



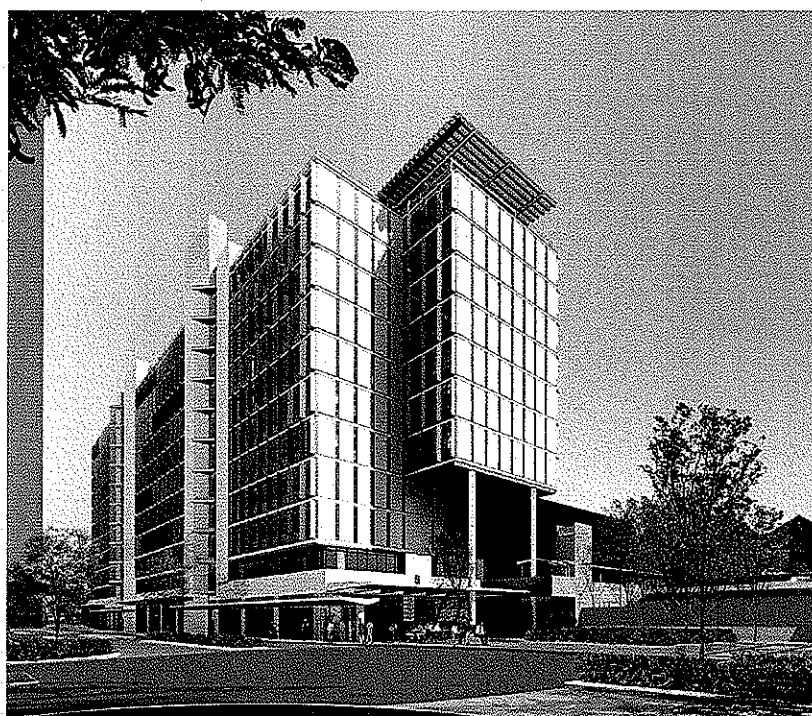
NSW GOVERNMENT
Department of Planning

MAJOR PROJECT ASSESSMENT:
Studio and Office Complex at the
Australian Technology Park,
Eveleigh.

Modification MP 06_0149 MOD 1.

Modification of Minister's Approval under
Section 75W of the *Environmental*
Planning and Assessment Act 1979.

August 2008



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1. EXECUTIVE SUMMARY

This is a report on a modification application seeking to modify the Studio and Office Complex project at the Australian Technology Park, Eveleigh, approved under MP 06_0149.

On 3 June 2008, the application to modify MP06_0149 was submitted by SDH & Associates Pty Ltd (**Tag B**), on behalf of ATP Partnership Pty Ltd (the Proponent). On 5 August 2008, the Proponent submitted additional plans and information relating to the modification application. The Proponent is seeking to modify the Part 3A approval pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (the Act).

The Studio and Office Complex project at the Australian Technology Park, Eveleigh was approved by the Minister for Planning on 25 January 2007 and comprised the following:

- 12 storeys including office space and plant room;
- 4 large studios and associated warehousing;
- 41,800m² of gross floor space;
- 2 levels of semi-basement car parking (697 spaces), one which is for use by the occupants of the building (347 spaces) and the remaining level is for use by the landowner including visitor/public spaces (350 spaces);
- A landscaped open plaza at the south-eastern end of the building adjacent to a café, retail shops and entry foyers as well as various storage and utility rooms all at ground floor level;
- A landscaped park at the western end of Central Avenue, to the south of the building; and
- General office area in Levels 1-10 of the building.

The original estimated project cost of the development was \$123 Million. Key issues considered in the Department's assessment of the original application included the following:

- Building design with regard to the existing and future character of ATP;
- Material and finishes/design excellence;
- Height non-compliance;
- Floor space ratio;
- Overshadowing;
- Wind impacts;
- Reflectivity; and
- Noise impacts.

These issues were addressed either by way of additional documentation lodged by the Proponent or via conditions of approval.

This modification application represents the first modification to the approved project. The Proponent is seeking to modify Condition A2 – *Development in Accordance with Plans*, in order to reflect minor modifications to the façade and other elements arising from design development and BCA Compliance factors.

