



# ***Locomotive Workshop, Bays 1-4a and 5-15***

*State Significant  
Development  
Modification Assessment  
(SSD 8517 MOD 2 and  
SSD 8449 MOD 2)*



May 2019

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### **Cover photo**

Artistic impression of southern elevation of Bays 5-15 of the Locomotive Workshop (Source: Applicant provided)

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# Glossary

Abbreviation	Definition
AHD	Australian Height Datum
Applicant	Mirvac Projects Pty Ltd
ATP	Australian Technology Park
BCA	Building Code of Australia
CIV	Capital Investment Value
CIP	Community Involvement Plan
Consent	Development Consent
Council	City of Sydney Council
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development



# 1. Introduction

This report provides a concurrent assessment of applications to modify two State significant developments (SSD) consents for the adaptive reuse of the Locomotive Workshop (the site) in the Australian Technology Park (ATP) at Eveleigh. The consents relate to Bays 1-4a (SSD 8517) and Bays 5-15 (SSD 8449).

The proposal seeks approval to delete Condition D6 that restricts the permitted construction hours for rock breaking, rock hammering, sheet piling and similar construction activities at the site. The applications have been lodged by Mirvac Projects Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 1.1 Background

The ATP is located approximately 5 km south of the Sydney central business district (CBD) and 200m to the south-west of Redfern railway station (**Figure 1**). It is located within the City of Sydney local government area (LGA).

The Locomotive Workshop is located within the northern portion of the ATP, immediately south of the railway line (**Figure 2**). The Locomotive Workshop is a two-storey sandstone brick neoclassical structure, divided into 16 equal sized bays comprising a total site area of 26,984 m<sup>2</sup> (**Figure 3**). The site's primary frontage is to Locomotive Street, to the south. It is listed as a State Heritage Item under the NSW State Heritage Register and the Australian Technology Park S170 Heritage and Conservation Register.



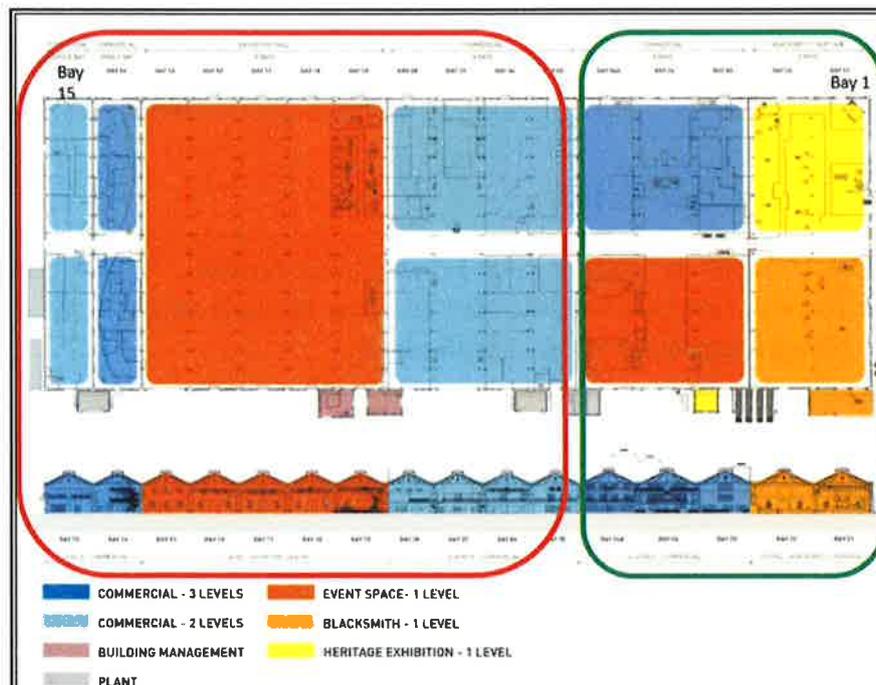
**Figure 1** | Local Context Map (Base source: Google Maps)

