

15 October 2019

2190140

Mr Jim Betts
Secretary
Department of Planning, Industry and Environment
320 Pitt Street
SYDNEY NSW 2000

Attention: Brendon Roberts

Dear Brendon,

**SECTION 4.55(1A) MODIFICATION APPLICATION – MOD 4
BAYS 5-15, LOCOMOTIVE WORKSHOPS, SOUTH EVELEIGH**

This application has been prepared by Ethos Urban on behalf of Mirvac Projects Pty Ltd pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD 8449, which relates to Bays 5-15, Locomotive Workshop, South Eveleigh (the site).

The proposed modifications to Development Consent SSD 8449 comprise minor alterations to the internal design and layout of commercial tenancies on the Ground Floor and Level 1 of Bays 5-13 of the Locomotive Workshop, including:

- addition of a new access bridges on Level 1;
- addition of a sliding door;
- changes to the number and configuration of staircases and lifts;
- increase in the size of the atrium of Bay 12 South;
- provision of a minor new plant room; and
- movement of an intertenancy wall.

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in Section 4.55(1A) of the EP&A Act. This application is accompanied by:

- Architectural Drawings, prepared by Sissons Architects (**Attachment A**);
- Heritage Impact Statement, prepared by Curio Projects (**Attachment B**); and
- BCA Statement prepared by Philip Chun (**Attachment C**).

1.0 Background

On 28 August 2019, the Department of Planning, Industry and Environment (DPIE) requested further justification demonstrating that the proposed modification meets the scope of Section 4.55(1A) of the EP&A Act.

Specifically, to demonstrate that the proposed modification is of minimal environmental impact, the Department requested further consultation with the Heritage Council (or delegate) and the provision of written confirmation that the potential heritage impacts of the proposed modification are acceptable.

On 3 October 2019, the Heritage Council, following an initial review of the documentation associated with the proposed modification, stated that:

We note the proposed modifications are minor in nature and will not substantially alter the original approval - this is based on our initial review. A full assessment of works will be undertaken as part of the approval process once the modification is formally lodged with DPIE.

2.0 Consent Proposed to be Modified

Development Consent SSD 8517 and SSD 8499 were granted by the Independent Planning Commission (IPC) on 22 February 2019 for the adaptive reuse of the existing Locomotive Workshop in the Australian Technology Park (ATP).

SSD 8517 relates to the adaptive reuse of Locomotive Workshop (Bays 1-4a), including:

- a maximum of 11,662m² 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 recreation facility (indoor);
- a loading dock and travelator;
- associated heritage conservation works; and
- public domain works, external illumination and signage.

SSD 8449, which is the subject of this modification application, relates to the adaptive reuse of Locomotive Workshop (Bays 5-15), including:

- a maximum of 27,458m² GFA for commercial premises including 156m² for retail uses;
- associated heritage conservation works; and
- external illumination and signage.

To date, three (3) modifications to SSD 8449 has been approved since February 2019. The approved modification applications are summarised below in **Table 1**.

Table 1 Modifications to SSD 8449

Modification #	Date Approved	Description
Modification 1	10 September 2019	Modification to Condition B25 (Stormwater and Drainage).
Modification 2	29 May 2019	Deletion of Condition D6.
Modification 3	2 August 2019	Minor amendments to the location and configuration of service pods (containing lift cores and building services) in Bays 5-13.

3.0 Proposed Modifications to the Consent

3.1 Modifications to the Development

The proposed modifications to Development Consent SSD 8449 comprise minor alterations and additions to the internal design and layout of commercial tenancies on the Ground Floor and Level 1 of Bays 5-13, including:

- addition of a new access bridges on Level 1;
- addition of a sliding door;
- changes to the number and configuration of staircases and lifts;
- increase in the size of the atrium of Bay 12 South;
- provision of a new plant room; and
- movement of an intertenancy wall.

The proposed modifications, which are contained wholly within the existing building, have been designed to achieve regulatory requirements and reflect a rationalisation of access and egress throughout the Locomotive Workshop, as well as general design development in response to the requirements of future tenants.

The proposed modifications to Bays 5-13 of the Locomotive Workshop are summarised below in **Table 2** and detailed in the amended Architectural Plans prepared by Sissons Architects (**Attachment A**). **Figure 3** to **Figure 6** illustrate the approved and proposed configuration of Bays 5-13 of the Locomotive Workshop.