The modifications are minor and will not result in amenity impacts to the surrounding properties. The Department recommends that the modification be approved, subject to conditions.

2. THE SITE

The Australian Technology Park (ATP) is located in Eveleigh, and has an area of 13.89ha. The location of the subject site forms part of Lot 500 DP1033739 within the broader ATP site and is between the proposed access roads known as Locomotive Street to the north, Central Avenue to the south, Alexander Street to the west and extends over part of the extension of Davy Street to the east. The site is located approximately 4km south of the Sydney CBD, in the City of Sydney LGA.

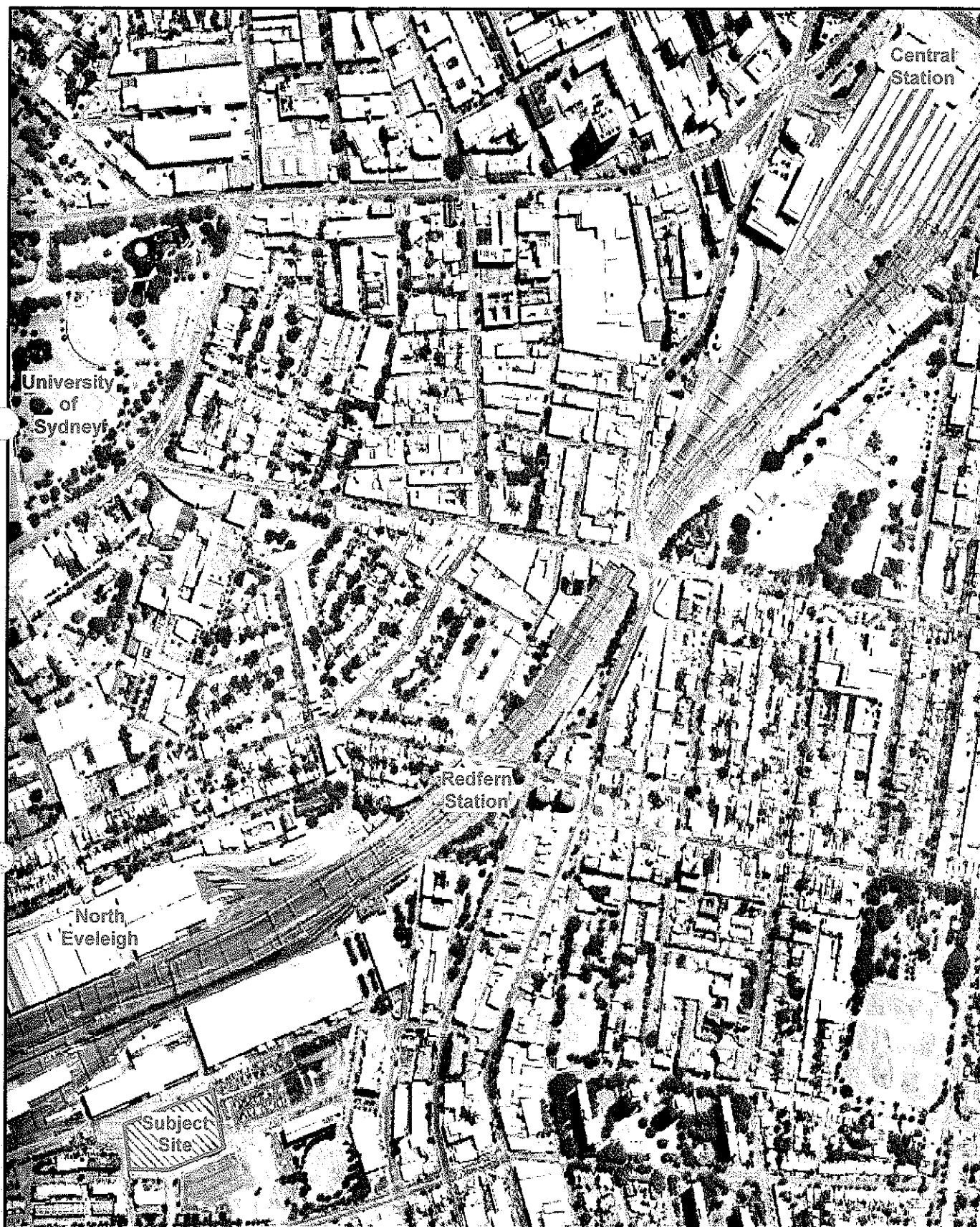


Figure 1: Context Map of Subject Site

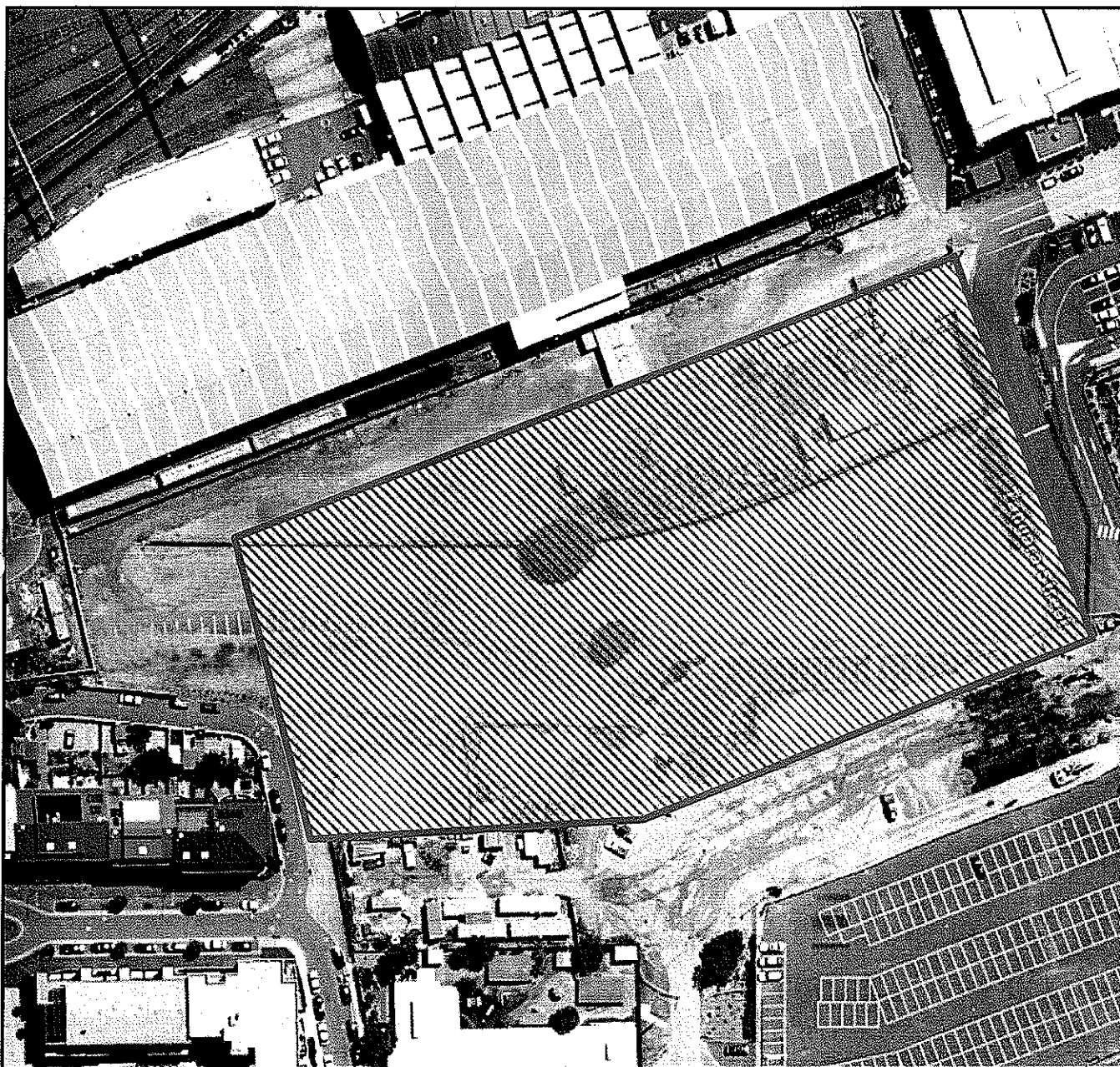


Figure 2: Proposed site in detail.

