

Section 75W Modification to Consent No. 06_0149

Contents

1	BACKGROUND	3
1.1	Section 75W	3
1.2	Consistency with the Concept Plan.....	4
1.3	Modifications sought to Consent 06_0149.....	4
1.4	Schedule of Amended Architectural Plans.....	5
2	ASSESSMENT OF THE PROPOSED MODIFICATIONS	5
3.	CONCLUSION	5
4.	RECOMMENDATION	6

Quality Assurance

Reviewed by



Director
PTW

19.12.2008

Date

Figures

Table 1 Modifications to consent 3

Table 2 Table of Amended Architectural Plans 4

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 these minor modifications have been included in this request.

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) (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 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 Modification to Consent and Environmental Assessment

Plan and Schedule Reference	Description of modification	Justification/Objective of modification	Conclusion on impact and status of Significance
A	Louvres Amended	Location of two louvres adjusted to align with carpark exhaust fan room on level 1M	Consistent with other approved louvers. – as the louvres have been approved in this location there is no additional impact
B	Single door replaced with double door	Position facing Locomotive Street inconspicuous	Minor modification, no visual impact
C	External retractable Horizontal blinds added	Required to satisfy BCA Part J heat loads to occupied conditioned space	As blinds are fully concealed when retracted this modification will have a low impact.
D	Truck Parking Awning Canopy amended	Awing raised by 300mm to facilitate stormwater drainage.	Roof slopes lowered to ensure no changes to office windows at the west end of Locomotive Street. No additional impact
E	Cooling towers indicated within Level 12 main plant room	Size of Cooling towers not known at time of Project Application submission	No visual impact from within Australian Technology Park - low visual impact from outside Australian Technology Park.

F	Back up electrical power generator indicated on south western corner of Level 12	Requirements not known at time of Project Application submission	As an acoustic screen is required around the proposed generator it will also act as a visual barrier – No visual or adverse noise impact.
G	Glass replaced by louvres	Additional air intake required for Level 1M carpark	as these louvres are consistent with similar bays further east and they will have low visual impact.

1.4 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 PTW Architects			
Drawing No.	Revision	Name of Plan	Date
PA-001	N	Drawing list/ perspective	22.12.08
PA-001	P	Floor Plan / Site Plan	22.12.08
PA-004	O	Floor Plan - Level 2	22-12-08
PA-009	P	Floor Plan - Level Roof Level	22-12-08
PA-010	O	Sections A-A, B-B, & C-C	22-12-08
PA-011	O	Sections D-D, & E-E	22-12-08
PA-012	O	Section F-F	22-12-08
PA-013	Q	Elevation North	22-12-08
PA-014	Q	Elevation South	22-12-08
PA-015	Q	Elevations – East & West	22-12-08
PA- 031	I	Photomontage Davy Road	22-12-08
PA- 032	I	Photomontage Central Avenue	22-12-08
PA- 033	I	Photomontage Locomotive Street	22-12-08
PA- 034	I	Photomontage Carriage workshop	22-12-08

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 matter, while still representing overall contextually minor modifications, is provided with further assessment to that as provided in Table 1 above:

Cooling towers to be located within Level 12 main plant room.

The size of Cooling towers was not known at time of Project Application submission. Although the towers are slightly higher than the plant room roof, by placing them wholly within the plant room their visual impact will be minimised. As can be seen in the view from the northern side of the railway corridor the cooling tower handrail components are the most visible component. As these are of a very open construction we believe there will be minimal visual impact.

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 projection of the cooling towers above the approved plant room roof. 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 location of the cooling towers and emergency generator

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