commission also acknowledges that a public access easement pertains to a portion of the Site (Lot 4007). The Commission notes the proposal retains the existing access routes within the ATP precinct. Further, the



Commission is satisfied that the Site will be designed to accommodate pedestrian flow and will further enhance pedestrian connectivity to public transport connections.

The Commission note the potential for child care facilities to be made publicly available should the future child care facilities provided within Buildings 1 and 3 not reach capacity from demand of employees at ATP. The Commission is of the view that the Site will continue to be utilised as a thoroughfare in addition to future enhanced facilities being available to the wider community.

## 6. COMMISSION'S FINDINGS AND DETERMINATION

The Commission has carefully considered the Applicant's proposal, the Department's Assessment Report and the relevant matters for consideration under section 79C of the EP&A Act. The Commission has noted the advice and recommendations of the Department, and government agencies including Council, the Heritage Council of NSW, UrbanGrowth and TfNSW. In addition, the Commission has heard from members of the community about their concerns and has considered public submissions.

Accordingly, the Commission has taken action to address concerns raised by both the public and agencies, including the poor interface of Building 1 with adjoining uses and buildings resulting from variations relating to height and GFA controls. After careful deliberation the Commission is satisfied the proposal will integrate effectively with its surrounds, an outcome which has been reinforced through an amended design for Building 1, as well as the imposition of a range of conditions addressing issues including heritage, public domain and community access to facilities.

The Commission has included further conditions requiring consultation with TfNSW to ensure effective travel demand management. The Commission is satisfied that there are appropriate measures available to ameliorate the potential traffic impacts of the project.

The Commission recognises that the Site will enable a business park to harness potential job growth and activity for this location and supports an outcome that will improve the utilisation of this important Site while retaining its heritage features and character.

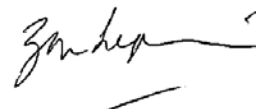
The Commission has considered the merits of this application and has approved the amended application subject to the conditions set out in the instrument of approval.



**Abigail Goldberg**  
Commission Member (Chair)



**Stephen O'Connor**  
Commission Member



**Professor Zada Lipman**  
Commission Member

<b>This site visit is part of the determination process</b>		
<b>Meeting notes:</b> Muriel Maher	<b>Date:</b> Monday, 14 November 2016	<b>Time:</b> 9am
<b>Project:</b> Australian Technology Park State Significant Development Application		
<b>Meeting place:</b> Australian Technology Park		
<p><b>Attendees:</b></p> <p>Commission Members: Abigail Goldberg (Chair), Stephen O'Connor and Professor Zada Lipman          Commission Secretariat: Muriel Maher (Senior Planning Officer) and Alana Jelfs (Planning Officer)          Applicant: William Walker (Project Director, Mirvac), Simon Healy (GM Mirvac Development), Andrew Duggan (JBA), Alexis Cella (JBA), Adam Sutherland (Head of Construction), Sean McPeake (Lead Architect), Natalie Bernuetz (Lead Landscape), Brett Maynard (GTA Consultants)</p>		
<p><b>The purpose of the meeting:</b> Site visit guided by the Applicants, followed by site visit by Commission members and Secretariat only, and visit to surrounding areas by Commission members and Secretariat only.</p>		
<p><u>Overview</u></p> <p>The Commission conducted a site visit with the Applicant. The Commission also made an unaccompanied site visit and visit to the surrounds of the site.</p>		
<p><u>Site visit</u></p> <ul style="list-style-type: none"> <li>• Introduction by Chair and overview of the Planning Assessment Commission process.</li> <li>• The site visit commenced in the Locomotive Building.</li> <li>• The applicant advised that Bays 1 and 2 currently comprise spaces leased by operational Blacksmiths. Noted that the site contains numerous items of movable heritage.</li> <li>• The Applicant advised that they aim to provide additional retail uses within the Locomotive Building, but that this will be subject to a separate development application.</li> <li>• The site visit progressed to the public domain. Noted that public domain improvements in Innovation Plaza are proposed to include public art, seating, and areas for outdoor work. It is proposed to retain movable items of heritage such as the crane.</li> <li>• Entrance to the site, along part of Cornwallis Street/Marian Street is proposed to be upgraded to improve connectivity between the site and Redfern Station Platform 10 (as per Condition B61). An accessibility ramp is proposed at this location and is intended to be compliant with the provisions of the Disability Discrimination Act.</li> <li>• The tank stand adjacent to the entrance path is a heritage item and the Applicant plans to add interpretation tools.</li> <li>• Heritage restoration works are proposed (through a separate application) for the boilers located at the southern elevation of the Locomotive Building.</li> <li>• NICTA Building (western aspect of the site) and the Channel 7 Media Building (northern aspect of the site) are owned by Centuria.</li> <li>• The Foundry Wall is proposed to be demolished. There are no current plans to reuse the material from the wall. Condition B51 as imposed by the Department sets out requirements for heritage interpretation with regards to the wall.</li> </ul>		