The site is currently used as a car park for the occupants of other buildings within the ATP and for visitors, containing approximately 75 of the existing 648 car parking spaces at the ATP, and is divided into 2 sections by a brick retaining wall along an east/west axis which is approximately 3.5m in height.

The subject site is Business Zone – Business Park and the proposed modification to make minor changes to the building is permissible with the Minister's approval.

3. MAJOR PROJECT APPROVAL

3.1 ORIGINAL APPLICATION MP 06_0149

On 25 January 2007, the Minister approved the construction of a 12-level mixed use commercial office development including office space and plant room on land owned by the ATP Partnership Pty Ltd at Central Avenue, Eveleigh. Specifically, the approved development comprises:

- 12 storeys including office space and plant room;

- 4 large studios and associated warehousing;
- 41,800m² of gross floor space;
- 2 levels of semi-basement car parking (697 spaces), one which is for use by the occupants of the building (347 spaces) and the remaining level is for use by the landowner including visitor/public spaces (350 spaces);
- A landscaped open plaza at the south-eastern end of the building adjacent to a café, retail shops and entry foyers as well as various storage and utility rooms all at ground floor level;
- A landscaped park at the western end of Central Avenue, to the south of the building; and
- General office area in Levels 1-10 of the building.

The original capital investment value (CIV) of the development was \$11 million. The proposal is expected to create 600 full time equivalent construction jobs and 2000 full time equivalent operational jobs.

This modification application represents the first modification of the original approval. A copy of the original approval is at **Tag C** and a copy of the original report is at **Tag D**.

4. DESCRIPTION OF PROPOSED MODIFICATIONS

On 3 June 2008, SDH & Associates Pty Ltd lodged an application to modify MP06_0149 (**Tag B**) pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (the Act), on behalf of ATP Partnership Pty Ltd (the Proponent).

The Proponent has proposed modifications to the approved project as follows:

4.1 PLANT ROOM EXTENSIONS

The extent of Plant room has increased from that which was originally planned for, as a result of mechanical design development, including necessary segregation of mechanical elements. Rather than reconfiguring the whole of the Level 12 Plant room appearance, discrete locations for the increased areas have been located, together with minor enlargements to existing Plant room areas that retain the overall planned silhouette of the building when viewed from the principal vantage points.

4.2 PROPOSED USE OF ROOF DECK AREA – CONSEQUENTIAL PHYSICAL MODIFICATIONS TO BUILDING

The Landscaped Accessible Roof is subject to Condition A2 (6) of the Minister's consent to the Project Application, which states:

- (6) *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 Proponent intends to seek approval from the Redfern-Waterloo Authority (RWA) for use of the Level 5 roof deck area. However, in order to utilize this space in the future, there are a number of consequential modifications to the building required. These amendments include the following:

- Façade alteration related to modified external route to Level 5 roof area;
- Approved glazed balustrade to Level 5 roof area is to be replaced with a metal balustrade; and
- Mechanical exhaust covers added on Level 5 roof area.

The Proponent is therefore seeking to modify *Condition A2 – Development in Accordance with Plans*, to reflect these minor modifications only. The use of the space will remain subject to RWA approval.

4.3 OTHER PHYSICAL MODIFICATIONS TO BUILDING

The Proponent is seeking to modify *Condition A2 – Development in Accordance with Plans*, to reflect further minor modifications to façade and other elements arising from design development and BCA compliance issues.