Table 2 Proposed Modifications to SSD 8449

Reference #	Location	Modification	Justification
1	Bay 11 Central	Addition of link bridge	Addition of a link bridge connecting north and south slab edge. The link bridge is required to satisfy BCA and fire engineering requirements.
2	Bay 12 South	Revised stair layout	Tenant has requested that the direction of the staircase in Bay 12 South is reversed. This change will allow the stairs to be viewed from the main entrance off Locomotive Street.
3	Bay 11 South	Relocation of lift	Tenant has requested that lift is relocated to position it in alignment with the reception space at the main entrance off Locomotive Street. This will improve security by giving tenancy reception visibility of visitors entering/exiting the lift.
4	Bay 12 South	Increase in size of the atrium.	Tenant has requested to increase the size of the atrium at the main entrance off Locomotive Street.
5	Bay 9 North	Relocation of lift	Tenant has requested the relocation of the lift to between the two staircases in Bay 9 North. This will improve circulation and flexibility on the floor plate through consolidation of vertical circulation in the atrium space.
6	Bay 8 South	Revised stair layout	Addition of linear staircase to provide an additional egress path for tenants on Level 1. This will provide an additional exit in the event of an emergency, satisfying BCA and fire engineering requirements.
7	Bay 8 South	Full height glazing on Gridline 10.	The balustrade has changed to full height glazing following the movement of an intertenancy wall from Gridline 9 to Gridline 10. This will provide tenancy separation and limit the spread of smoke in the event of a fire (as per fire engineering requirements).
8	Bay 6 North	Consolidation of lift and stair in northern atrium.	Tenant has requested the relocation of the lift and an additional staircase in the northern atrium of Bay 6 North. This will increase the flexibility of the floor plate, improve circulation and an provide an additional exit in the event of an emergency.
9	Bay 6 North	Addition of link bridge	Addition of link bridge connecting east and west slab edge on Level 1. The link bridge is required to satisfy BCA and fire engineering requirements.

Reference #	Location	Modification	Justification
10	Bay 6 South	Addition of link bridge	Addition of link bridge connecting east and west slab edge on Level 1. The link bridge is required to satisfy BCA and fire engineering requirements.
11	Bay 7 Central	Addition of sliding door	Glazed partition with sliding access door added to satisfy BCA and fire engineering requirements for escape distances in the event of an emergency.
12	Bay 6 South	Addition of staircase in southern atrium.	Addition of linear staircase in southern atrium to provide an additional egress path for tenants on Level 1. This will provide an additional exit in the event of an emergency, satisfying BCA and fire engineering requirements.
13	Bay 9 South	Addition of plantroom	Addition of 10m ² plant room required on Ground Floor to service Bay 9 South, following the movement of intertenancy wall from Gridline 9 to Gridline 10.
14	Bay 8 South	Movement of inter tenancy wall	Movement of intertenancy wall from Gridline 9 to Gridline 10, responding to revised tenancy configuration.
15	Bay 13 Central	Reconfiguration of link bridge	The link bridge connection the north and south slab edge on Level 1 has been widened and centred to improve connectivity and internal circulation.
16	Bay 10 Central	Reconfiguration of link bridge	The link bridge connection the north and south slab edge on Level 1 has been widened and centred to improve connectivity and internal circulation.

3.1.1 Voids and Atriums

Under this modification application, approval is sought for the expansion of the atrium in Bay 12 South. Bay 12 South is the main entrance from Locomotive Street and the increase in the size of the atrium will create a more expansive double height space and allow for better appreciation of the heritage fabric and industrial architecture of the Locomotive Workshop.

3.1.2 Lifts, Staircases and Access Bridges

The proposed modification also involves amendments to the number and configuration of lifts, staircases and access bridges in Bays 5-13 of the Locomotive Workshop. The relocation of lifts and staircases is required to improve security and internal circulation. The additional stairs, access bridges, sliding door and full height glazing is required to comply with BCA and fire safety requirements.

3.1.3 Plant Rooms

The proposed modification includes the addition of a 10m² plant room on the Ground Floor of Bay 9 South. The additional plant room is required following the movement of the southern intertenancy wall from Gridline 9 to Gridline 10.

3.1.4 Movement of Intertenancy Wall

In response to a revised tenancy configuration, the intertenancy wall along Gridline 9 has shifted to Gridline 10. To provide adequate tenancy separation and limit the spread of smoke in the event of a fire (as per fire engineering requirements), the balustrade has been converted to full-height glazing. As shown in **Figure 2**, the full-height glazing has been designed to retain the transparency and openness of the internal heritage fabric of the Locomotive Workshop.

3.1.5 Gross Floor Area

The proposed modifications will have no impact on the overall GFA of the Locomotive Workshop (27,458m²), as approved under SSD 8449.