- The Building 2 ground area is contaminated. The strategy is to contain and cap the contaminated materials on site.
- The diagonal relationship between Building 1 and Building 2 was described as it was proposed to appear from Central Avenue. The Applicant proposes to provide some activated building elevations.
- There is a public access easement over the Village Square.
- There is potential for City of Sydney Council to take over management of the public domain on conclusion of Mirvac's lease with the proposed tenant, estimated to be in 15 years time.
- The existing car park entrance for the Channel 7 building is adjacent to the Village Square and Channel 7 carpark is partially subterranean. The Commission questioned why basement car parking for the new buildings under consideration has not been proposed by the Applicant. This was taken on notice for discussion at the meeting following the site visit.
- The proposed Building 1 footprint contains an existing at-grade car park (272 spaces), which is used only when events are held at the site;
- To the west of the proposed Building 1 is a Council owned and run childcare centre. The height control for Building 1 adjacent to the childcare centre is 4 storeys; Building 1 is proposed to exceed the control by 5 storeys, reaching a height of 9 storeys excluding roof features and plant.
- Commission members requested that integration with surrounding buildings and uses be further addressed at the meeting following the site visit.
- Existing tennis courts at the front (southern section) of the site are to remain with public domain upgrades proposed.

**Outcomes/Agreed Actions:** Follow-up discussions to be held at the Commission office

**Site visit concluded at 10:30am**

<b>This meeting is part of the determination process</b>		
<b>Meeting notes: Muriel Maher</b>	<b>Date: Monday, 14 November 2016</b>	<b>Time: 12pm</b>
<b>Project:</b> Australian Technology Park State Significant Development Application		
<b>Meeting place:</b> Planning Assessment Commission Offices		
<p><b>Attendees:</b></p> <p>Commission Members: Abigail Goldberg (Chair), Stephen O'Connor and Professor Zada Lipman          Commission Secretariat: Muriel Maher (Senior Planning Officer) and Alana Jelfs (Planning Officer)          Applicant: Will Walker (Project Director, Mirvac), Simon Healy (GM Mirvac Development), Andrew Duggan (JBA), Alexis Cella (JBA), Adam Sutherland (Head of Construction), Sean McPeake (Lead Architect), Natalie Bernuetz (Lead Landscape), Brett Maynard (GTA Consultants)</p>		
<b>The purpose of the meeting:</b> Briefing by the Applicant.		
<p><u>Meeting with the Applicant</u></p> <p>The Applicant attended the Planning Assessment Commission office to discuss the project. The Chair opened the meeting and advised attendees of the process to be followed by the Commission. The Chair drew particular attention to the SEARs for the project.</p> <p>Matters were addressed as outlined below:</p> <p><u>Underground Car Parking</u></p> <ul style="list-style-type: none"> <li>• The Applicant asserted that the potential for underground parking is limited as fill material is contaminated and the Environmental Protection Authority (EPA) guidelines indicate a preference for contaminated fill to remain on site due to the risk of dust and disturbance. In addition:             <ul style="list-style-type: none"> <li>○ Excavation would result in significant noise and vibration impacts.</li> <li>○ Works to excavate would add 6-8 months to the construction program and 10,700 additional truck movements to remove spoil from the site.</li> </ul> </li> <li>• The car park where Building 1 is proposed is approximately 5-6m from the underground eastern suburbs rail tunnel. City Rail have raised concern should excavation be proposed given the age and condition of the tunnel and its masonry construction.</li> <li>• The existing car park beneath the Channel 7 building is 2.3 metres floor to floor.</li> <li>• The Building 2 site is constrained by proximity to other tunnel infrastructure and a Transgrid easement.</li> <li>• Council do not support excavation beneath Central Avenue due to significant services located within the roadway.</li> <li>• The Applicant maintains the position that it is not feasible to provide basement car parking.</li> </ul> <p><u>Integration</u></p> <ul style="list-style-type: none"> <li>• The Applicant asserted that the site is within the Central to Eveleigh urban renewal corridor. Waterloo Metro Station will be operational by 2024. Australian Technology Park represents the economic and employment hub of the corridor, with approximately 10,000 residents expected within the corridor. Moreover, the Applicant noted that:</li> </ul>		

- Sydney Metro West was announced today, which reinforces the significance of the site and its location;
- Currently ATP comprises 8,000 employees. *A Plan for Growing Sydney* identifies there will be up to 97,000 employees by 2030.
- The Applicant noted that building materials would be selected to reflect the locality, with Building 1 proposed to be concrete construction, while Building 2 was proposed to have a steel frame. Moreover:
  - Porosity and visual connectivity to the site and surrounds were addressed as key factors when planning the project framework;
  - Approximately \$18 million is proposed to be invested into the public domain to create place;
  - The Community Building/Building 3 is designed so as not to impose on the Vice Chancellors Oval;
  - Two childcare centres are to be provided with priority being given to the children of employees on the ATP site;
  - There will be a play area provided on the upper level terrace area of Building 3 for the child care centre;
  - Whilst Locomotive Street will continue to be vehicular accessible, the boom-gate will be removed to support visual integration and encourage pedestrian accessibility; and
  - The Channel 7 Building provides publicly accessible parking.
- Commission members sought information on examples of existing buildings of the length and scale proposed for the site.