The ATP currently accommodates a mix of uses, including a business park with a focus on technology and innovation. A private tertiary education centre is also located within ATP, on the southern side of Central Avenue. Adjacent to the site, on the south side of Locomotive street, is 'Building 2' a seven-storey commercial building currently under construction (approved under SSD 7317). **Figure 4** identifies the closest sensitive commercial

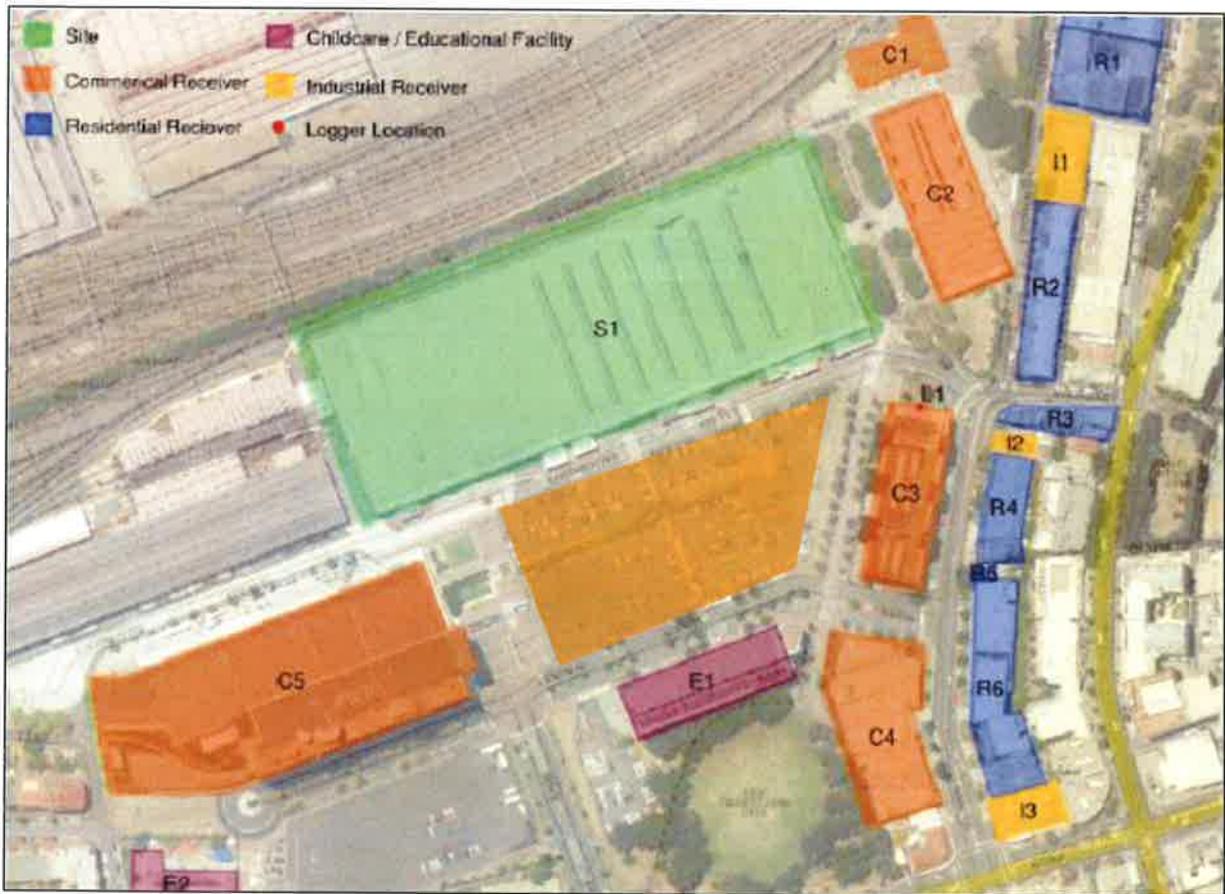
and residential noise receivers to the site. The closest residential receivers are located approximately 75m to the east of Bay 1.