Figure 1 View from Bay 8 looking south-east onto central spine of Locomotive Workshop (Note: Concept Image Only)

Source: *Sissons Architects*

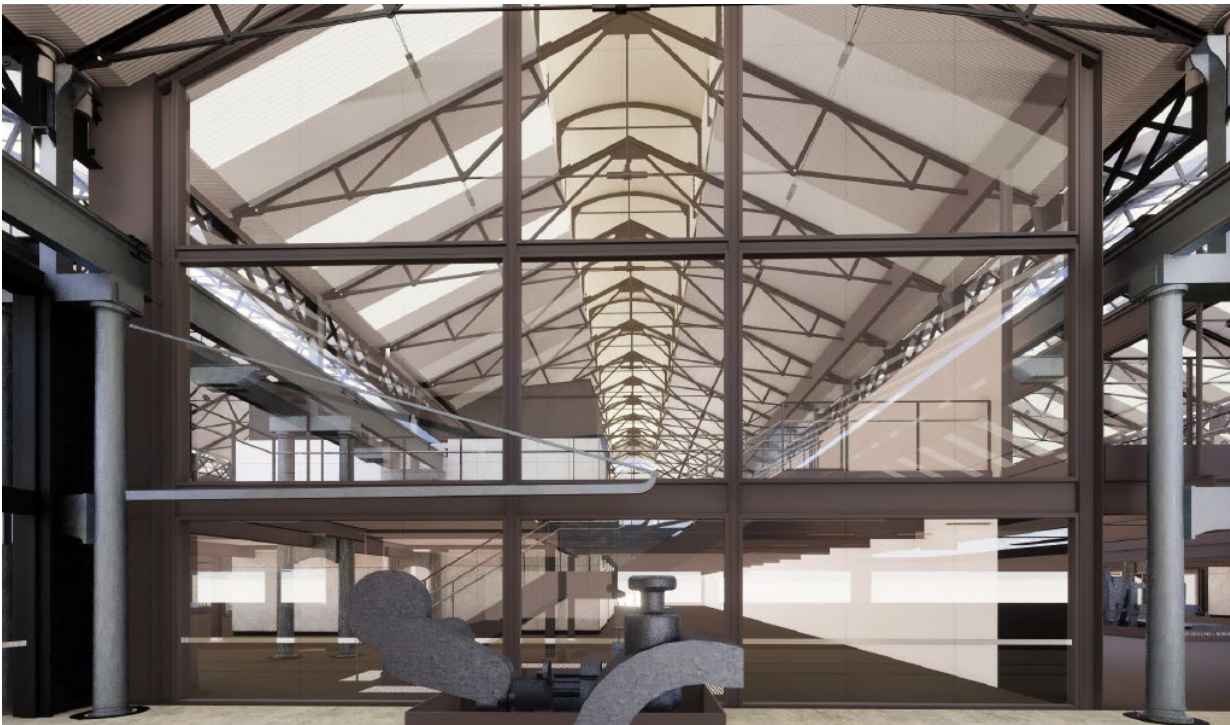


Figure 2 View from central spine of Locomotive Workshop into Bay 8 South (Note: Concept Image Only)

