



NSW GOVERNMENT  
**Department of Planning**

***Concept Plan for a Studio and Office  
Complex at the Australian Technology  
Park, Eveleigh***

***Proposed by SDH & Associates Pty Ltd  
(on behalf of ATP Partnership Pty Ltd)***

**MP 06\_0149 (MOD 2)**

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

March 2009



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## 1. EXECUTIVE SUMMARY

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This is a report on an application seeking to modify the Concept Plan and Major Project approval for the construction of a studio and office complex at the Australian Technology Park, 8 Central Avenue, Eveleigh approved under MP 06\_0149.

The Concept Plan and Major Project application was approved by the Minister for Planning on 25 January 2007 and comprised the following:

- 12 storeys including office space and plant room;
- Four (4) large studios and associated warehousing;
- 41,800m<sup>2</sup> of gross floor space;
- Two (2) levels of car parking (697 spaces) partially excavated on the site, one which is for use by the occupants of the building (347 spaces) and the remaining level is for use by occupants of other heritage buildings with limited car parking provisions within the ATP, 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.

A modification application, MP 06\_0149 MOD 1, was approved under delegation on 19 August 2008 to modify conditions of consent to make minor design amendments including expansion of the plant area.

On 22 January 2009, SDH & Associates Pty Ltd (the Proponent) on behalf of ATP Partnership Pty Ltd, submitted an application to modify the Part 3A project approval pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In this modification application the Proponent is seeking to make minor design amendments and to identify the location of cooling towers and emergency generator.

• The modifications are minor and will not result in amenity impacts to the surrounding properties, and accordingly it was not publicly notified. Comments were however sought from RWA and City of Sydney and these are noted in Section 6 of this report. The modifications sought will not compromise the public benefits achievable under the original approval. The Department recommends that the modification application be approved as set out in the Instrument of Modification Approval (**TAG A**).

## 2. THE SITE

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The Australian Technology Park (ATP) is located in Eveleigh, and has an area of 13.89ha. The location of the subject site (see **Figure 1**) 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.** Location of Subject Site

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

### 3. MAJOR PROJECT APPROVAL

#### 3.1 ORIGINAL APPLICATION MP 06\_0149

On 25 January 2007, the Minister for Planning approved a joint Concept Plan and Major Project application for the construction of a 12-level mixed use commercial office and studio development, 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;
- Four (4) large studios and associated warehousing;
- 41,800m<sup>2</sup> of gross floor space;

- Two (2) levels of car parking (697 spaces) partially excavated on the site, one which is for use by the occupants of the building (347 spaces) and the remaining level is for use by occupants of other heritage buildings with limited car parking provisions within the ATP, 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 2-11 of the building.

The original capital investment value (CIV) of the development was \$123 million. The proposal is expected to create 600 full time equivalent construction jobs and 2,000 full time equivalent operational jobs.

A copy of the original approval for the concept plan is at **TAG B** and for the major project is at **TAG C**. A copy of the original report is at **TAG D**.

### 3.2 MP 06\_0149 MOD 1

On 3 June 2008 SDH & Associates Pty Ltd, on behalf of ATP Partnership Pty Ltd, submitted an application to modify MP 06\_0149 pursuant to section 75W of the Environmental Planning and Assessment Act 1979. The modifications essentially sought to:

- extend the plant room in response to mechanical design development;
- modify Level 5 "landscaped open roof" to allow the area to be potentially used as a roof deck area, subject to approval from Redfern-Waterloo Authority;
- make minor design modifications to the façade and modifications to meet BCA compliance; and
- alter the to proposed materials and finishes.

The modification was approved on 19 August 2008 and amended the conditions to recognise:

- modifications illustrated in Drawings PA-001 – PA-015 dated 9 November 2007, prepared by PTW Architects;
- modifications illustrated in Drawings PA-031 – PA-034 dated 30 July 2008, prepared by PTW Architects; and
- modification to materials and finishes as shown in External Materials and Sample Board dated July 2008, prepared by PTW Architects

A copy of the Instrument of Approval for the modification is at **TAG E**.

