



ATP Channel 7

*State Significant
Development
Modification
Assessment
(MP 06 0149 MOD 3)*

February 2020

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Glossary

Abbreviation	Definition
Applicant	Centuria Capital Limited
CBD	Central Business District
Council	City of Sydney
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
IPC	Independent Planning Commission
LGA	Local Government Area
Minister	Minister for Planning
SEPP	State Environmental Planning Policy
SSP SEPP	State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP)



1. Introduction

This report provides an assessment of an application to modify the Major Project Approval (MP 06_0149) for a studio and office complex at 6-8 Central Avenue, within the Australian Technology Park (ATP), Eveleigh.

The modification application seeks approval for external alterations of the approved colour, materials and finishes.

The application has been lodged by Centuria Capital Limited (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

1.1 Background

The subject site is 6-8 Central Avenue, Eveleigh. It is bound by Central Avenue to the south, Locomotive Street and the railway corridor to the north and Rowley Lane to the west (**Figure 1**). The site is within the ATP and contains a studio and office building used by Channel 7 (**Figure 2**).



Figure 1 | Site Location shown in red bounding box (source: SIX Maps)



Figure 2 | View of existing building from Locomotive Street (source: Google Maps)

1.2 Approval History

On 25 January 2007, the then Minister for Planning approved Major Project application (MP 06_0149) for the construction of a 12-storey production and studio office complex. Key aspects of the approval include:

- four (4) large studios and associated warehousing
- 41,800 m² of gross floor area
- two levels of car parking, a landscaped open plaza, retail shops, storage and services at ground level and a landscaped park south of the building
- general office area in Levels 2 – 11.

The Major Project Approval has been modified on two occasions (see **Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Minor Modifications to Facade and other elements arising from development of design and BCA compliance.	Minister	75W	13 June 2008
MOD 2	Minor design modifications and provision of major plant.	Minister	75W	11 March 2009

1.3 Transition from Part 3A Approval to an SSD Approval

On 28 November 2019, an Order made under delegation from the Minister for Planning and Public Spaces, in accordance with clause 6 of Schedule 2 of the Environmental Planning and Assessment (Savings, Transitions and Other Provisions) Regulation 2017, was made to transition the Part 3A Project MP 06_0149 from a Part 3A approval to an SSD approval. The Order took effect upon publication in the NSW Government Gazette on 6 December 2019.



2. Proposed Modification

On 19 December 2019, the Applicant lodged a modification application under Section 4.55(1A) of the EP&A Act seeking to alter the approved colour, materials and finishes schedule. The proposed changes are shown in **Figures 3 and 4**.



Figure 3 | Photomontage, view from Central Avenue (source: Applicant's Modification report)



Figure 4 | Photomontage, view from Locomotive Street (source: Applicant's Modification report)

The Applicant notes that it is required to replace the existing building's aluminium panels in accordance with a Fire Safety Order issued under the EP&A Act on 27 August 2019.

As part of the replacement of the aluminium panels, the Applicant seeks to update the existing colours and materials to improve the external appearance of the building.



3. Statutory Context

3.1 Scope of Modifications

A consent authority may modify the consent if it is satisfied the proposed modification application meets the requirements of section 4.55(1A) of the EP&A Act. An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is included in **Table 2**.

Table 2 | Consideration of section 4.55(1A) of the EP&A Act

Section 4.55(1A) Evaluation	Consideration
a) that the proposed modification is of minimal environmental impact, and	Section 5 of this report provides an assessment of the impacts associated with the modification application. The Department is satisfied that the proposed modification will have minimal environmental impact, it will not change the approved use of the site. The proposal will modernise the appearance of the development without significantly altering it and has minimal heritage impacts.
b) 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), and	The proposed modification would alter discrete elements of the development and make minor variations to the overall design. The Department considers the proposed modification remains substantially the same as the originally approved development.
c) the application has been notified in accordance with the regulations, and	The modification application has been notified in accordance with the EP&A Regulations. Details of the notification are provided in Section 5.1 of this report.
d) any submission made concerning the proposed modification has been considered.	The Department received two submissions on the proposal, from Council and Heritage NSW. The issues raised in these submissions have been considered in Section 6 of this report.

The Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application.

3.2 Environmental Planning Instruments

The following EPIs apply to the site:

- State Environmental Planning Policy (State Significant Precincts) 2005
- Sydney Local Environmental Plan 2012

The Department has assessed the proposed modification against the relevant provisions of these instruments and considers that the modifications proposed remain consistent with aims, objectives and provisions of the relevant EPIs.

3.3 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation, the Director, Key Sites Assessments may determine the application as:

- the relevant local Council has not made an objection
- a political disclosure statement has not been made
- there are no submissions in the nature of an objection.

3.4 Objects under the Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.



4. Engagement

4.1 Department's Engagement

The Department made the modification application and report available on its website from 5 September 2019.

The modification application was referred to the City of Sydney Council (Council) and the Heritage Council of NSW for comment.

4.2 Summary of Submissions

The Department received a submission from Council. No public submissions were received.