Source: *Sissons Architects*

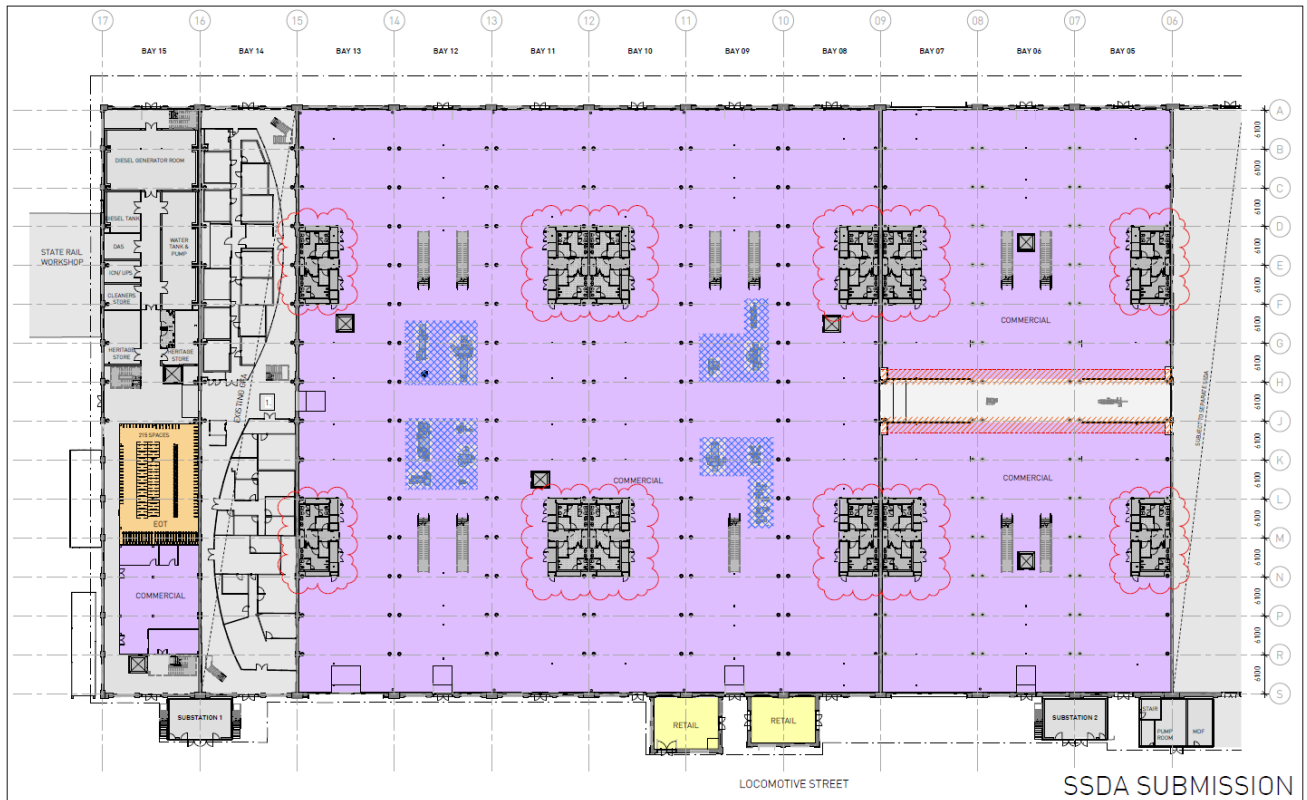


Figure 3 Approved Ground Floor, Bays 5-15

Source: Department of Planning, Infrastructure and Environment

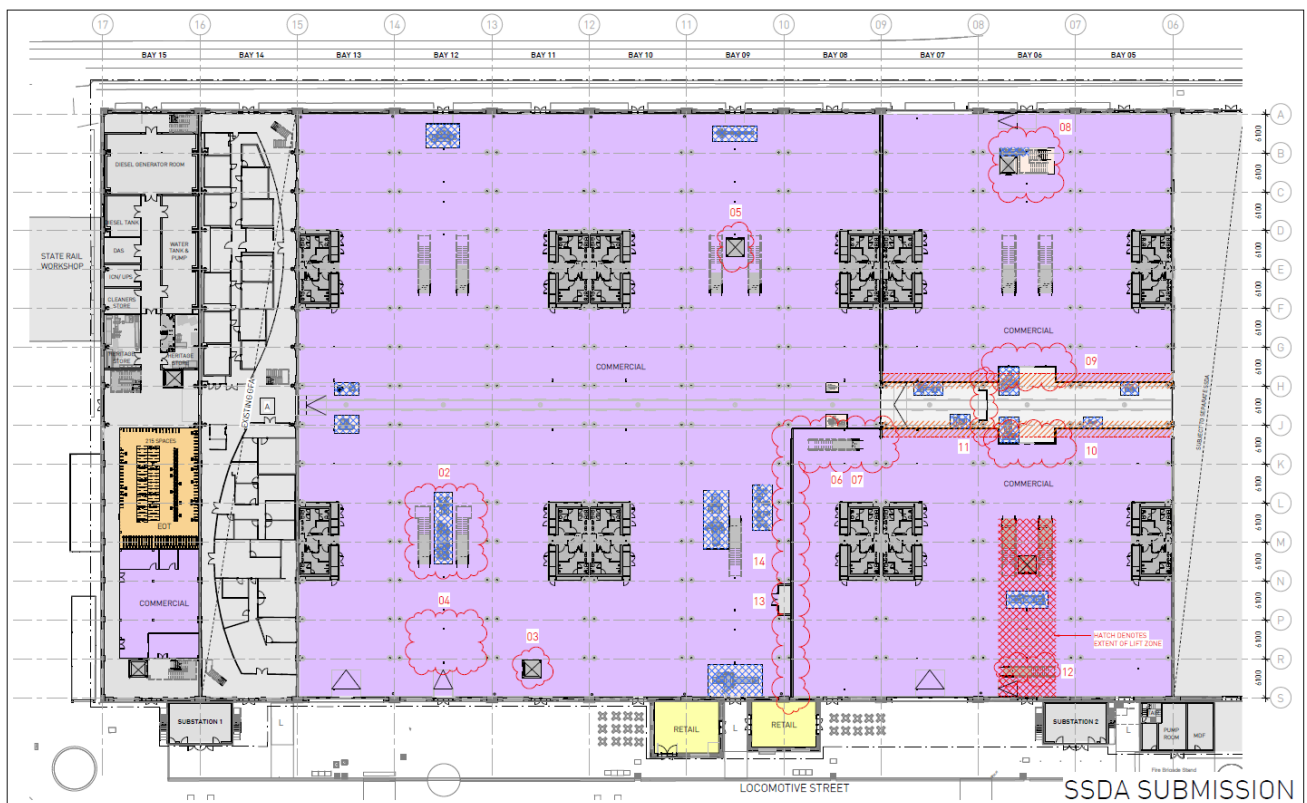


Figure 4 Proposed Ground Floor, Bays 5-15

Source: Sissons Architects

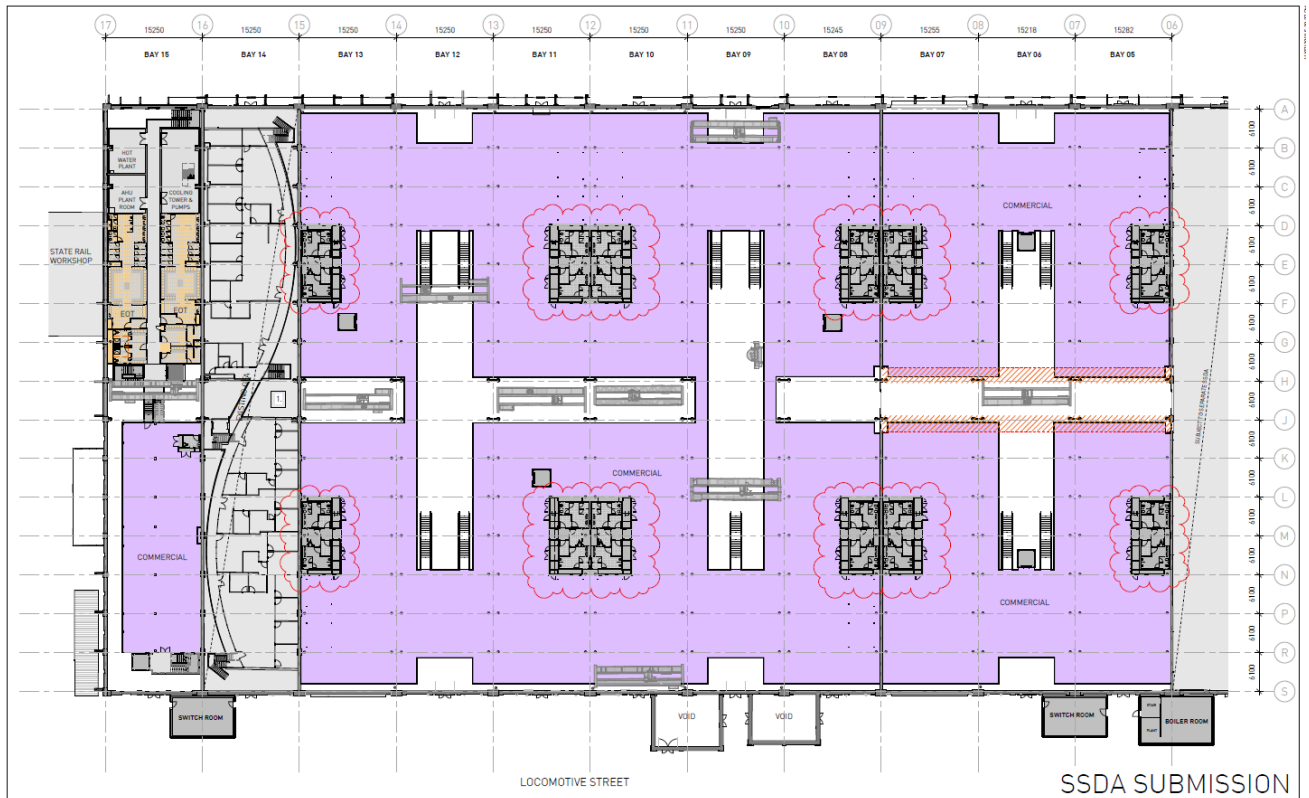


Figure 5 Approved First Floor, Bays 5-15

Source: Department of Planning, Infrastructure and Environment

