

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-32927319 Powerhouse Ultimo Renewal
Applicant	Infrastructure NSW
Consent Authority	Minister for Planning

Decision

The Minister for Planning has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (the Act) granted consent to the development application subject to conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning and Environment's assessment report is available [here](#).

Date of decision

21/2/21


Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in Section 4.15 of the *Environmental Planning and Assessment Act (EP&A Act) 1979* and the additional matters listed in the statutory context section of the Department's Assessment Report
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*
- the objects of the EP&A Act
- all information submitted with the development application
- the findings and recommendations in the Department's Assessment Report
- the submissions made concerning the development application
- the views of the community (see Attachment 1).

The findings and recommendations set out in the Department's assessment report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole. The project is expected to generate 440 direct and 1,270 indirect jobs during the construction phase and up to 200 direct and 140 indirect jobs upon completion and full occupancy of the development;
- the project is permissible with development consent, and is consistent with NSW Government policies
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards; and
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent. Engagement on the project is considered to be in line with *Undertaking Engagement Guidelines for State Significant Projects*, including the community participation objectives outlined in these guidelines.
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the development application from Tuesday 21 June 2022 until Thursday 21 July 2022 (31 days).

A total of 108 submissions were received from the public in response to the exhibition, including:

- 91 individual submissions (85 objections, four providing comments and two in support of the proposal)
- 15 submissions from community interest groups (nine objections, two comments and four in support)
- one submission from Jamie Parker MP objecting to the proposal
- one submission from Alex Greenwich MP objecting to the proposal.

The key issues raised by the community (including in submissions) and considered in the Department's assessment report and by the decision maker include are summarised below. Other issues are addressed in detail in the Department's assessment report.

<i>Issue</i>	<i>Consideration</i>
<p>Project justification</p> <ul style="list-style-type: none"> • Objection to project cost • Inadequate justification for the project • Concerns regarding the lack of business case to support project expenditure • Support for expenditure on a reduced project scope or refurbishment of existing buildings. 	<p>Assessment</p> <ul style="list-style-type: none"> • The proposal was supported by a Social Impact Assessment, which also considers the expected economic benefits associated with the construction and operation phases of the development. • Section 4.15(1)(b) of the EP&A Act requires the consideration of the likely social and economic impacts of the development in the locality. The Department considers the proposal would result in positive social and economic outcomes as: <ul style="list-style-type: none"> ○ it will provide a positive investment in arts and culture for the City of Sydney ○ it is expected to increase demand for entertainment, food and accommodation from visitors ○ it will create new cultural and entertainment opportunities during both day and night, providing a significant positive contribution to the diversification of the local night-time economy ○ it is expected to generate 440 direct and 1,270 indirect jobs during the construction phase and up to 200 direct and 140 indirect jobs upon completion and full occupancy of the development ○ it is estimated that the direct operational jobs will generate a direct value-add to the economy of \$18.6 million per annum.
<p>Museum focus/types of exhibits</p> <ul style="list-style-type: none"> • Concerns about museum changing use to an information and education facility • Concerns regarding change in exhibits from science and technology to fashion and design • Concerns existing museum collection will be placed in storage 	<p>Assessment</p> <ul style="list-style-type: none"> • The Applicant provided the following information in relation to the proposed programming of the Powerhouse Museum: <ul style="list-style-type: none"> ○ while the Powerhouse Ultimo will have a programming focus on fashion and design, there will still be a range of other exhibitions on display ○ the Boulton and Watt steam engine, Locomotive No, 1 and Catalina Flying Boat will remain at Powerhouse Ultimo ○ the renewal will create a range of spaces that will be flexible to enable the showcasing of the Powerhouse Collection ○ no planning approval is sought or required for the programming of Powerhouse Ultimo. • The Department is satisfied that the Applicant has addressed the concerns raised about the focus on design and fashion and confirmed that significant elements of the collection will remain on display at Ultimo and that a diverse range of programs and exhibitions will be provided.
<p>Consultation</p> <ul style="list-style-type: none"> • Concerns regarding length of the exhibition period • Lack of stakeholder consultation 	<p>Assessment</p> <ul style="list-style-type: none"> • The Department is satisfied that consultation has been undertaken in accordance with the legislative requirements of the Environmental Planning and Assessment Act 1979