#	DESCRIPTION	JUSTIFICATION
1	Mechanical louvers' incorporated.	Required for substation, smoke exhaust, lift motor ventilation.
2	Awnings modified.	Provides additional shade and weather protection for pedestrians and café and resolves corner design.
3	Glazed windscreen modified to south-eastern corner of building.	Windscreen adjusted in line with modified awnings described above.
4	Expressed structural bracing added to studio structure.	Required for structural stability of large walls and awning support.
5	Egress route added at Level 4, from studio plant rooms.	Secondary fire egress from studio plant rooms.
6	Egress route added to loading structure.	Fire egress required (stair connection to secondary fire egress described above).
7	Structural beam added to loading bay structure.	Large open span to cater for truck access requires additional structural beam.
8	Window added to ground level security office.	Security office at gateway requires window for increased surveillance.
9	Door added in modified gatehouse design.	External fire egress required for car park adjacent to gatehouse.
10	Extension of expressed core changed to north-west corner of building.	Additional area at the side of the lift cores required for services and internal planning.
11	Alteration of south-west corner design and position of mechanical louvers.	Structural integrity of southern wall makes relocation of louvers necessary (openings in southern wall not permitted).
12	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.
13	Cafe entrance design modified.	Introduction of bi-fold doors enhances the ambience of the café by opening to outside in favourable weather.
14	Lift shaft cladding altered from glass to painted concrete.	Glass lift no longer featured.
15	Mechanical return air duct in Level 2 studio wall.	Expanded duct required for return air and to provide adequate headroom.
16	Doors added to Level 12 Plant Room.	Fire egress required from Fire Control room.
17	Doors added to Level 1 southern facade.	Improved fire egress required from Level 1.
18	Doors removed to Level 1 Foyer and deleted security room.	Deletion of security room makes door redundant. Additional doors to Level 1 make foyer door redundant.
19	Handrails added to edge of Level 12 plant.	Required for user safety for plant room areas.

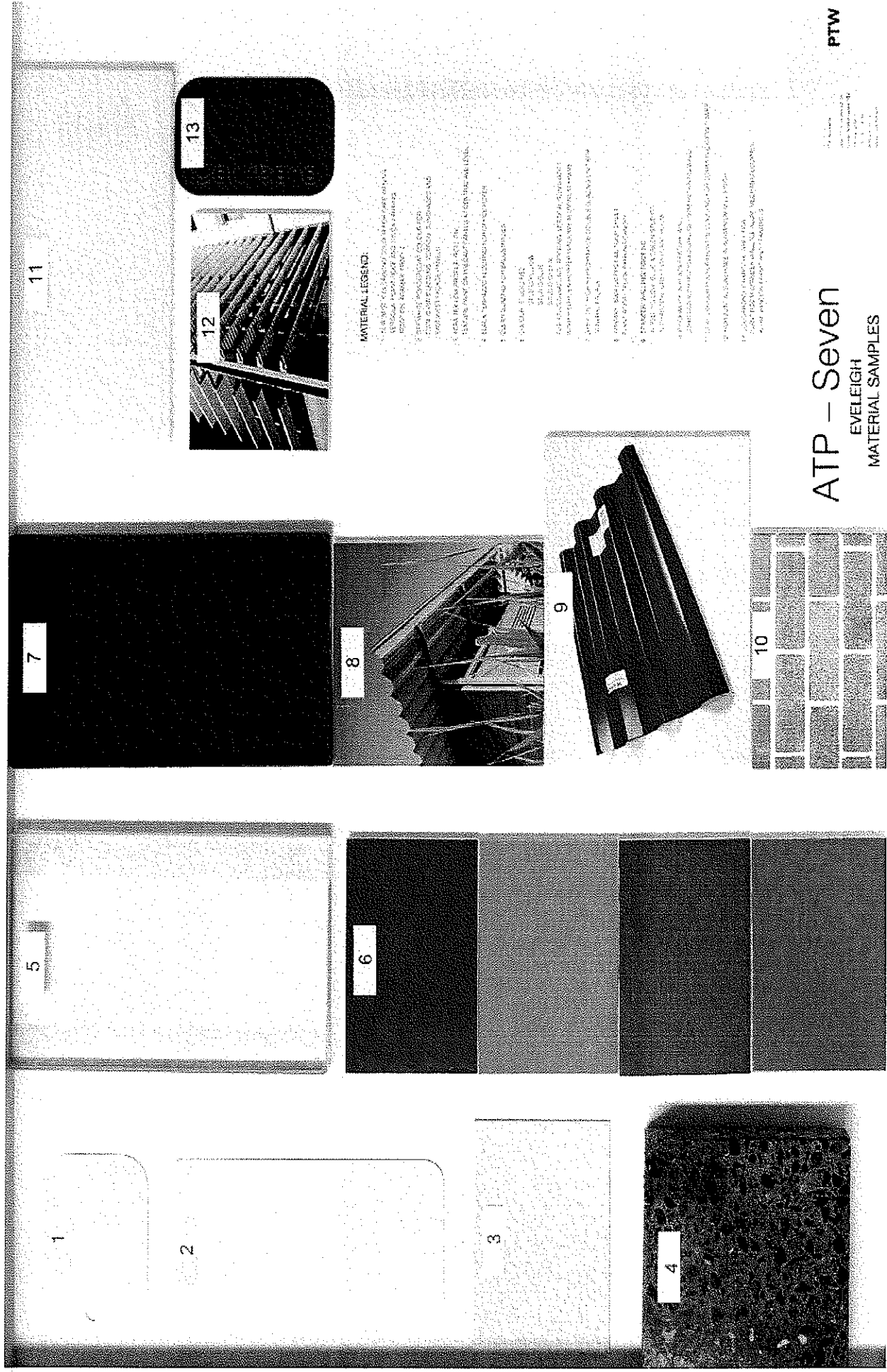
4.4 ALTERATIONS TO MATERIALS AND FINISHES

