



Locomotive Workshop Modification 11

Dismantle and repurpose the timber and steel mezzanine platform and infill of a brick pit in the south west corner located within Bay 15 South
State Significant Development Modification Assessment (SSD 8449 MOD 11)

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
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	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
Heritage	Heritage NSW, Department of Premier and Cabinet
HIS	Heritage Impact Statement
LEP	Local Environmental Plan
Mezzanine	Bay 15 South Mezzanine Platform
Minister	Minister for Planning and Public Spaces
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

1 Introduction

1.1 Background

This report provides an assessment of an application to modify the State significant development (SSD 8449) consent for Bays 5-15 at South Eveleigh.

The modification application seeks approval to dismantle and repurpose a timber and steel mezzanine platform (mezzanine) and infill of a brick pit in the south west corner located within Bay 15 South.

The application was lodged on 30 November 2020 by Mirvac Projects Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

1.2 The site

The South Eveleigh precinct, formerly known as the Australian Technology Park, is located approximately 2.5 kilometres (km) south-west of Sydney Central Business District (CBD). The site known as Bay 15 South, is located within the Locomotive Workshop, in the South Eveleigh precinct (**Figure 1**). The site is in the City of Sydney local government area (LGA).



Figure 1 | Aerial view of the South Eveleigh Precinct (Source: Nearmaps)

1.3 Approval history

On 22 February 2019, the Independent Planning Commission granted development consent for the adaptive reuse of the Locomotive Workshop for Bays 5-15 (SSD 8449). The development consent has been modified nine times and one modification has been withdrawn (**Table 1**).

Table 1 | Summary of SSD 8449 Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Modify Condition B25 relating to stormwater and drainage to reduce post development pollutant loads	IPC	4.55(1A)	10 September 2019
MOD 2	Modify Condition D6 (Construction Hours)	Director	4.55(1A)	29 May 2019
MOD 3	Change the location and configuration of service pods, Bays 5-15	Director	4.55(1A)	2 August 2019
MOD 4	Change internal design and layout of Bays 5-13	Director	4.55(1A)	19 February 2020
MOD 5	Additional skylights above Bays 5-15	Director	4.55(1A)	20 November 2019
MOD 6	Changes to conditions to allow the use of tinted glass for heritage windows	Director	4.55(1A)	5 February 2020
MOD 7	Internal design and layout changes to Bay 15	Director	4.55(1A)	9 June 2020
MOD 8	Install full height glazing along Level 1, Bays 5-7	Withdrawn	4.55(1A)	N/A
MOD 9	Amend the internal design and layout of Bays 5-13, including full height glazing in Bays 5-7, retain heritage canteen structure and a plant room in Bay 9 south	Director	4.55(1A)	2 September 2020
MOD 10	Install photovoltaic panels across the roof of the Locomotive Workshop (Bays 5-15)	Director	4.55(1A)	2 September 2020

2 Proposed modification

The modification application seeks to:

- dismantle and repurpose a timber and steel mezzanine located between levels 1 and 2 within Bay 15 South (**Figures 2 to 5 and 8**);
- use of the removed mezzanine fabric for interpretation and a condition requiring development of a detailed interpretative design; and
- infill of a brick pit in the south west (**Figures 6 and 7**) corner of Bay 15 South.

The Applicant notes the mezzanine was encased in modern fabric, along with a brick pit and adjacent wall, and therefore was not discovered until demolition works were underway.

The adjacent brick wall (**Figure 7**) will be retained.

A link to the modification application documents is provided in **Appendix A**.