<ul style="list-style-type: none"> Perceived differences between the project and previous NSW Government announcements. 	<ul style="list-style-type: none"> The project was exhibited from 21 June to 21 July 2011 a total of 31 days, which exceeds the minimum 28 days statutory requirements of the EP&A Act for State Significant Development project. The Department is satisfied the community has had sufficient opportunity to comment on the proposal. The Applicant indicates that one of the objectives of the proposed Powerhouse Museum Ultimo renewal is to deliver an international standard museum that is complimentary to flagship Powerhouse Parramatta, Powerhouse Castle Hill and Sydney Observatory. The Department notes that the concept proposal is consistent with the NSW Government announcement made on 4 July 2020.
<p>Heritage impacts</p> <ul style="list-style-type: none"> General concerns about impacts on heritage fabric and to the heritage significance of the site Specific concerns regarding potential heritage impacts to the Wran Building, other 1988 additions and Harwood Building and concerns they will be demolished Impacts of building envelopes on heritage significance Concerns with Conservation Management Plan. 	<p>Assessment</p> <ul style="list-style-type: none"> The proposal retains the State and locally listed heritage items on the site. No building envelopes are proposed over the Boiler House, Turbine Hall, Engine House, North Annex, or Former Ultimo Post Office. Any proposed new works to these buildings, including demolition, alterations or additions would be subject to detailed in assessment in the future Stage 2 DA The proposed envelope above the Switch House would allow a new rooftop addition to replace the existing addition with a more modern, lightweight and sensitive element The Wran Building is not heritage listed and Heritage NSW has confirmed that following a recent resolution of the Heritage Council to defer the preliminary assessment of the National Trust's nomination to list the whole site on the State Heritage Register which means that the nomination will not be progressed at this time. The potential demolition or alteration of the Wran Building would not alter the significance of the history of the site, the significance of the existing heritage listed items or the continued use of the site as a museum. The potential demolition or alternation of the Wran Building would also offer an opportunity to redevelop and expand the Powerhouse while minimising visual and physical impacts of any building form and maximising and enhancing the public domain on and around the site In addition, the proposal could significantly increase activation and open up views to the significant external facades of the heritage items on the site. The Harwood Building is not within the proposal and will not be impacted. The building envelopes will not be developed in their entirety and the recommended conditions of consent and FEARs, together with the Applicant's Urban Design Guidelines, include requirements to protect the heritage significance of the site by requiring a minimum of 2,200m² of public open space within the site, limiting the height of development in Zone 3 to the same level or below the Pier Street viaduct and ensuring the development in Zone 1 and 2 retain and improve views to/from the heritage core. The intention of the CMP is to guide the daily upkeep, administration and operation of the site, and not the assessment of heritage impacts of the proposal which are assessed through the Heritage Impact Statement. Noting the Concept Proposal does not seek approval to undertake any physical works to the State or local heritage listed items, and all demolition and construction works will require separate development consent, the Department is satisfied that the heritage impacts can be assessed in detail in the future Stage 2 DA. <p>Recommended Conditions</p> <ul style="list-style-type: none"> Future application(s) must include a Heritage Impact Statement. Any alterations or alterations to fabric within any building within the Heritage Core must retain, protect and enable visibility of