#### Overshadowing

- The rooftop plant on Building 1 has been reduced in recently amended proposals to alleviate overshadowing impacts on properties to the south of Henderson Street.
- All properties located on Henderson Street would now receive a minimum of two hours of sunlight during mid-winter however it is noted that self-shadowing as a result of awnings impacts the sunlight available to some buildings as do street trees.
- Drawings were presented illustrating anticipated shadow impacts and how these have been amended following discussions with the Department.

#### Traffic

- The Commission observed that Redfern Station is currently said to be at or over capacity and potentially over the level of passenger comfort and egress scenarios, however this was still to be discussed with Transport for NSW.
- The Applicant noted that Redfern Station will operate at level of service that is not ideal but emphasised that there are ways in which this may be addressed – for example by spreading start times (personal choice, or corporate choice). As the proposed future employees are currently located at Sydney Olympic Park, it was noted that they are already a public transport workforce. Comments were made that Town Hall is a current example of how rail staff may be engaged to manage and control pedestrian movement at crowded stations.
- The Applicant advised that a Green Travel Plan is proposed to be provided to future employees to highlight options for travelling to the site. In addition:
  - There is limited availability of parking proposed within the buildings on site. It is proposed that tenants will be responsible for managing the parking allocations.

- Over time, car parking provision has decreased at the site and this project would further reduce the dependency upon cars; and
- A pricing policy is another strategy to reduce reliance on car use, as is bike hire and the proposed provision of end of journey facilities.

**Outcomes/Agreed Actions:** The Applicant to provide further information regarding:

- The length and design of Buildings 1 and 2;
- Built form and design quality with regard to integration with the local context;
- The proposed modal-split;
- Car-parking quantum and management arrangements; and
- Amenities to be available to the public.

**Meeting closed at 1:10pm**

<b>This meeting is part of the determination process</b>		
<b>Meeting notes:</b> Muriel Maher	<b>Date:</b> Monday, 14 November 2016	<b>Time:</b> 2pm
<b>Project:</b> Australian Technology Park State Significant Development Application		
<b>Meeting place:</b> Planning Assessment Commission Offices		
<p><b>Attendees:</b></p> <p>Commission Members: Abigail Goldberg (Chair), Stephen O'Connor and Professor Zada Lipman          Commission Secretariat: Muriel Maher (Senior Planning Officer) and Alana Jelfs (Planning Officer)          Department of Planning and Environment: Brendon Roberts (Executive Officer), Ben Lusher (Director Metro Assessments) and Anthea Sargeant (Executive Director)</p>		
<p><b>The purpose of the meeting</b> is for the Department to outline the proposed works and an opportunity to discuss significant issues.</p>		
<p>The Commission invited the Department by email of 9 November 2016 to address the following matters in addition to any additional information they felt would be of assistance to the Commission in understanding the proposal:</p> <ul style="list-style-type: none"> <li>• Modal-split targets;</li> <li>• GFA and height;</li> <li>• Integration with the surrounding area;</li> <li>• Parking arrangements for existing uses, the construction period and proposed final development;</li> <li>• Underground parking;</li> <li>• Section 94 contributions and community benefits; and</li> <li>• The status of the Voluntary Planning Agreement (VPA).</li> </ul> <p>The Department discussed the matters outlined below:</p> <p><u>Integration</u></p> <ul style="list-style-type: none"> <li>• The Department provided an overview of the project. In particular, the Department asserted that the project is consistent with the State Significant Precinct State Environmental Planning Policy (SSP SEPP) in relation to its proposed scale and use for employment purposes.</li> <li>• The Commission noted the exceedance of height and gross floor area (GFA) of the proposal and observed that while the scale of the project is envisaged under the SEPP, there is a need for the project to effectively integrate with the surrounding context and that this is a requirement of the SEARs.</li> </ul> <p><u>Parking</u></p> <ul style="list-style-type: none"> <li>• The Department advised that they supported the Applicant's argument that basement parking is not feasible.</li> <li>• The Department advised that there is a car parking cap of 1,600 and whilst the modal split is a monumental change, people will be unable to access the ATP site for parking, and would therefore inevitably use other means/modes of transport. In addition, anecdotal observations indicate low usage of existing car spaces.</li> </ul>		



- The Department noted that they did explore underground car parking in discussions with the Applicant, however the Department was unsuccessful at persuading the Applicant to move to an underground parking proposal.