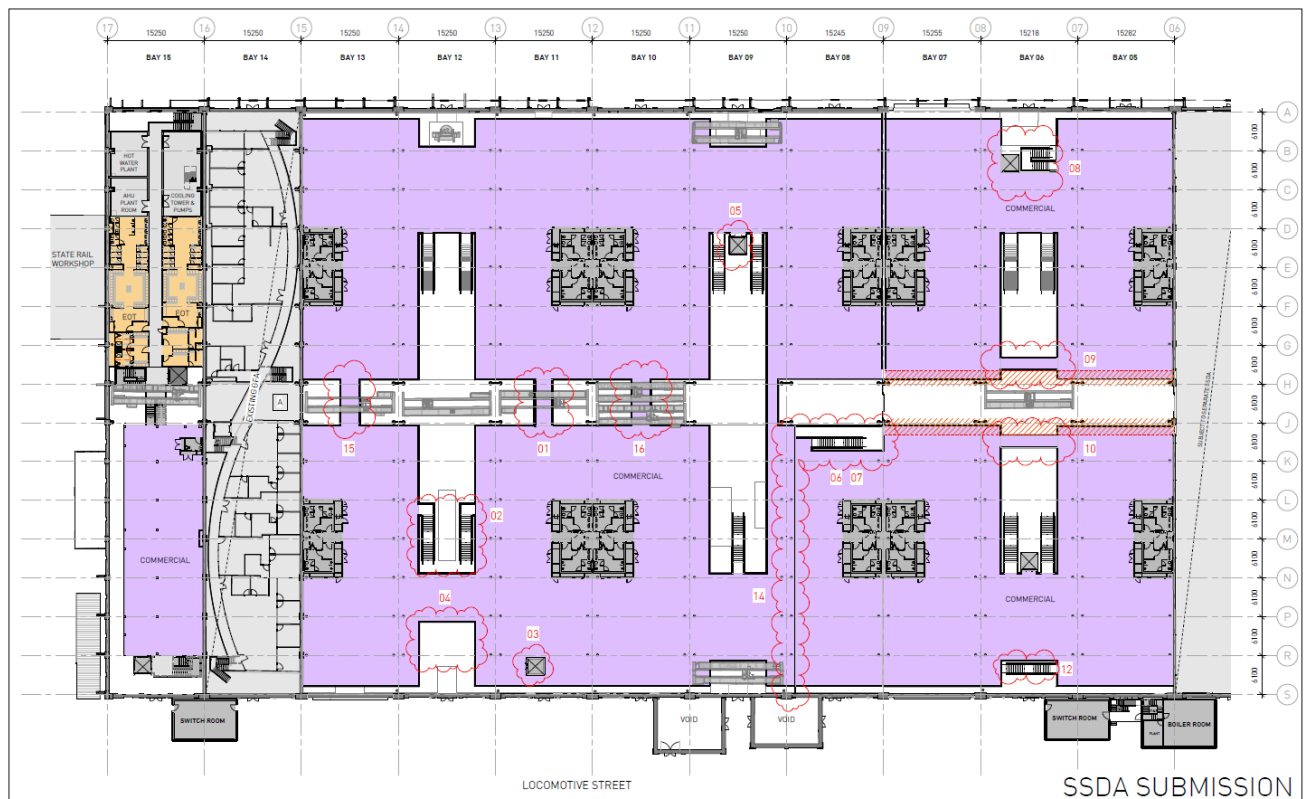


Figure 6 Proposed First Floor, Bays 5-15

Source: Sissons Architects

3.2 Modifications to Conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***.

SCHEDULE 2

A2 Terms of Consent

Drawing No.	Rev	Name of Plan	Date
SA-AR-DWG-BB-B4-0230	CC <i>DD</i>	Proposed Plan – Ground Floor	12/07/19 <i>19/08/19</i>
SA-AR-DWG-BB-B4-0231	Y <i>AA</i>	Proposed Plan – First Floor	12/07/19 <i>19/08/19</i>
SA-AR-DWG-BB-B4-0232	P <i>R</i>	Proposed Plan – Second floor	16/07/19 <i>19/08/19</i>
SA-AR-DWG-BB-B4-0245	T <i>U</i>	Proposed Sections	29/05/19 <i>19/08/19</i>
SA-AR-DWG-BB-B4-0250	T <i>U</i>	GFA Plans Bays 5-15	16/07/19 <i>19/08/19</i>
SA-AR-DWG-BB-B4-0261	R <i>T</i>	Signage Elevations	29/05/19 <i>19/08/19</i>

4.0 Substantially the Same Development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “*it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)*”.