A proposed Materials and Finishes Board has been provided, depicting several revised external finishes for the building to those specified in the approved Materials and Finishes Board. Modifications to the external finishes include aluminium balustrades to replace the approved glazed balustrading to Level 5 roof area, and replacement of the upper portion of the public domain brickwork feature wall with a precast concrete panel.

The revised Materials and Finishes Board also provides additional details including:

- Part vergola operable louvers proposed for café awning and part of façade awning;
- Zincalume based cladding for north-facing elevation to studio plant, as well as all facades on Level 12; and
- Vitrabond aluminium panels for spandrels and window frames for all facades (grey-matte finish to north and south elevations, off-white matte finish to east and west elevations).

The originally approved Materials and Finishes Board and the revised Materials and Finishes Board are depicted in Figures 3 and 4, below.





5. STATUTORY CONTEXT

5.1 MODIFICATION OF MINISTER'S APPROVAL

On 3 June 2008, the Proponent submitted an application, prepared by SDH & Associates Pty Ltd, to modify the Minister's approval pursuant to Section 75W(3) of the Act. On 5 August 2008, the additional plans and information relating to the modification application were submitted to the Department.

The modification application has been lodged with the Director-General pursuant to Section 75W of the Act. Section 75W provides for the modification of a Minister's approval including revoking or varying a condition of the approval or imposing an additional condition of the approval.

Under Section 75W(2), 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. In this instance, it was concluded that the proposed modifications (as listed above) required a formal application to modify the approval as they involved changes to conditions of the development. The power to make such a change therefore lies with the Minister.

5.2 ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRS)

Section 75W(3) of the Act provides that the Director-General may notify the Proponent of Director General Environmental Assessment Requirements (DGRs) with respect to the proposed modification that the Proponent must comply with before the matter will be considered by the Minister.

In this instance, following an assessment of the modification request, it was not considered necessary to notify the Proponent of amended DGRs, pursuant to Section 75W(3) with respect to the proposed modification as sufficient information was provided to the Department to consider the application.

6. CONSULTATION AND EXHIBITION

Under Section 75W of the Act, a request for a modification of an approval does not require public exhibition. However, under Section 75X(2)(f) of the Act, the Director-General is to make requests for modifications of approvals given by the Minister publicly available. In accordance with Section 8G of the *Environmental Planning and Assessment Regulation 2000*, the request for the modification was placed on the Department's website.