#### Contributions

- The Department explained that the Applicant is expected to pay \$9.5 million in accordance with the Redfern-Waterloo Authority Contributions Plan (Contributions Plan). The Applicant has made an offer of works-in-kind to the value of \$18.9 million and the Department assessed this amount against the Contributions Plan.
- The Department advised that it believed the Applicant's proposal would provide a material public benefit including public domain works, road, public transport and access infrastructure works, community facilities and drainage as required under the Contributions Plan.
- The Department confirmed the rationale behind the method used for calculating the recommended offset and asserted that both employees of the site and the Redfern-Waterloo community will benefit from the works to the public domain and community facilities equally.

#### Voluntary Planning Agreement (VPA)

- The Department advised that the Applicant had put an offer to Council to enter into a VPA. This offer would provide Council with the option of accepting the dedication of the public domain in the event the proposed tenant vacates the site. The Department has recommended a condition of consent requiring a VPA in accordance with the Applicant's offer.

#### Heritage

- The Department advised that the project does not include direct works to any of the heritage listed buildings.
- The Commission raised the Heritage Council issues pertaining to the foundry walls and the impact of Building 2 on the Locomotive Workshops and was informed by the Department of their request for an updated heritage interpretation plan through a condition of consent and also, a condition requiring the Foundry Walls to be re-used elsewhere within the development or suitable interpretation as agreed in consultation with Council.

**Outcomes/Agreed Actions:** N/A

**Meeting closed at** 3pm

## Meeting with UrbanGrowth NSW Development Corporation (UGDC)

<b>This meeting is part of the determination process</b>		
<b>Meeting notes: Muriel Maher</b>	<b>Date:</b> Monday, 14 November 2016	<b>Time:</b> 3pm
<b>Project:</b> Australian Technology Park State Significant Development Application		
<b>Meeting place:</b> Planning Assessment Commission Offices		
<b>Attendees:</b> Commission Members: Abigail Goldberg (Chair), Stephen O'Connor and Professor Zada Lipman Commission Secretariat: Muriel Maher (Senior Planning Officer) and Alana Jelfs (Planning Officer) UrbanGrowth NSW Development Corporation: Sarah Glennan (Senior Development Manager) and Duncan Read (Program Director- acting)		
<b>The purpose of the meeting</b> is for UrbanGrowth to outline the background to the proposal and to discuss any issues believed to be relevant or significant to the assessment.		
<p>The role of UrbanGrowth NSW Development Corporation (UGDC) was sought to be clarified. Representatives of UGDC advised that their operations are restricted to the Redfern-Waterloo, Granville and Cooks Cove growth centres.</p> <p>UGDC reports through its CEO to the Minister for Planning, UrbanGrowth NSW has a Board. UGDC representatives advised that they were fully informed of the background to the site and had assisted in the Tender and sale of the site.</p> <p><u>Contributions</u></p> <ul style="list-style-type: none"> <li>Contractual documents between UGDC and Mirvac included a description of material public benefits to be provided and outlined the estimated value thereof.</li> <li>It is UGDC's view that the proposed public domain works are largely to the benefit of the land owners and existing or new tenants and employees of ATP.</li> <li>UGDC proposed a credit of \$3.2 million. The method used to determine this entailed comparison of Mirvac's proposal to the Works Schedule in the Redfern-Waterloo Authority Contributions Plan (Contributions Plan). As a result, UGDC support a full credit for one of the two childcare facilities as per item 19 in the Contributions Plan with an estimated cost of \$1.2 million. An additional credit of \$2 million for public domain upgrades to facilities that can be accessed by the broader community was considered to be appropriate.</li> <li>As a result of the credits, UGDC proposed a contribution of \$6,328,926.</li> <li>Commission members noted that the Applicant had earlier advised that both childcare centres were to be for the use of employees on site. UGDC advised that they had not been informed of this, and if this was to be the case, they would not support a credit for the childcare facilities.</li> </ul>		
<b>Outcomes/Agreed Actions:</b> N/A		
<b>Meeting closed at</b> 3:40pm		