The development, as proposed to be modified, is substantially the same development as that originally approved, given the proposed modifications:

- will not substantially alter the approved use, external structure or heritage fabric, with the proposed modifications limited to the internal design and layout of Bays 5-13 of the Locomotive Workshop;
- will not alter the approved gross floor area of the development;
- will alter the key benefits of the adaptive reuse of the Locomotive Workshop, namely the creation of employment opportunities near the CBD and public transport, provision of heritage interpretation experiences, improved public access to a state listed heritage building and an enhanced public domain;
- do not alter the approved development’s compliance with the applicable environmental planning instruments and policies; and
- do not result in any additional environmental impacts beyond those considered and determined to be acceptable by granting Development Consent to SSD 8449, as discussed further in **Section 5.3** below.

The consent authority may therefore be satisfied that the development consent as proposed to be modified will remain substantially the same as the original development consent, with the proposed modifications representing only a minor addition to the scope of the already approved development. The proposed modification of Development Consent SSD 8449 may therefore be lawfully approved under Section 4.55(1A) of the EP&A Act.

5.0 Environmental Assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the proposed modification is of minimal environmental impact”*. Under Section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in Section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under Section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

5.1 Reasons Given for Granting Consent

The Statement of Reasons for Decision issued by the IPC noted that *“the impacts of the development are acceptable and can be appropriately mitigated through the implementation of the recommended conditions of consent”*. The Commission also recognised that the approved development was in the public interest, as they will result in a range of public benefits, including:

- employment opportunities near the CBD and public transport;
- improved public access to a state listed heritage building;
- heritage interpretations experiences; and
- an improved public domain which will benefit workers, visitors and the local community.

The proposed modifications will not alter the public benefits identified by the IPC in granting Development Consent to SSD 8449.

5.2 Compliance with Environmental Planning Instruments

5.2.1 State Environmental Planning Policy (Stage Significant Precincts) 2005

The Australian Technology Park is located within the Redfern-Waterloo Authority ‘specified site’ and therefore *State Environmental Planning Policy (State Significant Precincts) 2005* (SEPP SSP 2005) is the principal planning instrument that applies to the ATP.

This modification will not alter the approved land uses, gross floor area, external structure or internal heritage fabric – the modifications primarily relate to minor modifications to non-heritage components of the approval. Therefore, the proposed modifications will not alter the original assessment of the SSD 8449, which will remain consistent with the objectives of the Business Zone – Business Park zone.

5.3 Environmental Impacts

The EIS submitted with the original State Significant Development Application (SSDA) addressed the likely impacts of the development, including:

- | | |
|--------------------------------|--|
| • Built form; | • Building Code of Australia; |
| • Design excellence; | • Services and utilities; |
| • Heritage impacts; | • Water cycle management; |
| • Traffic, parking and access; | • Railway infrastructure; |
| • Waste management; | • Social and economic benefits; |
| • Contamination; | • Construction management; |
| • Noise and vibration; | • Ecologically sustainable development |
| • Accessibility; | • Development contributions; |

- Site suitability; and
- Public interest.

The proposed modifications to the approved development do not give rise to any material change to the assessment of impacts that were considered and determined to be acceptable in the granting of Development Consent SSD 8449.

Supplementary technical assessment has been undertaken in relation to issues relevant to the proposed amendments to SSD 8449, which are discussed in further detail below.

The assessment confirms that considering the nature of the proposed modification, it is considered the conclusions of the original assessment remain generally valid and that the development, as proposed to be modified, will be of minimal environmental impact.

Minimal Environmental Impact

Section 4.55(1A)(b) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the proposed modification is of minimal environmental impact”*. A summary of the extent of the environmental impacts of the proposed modification is provided in **Table 3** below and discussed in further detail in **Section 5.3.1**.