**Figure 2** | The Australian Technology Park (Source: Applicant)



**Figure 3** | Existing layout of Locomotive Workshop. Bays 1-4a are shown by green outline and Bays 5-15 are shown by red outline (Source: Applicant)



**Figure 4** | Surrounding sensitive noise receivers (Base source: ARUP)

## 1.2 Approval History

On 22 February 2019, the Independent Planning Commission approved two SSD applications for the adaptive reuse of the locomotive workshop, namely SSD 8517 and SSD 8449. Refer to **Figure 3** for the approved use of each Bay.

SSD 8517 permitted the following in Bays 1-4a:

- a maximum of 11,662 m<sup>2</sup> GFA for uses including retail premises, function centre, educational establishment, information and education facility, artisan food and drink industry, general industrial (retention of the Blacksmith) and indoor recreation facility
- a loading dock and traveller
- associated heritage conservation works
- public domain works, external illumination and signage.

SSD 8449 permitted the following in Bays 5-15:

- a maximum 27,458 m<sup>2</sup> of GFA for commercial premises including 156 m<sup>2</sup> for retail uses
- associated heritage conservation works
- external illumination and signage.

The consents included the following conditions relevant to this application.

- Condition D2 regulates the permitted construction hours on site
- Condition D3 precludes any construction works from occurring on Sundays or public holidays

- Condition D6 restricts rock breaking, rock hammering, sheet piling, pile driving and similar activities to only be carried out between:
  - 9 am and 12 pm Monday to Friday
  - 2 pm and 5 pm Monday to Friday; and
  - 9 am to 12 pm Saturday.

**SSD 8517 MOD 1 and SSD 8449 MOD 1**

The Department is currently assessing SSD 8517 MOD 1 and SSD 8449 MOD 1. The modification applications propose to amend Condition B25 to change the technical requirements for the detailed stormwater quality assessment.



## 2. Proposed Modification

On 9 April 2019, the Applicant lodged concurrent modification applications (SSD 8517 MOD 2 and SSD 8449 MOD 2) seeking approval, under section 4.55(1A) of the EP&A Act, to delete Condition D6 relating to the permitted construction hours for rock hammering, sheet piling, pile driving and similar activities at the site.

The Applicant considers Condition D6 would delay the timing of the construction program and should be removed to permit any construction works to occur during the approved construction hours identified in Condition D2.

The Applicant seeks the amendment on the basis that the approval for Building 1, Building 2 and Building 3 (SSD 7317) at ATP did not include this condition and all construction activities were therefore allowed within the entire approved construction hours.



### 3. Strategic Context

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. The GSC has prepared the 'Greater Sydney Regional Plan – A Metropolis of Three Cities' which sets out the NSW Government's 40-year vision and establishes a 20-year plan to manage growth and change for Greater Sydney and includes 10 directions. The Plan's key directions are to provide:

- a city supported by infrastructure – infrastructure supporting new developments
- a collaborative city – working together to grow a Greater Sydney
- a city for people – celebrating diversity and putting people at the heart of planning
- housing the city – giving people housing choices
- a city of great places – designing places for people
- a well-connected city – developing a more accessible and walkable city
- jobs and skills for the city – creating conditions for a stronger economy
- a city in its landscape – valuing green spaces and landscape
- an efficient city – using resources wisely
- a resilient city – adapting to a changing world.

The GSC has also prepared District Plans to inform local council and planning and influence the decisions of State agencies. The aim of the District Plans is to connect local planning with the longer-term metropolitan planning for Greater Sydney.

The Eastern City District Plan covers the City of Sydney LGA.

The Department's assessment considered the original application complied with the strategic planning context for the site. The Department has considered the proposed changes against the strategic planning context and is satisfied the proposal remains consistent with the strategic planning context.



## 4. Statutory Context

### 4.1 Scope of Modifications

A consent authority may modify a 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 provided in **Table 1**.