<b>This meeting is part of the determination process</b>		
<b>Meeting notes:</b> Muriel Maher	<b>Date:</b> Monday, 14 November 2016	<b>Time:</b> 4pm
<b>Project:</b> Australian Technology Park State Significant Development Application		
<b>Meeting place:</b> Planning Assessment Commission Offices		
<b>Attendees:</b> Commission Members: Abigail Goldberg (Chair), Stephen O'Connor and Professor Zada Lipman Commission Secretariat: Muriel Maher (Senior Planning Officer) and Alana Jelfs (Planning Officer) City of Sydney Council: Russell Hand (Senior Planning Officer) and Chris Corradi (Team Leader)		
<b>The purpose of the meeting:</b> to determine any outstanding concerns of Council.		
The following matters were addressed by Council representatives:		
<u>Height Standards and Building 1:</u> <ul style="list-style-type: none"> <li>• As per the State Significant Precinct State Environmental Planning Policy (SSP SEPP), a 4 storey built form is permitted on the western component of Building 1. Building a 4-storey to the boundary would be dependent on merit – transition and the impact upon the existing surrounds.</li> <li>• The proposed 9 storeys is setting an undesirable precedence and imposes excessive visual impact and a sense of enclosure on the adjoining child care centre.</li> <li>• The non-compliant height is manifestly unreasonable and unnecessary at the western end of Building 1.</li> <li>• The setback between Building 1 and the Alexandria childcare centre results in an unacceptable transition as a result of the non-compliant height.</li> </ul>		
<u>Integration:</u> <ul style="list-style-type: none"> <li>• There is a lack of building height transition due to the non-complying height of Building 1 in addition to greater gross floor area than is anticipated by the planning controls.</li> <li>• Building 1 will be viewed as an anomaly of the planning system by failing to uphold the established controls. Approval of the building as proposed would erode public confidence in the planning system and undermine planning controls going forward.</li> <li>• The SSP SEPP non-compliance is significant in quantity and quality and should not be supported due to avoidable adverse environmental impacts.</li> <li>• The project is not integrated at all with the land to the south, east or west.</li> <li>• The Applicant's response to submissions makes a point several times of reinforcing that the scope of the project is wholly within ATP. Consideration of the surrounding context has not been adequate.</li> </ul>		
<u>Section 94A levies</u> <ul style="list-style-type: none"> <li>• It is unclear why is there a 50% reduction proposed to be provided to the Applicant when the work required to be done is as a result of the development.</li> <li>• A full contribution should be provided and put to public benefits arising from the demands of the development in the local and wider region.</li> </ul>		

- In addition, the works are only for the precinct benefit and not public benefit and proposed only to be of the minimum public domain design standard required by the City.
- While some credit may be considered, for example for upgrading of the tennis courts, this should be more effectively and robustly scrutinised.

#### At Grade Car Parking

- No defensible rationale has been provided for the absence of underground parking, which is expected and provided elsewhere throughout the local area.
- The at-grade car parking at the western component of Building 1 is not supported as it does not provide active frontages to encourage pedestrian amenity.
- The at-grade car parking will have visual, air quality and acoustic impacts on the adjoining Alexandria childcare centre.
- Council would support the inclusion of conditions requiring best-practice architectural and public art screening of all aboveground car parking visible from the public domain should this be supported by the Commission.
- Screening should incorporate art that reflects the heritage significance of the land or a related theme that is relevant to the site.

**Outcomes/Agreed Actions:** Council to provide detailed advice on their view of the public domain contribution proposed by the Applicant and to nominate conditions that would address Council's concerns for the information of the Commission.

**Meeting closed at 4:45pm**

**Appendix 6**  
**Meeting with Transport for New South Wales**

<b>This meeting is part of the determination process</b>		
<b>Meeting notes:</b> Muriel Maher	<b>Date:</b> Wednesday, 23 November 2016	<b>Time:</b> 9am
<b>Project:</b> Australian Technology Park State Significant Development Application		
<b>Meeting place:</b> Australian Technology Park		
<p><b>Attendees:</b></p> <p>Commission Members: Abigail Goldberg (Chair), Stephen O'Connor and Professor Zada Lipman          Commission Secretariat: Muriel Maher (Senior Planning Officer) and Alana Jelfs (Planning Officer)</p> <p>Transport for New South Wales (TfNSW):          Mark Ozinga (Principal Manager land Use Planning and Development)          Simon Hunter (Executive Director, Transport Strategy Freight, Strategy and Planning)          Neill Miller (Urban Transport Planner)</p>		
<p><b>The purpose of the meeting</b> is for Transport for NSW to outline any concerns and provide an opportunity to discuss significant issues.</p>		
<p><u>Redfern Station</u></p> <ul style="list-style-type: none"> <li>• Redfern Station is the 7<sup>th</sup> busiest station in the metropolitan train network and a top tier station.</li> <li>• During the morning Peak, Redfern Station accommodates approximately 15,000 passengers exiting and 4,000 entering.</li> <li>• It is estimated that the project will add 7,500 people to the passenger flow</li> <li>• Should the pedestrian modelling indicate full capacity then management measures would be explored to mitigate this.</li> <li>• Investigations into the capacity at Redfern Station are underway but a business case has not yet been prepared. There is therefore currently no commitment or funding to implement any works. It is expected that the results of the station investigations will not become available until mid 2017.</li> <li>• 2020-2021 will see an increase in passenger flow through Redfern Station and if required, station management techniques will be introduced.</li> <li>• The bus network is more flexible than the train network, and additional services can be added when needed.</li> <li>• Botany Road is a key bus corridor.</li> <li>• A private bus would not be considered an effective solution to increased passenger numbers.</li> <li>• TfNSW are satisfied with draft conditions proposed by the Department requiring the Applicant to prepare a Green Travel Plan.</li> <li>• TfNSW wish to continue to be involved in improving connectivity between Redfern Station and the Australian Technology Park.</li> </ul>		
<p><b>Outcomes/Agreed Actions:</b> Review proposed condition for connectivity from site to Redfern Station to ensure TfNSW is included in discussions regarding proposed improvements.</p>		
<b>Meeting closed at</b> 9:33am		