Council's submission raised the following concerns:

- the external colour for the northern sections of the building should be revised to be more respectful to the aged brick colour of the Locomotive Workshop
- the need to ensure the proposed new cladding material does not present a flammability risk
- the glazing should retain the same transparency as the existing glazing.

Heritage Council raised no objections to the proposal.

A link to the submissions is provided in **Appendix A**.

4.3 Response to Submissions

On 31 January 2020, the Applicant provided a response to the Council's submission. The Applicant's response was made publicly available on the Department's website and no further submissions were received.



5. Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the Environmental Assessment and conditions of approval for the original approval
- all submissions received on the proposal and the Applicant's RtS
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The Department considers the key assessment issue associated with the proposal is the visual impact. Other issues considered by the Department in its assessment are in **Section 5.2**.

5.1 Visual impact

The modification seeks approval to alter the building's external appearance by revising the approved colour, materials and finishes of the building.

Council raised concern with the initially proposed 'orange' colour of the aluminium panels and suggested that a more subdued colour would be more appropriate in the context of the Locomotive Workshop. In response to Council's concerns, the Applicant proposes a terracotta colour (**Figure 3** and **4**).

The Department has considered the proposed change in colours, materials and finishes and supports the proposal as it:

- compliments Building 1 and 2 which have recently been constructed within the Australian Technology Park (**Figure 5**)
- is subtle and sympathetic to the brick colour of the adjoining Locomotive Workshop (**Figure 6**)
- simplifies and modernises the appearance of the Channel 7 building without significantly altering the appearance of the development
- continues to achieve a high-quality appearance consistent with the Design Excellence provisions of State Environmental Planning Policy (State Significant Precincts) 2005.



Figure 5 | Building 1, Australian Technology Park (Source: Mirvac)



Figure 6 | Locomotive workshop (Source: Mirvac)

5.2 Other Issues

Table 3 | Other matters

Issue	Finding	Recommendation
Flammability	- Council requested confirmation that the replacement materials would not present a flammability risk. - The Applicant responded with an updated materials schedule which provided more specific details of the aluminum panel product. - The Department also sought internal advice from its compliance team which is satisfied that the materials proposed are BCA compliant and non-combustible. - On this basis the Department considers the cladding material is suitable. The Department has also included a condition requiring compliance with requirements of the BCA.	New Condition B18 recommended.
Sustainability	- The existing building was required to achieve a 4 Star Green Star rating as required by the Statement of Commitments. - The Applicant's RtS included an architectural statement which confirms the proposed changes would not affect the ability of the building to continue to achieve a 4 Star rating. - The Department considers the changes proposed in this modification will not alter the existing building's energy efficiency and is therefore acceptable.	No additional conditions or amendments are necessary.
Reflectivity	- The modification proposes new double-glazed insulated glass. Condition B13 requires the visible light reflectivity from the building to be no more than 20% and to be designed as to not result in glare that causes nuisance or interference to any person or place. - The Applicant provided an architectural statement which confirms the proposed glazing would comply with this requirement. - The Department is satisfied that the changes proposed will not alter compliance with Condition B13.	The Department considers no additional conditions or amendments are necessary.
Glazing	- Council raised concern that the modification included glass replacement. - The Applicant clarified that replacement of glazing does not form part of the proposal. The Applicant further clarified that the glazing on the materials schedule is provided for consistency with the original consent. - The Department is satisfied that the glazing of the building is unchanged.	The Department considers no additional conditions or amendments are necessary.



6. Evaluation

The Department has assessed the modification request and supporting information in accordance with the relevant requirements of the EP&A Act.

The Department's assessment concludes that the proposed modification is appropriate as it:

- enhances the appearance of the existing building and would not result in any significant visual or amenity impacts
- compliments the adjoining Locomotive Workshops and would not result in any heritage impacts
- would address a fire safety risk
- complies with the relevant statutory provisions and remains consistent with relevant EPIs
- is substantially the same development as originally approved.

Consequently, the Department concludes the proposal is in the public interest and should be approved, subject to the recommended changes to existing conditions of consent as outlined in **Appendix B**.



7. Recommendation

It is recommended that the Director, Key Sites Assessments as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report; and
- **Determines** that the application MP 06_0149 Mod 3 falls within the scope of 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant/refuse consent/approval to the application;
- **agrees** with the key reasons for approval listed in the draft notice of decision;
- **modify** the consent no. MP 06_0149; and
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:

Marcus Jennejohn
Senior Planning Officer
Key Sites Assessments

Recommended by:

Amy Watson
Team Leader
Key Sites Assessments



8. Determination

The recommendation is: **Adopted by:**

27/02/2020

Anthony Witherdin

Director

Key Sites Assessments



Appendices

Appendix A – List of Documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

- Modification Report and accompanying documentation
<https://www.planningportal.nsw.gov.au/major-projects/project/26556>
- Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/26556>

Appendix B – Notice of Modification

<https://www.planningportal.nsw.gov.au/major-projects/project/26556>

Appendix C – Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/26556>