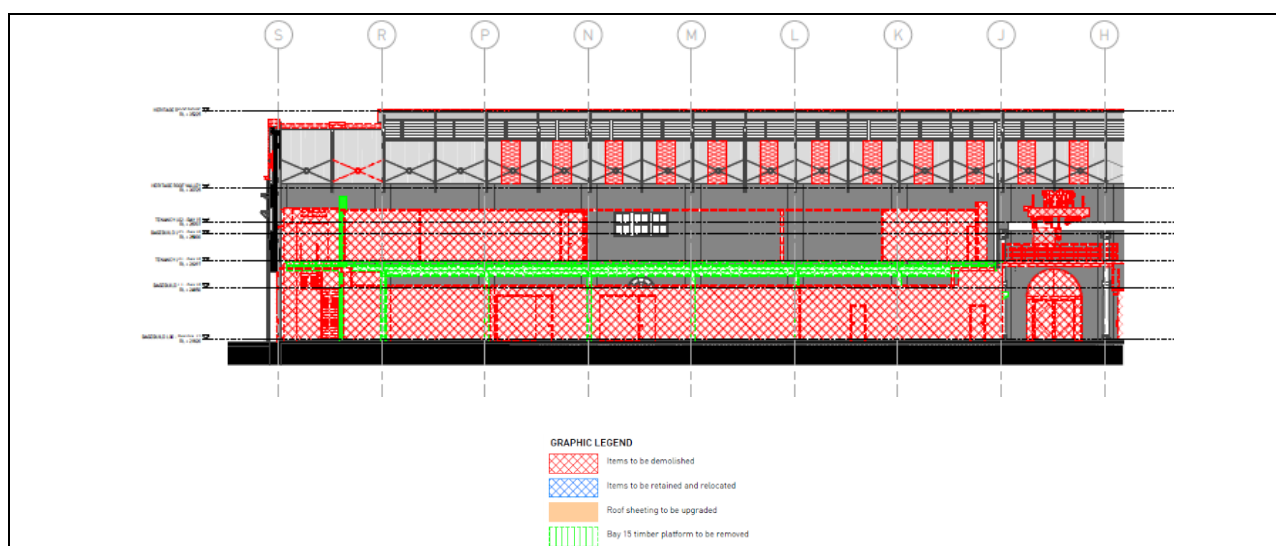


Figure 2 | Proposed section plan showing the proposed dismantle (in green) of the mezzanine located within Bay 15 South (Source: Sissons Architects)

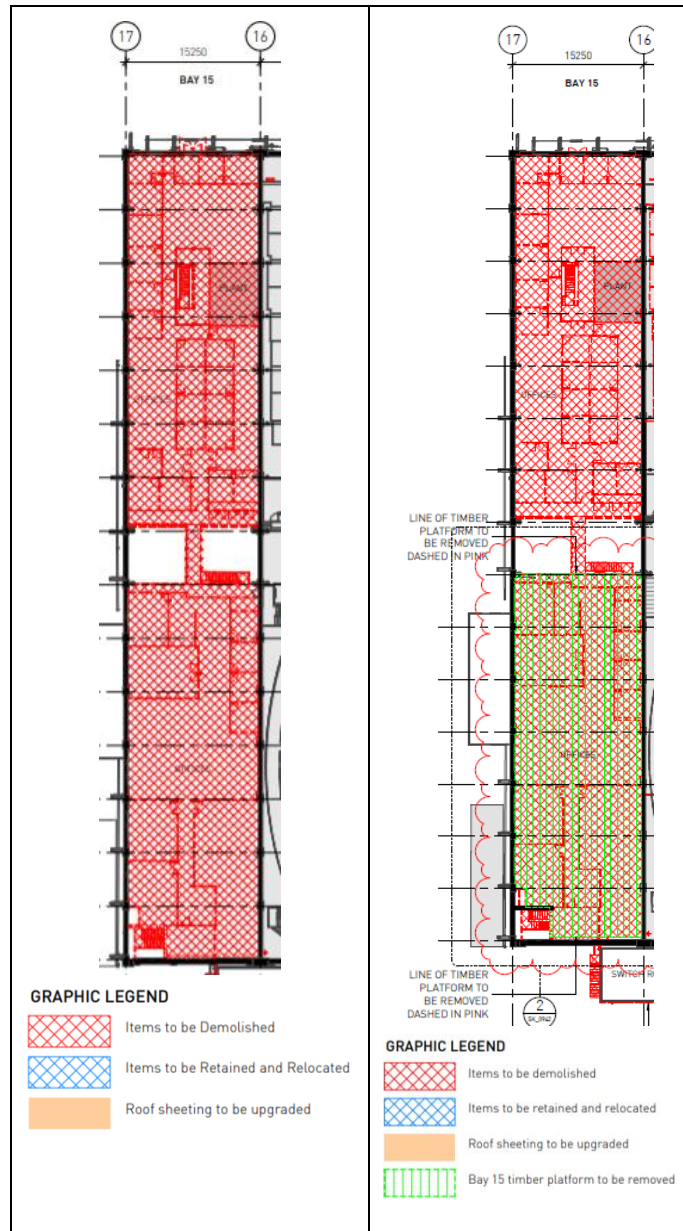


Figure 3 | Approved demolition plan for the first floor showing the proposed demolition of the mezzanine located within Bay 15 South in green (Source: Sissons Architects)

Figure 4 | Proposed demolition plan for the first floor showing the proposed dismantling of the mezzanine located within Bay 15 South in dashed green (Source: Sissons Architects)



Figure 5 | Photo of Bay 15 South mezzanine platform (Source: Curio Projects)



Figure 6 | Photo of Bay 15 brick pit with modern steel plates covering the brick pit (Source: Curio Projects)



Figure 7 | Photo of Bay 15 brick pit after partial removal of modern steel plates (Source: Curio Projects)

3 Statutory context

3.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the project as approved
- is substantially the same development as originally approved
- would not involve any further disturbance outside the already approved disturbance areas of the project.