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

Section 4.55(1A)	Assessment
That the proposed modification is of minimal environmental impact	<b>Section 6</b> of this report considers the potential noise and vibration impacts arising from the proposal. The Department considers the indoor nature of the works, the distance to sensitive receivers and the scale of works to be undertaken would not result in adverse noise or vibration impacts.
That 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 (if at all).	The proposal relates only to permitted hours for noise generating construction works including rock breaking, rock hammering, sheet piling, pile driving and similar activities at the site. There is no proposed change to the nature or scope of the development approved under SSD 8517 and SSD 8449. On this basis, the modification application would result in development that is substantially the same as the originally approved development.
The application has been notified in accordance with the regulations.	<b>Section 5</b> of this report demonstrates the modification application followed the consultation requirements as outlined in the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Regulation)
Any submission made concerning the proposed modification has been considered.	The Department did not receive any submissions in relation to the proposal. Refer to <b>Section 5</b> of this report.

### 4.2 Environmental Planning Instruments

The following Environmental Planning Instruments (EPIs) apply to the site:

- 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. 1 – Development Standards
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 64 – Advertising and Signage.

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

### **4.3 Consent Authority**

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act.

#### **Minister's delegate as consent authority**

Under the Minister's delegation dated 11 October 2017, 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.

### **4.4 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.



## **5. Engagement**

### **5.1 Department's Engagement**

Clause 117(3B) of the EP&A Regulation specifies the notification requirements of the EP&A Regulation do not apply to SSD. Accordingly, the proposal was not exhibited. However, it was made publicly available on the Department's website on 15 April 2019 and referred to City of Sydney Council (Council) and Office of Environment and Heritage (OEH) with a request to comment by 29 April 2019 (14 days).

The Department received confirmation from both Council and OEH that no submission would be provided.

No submissions were received from members of the public.



## 6. Assessment

### 6.1 Section 4.15(1) Matters for consideration

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development. **Table 2** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification. The table represents a summary for which additional information and consideration is provided for in other sections of this report, as referenced in the table.

**Table 2** | Consideration of section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	Department's assessment
(a)(i) any environmental planning instrument	The modified proposal complies with the relevant legislation as addressed in <b>Section 4.2</b> of this report.
(a)(ii) any proposed instrument	The modified proposal complies with the relevant legislation as addressed in <b>Section 4.2</b> of this report.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, Development Control Plans (DCPs) do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application 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 <b>Section 5</b> ).
(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,	<b>Section 6</b> of this report considers the potential noise and vibration impacts arising from the proposal. The Department considers the indoor nature of the works, the distance to sensitive receivers and the scale of works to be undertaken would not result in adverse noise or vibration impacts to sensitive receivers. The Department therefore considers the noise and vibration impacts can be suitably managed by conditions of consent and the construction management plan.
(c) the suitability of the site for the development	The site is suitable for the development as addressed in <b>Sections 4</b> and <b>6</b> .
(d) any submissions	The Department did not receive any submissions during the exhibition period (refer to <b>Section 5</b> ).

**(e) the public interest**

The Department considers the modified proposal to be in the public interest as it would facilitate the orderly development and sensitive reuse of a State heritage listed item.

The Department has considered the Applicant's proposal and consider construction noise and vibration to be the key assessment issue.

## **6.2 Noise and vibration**

The development consents for the Locomotive Workshops (SSD 8517 and SSD 8449) include conditions of consent (Condition D6) restricting construction activities such as rock breaking, rock hammering, sheet piling, pile driving and similar activities to the following hours:

- 9.00 am to 12.00 pm and 2.00 pm to 5.00 pm Monday to Friday (inclusive)
- 9.00 am to 12.00 pm on Saturday.

Condition D6 was imposed as a standard condition of consent, as endorsed by the Planning Secretary on 20 December 2017, and is intended to provide sensitive receivers with morning and afternoon respite periods from potentially noisy and disruptive construction activities, including rock breaking, rock hammering, sheet piling, pile driving and similar activities. Irrespective of these restrictions, Condition D2 of SSD 8517 and SSD 8449 outlines the standard permitted construction hours for the site as follows:

- 7.30 am to 5.30 pm Monday to Friday (inclusive)
- 7.30 to 3.30 pm Saturdays

No works are permitted at the site on Sundays or public holidays.