## 4. DESCRIPTION OF PROPOSED MODIFICATIONS

The Proponent seeks to modify Condition A2 to refer to amended plans relating to minor modifications to the design of the façade of the building arising from design development and to identify the location of major plant (cooling towers and emergency generator). The plans in Condition A2 that are proposed to be modified are: PA-001, PA-004, PA010-PA015, and PA031-PA-034. The proposed modification consists of:

- Amended location of louvres on the western elevation;
- Louvres to replace glass in the studios area on the southern elevation;
- Double doors to replace single door on Level 2 on the northern elevation;
- Addition of external retractable blinds on the eastern elevation on the balcony;
- An awning for trucks on the northern elevation;
- Provision of cooling towers in the plant room; and
- Provision of a backup generator and acoustic screens in the south west of the roof.



## 5. STATUTORY CONTEXT

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### 5.1 MODIFICATION OF A MINISTER'S APPROVAL

The modification application has been lodged with the Director General pursuant to section 75W of the EP&A 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"*.

The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval. In this instance, the proposed minor modifications to the design of the façade are consistent with the existing approval and would not require formal application. However, the modifications relating to the provision of plant equipment on the roof requires changes to conditions of the Minister's approval, and accordingly requires formal application and approval.

### 5.2 ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGR'S)

It is considered unnecessary to notify the proponent of environmental assessment requirements, pursuant to section 75W (3) with respect to the proposed modification as sufficient information was provided to the Department to consider the application, and issues are not different to the original DGR's.

## 6. CONSULTATION AND EXHIBITION

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

The modification application was referred to the Redfern-Waterloo Authority (RWA) and the City of Sydney Council. The City of Sydney Council had no comments regarding the modifications sought. The RWA considered that the minor design development changes were acceptable and would have minimal impacts. The RWA however identified the location of cooling towers as having potential to generate adverse visual and design impacts. The RWA requested further information including photomontages to support that the rooftop plant area shall:

- *Be of high design quality and architectural expression and be integrated with the building.*
- *Not unreasonably increase the visual bulk of the building.*
- *Not increase overshadowing of the public domain, adjacent child care centre or nearby residential development.*
- *Shall be adequately attenuated to avoid acoustic impacts on nearby and surrounding residential areas. The additional plant equipment should not give rise to increased noise impacts on surrounding residents.*

Given the documentation provided by the Proponent included photomontages from various locations and any additional information would have limited value, it was considered that there was adequate information to determine the application. Additional photomontages were not considered necessary, as the cooling towers would not be visible from the additional photomontage location requested by the RWA. The issues raised by the RWA are addressed in detail below.

The modification application was not referred to the Sydney Airport Corporation Limited (SACL), as the proposed modifications involved development at a height lower than the communication tower. On this basis it was considered that a referral to SACL for operational assessment was not required.

## **7. CONSIDERATION OF PROPOSED MODIFICATIONS.**

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### **7.1 LOCATION OF PLANT**

#### **COOLING TOWERS**

The Proponent seeks to amend the roof level design to identify the location of cooling towers in the plant room. The cooling towers extend beyond the roof of the plant room by approximately 2.5 metres. The Proponent has provided the following justification to the modification sought relating to the location of the cooling towers:

- The location of the cooling towers will have no visual impact from within the ATP and low visual impact beyond the ATP;
- Locating the cooling towers within the plant room ensures minimal visual impact; and
- The open construction of the cooling towers results in minimal visual impact.

The RWA raised concerns as to the design of the cooling towers and the adverse impact on the design of the building and adverse visual impacts.

The definition of building height is the vertical distance between ground level to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. If there is an increase in overall height of the building, it will be minimal as the cooling towers are approximately 2.5 metres higher than the approved plant room roof. The communication tower will remain as the highest approved structure given it is 5 metres higher than the approved plant room roof. Accordingly, the cooling towers will not be higher than the communication tower.

Given the height of the building and setback of the cooling towers from the building edges, the cooling towers would only be visible from a distance. Accordingly, they would have limited visual impact from within the ATP. The visual impact south of the site would most likely be obscured by future development envisaged for the ATP site. The site directly south of the site, within the ATP, has been identified in the RWA Built Environment Plan (Stage One) August 2006 as a site suitable for a 10 storey development. The impacts on the design of the building will be minimal given the limited sight lines to the cooling towers in the vicinity.

The Department considers any visual impacts would only be visible from a considerable distance to the subject site and subsequently would have minimal impact. The modifications will not impact on the relationship of the building to the nearby heritage items and does not significantly increase the bulk of the building and would not result in any adverse overshadowing impacts. The Department considers the modification as satisfactory.