Therefore, 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. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

3.2 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, the Director, Key Sites Assessments may determine the application under delegation as:

- a political disclosure statement has not been made; and
- no public submissions in the nature of objection were received.

3.3 Mandatory matters for consideration

The following are relevant mandatory matters for consideration:

- section 4.55(1A) of the EP&A Act, including environmental planning instruments or proposed instruments;
- EP&A regulation;
- likely impacts of the modification application, including environmental impacts on both the natural and built environment, and social and economic impacts;
- suitability of the site;
- any submissions;
- the public interest; and
- the reasons for granting approval for the original application.

The Department has considered all of these matters in its assessment of the proposal. The Department has also given consideration to the relevant matters in **Section 5** and **Appendix B** of this report.

3.4 Objects of the EP&A 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 application was made publicly available on the Department's website on 30 November 2020 and referred to the City of Sydney Council (Council) and Heritage NSW.

4.2 Summary of submissions

The Department received submissions from Council and Heritage NSW. A link to the submissions is provided in **Appendix A**.

The key issues in Council and Heritage NSW submissions are summarised in **Table 2**.

Table 2 | Submissions received to the Modification Report and Response to Submissions (RtS)

Heritage NSW	
Modification Report	- Heritage NSW advised the proposed removal of the mezzanine is acceptable subject to the following conditions: - implementation of all recommendations of the Heritage Impact Statement (HIS), including the innovative interpretative reuse of the removed mezzanine fabric - development of the detailed design for the interpretative component is to be submitted to the satisfaction of Heritage NSW within three months of the modification approval, and installation completed three months after - Heritage also noted that design decisions in Bay 15 must consider cumulative impacts.
RtS	Heritage NSW reviewed the request to extend the timeframe for implementation of the interpretative elements from three to nine months and raised no objections. It noted the detailed design should still be submitted within three months of approval.
Council	
Modification Report	- Council raised no objection to the proposal subject to the following conditions: - adoption of all the HIS recommendations - preparation of a storage and protection methodology for the removed heritage fabric prior to dismantling - formulation of a recycling methodology for fabric that will not be reused (i.e. sold to a second-hand materials dealer or recycled).
RtS	Council advised it provides no comments on the Applicant's request to defer the implementation of the interpretative elements from three to nine months and defers to Heritage NSW.

4.3 Response to submissions

The Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised.

On 21 December 2020, the Applicant lodged its RtS, which noted and accepted the comments made by Council and Heritage NSW.

On 18 January 2021, the Applicant provided a further response to submissions requesting the implementation of the approved detailed design be extended from three months to nine months.

5 Assessment

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

- the modification application and associated documents
- the Environmental Impact Assessment and conditions of consent for the original application (as modified)
- all submissions received on the proposal
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The Department considers the key assessment issue is heritage impacts, as outlined below.

5.1 Heritage

The proposal seeks to remove and repurpose a timber and steel mezzanine encountered during demolition works in Bay 15 South. The Applicant notes a brick pit and wall also found during works will be retained. It proposes to line the brick pit with construction plastic and backfill the pit with stabilised sand to maintain usability of the space above.

The Applicant has provided a Heritage Impact Statement (HIS) that outlines the finding and exploratory works undertaken when the mezzanine, brick pit and wall were found.

The Applicant considered four options in response to the discovery of the mezzanine and concludes the removal and repurposing of the fabric for interpretation is the most viable option as:

- the mezzanine does not comply with current BCA, fire engineering or structural standards and significant physical works are required to retain it with loss of up to 30% of the original material
- the mezzanine is located between proposed levels 1 and 2 and retention would affect leasing opportunities and the joining of Bay 15 to Bay 14 in the future (**Figure 8**)
- retention would limit natural daylight access to the ground floor and require an extensive re-design of Bay 15
- the reuse and interpretation of the mezzanine platform fabric within the space retains the original fabric and will allow for ongoing appreciation of the history of the site.

Heritage NSW and Council did not raise any concerns with the removal of the mezzanine subject to conditions, including implementing all recommendations of the HIS, preparation of an interpretative detail design within three months the approval of this modification application, preparation of a storage and protection and recycling methodology and implementation of the detail design within nine months of its approval.