**Appendix 7**  
**List of Speakers at the Public Meeting**

**Date & Time:** Thursday, 17 November 2016

**Venue:** Room 6A, Bay 8, Australian Technology Park, Eveleigh

Meeting Schedule	
11am	Opening Statement from the Chair – Abigail Goldberg
Registered Speakers:	1. Vanessa Knight - Alexandria Residents Action Group
	2. Joy Brookes
	3. Danny Carroll
	4. Geoff Turnbull - Redwatch
	5. Anna Bacik
	6. Roger Jowett - Rail, Tram and Bus Union
	The Chair agreed to two additional speakers presenting on the day, particularly considering that the Commission had agreed to wait until 1pm to enable Ms Bacik to speak, and 2pm to enable Mr Jowett to present. As such, the following speakers presented to the Commission after Mr Turnbull and prior to Ms Bacik:
	7. Catherine Welch
8. Angela Chan	

**Comments made during the public meeting and in written submissions provided at the meeting are synthesised and summarised below:**

#### Design of Buildings

- The bulk and scale of the buildings are unreasonable.
- Building 1 is oversized in terms of its height, bulk and scale.
- The setback between Building 1 and the childcare centre is inadequate.
- The height variation of Building 1 is excessive with adverse impacts for the local community, including regarding solar access, and to the heritage context, which is undermined.
- To achieve design excellence, the buildings should fit more comfortably into the context and streetscape. This measure is not reflected on in the Department's assessment.
- The wave structure of the roof of Building 2 fails to disguise the overall ordinariness of the design.
- The interface with adjacent residents and the residential environment has not been adequately considered, even though this is required by the Secretary's Environmental Assessment Requirements (SEARs).

#### Parking

- There is an inadequate assessment of the traffic and transport impacts of the development.
- There is little recognition that current facilities will be unable to cope.
- The road and public transport network cannot accommodate this project.
- The assessment report contains little reference to the number of people that will use the suburban streets surrounding the site to park their cars, and the impact this will have on local residents.
- Currently, many of Australian Technology Park's employees park on local streets and have organised groups that move their cars several times a day in order to comply with local parking restrictions.

#### Public Infrastructure

- The proposal does not take into account the number of residents who will be accessing the station at the same time as the future occupants of the site.
- Trains arriving at Redfern Station are already over-capacity.
- The Waterloo Station will not be operational until some years after the project is complete.
- The existing road network is at capacity and there are other development in the area including Green Square and Ashmore that will also have impacts.
- Photo evidence indicates most people access the site through Platform 10 and the exit point is only 2.6 metres wide.
- There is no confirmation from Transport for New South Wales as to when the urgently needed improvements to Redfern Station will commence.
- There is a need for better connectivity between Redfern Station and the site.

#### Heritage

- The heritage value of the site has not been adequately recognised and taken into account.
- The Heritage Council's concerns are very relevant; the Locomotive Workshops are badly impacted by the proposal.
- The proposal does not comply with the Heritage Plan or existing heritage covenant for the Locomotive Workshops.
- The Heritage Impact Assessment provided with the application is high-level and contradictory, and does not commit to engagement with key stakeholders.

- The Redfern-Waterloo Built Environment Plan 2 requires a buffer space between Building 2 and the Locomotive Workshops. The applicant is ignoring the controls to get maximum floorspace.

#### Contributions

- The applicant appears to be attempting to avoid a contribution as required by the Section 94 requirements.
- The public domain will be managed by the applicant and utilised by workers, this should not be considered to be a public contribution.
- Investment is urgently needed into local infrastructure that is away from the site.

#### Overshadowing

- Shadows will be cast by Building 1 on to Henderson Road, impacting sunlight access during winter.
- The overshadowing is excessive even before the rooftop plant and equipment is taken in to account.

#### Traffic

- The traffic assessment provided is inadequate. The cumulative impact of West Connex and new developments in the area have not been taken in to account.
- The traffic study does not address public transport capacity.



