

# **Museums Discovery Centre Expansion Project SSD-10472**

## **Modification of Consent 2**

### **Lot 1 DP 1066281**

### **172 Showground Road,**

### **Castle Hill NSW 2154**



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## 1. Executive Summary

This application has been prepared by NSW Public Works Advisory on behalf of Create NSW for the purpose of a modification of a State Significant development consent under Section 4.55 (1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act). The original development consent SSD10472 relates to the expansion of the Powerhouse Museum Discovery Centre and was approved on 23 April 2021. The development includes spaces for the storage, care, research and viewing of the Powerhouse Collection, as well as flexible spaces for education and public programs, workshops, talks and events.

The proposed modification of condition B13 has arisen following consultation with The Hills Shire Council's Parks Assets Officer. An opportunity was identified for a collaboration between the Powerhouse Museum and Taronga Zoo to satisfy the requirements of condition B13, relating to the preparation of a Tree Replacement Implementation Plan. The proposal includes providing trees for the Zoo's Koala Browse Project at the University of Western Sydney (UWS) Richmond Campus site. There are several possible sites identified in the Zoo's proposal for planting that will comfortably accommodate 600 eucalyptus trees and have irrigation already available.

The Hills Shire Council has nominated two locations that are in close proximity to the Powerhouse Discovery Centre site for off-site planting of 74 of the replacement trees. These are:

- trees. Centenary of ANZAC Reserve – Lot 15 DP 1041791 and Lot 114 DP 2123:
- Arnold Avenue Reserve – Lots 42, 43 and 44 DP 224917,

These 74 replacement trees will be distributed across either or both of the following two reserves Centenary of ANZAC Reserve, and Arnold Avenue Reserve, with the remainder of the 600 replacement trees will be planted at the UWS, Richmond Campus, as part of the Taronga Zoo Koala Project. The Hills Shire Council has a preference that all 74 of the replacement trees be planted at Arnold Avenue Reserve. The remaining 600 trees will be planted at the Western Sydney University, as part of the Taronga Zoo Koala Project.

The proposed deletion of condition D3, has arisen as there is no longer a requirement for a right-of-way easement on the TAFE site in favour of the Museum of Applied Arts and Sciences, due to a legal agreement in the form of an Access Licence, between the two parties. It is understood that the Subdivision Plan approved in Condition A1 erroneously showed a proposed right-of-way over the TAFE site, and Condition D3 was therefore imposed in order to require this registration. The Subdivision Plan has now been amended, deleting this right-of-way.

## 2. Background

Development consent SSD10472 was issued by the Department of Planning, Industry and Environment on 23 April 2021. The consent permitted:

- removal of vegetation, site preparation and earthworks;
- demolition of an existing car park area and construction of new car park on the TAFE site;
- the construction and operation of a new building (Building J) for the storage of the Powerhouse
- collection and archives, spaces for education and public programs, conservation and research;
- construction of a new accessway connecting the MDC and TAFE sites;
- building identification signage, new landscaping, services infrastructure and a roof mounted photovoltaic system;
- site subdivision and consolidation; and
- implementation of a tree replacement strategy.

A Modification of Consent was approved by the Department of Planning, Industry and Environment on 21 September 2021 for the following design amendments:

- Reduction in glazing on the southern façade;
- Realignment of the western entry door;
- Deletion of north-east facing louvres;
- Reduction of number of louvres on the eastern façade at the southern end of the building;
- and
- Internal wall modifications to the photography studio and staff area.

### 3. Proposed Modification

The proposed modification is to amend Condition B13 of State Significant development consent SSD which states:

*TREE REPLACEMENT IMPLEMENTATION PLAN B13.*

*Prior to commencement of construction of Building J, a final Tree Replacement Implementation Plan (TRIP) must be developed in consultation with Council and approved by the Planning Secretary. The TRIP must include the final planting locations, species, pot sizes and maintenance of the replacement planting for 674 trees within Council's open space.*

In consultation with The Hills Shire Council's Parks Assets Officer, it was decided that an amendment to the condition would be required to implement the planting in accordance with the Taronga Zoo Koala Project, as the planting would occur over multiple council boundaries. The proposed wording of the condition is as follows:

*"Prior to the commencement of construction of Building J, a final Tree Replacement Implementation Plan (TRIP) must be developed in consultation with Council and approved by the Planning Secretary. The TRIP must include planting locations, species, pot sizes and maintenance of the replacement planting for the 674 trees (74 trees are to be within the Council's open space and 600 trees are to be within land leased by Taronga Conservation Society Australia to be grown and maintained for the purpose of zoo animal food)."*

The proposed deletion of condition D3 has arisen as there is no longer a requirement for a right-of-way easement on the TAFE site in favour of the Museum of Applied Arts and Sciences. This is due to a legal agreement in the form of an Access Licence, between the two parties. An amended subdivision plan has been included as part of this application.

#### 4. Substantially the Same Development

Section 4.55 (1A) states that a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).

The development as proposed to be modified is substantially the same development for which the consent was originally granted in that the development for the Powerhouse Museum Discovery Centre, as approved, remains unchanged. No design amendments are required to the approved plans and the change to Conditions B13 and D3 will not result in any significant environmental impacts.

## 5. Environmental Assessment

Section 4.55 (1A) states that a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if it is satisfied that the proposed modification is of minimal environmental impact.

The EIS submitted with the original SSD application considered the likely environmental impacts of the proposal, including the following:

- Built form and urban design;
- Environmental amenity;
- Transport and accessibility;
- Noise and vibration;
- Construction management;
- Ecologically sustainable development;
- Waste management;
- Biodiversity;
- Environmental risks;
- Site suitability; and
- Public interest.

The assessment of the potential impacts of the development were assessed and determined to be acceptable in Development Consent SSD 10472. The proposed modification is not anticipated to alter this outcome.

### 5.1 Other Statutory Considerations

Legislation	
Biodiversity Conservation Act 2017	The proposed modification will not arise in any additional impacts beyond those identified in the Biodiversity Development Assessment Report provided with the original application.
Environmental Planning Instrument	
SEPP No 55 - Remediation	The proposed modification is considered to be consistent with the original approval.
SEPP Infrastructure 2007	The proposed modification is considered to be consistent with the original approval.
SEPP (State and Regional Development) 2011	The proposed modification is considered to be consistent with the original approval.
The Hills Local Environmental Plan 2019	The proposed modification is considered to be consistent with the original approval.

### 5.2 Suitability of the site

The assessment of the original application found that the development was a suitable use of the site. The proposed modification does not alter this outcome.

### 5.3 Public Interest

The assessment of the original application found that the development was in the public interest. The proposed modification does not alter this outcome.

## 6. Conclusion

The application is for the modification of State Significant development consent SSD10472 to amend condition B13 relating to the preparation of a Tree Replacement Implementation Plan and the deletion of condition D3.

In accordance with section 4.55(1A) of the EP&A Act, the consent authority may modify the consent as the proposed modification is:

- of minimal environmental impact;
- substantially the same development as development for which the consent was granted; and
- in the public interest

It is considered that the proposed modification will have minimal environmental impact and result in substantially the same development as that for which consent was originally granted.