#### **EMERGENCY GENERATOR**

The Proponent seeks to modify the roof level design by providing a back up electrical power generator in the south west of the roof level. The proponent has stated that the location was unknown at the time of project application and the plans have now been amended to identify the location of the generator.

The Proponent also seeks to install acoustic screening as a visual barrier for the generator. The acoustic screening is consistent with the height of the adjacent structures and materials and finishes approved for the development.

A secondary generator acts as an emergency generator and is generally provided to meet building classification standards. The provision of an emergency generator is considered reasonable and beneficial. However, the proposed location of the generator is outside of the approved plant area and would result in a visible increase given the vicinity of the generator and the acoustic screening to the southern elevation. The bulk of the building will not increase substantially as a result of this modification, however the Department notes that the culmination of the modifications to the building has resulted in a cumulative increase to the use of the roof level for plant and equipment.

However, given the nature of the plant equipment proposed and the sympathetic acoustic screening, the modification is considered acceptable.

The Department notes that any additional plant and equipment is subject to Condition B14 – Acoustic Impacts of the Major Project approval MP 06\_0149. Accordingly any additional plant and equipment must be designed and constructed in accordance with Condition B14 to ensure no adverse noise impacts are generated to surrounding development.

## **7.2 MINOR DESIGN ELEMENTS**

The minor design modifications sought include:

- amended location of louvres on the western elevation;
- Single door replaced by double door on Level 2 on the northern elevation;
- Addition of external retractable blinds on the eastern elevation on the balcony;
- Awning for trucks on the northern elevation; and
- Replace glass with louvres in the studios area on the southern elevation.

The Department has reviewed the minor design modifications sought to the external façade of the building as a result of design development. The Department considers that amendments are minor in nature and will have 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. The RWA were satisfied that the minor design changes to elements of the façade would have minimal visual or other impacts.

The changes are of a nature that are consistent with the original approval and would generally not require a formal application and approval. However, given that the roof level and plant room changes required formal application and approval, the minor design changes have been included for completeness.

The modifications to the external appearance of the approved building will not alter the bulk or scale of the development. The Department considers the proposed minor design changes, and modification of Condition A2 – Development in Accordance with Plans to recognise these changes, as satisfactory.

## **8. PUBLIC BENEFITS**

The public benefits resulting from the original proposal, as approved, include:

- The project is generally consistent with the planning controls and objectives for Australian Technology Park and assists the Redfern-Waterloo Authority in attaining the objectives for the Australian Technology Park to provide for a business and technology environment that fosters global competitiveness within key growth sectors in the State's economy;



- The proposed building will promote further investment in the Australian Technology Park which will assist in promoting the concept for the site and will encourage businesses seeking synergies within the ATP environment;
- The proposal contributes to a significant increase in employment opportunities within the area; and
- The design of the proposal is considered to be a positive addition to the Park and the public domain will benefit significantly from the proposed landscaping and plaza works.

The recommended modification would not compromise the projects ability to continue to provide these public benefits.

## **9. MODIFICATIONS TO CONDITIONS OF APPROVAL**

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The Department recommends that Conditions of Approval apply to the proposed modifications. These are included at **TAG A**.

## **10. DELEGATION**

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Under the instrument of delegation dated 4 March 2009, the Minister has delegated her functions under section 75W of the EP&A Act relating to modifying Part 3A approvals to the Executive Director Strategic Sites and Urban Renewals.

Having regard to the instrument of delegation, it is considered appropriate that the application be determined under delegation.

## **11. CONCLUSION**

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Under section 75W (4) of the EP&A Act, the Minister may modify the approval (with or without conditions) or disapprove the modification. This assessment report describes the Department's assessment of the requested modifications and supporting documentation as provided by the Proponent, and recommends approving the proposed modifications, subject to the amendments as discussed.

The proposed modifications are minor and do not result in significant changes to the overall development. The proposal achieves the same objectives as assessed for the originally approved development under Major Project 06\_0149 and does not alter the overall nature, need or justification of the approved project.

## 12. RECOMMENDATION

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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; and
- (b) **Approve** the modification, subject to conditions, under section 75W of the *Environmental Planning and Assessment Act, 1979*; and
- (c) **Sign** the attached Instrument of Modification Approval (**TAG A**).

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## **APPENDIX A. Instrument of Modification Approval**

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