In addition, the Department notified the Redfern-Waterloo Authority (RWA) and City of Sydney Council of the proposed modification. On 8 July 2008, RWA advised that it has no objections to the proposed modifications, however comments were provided in relation to attenuation of any impact arising from the enlargement of the Level 12 Plant Room area. RWA's response can be found at **Tag E**.

On 7 July 2008, City of Sydney Council (Council) provided comments on the proposed modifications. Council regards the modifications as generally consistent with the original Concept Plan, however concerns are raised that the extension to the Level 12 Plant Room will visually impact on the surrounding heritage area, given that the approved Concept Plan exhibited a departure from the height provisions in the MP SEPP. Council's response can be found at **Tag F**.

The modification application was not referred to the Sydney Airport Corporation Limited (SACL), as the proposed modifications involve only lateral additions to the Plant Room areas, at a height lower than the existing approved plant. On this basis it was considered that a referral to SACL for operational assessment was not required.

7. CONSIDERATION OF PROPOSED MODIFICATIONS

7.1 PLANT ROOM EXTENSIONS

The Proponent has advised that additional plant room than had originally been planned for has been made necessary as a result of full mechanical design development, including the necessary segregation of mechanical elements.

Concerns have been raised by the RWA and City of Sydney Council in relation to the extended Plant Room area, with regard to appropriate attenuation of any acoustic impacts arising from the enlargement of the Level 12 plant room area, as well as visual impacts on the surrounding heritage area.

However, the additional plant room space does not raise any issues of concern for the Department. The extended plant room areas remain setback from the edge of the building and the canopy that comprises the roof of the plant room, therefore retaining its overall original architectural resolution. As a result, no significant visual or overshadowing impact is anticipated, including visual impact on the surrounding heritage area.

In response to the concerns of RWA, the additional plant room areas are unlikely to cause significant noise impacts upon the locality. The original acoustic report, submitted at project application stage, states that generally the studio environment will be insulated from external noise sources which will provide for an effective attenuation from any internal noise sources. Other general office noise sources such as air conditioning and plant will be designed to achieve compliance with noise criteria standards.

Furthermore, existing condition *B14 – Acoustic Impacts*, ensures that prior to issue of the Construction Certificate, a statement prepared by an acoustic engineer is to be submitted to the PCA, indicating that the development will comply with the relevant acoustic criteria in relation to the air conditioning and plant areas. Therefore, it is considered that the operation of this additional plant will not cause any unacceptable noise impacts upon the surrounding locality.

As plant room areas are excluded from calculations for GFA subject to the *Standard Instrument—Principal Local Environmental Plan*, no additional floor area is to be added to the total GFA of the approved building (41,800m²). Therefore, the existing floor space ratio (FSR) calculation remains.

Condition A2 – *Development in Accordance with Plans*, will therefore be amended to reflect these minor modifications.

7.2 PROPOSED USE OF LEVEL 5 ROOF DECK AREA – CONSEQUENTIAL MODIFICATIONS.

The proposed “landscaped accessible roof” was originally proposed for use as a Child Care Centre, however due to safety concerns this use was deleted as part of the Preferred Project Report. However, the plans for the “landscaped accessible roof” were not appropriately refined to reflect this change of use. As the proposed “landscaped accessible roof” was considered a potential source of privacy issues and was unresolved, this space was deleted by Condition A1 (6).

Condition A1 (6) requires this area to be deleted. However, the condition does not prohibit future use of the roof area as an outdoor terrace, instead requiring that any future use of this space be subject to a future application with the Redfern-Waterloo Authority.

The Proponent intends to seek approval from the RWA for use of the Level 5 roof area. However, as a result of the anticipated future use of the Level 5 roof area, there are a number of consequential modifications to the building that are required in order to ensure that this space is suitable for such use. These amendments involve minor changes to materials and access.

The proposal does not seek approval for the use of the outdoor terrace area.