Table 3 Environmental Impacts

Potential Impact	Conclusion
Aesthetic Modifications	Aesthetic modifications such as the reconfiguration of staircase in Bay 8 South from switch back to linear, and the reversal of orientation of the stairs in Bay 12 south, are considered to be minor changes to the approved layout. The increase in size of the atrium in Bay 12 South (has been requested by the tenant and will result in a more open entry in this location to the Bays from Locomotive Street. These aesthetic modifications will have no physical impact to heritage fabric, and will have an overall neutral visual impact. The increase in the atrium size will allow for better appreciation of the heritage fabric and industrial architecture in this location, particularly upon entrance to the tenancy from Locomotive Street, and therefore presents a minor positive visual impact.
Relocations	The relocation of approved services and elements within Bays 5-13 include the minor relocation of the approved lift locations in Bay 11 South, Bay 9 North and Bay 6 North. Relocation of these lifts has been identified as necessary for security purposes, as well as to improve circulation (following detailed design development). The revised tenancy configuration has also required the relocation of the inter tenancy wall in Bay 8 south slightly further towards Bay 9. The relocation of the lifts and inter tenancy walls will have no additional physical impact to any heritage fabric, and will have a neutral visual impact to the heritage aesthetic and character of the interior of the Locomotive Workshops.
Additions	The additional stairs, link bridges, additional sliding door and full height wall (Bay 8, Level 1) are required in order to comply with BCA and Fire Safety regulations, while the additional plantroom is a result of the relocation of the intertenancy walls in Bay 8 South. None of the proposed additions will present physical impact to any significant heritage fabric, and will result in an overall neutral visual impact, consistent with that of the approved SSDA detailed design and elements.

As discussed in **Section 1.0**, the Heritage Council, following an initial review of the documentation associated with the proposed modification, has noted that the proposed modifications are minor in nature and will not substantially alter the original approval.

On this basis, as well as the conclusions of the supplementary technical assessment, it is considered that the development, as proposed to be modified, will be of minimal environmental impact and is within the scope of Section 4.55(1A) of the EP&A Act.

5.3.1 Heritage

The Locomotive Workshops Building falls within the Eveleigh Railway Workshops boundary and contains many of the items within the Eveleigh Railway Workshops Machinery collection. Both the Eveleigh Railway Workshops and the Eveleigh Railway Workshops Machinery are listed on the NSW State Heritage Register as well as the ATP S170 Heritage Conservation Register (ATP S170 Register).

Curio Projects has prepared a Heritage Impact Statement (**Attachment B**) to assess and identify any potential heritage impacts that could arise as a result of the proposed modifications, both in relation to the overall heritage values and significance of the Locomotive Workshop and the wider significance of the former Eveleigh Railway Workshops State Heritage Item.

Having considered the proposed modifications to the internal design and layout of commercial tenancies, Curio Projects confirms that the proposed changes will not alter the approved design intent of the internal fit out and will retain the transparency and openness of the approved internal configuration, conserving and highlighting the heritage value of the Locomotive Workshop, while allowing for the adaptive reuse of the building. The expansion of the atrium in Bay 12 South will also create a more expansive double height space, allowing for better appreciation of the heritage fabric and industrial architecture of the Locomotive Workshop.

On this basis, Curio Projects concludes that the proposed modifications will have a neutral impact to the heritage values of the site, with no physical impact to significant heritage fabric, and all changes presenting a neutral visual impact within the Locomotive Workshop Interior.

Curio Projects concludes that the proposed modification are supported on heritage grounds.

5.3.2 Building Code of Australia

A supplementary BCA Statement has been prepared by Philip Chun (**Attachment C**) which considers the compliance of the proposed modifications with the Building Code of Australia (BCA). The assessment confirms that the approved development, as proposed to be modified, remains capable of achieving compliance with the BCA.

5.3.3 Suitability of the Site

Under SSD 8449, Bays 5-13 of the Locomotive Workshop have already been approved for commercial uses. The proposed modifications will not alter the suitability of the site for these commercial uses and will support the future operation of commercial tenancies within Bays 5-13.

5.3.4 The Public Interest

The proposed modifications to the approved development are in the public interest, as the amendments will:

- facilitate the commercial occupation of the Locomotive Workshop, adding to the overall activation of the precinct and supporting the viability of retail uses across the site;
- improve fire safety; and
- enhance the internal amenity of Bays 5-13, while respecting existing heritage fabric.

6.0 Conclusion

The proposed modification seeks approval for minor modifications to the design and layout of commercial tenancies on the Ground Floor and Level 1 of Bays 5-13 of the Locomotive Workshop. The proposed modifications have been designed to satisfy regulatory requirements and reflect a rationalisation of access and egress throughout the Locomotive Workshop, as well as general design development in response to the requirements of future tenants.

In accordance with Section 4.55(1A) of the EP&A Act, the Department may modify the consent as:

- the proposed modification is of minimal environmental impact;
- substantially the same development as development for which the consent was granted; and
- the proposed modification is in the public interest.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,



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