

ATP Seven

12 May 2008

Prepared for ATP Partnership Pty Ltd

Section 75W Modification to Consent No. 06_0149

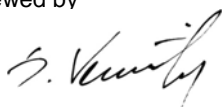
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Quality Assurance

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1 Background

There are a number of modifications that are proposed to be incorporated into the project that are outlined in Table 1 below.

The majority of these modifications are minor and, for the purposes of Section 75W(2), all would remain consistent with the Minister's consent to the Concept Plan and Major Project as (jointly) granted on 25th January 2007. However, for the sake of completeness and to apply a contextual relationship to the modifications – as well as to avoid confusion - these minor modifications have been included in this request alongside those having more significance (refer to Section 2 below).

1.1 Section 75W

The Environmental Planning and Assessment Act states that:

75W Modification of Minister's approval

(1) *In this section:*

"Minister's approval" means an approval to carry out a project under this Part, and includes an approval of a concept plan.

"modification of approval" means changing the terms of a Minister's approval, including:

- a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and*
 - b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval.*
- (2) *The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.*
- (3) *The request for the Minister's approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.*
- (4) *The Minister may modify the approval (with or without conditions) or disapprove of the modification.*
- (5) *The proponent of a project to which section 75K applies who is dissatisfied with the determination of a request under this section with respect to the project (or with the failure of the Minister to determine the request within 40 days after it is made) may, within the time prescribed by the regulations, appeal to the Court. The Court may determine any such appeal.*
- (6) *Subsection (5) does not apply to a request to modify:*
- a) an approval granted by or as directed by the Court on appeal, or*
 - b) a determination made by the Minister under Division 3 in connection with the approval of a concept plan.*
- (7) *This section does not limit the circumstances in which the Minister may modify a determination made by the Minister under Division 3 in connection with the approval of a concept plan.*

The proponent requests the Minister to approve of the modifications as are generally indicated in the Schedule titled "Section 75W notes" on the plans accompanying this request as provided in Table 2 below. The consequential amendments to the consent are therefore limited to the amendment to Condition A2 of Schedule 2 [which list the relevant

approved plans for the Project Major Project] so as to modify this condition to incorporate and refer to those architectural plans which incorporate the modifications specified in Table 2.

1.2 Consistency with the Concept Plan

The proposed modifications are consistent with the Concept Plan Approval (as modified) granted by the Minister.

1.3 Modifications sought to Consent 06_0149

The descriptions of the modifications sought are referenced in Table 1 (below) and are also listed in the Schedule on the plans accompanying this request. The modifications are identified on the plans by the appropriate alphabetical letter within a triangle symbol, referenced to the Schedule. Note that some of the modifications are classed by type (i.e. there may be more than one such change throughout). All modifications have been identified by “cloud” symbols on the drawings.

Table 1 is structured to identify and describe the modifications sought and to explain and justify the modifications. The final column of the table then considers the significance of each in the context of the original consent and the overall project. Where it is considered that a more specific or detailed assessment is required to further consider a modification, this is provided in the following Section 2 and is referenced in the conclusion section of Table 1.

This assessment is subject to any directions that may be given by the Director General under the provisions of S75W(3) for further environmental assessment (if required).

Table 1 Modifications to Consent and Environmental Assessment

Plan and Schedule Reference	Description of modification	Justification/Objective of modification	Conclusion on impact and status of significance
A	Mechanical louvres incorporated in design.	Required for substation ventilation, smoke exhaust and lift motor ventilation.	Consistent with other approved louvers. Minor visual impact.
B	Awnings modified	Provides additional shade and weather protection for pedestrians and café and resolves corner design.	Beneficial to public domain by providing increased pedestrian protection. Minor modification, beneficial impact.
C	Glazed windscreen modified	Windscreen adjusted in line with modified café awning (see B above).	No significant loss of wind mitigation effect of glazed screen. Minor modification, low impact.
D	Expressed structural bracing added to studio structure	Required for structural stability of large walls and awning support.	External bracing consistent with local industrial heritage theme. Minor modification adding visual interest with low impact.
E	Handrails added to roof edge around Level 12 plant room	Required for user safety for plant room areas.	A recessive detail of the rooftop area that will not be prominent from adjacent public domain. Minor modification – low impact.
F	Egress route added	Secondary fire egress from studio plant rooms.	Minor visual impact mostly screened by canopy/awning. Minor modification.
G	Egress route added to loading structure	Fire egress required (stair connection to F above).	This fire egress is located at the rear of the building. Minor modification., low impact
H	Structural beam added to loading bay structure	Large open span to cater for truck access requires additional structural beam.	Structural beam integrated into the design of the opening. Minor modification, low impact.
I	Window added	Ground level security office at gateway requires window for increased surveillance.	Affords increased surveillance for security purposes. Minor modification, beneficial impact.
J	Door added in modified gatehouse design	External fire egress required for car park adjacent to gatehouse.	Required to improve fire safety. Minor modification, beneficial impact.