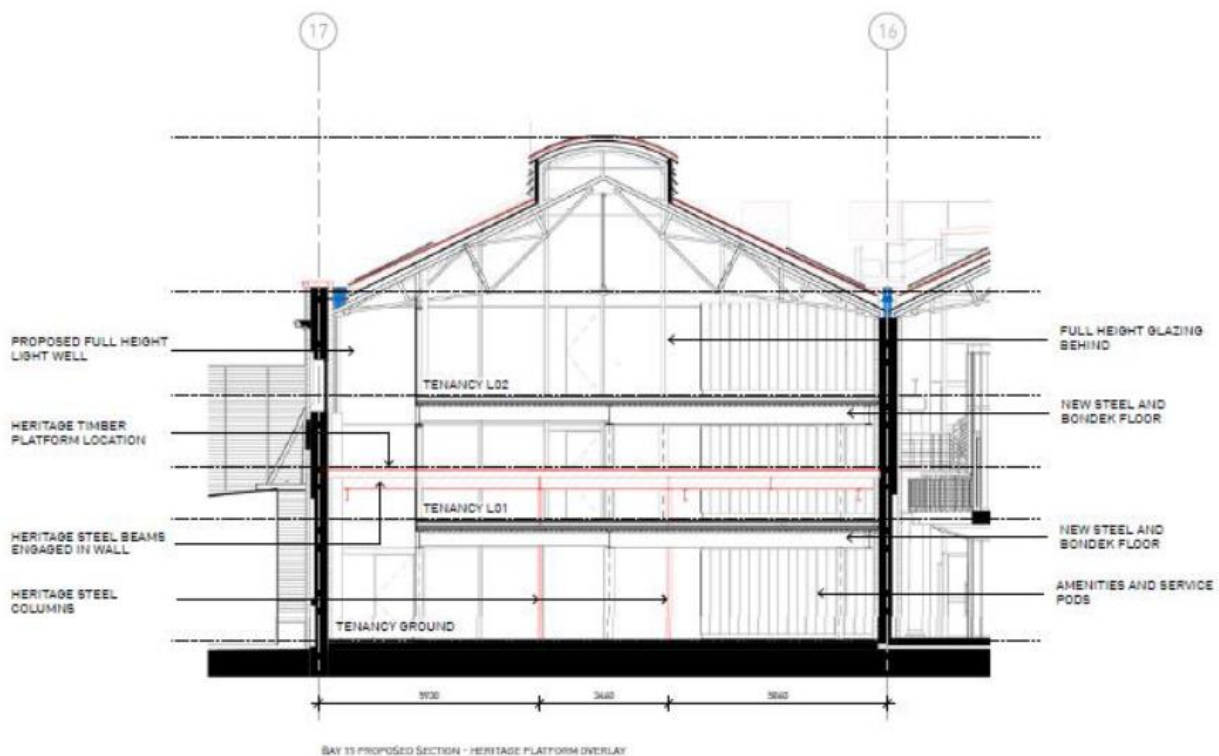


Figure 8 | Section plan through Bay 15 South illustrating the location of the mezzanine platform in the context of the proposed floor levels (Source: Sisson Architects)

The HIS provides a suite of recommendations including:

- updating the Conservation Management Plan
- dismantling of the mezzanine to be closely monitored by a nominated heritage consultant
- a full archival record of the platform structure
- the removed mezzanine fabric to be reused for heritage interpretation purposes
- retention of the brick pit and wall in the south west corner.

The Department considers the proposed removal and repurposing of the mezzanine is acceptable as:

- the mezzanine has not been identified as having any specific intangible heritage values, in terms of social and associative significance at a local or State level, and its removal will not significantly alter the heritage character of the Locomotive Workshop
- the recommendation of the HIS will ensure the impacts associated with removal will be mitigated and the proposed interpretation will be creative and innovative to enhance the appreciation of the history of the Bay and site
- it will allow for the long term joining of Bay 14 and Bay 15 as a three levelled space (once Bay 14 is vacant)
- it ensures Bay 15 complies with the current BCA and fire engineering requirements.

The Department also considers the retention of the brick pit in situ will result in a positive heritage outcome and contribute to the historical significance of the bay. The Department is satisfied that the brick pit does not highly contribute to the understanding of the mezzanine platform and therefore considers the backfill of the pit to maintain a functional space above is appropriate. The proposed infill of the pit will have minimal physical impacts to the heritage fabric as it will be lined with construction fabric before being backfilled with sand.