It is considered that the proposed amendments are acceptable, and given that the Redfern-Waterloo Authority is the consent authority for the future use of this space, any anticipated privacy issues can be addressed at that time.

Condition A2 – Development in Accordance with Plans, will also be amended to reflect these minor modifications.

7.3 OTHER PHYSICAL MODIFICATIONS TO BUILDING

The Department has reviewed the proposed modifications to the external façade of the building, and considers these amendments to be minor in nature, with no adverse impacts on the appearance of the development. The modifications will not alter the overall appearance of the building or the relationship of the building to the nearby heritage items.

Figures 5 and 6 (below), illustrate the minor nature of the modifications, by way of comparison of the approved and modified facades. The modifications to the external appearance of the approved building are minor in nature and do not change the overall appearance of the building, nor does it alter the bulk or scale of the development.

The Department does not raise any issues of concern in regard to the proposed design changes. *Condition A2 – Development in Accordance with Plans*, will be amended to reflect the amended plans.



Figure 5: Photomontage of approved building.



Figure 6: Photomontage of proposed modifications to approved building.

7.4 ALTERATIONS TO MATERIALS AND FINISHES

Several minor amendments to the approved external Materials and Finishes Board are proposed, as described in Part 4.3 of this Report.

The Statement of Heritage Impact submitted with the original project application recommended that the colours and character of the new building should make it distinct from the brick gables of the Locomotive Shop (the nearby heritage item) allowing for an individual interpretation of the heritage items within the setting of the Australian Technology Park. The juxtaposition of the contemporary design of the office tower with the nearby heritage items is retained. There are no significant amendments to the Materials and Finishes Board which will alter this juxtaposition of the old and new buildings of the Australian Technology Park.

The Department has reviewed the amended Materials and Finishes Board and considers the amendments to be minor in nature, and will not alter the overall appearance of the building, nor does it alter the relationship of the building to the nearby heritage items. The Department is satisfied that the amendments will continue to ensure an appropriately high standard of external finish to the building.

Condition A2 – Development in Accordance with Plans, will be amended to reflect the amended Materials and Finishes Board.

7.5 CONCLUSION

The modifications sought are generally consistent with the approved plans, with the overall architectural integrity of the original design retained and no detrimental impacts in terms of the appearance of the building, overshadowing issues, and impact on the nearby heritage items.

The modifications represent minor functional and aesthetic amendments which are concluded to be acceptable. The application is therefore considered to be acceptable and it is therefore recommended that the proposed modification be approved.

The modifications will be reflected through modification of Condition A2 – *Development in Accordance with Plans* of Schedule 2 of the Major Project Approval, to reflect the amended architectural plans.

8. MODIFICATION TO CONDITIONS OF APPROVAL

The Department recommends that the relevant conditions of approval be modified (**Tag A**).

9. CONCLUSION

The proposed modifications are minor in detail and do not result in significant changes to the overall design and appearance nor to the conditions of the development as approved. It is considered that the proposal, as modified, achieves the same objectives as assessed for the originally approved under Major Project 06_0149 and does not alter the overall nature, need or justification of the approved project.

10. DELEGATION


Under the instrument of delegation dated 7 June 2007, the Minister has delegated his functions under Section 75W of the Act relating to modifying Part 3A approvals to the Executive Director, Strategic Sites and Urban Renewal. Having regard to the Urban Assessments Guidelines for Delegates, it is considered appropriate that the application be determined under delegation.

11. RECOMMENDATION

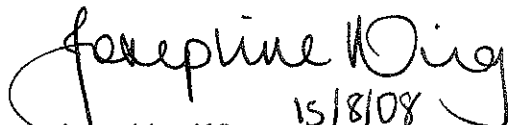
It is recommended that the Executive Director, Strategic Sites and Urban Renewal, as delegate of the Minister for Planning:

- (A) **Consider** the findings and recommendations of this report;
- (B) **Approve** the modification under Section 75W of the *Environmental Planning and Assessment Act, 1979*; and **Sign** the attached Instrument of Modification (**Tag A**).

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