Plan and Schedule Reference	Description of modification	Justification/Objective of modification	Conclusion on impact and status of significance
K	Extension of expressed core changed within elevation design	Additional area at the side of the lift cores required for services and internal planning	Minor modification, low impact.
L	Plant room extensions and alterations at Level 12	Necessary to meet critical mechanical requirements including segregation of plant room elements.	Enlarged plant room remains setback from edge of building and canopy. No significant visual or overshadowing impact. Minor modification. See Section 2.
N	Alteration of south west corner design and position of mechanical louvres	Structural integrity of southern wall makes relocation of louvers necessary (openings in southern wall not permitted)	Relocated louvres are consistent with others as approved elsewhere. Minor modification, low impact.
O	Design changed	These minor design changes are consequential to internal planning adjustments that have resulted in minor external façade effects	There are several very minor detail design changes throughout the building that are not significant, having low impact either when considered individually or cumulatively. Minor modifications.
P	Façade alteration related to external route to roof garden	Enables access from lift area so that occupants of the whole building may access the roof garden without impacting offices on level 5.	Beneficial design modification with low impact. Minor modification. (See also item "W" below)
Q	Mechanical exhaust cover added on roof garden	Screens from above for exposed fans and which reduces operation impact to roof garden area	Not visible from adjacent public domain. Minor modification, beneficial impact. (See also item "W" below)
R	Glass vertical element within façade modified.	Amended to provide a regular pattern of façade at this location.	Low visual effect. Minor modification.
S	Changed façade and additional doors on level 2 to balcony	Additional doors to provide access from future (fit out) dressing rooms to the level 2 balconies.	Low visual effect/impact. Minor modification.
T	Café entrance design modified	Introduction of bi-fold doors enhances the ambience of the café by opening out to outside in favourable weather conditions.	Minor visual impact with potential benefits to allow greater interaction with public domain. Minor modification.
U	Material changed	Lift shaft cladding altered from glass to painted concrete. (see also Z below)	Glass lift no longer featured. Overall, a minor modification with low impact. See Section 2.
V	Mechanical return air duct in studio wall	Expanded duct required for return air and to provide adequate headroom.	Minor modification, low impact.
W	Metal balustrade to replace glazed balustrade (roof garden)	To create an accessible roof garden and deck for occupants of Level 5. Note that inclusion of item W is to identify the context of Level 5 especially for the purpose of Items P and Q above and the materials and other associated contextual relationships with the design.	The proposal for an accessible deck (previously referred to as a "landscaped open roof") is subject to condition 3 of Schedule 2 of the Minister's consent to The Concept Plan and condition A1(6) of Schedule 2 of the Project Application Approval. Therefore a separate application is to be submitted to the Redfern Waterloo Authority for the use of the roof deck in accordance with these conditions. See Section 2.
X	Door added	Fire egress required from Fire control room.	Most suitable location having low impact. Minor modification.
Y	Door removed	Deletion of security room makes door redundant.	Minor modification. Nil impact.
Z	Material legend changed	Some materials no longer proposed to be used in the building and alternatives provided in accordance with the legend. Materials sample board to be updated with alternative finishes and submitted for approval.	The proposed modifications are minor considering the context of the proposal. However, formal approval to the new materials is sought through the submission of the amended sample board and legend. See Section 2.

1.3.1 Schedule of Amended Architectural Plans

The following table identifies the amended plans that incorporate all of the modifications. These are intended to replace those in condition A2 of Schedule 2 of the Minister's consent (No 06_0149) to the Major Project as the essential consequential consolidated modification to the consent.

Table 2 Table of Amended Architectural Plans

Architectural (or Design) Drawings prepared by <i>PTW Architects</i>			
Drawing No.	Revision	Name of Plan	Date
PA-001	M	Floor Plan / Site Plan	15.03.07
PA-002	M	Plan Level 1 – Central Avenue Level	15.03.07
PA-003	M	Floor Plan – Mezz. Car Park Level	15.03.07
PA-004	M	Floor Plan - Level 2	15.03.07
PA-005	M	Floor Plan - Level 3	15.03.07
PA-006	M	Floor Plan - Level 4	15.03.07
PA-007	M	Floor Plan - Level 5	15.03.07
PA-008	M	Floor Plan - Level 6 -11 and Level 12	15.03.07
PA-009	M	Floor Plan - Level Roof Level	15.03.07
PA-010	M	Sections A-A, B-B, & C-C	15.03.07
PA-011	M	Sections D-D, & E-E	15.03.07
PA-012	M	Section F-F	15.03.07
PA-013	M	Elevation North	15.03.07
PA-014	M	Elevation South	15.03.07
PA-015	M	Elevations – East & West	15.03.07
Stormwater Management Plan prepared by <i>Woolacotts Consulting Engineers</i> at Appendix J of the Environmental Assessment			
Drawing No.	Revision	Name of Plan	Date
SW2	-	Bulk Earthworks Stormwater Management Plan	August 2006
Materials and Finishes Board prepared by <i>PTW Architects</i>			