In addition to the recommendations of the HIS, the Department recommends the following conditions requiring:

- preparation of a storage and protection methodology prior to dismantling and a recycling methodology for any unused fabric
- the interpretive design of the mezzanine be prepared in consultation with Council and Heritage NSW and approved by the Secretary within three months of the approval of the modification application
- the detailed interpretive design must be accordance with the Stage 2 Heritage Interpretation Plan and Heritage Statement
- implementation of the interpretative design within nine months of the approval of the design

Subject to the above recommendation conditions, the Department supports the proposed amendments to dismantle, remove and interpret the mezzanine and to infill the retained brick pit.

6 Evaluation

The Department has reviewed the proposed modification and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposal is appropriate as:

- the mezzanine has not been identified as having any specific intangible heritage values, in terms of social and associative significance at a local or State level
- the mezzanine fabric is in good condition and will be reused with an innovative and creative interpretative design developed in consultation with Council and Heritage NSW
- the brick pit and wall will be retained in situ contributing to the heritage significance of the bay, with the pit being sensitively filled with sand to protect the heritage fabric while creating a functional space above
- the proposal is not altering the approved use, gross floor area or the external structure of the Locomotive Workshop
- it complies with the relevant statutory provisions and the proposal remains consistent with the relevant EPIs and the strategic planning context
- the proposal is substantially the same development as originally approved and does not result in any adverse environmental impacts.

Consequently, the Department concludes the proposal is in the public interest and should be approved, subject to conditions (**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
- **determines** that the application MOD 11 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 approve the modification
- **modifies** the consent SSD 8449
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:



Candice Pon
Planning Officer
Key Sites Assessments

Recommended by:



Emily Dickson
Acting Team Leader
Key Sites Assessments

8 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to read 'AWatson'.

12/2/2021

Amy Watson

Acting Director

Key Sites Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Major Project's website as follows:

- Modification Report
- Response to Submissions
- Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/39826>

Appendix B – Statutory Considerations

To satisfy the requirements of the EP&A Act, the Department's assessment of the proposal has given detailed assessment to a number of statutory requirements. These include:

- the requirements of section 4.55(1A) of the EP&A Act
- the matters listed under Section 4.15(1) of the EP&A Act, including applicable EPIs and regulations

The Department has considered these matters in its assessment of the proposal in **Table 3**.

Table 3 | Consideration of section 4.55(1A) of the EP&A Act

Section 4.55(1A)	Assessment
The proposed modification is of minimal environmental impact	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, as it will not adversely impact the heritage significance of the building and will have negligible external impacts.
The development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified.	The modification application seeks to dismantle and repurpose a timber and steel mezzanine located between levels 1 and 2 and infill of a brick pit in the south west corner within Bay 15 South. There are no changes to the approved use, gross floor area or the external structure of the Locomotive Workshop. The modification application is considered to result in development that is substantially the same as the originally approved development.

The application has been notified in accordance with the regulations.

The modification application has been notified in accordance with the EP&A A Regulations. Details of the notification are provided in Section 4.1 of this report.

Any submission made concerning the proposed modification has been considered.

The Department received submissions from Council and Heritage NSW. The issues raised in submissions have been considered in **Section 5** of this report.

Table 5 | Consideration of the matters listed under Section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	The Department's assessment
(a)(i) any environmental planning instrument	The proposed modification is consistent with the relevant Environmental Planning Instruments (EPIs) as addressed below in this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, Development Control Plans (DCPs) do not apply to SSD.
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the <i>Environmental Planning and Assessment Regulation 2000</i> , including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA) (refer to Section 4).
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department considers the likely impacts of the proposed modification acceptable and have been appropriately addressed (refer to Section 5 of this report).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Section 5 .
(d) any submissions	The Department has considered the submissions received (refer to Section 4 and 5 of this report).
(e) the public interest	The Department considers the proposed modification to be in the public interest.
Reasons given by the consent authority for the grant of the consent that is sought to be modified	The Department has considered the reasons given by the consent authority for the grant of the consent in its assessment in Section 5 .

Environmental Planning Instruments

To satisfy the requirements of section 4.15(1)(a)(i) of the EP&A Act, the following EPIs, were considered as part of the assessment of this proposal:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Urban Renewal) 2010
- State Environmental Planning Policy No. 55 – Remediation of Land
- Draft State Environmental Planning Policy - Remediation of Land

The Department undertook a comprehensive assessment of the proposal against relevant EPIs in its original assessment. Due to the minor nature of the modification application, the Department is satisfied the application remains consistent with EPIs.

Appendix C – Notice of modification

- SSD 8449 MOD 11: <https://www.planningportal.nsw.gov.au/major-projects/project/39826>

Appendix D – Consolidated Consent

- SSD 8449 MOD 11: <https://www.planningportal.nsw.gov.au/major-projects/project/39826>