	<p>significant heritage fabric, key architectural features and in-situ heritage elements.</p> <ul style="list-style-type: none"> The proposed envelope above the Switch House would allow a new rooftop addition to replace the existing addition with a more modern, lightweight and sensitive element New building elements within the building envelopes must be designed to retain and improve upon existing visibility and readability of the external facades of the heritage items. The Conservation Management Plan is not endorsed as part of the consent
<p>Built form</p> <ul style="list-style-type: none"> objections to bulk and scale of the proposed building envelopes, particularly in relation to the Heritage Core objections to the visual impacts associated with new built form objections to potential overshadowing of private property and public domain 	<p>Assessment</p> <ul style="list-style-type: none"> No building envelopes are proposed over the State heritage listed buildings, with the exception of the Switch House, which is considered to have acceptable heritage and visual impacts consistent with the existing modern addition. The proposed building envelopes in Zones 1, 2 and 3 comply with the maximum SLEP height of 28 m (plus 10% bonus). The maximum gross floor area (GFA) (floor space ratio (FSR) of 2.4:1) complies with the maximum SLEP FSR of 4:1 The building envelopes retain primary view corridors affecting the site, as identified in the Pyrmont Peninsula Place Strategy, The proposal will retain and improve views of the State heritage items from the public domain. The Applicant's overshadowing analysis demonstrates that in the worst-case scenario, there will be no additional shadow cast to the Goods Line between 12pm and 2pm, consistent with the Pyrmont Peninsula Place Strategy Worst-case overshadowing impacts to private residences are consistent with the City of Sydney Draft Guide to Minimising Overshadowing of neighbouring apartments. <p>Recommended Conditions</p> <ul style="list-style-type: none"> Limit the maximum gross floor area to 40,000 m². Only permit a 10% design excellence bonus (up to 30.8 m) in Zones 1 and 2, subject to subject to future application(s) demonstrating design excellence in accordance with Clause 6.21D(3)(a) of Sydney Local Environmental Plan 2012. New building elements must retain and improve upon existing visibility and readability of the external facades of the heritage items. Future application(s) include an overshadowing analysis and demonstrate that the overshadowing impact on the neighbouring public open spaces and private residential properties has been minimised.
<p>Public Domain</p> <ul style="list-style-type: none"> Concerns building envelopes would result in a loss of public space, including the Harris Street forecourt Opposition to structures being constructed on the existing Harris Street forecourt 	<p>Assessment</p> <ul style="list-style-type: none"> The existing Harris Street forecourt forms part of Zone 2 and may be altered by the development. However, there will be no net loss of open space and the urban design guidelines aim to better activate the existing public domain, which would directly benefit current and future users, and surrounding communities of the site. <p>Recommended Conditions</p> <ul style="list-style-type: none"> A civic space be provided within Zone 1 consistent with the Pyrmont Peninsula – Consolidated Sub-Precinct Master Plan. Require a minimum of 2,200 m² of open to the sky public open space (excluding existing public domain within Zone 4) Require at least one area with a minimum area of 1,800 m² that is connected at grade to an adjacent public space or pathway to allow gathering for events and programming Future application(s) must detail mechanism(s) to ensure open space is publicly accessible 24 hours-a-day 7 days-a-week.
<p>Other</p>	<p>Assessment</p>

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| <ul style="list-style-type: none">• Concerns about differentiation between other Powerhouse museums in Sydney (Parramatta and Castle Hill)• Concerns about splitting collections across powerhouse museums | <ul style="list-style-type: none">• The Applicant indicates that one of the objectives of the proposed Powerhouse Museum Ultimo renewal is to deliver an international standard museum that is complimentary to flagship Powerhouse Parramatta, Powerhouse Castle Hill and Sydney Observatory. The Department notes that this is consistent with the NSW Government announcement made on 4 July 2020.• The Applicant has addressed the concerns raised about the Powerhouse collection and confirmed that significant elements of the collection will remain on display at Ultimo and that a diverse range of programs and exhibitions will be provided.• The Department is therefore satisfied that the Powerhouse Ultimo will continue to allow for elements the Powerhouse Collection to be displayed, in addition to a broad range of exhibitions and programs. |
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