2 Assessment of the Proposed Modifications

Initial assessment has been provided at Table 1 above. This assessment is subject to any directions that may be given by the Director General in accordance with the provisions of S75W(3) of the Act. The following matters, while still representing overall contextually minor modifications, are provided with further assessment to that as provided in Table 1 above:

- Plant room extensions at Level 12
- Alterations to materials proposed (referenced in a sample board and materials legend on the architectural plans)
- The proposed roof garden or deck (Level 5) as related to consequential modifications required – noting that the use as a roof garden will be subject to a separate approval from the Redfern Waterloo Authority (RWA) as required by Condition 3 of Schedule 2 of the Concept Plan and Condition 6 of Schedule 2 of the Major Project Approval.

This assessment is provided below.

2.1 Plant room extensions

A greater volume of plant room than had been originally planned for has been made necessary as a result of a full mechanical design development, including necessary segregation of mechanical elements. Rather than reconfiguring the whole of the Level 12 plant room appearance, discrete locations have been found for the increased areas together with minor enlargements that, together, retain the overall planned silhouette of the building when viewed from the principal vantage points. These extended plant room areas generally remain beneath the canopy that comprises the plant room roof, retaining its overall original architectural resolution.

2.2 Alterations to materials

Several changes are made to the external finishes to those specified in the sample board as previously submitted. It is proposed that a revised materials sample board will be submitted for approval. A colour matched photograph of the sample board will also be submitted for the Department's approval and record purposes.

2.3 Proposed roof garden

The Landscaped Accessible Roof is subject to condition 3 of the Minister's consent to the Concept Plan, which states:

'3. Landscaped Accessible Roof

The "landscaped open roof" area (identified on Plan PA-007 'Floor Plan – Level 5' Revision F dated 27.11.2006) does not have clearly delineated edges or access points and due to lack of resolution of these details, is deleted. Any use of the roof area as an outdoor terrace, shall be the subject of a future application with the Redfern Waterloo Authority'.

The Project Approval also repeats this condition as condition A1(6) of Schedule 2. There is no need to vary either of the conditions as it is intended to seek approval for use of the roof deck from the RWA.

There are a number of consequential modifications to the building that will occur as a result of the use of the Level 5 roof area for outdoor recreation. These are identified in Table 1 (items P and Q). These modifications will be minor in context. The use of the roof is not sought in this modification as it is already subject to Condition A1(6) of Schedule 2. However, the physical modifications included in Table 1 are partly related to the use of the roof garden and it would be inappropriate to not include them for clarifying their context in this modification proposal.

3 Conclusion

The modifications sought are generally consistent with the original Concept Plan. There is no necessity to alter the Concept Plan approval. It is proposed that the modifications be effected through modification of the Major Project Approval, in particular through the modification of Condition A2 of Schedule 2 to reflect the amended architectural plans.

The most significant modification is the additional area/volume required for the plant room at Level 12. In this respect, the overall architectural integrity of the original design is not altered as a result and no significant impact, such as increased overshadowing to the nearby child care facility, will occur. There is also no significant bulk impact generated by the additional plant room space.

The submission of the materials sample board will enable the Department to consider these revised details when the specific samples are available. In the meantime the architectural plans describe all materials in the Legend on each drawing.

The consequential modifications to the building to incorporate a roof deck at level 5 are included in the submission to avoid the need for subsequent additional modifications. This will enable a better coordination of the process of meeting the requirements of Condition A1(6) of the Minister's consent relating to the necessity for a separate application for use of the roof deck to be lodged with the Redfern Waterloo Authority.

These modifications, together with those other minor modifications are therefore considered to be acceptable. It is considered that no additional environmental assessment is required. The proposed use of the roof deck will be subject to a separate application to the Redfern Waterloo Authority.

4 Recommendation

It is recommended that

- (1) the Director General determine, in accordance with Section 75W(3), that no additional environmental assessment is required in this case, and
- (2) in accordance with the provisions of Section 75W(4) the Minister modify the consent to incorporate the amended plans identified in Table 2 (above) and to modify Condition A2 of Schedule 2 accordingly.