The Applicant seeks to remove Condition D6 to permit rock breaking, rock hammering, sheet piling, pile driving and similar activities at any time within the standard construction hours outlined in Condition D2. The Applicant has provided advice from ARUP confirming the proposal is not likely to result in any adverse noise impacts on sensitive receivers.

The consents restrict construction activities with potentially higher impact noise and vibration to a maximum of six hours per day Monday to Friday, while general works are permitted for ten hours per day. The removal of Condition D6 would therefore permit works associated with impact noise and vibration for a maximum of four additional hours per day (Monday to Friday). Similarly, impact noise works would be permitted for an additional five hours on a Saturday.

In accordance with the Interim Construction Noise Guidelines, respite periods can be applied when construction works are anticipated to highly affect residential or commercial receivers. The Department has carefully considered the proposal and notes the following:

- the closest residential receivers to Bay 1 are approximately 75 m from the site and the closest residential receivers to Bay 15 are approximately 200 m from the site
- the closest commercial receivers in Building 1 and Building 2 are also owned by the Applicant and are subject to an internal agreement during the construction process
- the works seek to adaptively reuse an existing bay and the remaining bay structure would therefore act as a natural sound barrier between the potentially noisy and disruptive construction works and sensitive receivers

- the Locomotive Workshops adjoin a large rail corridor to the north and the site is already subject to rail noise throughout the day and evening periods
- the scope and duration of rock breaking, rock hammering, sheet piling, pile driving and similar activities at the site is limited as these works are required only to facilitate construction of the traveller in the early stages of the construction program
- Condition A10 to A15 requires environmental monitoring and audits to ensure compliance is maintained. Condition A11 specifically requires any complaint made or incident reported to be forwarded to the Department's compliance team
- the Locomotive Workshops will continue to be subject to a construction management plan approved under SSD 8517 and SSD 8449.

The Department is satisfied the particular characteristics of the application, listed above, in conjunction with the management strategies and conditions of consent, would ensure the acoustic amenity of sensitive receivers is maintained throughout the construction process. The Department therefore supports the proposal to remove Condition D6.

The Department does not consider the deletion of Condition D6 would establish a precedent for other applications where respite periods would be required by the standard condition. The Department supports the proposal on merit after carefully assessing the nature of the application being an adaptive reuse project, the scope of the works to be undertaken, the location of the site adjacent to a rail corridor and the distance from the site to the closest residential receivers.



## 7. Evaluation

The Department has reviewed the proposed modifications and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposed modifications are appropriate as they:

- comply with relevant statutory provisions and the proposal remains consistent with relevant EPIs and the strategic planning context
- are substantially the same development as originally approved, and do not result in adverse noise or vibration impacts
- would result in the orderly development and sensitive reuse of the Locomotive Workshops.

Consequently, the Department concludes the proposal is in the public interest and should be approved.



## 8. Recommendation

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

- **considers** the findings and recommendations of this report;
- **determines** that the applications SSD 8517 MOD 2 and SSD 8449 MOD 2 falls within the scope of section 4.55(1A) of the EPA Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application;
- **modify** the consents SSD 8517 and SSD 8449; and
- **signs** the attached modification of Development Consent (Appendix B).

Recommended by:

Tim Green  
**Planning Officer**  
**Key Sites Assessments**

Recommended by:

Brendon Roberts  
**Team Leader**  
**Key Sites Assessments**



## 9. Determination

The recommendation is: **Adopted** / **Not adopted** by:

David McNamara

**Director**

**Key Sites Assessments**



# Appendices

## Appendix A – Documentation

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:

1. Environmental Impact Statement  
<https://www.planningportal.nsw.gov.au/major-projects/project/10991>  
<https://www.planningportal.nsw.gov.au/major-projects/project/10986>
2. Submissions  
<https://www.planningportal.nsw.gov.au/major-projects/project/10991>  
<https://www.planningportal.nsw.gov.au/major-projects/project/10986>
3. Applicant's Response to Submissions  
<https://www.planningportal.nsw.gov.au/major-projects/project/10991>  
<https://www.planningportal.nsw.gov.au/major-projects/project/10986>

## Appendix B – Notice of Modification

## Appendix C – Consolidated Consent