## Meeting with the Heritage Council and Heritage Division

<b>This meeting is part of the determination process</b>		
<b>Meeting notes: Muriel Maher</b>	<b>Date:</b> Wednesday, 23 November 2016	<b>Time:</b> 4pm
<b>Project:</b> Australian Technology Park State Significant Development Application		
<b>Meeting place:</b> Planning Assessment Commission Offices		
<p><b>Attendees:</b></p> <p>Commission Members: Abigail Goldberg (Chair), Stephen O'Connor and Professor Zada Lipman  Commission Secretariat: Muriel Maher (Senior Planning Officer)</p> <p>Heritage Council:  Stephen Davies (chair of the Heritage Council)  Bruce Pettman (member of the Heritage Council)  Jane Irwin (member of the Heritage Council)</p> <p>Heritage Division:  Katrina Stankowski (Manager, Conservation – Heritage Division, Office of Environment and Heritage)  Sarah Jane Brazil (Senior Team Leader, Heritage Assets – Heritage Division, Office of Environment and Heritage)  Nina Pollock (Senior Heritage Assessment Officer, Heritage Assets – Heritage Division, Office of Environment and Heritage).</p>		
<p><b>The purpose of the meeting</b> is for the Heritage Council to outline the concerns raised and an opportunity to discuss significant issues.</p>		
<p><u>The Council and Heritage Office representatives raised the following matters:</u></p> <p><u>Design Modifications</u></p> <ul style="list-style-type: none"> <li>• The Australian Technology Park is a State Heritage listed site and the existing characteristics of the site should be carried over into any proposed development.</li> <li>• The heritage features should be the driver of the character of the site.</li> <li>• The alignment of Building 2 would detract from the Locomotive Workshops. The proposed building should be set back from the street edge.</li> <li>• The proposed design of Building 2 does not adequately complement the Locomotive Workshops (heritage building).</li> <li>• The proposed trees along the frontage of the Locomotive Workshop are suited to a 'domestic, residential scale development' but are inappropriate for this location and would detract from the industrial character of the heritage building. The trees should be removed from the proposal.</li> </ul> <p><u>Interpretation</u></p> <ul style="list-style-type: none"> <li>• The interpretation plan is currently being updated.</li> </ul> <p><u>Landscaping</u></p> <ul style="list-style-type: none"> <li>• The preference would be to remove all trees proposed along the northern side of Locomotive Street as it will detract from the existing industrial setting.</li> </ul>		

Archaeology

- Conditions have been proposed to address Archaeological issues.

**Outcomes/Agreed Actions:** The Heritage Division will review the draft conditions and provide their views on any gaps or omissions.

**Meeting closed at 4:45pm**

<b>This meeting is part of the determination process</b>		
<b>Meeting notes: Muriel Maher</b>	<b>Date:</b> Tuesday, 6 December 2016	<b>Time:</b> 10am
<b>Project:</b> Australian Technology Park State Significant Development Application		
<b>Meeting place:</b> Planning Assessment Commission Offices		
<p><b>Attendees:</b></p> <p>Commission Members: Abigail Goldberg (Chair), Stephen O'Connor and Professor Zada Lipman          Commission Secretariat: David McNamara (Director), Muriel Maher (Senior Planning Officer) and Natalie Day (Secretariat)          Applicant: Will Walker (Project Director, Mirvac), Simon Healy (GM Mirvac Development), Andrew Duggan (JBA), Alexis Cella (JBA), Adam Sutherland (Head of Construction) and Sean McPeake (Lead Architect).</p>		
<b>The purpose of the meeting</b> is for the Commission to provide feedback regarding three key matters.		
<p>The Chair of the Commission welcomed the Applicant and informed the Applicant that the key matters to be discussed at this meeting include:</p> <ol style="list-style-type: none"> <li>1. Contributions pursuant to the Redfern-Waterloo Authority Contributions Plan 2006;</li> <li>2. Integration;</li> <li>3. The SEPP 1 Objection for height and GFA; and</li> <li>4. Other matters including heritage.</li> </ol> <p><u>Contributions</u></p> <ul style="list-style-type: none"> <li>• The Commission had sought advice on how to make a defensible decision given the number of different recommendations regarding the contributions put before the Commission.</li> <li>• The advice revealed that such a condition pursuant to the Redfern-Waterloo Authority Contributions Plan 2006 can only be addressed by the Minister.</li> <li>• The Commission outlined options now available regarding the Contributions. They are as follows:             <ul style="list-style-type: none"> <li>• The Commission can request delegation from the Minister to impose a condition requiring the applicant to pay the full levy, being the percentage authorised by the contributions plan. This would be the less lengthy option and the Commission have begun the process to ensure delegation is with the Commission in the future for other projects within the Redfern-Waterloo area. The Commission also informed the Applicant that the option to enter into a Voluntary Planning Agreement (VPA) remains subsequent to a determination; or</li> <li>• The Applicant can choose to proceed to make a formal VPA offer to the Minister and wait for his decision.</li> </ul> </li> <li>• The Commission invited the Applicant to consider the option regarding the VPA, and to indicate whether they would be pursuing this.</li> </ul>		

### Integration

- The Commission notified the Applicant that the requirement for integration with the surrounding environment is a significant aspect to be considered and the Commission places importance on the Secretary's Environmental Assessment Requirements.
- Integration corresponds to the location where the height proposed by the Redfern-Waterloo Building Environment Plan (Stage 1) (RW BEP) is a permitted four storeys for the western component of Building 1 – this would facilitate better integration with the existing context.
- The Commission noted the design of the existing Channel 7 building.
- The Commission supports the City of Sydney Council's position regarding the undermining of the planning controls in this instance.
- In addition, the Commission has given weight to the community's assertion that the height of the building is too great in this location and will overwhelm the child care centre located to the west of Building 1.

### SEPP 1 Objection: Height

- The Commission has reviewed the SEPP 1 objection regarding the height and found that it is inadequate. Moreover, the Commission has found that the SEPP 1 objection places primary emphasis on the proposed tenant and the requirements of the tenant which is an irrelevancy in planning terms.
- Further, the SEPP 1 objection would set a precedent for an approval based on a planning irrelevancy which is in turn inappropriate. Accordingly, the Commission cannot support the SEPP 1 objection.
- As support for the SEPP 1 objection is a pre-condition for consideration of Building 1, the Commission cannot provide further consideration to Building 1 in its current form and requested the Applicant provide a revised design for Building 1.

### Sepp 1 Objection: GFA

- For the reasons outlined above the Commission requested a revised SEPP 1 objection for GFA also.

### Other Matters

- The Commission informed the applicant that heritage considerations will be addressed through amendments to existing conditions.

**Outcomes/Agreed Actions:** The Commission agreed that a further meeting should be arranged.

**Meeting closed at 10:45am**

<b>This meeting is part of the determination process</b>		
<b>Meeting notes: Muriel Maher</b>	<b>Date:</b> Monday, 12 December 2016	<b>Time:</b> 9am
<b>Project:</b> Australian Technology Park State Significant Development Application		
<b>Meeting place:</b> Planning Assessment Commission Offices		
<p><b>Attendees:</b></p> <p>Commission Members: Abigail Goldberg (Chair), Stephen O'Connor and Professor Zada Lipman.          Commission Secretariat: David McNamara (Director), Muriel Maher (Senior Planning Officer) and Natalie Day.          Applicant: Will Walker (Project Director, Mirvac), Simon Healy (GM Mirvac Development), Andrew Duggan (JBA), Alexis Cella (JBA), Adam Sutherland (Head of Construction), Sean McPeake (Lead Architect) and Richard Francis Jones (Architect).</p>		
<b>The purpose of the meeting</b> is for the Applicant to put forward design options for Building 1 to the Commission.		
<p>The Commission met with the Applicant to address the following outstanding issues:</p> <ul style="list-style-type: none"> <li>• Integration and Building 1 concerns;</li> <li>• Matters related to Contributions;</li> <li>• SEPP 1 objections;</li> <li>• The north-east entrance revised Disability Discrimination Act access solution;</li> <li>• The proposed design for Building 3 in terms of an amended design;</li> <li>• The recommended conditions provided by the Department and amendments proposed by the Commission; and</li> <li>• Timing and next steps.</li> </ul> <p><u>Integration</u></p> <ul style="list-style-type: none"> <li>• The Commission was provided with 3 design options for Building 1.</li> <li>• The Commission reviewed the revised designs and after careful deliberation informed the Applicant that the revised design option C (as provided in <b>Figure 1</b> of the report) is acceptable.</li> <li>• The revised design compliments the existing surrounds and minimises the bulk and scale impacts whilst respecting the intention of the built form controls and retaining a neutral GFA, car-parking and height outcome.</li> </ul> <p><u>Contributions</u></p> <ul style="list-style-type: none"> <li>• The Commission informed the Applicant that the Redfern-Waterloo Authority Contributions Plan (RWA) prohibits staged payment.</li> <li>• Accordingly the Applicant's request to make staged payments cannot be accepted.</li> <li>• The Applicant also requested that payment methods including a performance bond or bank guarantee be incorporated into the existing contributions condition. The Commission advised this would be a matter for Urban Growth NSW Development Corporation to review.</li> </ul> <p><u>SEPP 1 Objections</u></p> <ul style="list-style-type: none"> <li>• The Applicant informed the Commission that the revised SEPP 1 Objections were in working progress.</li> </ul>		

### North-East Entry Ramp

- An accessible ramp was proposed in the southern section of the entry garden. The Applicant provided revised plans to relocate the accessible ramp location to the northern section of the entry garden.
- The Commission raised no issues pertaining to the revised entry location for the accessible ramp.

### Building 3

- Revised plans pertaining to Building 3 were also provided to the Commission and found to be conforming to the Department's recommended condition relating to the removal of the substation and activation of the Vice Chancellor's Oval.

### Proposed Conditions

- The Commission informed the Applicant of proposed amendments to the conditions, in particular:
  - The incorporation of the Heritage Council's recommendations;
  - Landscaping and the public domain; and
  - Reinforcement of conditions pertaining to connectivity to the public transport network and on-going consultation with TfNSW to ensure effective travel demand management.

The meeting concluded with the Commission requesting the Applicant to provide a copy of all revised plans as discussed.

**Outcomes/Agreed Actions:** Receipt of the SEPP 1 Objections, Building 1 and 3 amendments and the entry for the accessible ramp.

**Meeting closed at 10:30am**