

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 BAYS 5-15, LOCOMOTIVE WORKSHOPS, SOUTH EVELEIGH (SSD 8449)

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

This modification application adds additional skylights above Bays 5-15 of the Locomotive Workshop.

The proposed modification is intended to provide more natural light to the L1 floor plate and atrium spaces, improving amenity for occupants of the building.

A concurrent modification has also been submitted for Bays 1-4A (SSD 8517) to add skylights to the retail component of the building.

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:

- Architecture Drawings, prepared by Sissons Architects (**Attachment A**); and
- Heritage Impact Statement, prepared by Curio Projects (**Attachment B**).

1.0 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, two (2) modification to SSD 8449 have been approved since February 2019. There are another two (2) modification applications currently under assessment by the Department. The approved and proposed 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.
Modification 4	Under Assessment	Minor amendments to the internal design and layout of commercial tenancies on the Ground Floor and Level 1 of Bays 5-13 of the Locomotive Workshop.

2.0 Proposed Modifications to the Consent

2.1 Modifications to the Development

The proposed modifications to Development Consent SSD 8449 comprise the installation of additional skylights above Bays 5-15 of the Locomotive Workshop. The proposed modifications respond to the identified need for additional lighting within Bays 5-15 and will increase natural light penetration.

The proposed modification, considered cumulatively with the concurrent modification submitted for Bays 1-4A (SSD 8517), will increase the overall skylight area as a proportion of Gross Building Area (GBA), from approximately 6% to 11% of GBA. The proposed skylights are consistent with the dimensions and materiality of the skylights already approved under SSD 8449.

The additional skylights are detailed in the amended Architectural Plans prepared by Sissons Architects (**Attachment A**). **Figure 1** and **Figure 2** illustrate the approved and proposed configuration of skylights above Bays 5-15 of the Locomotive Workshop.

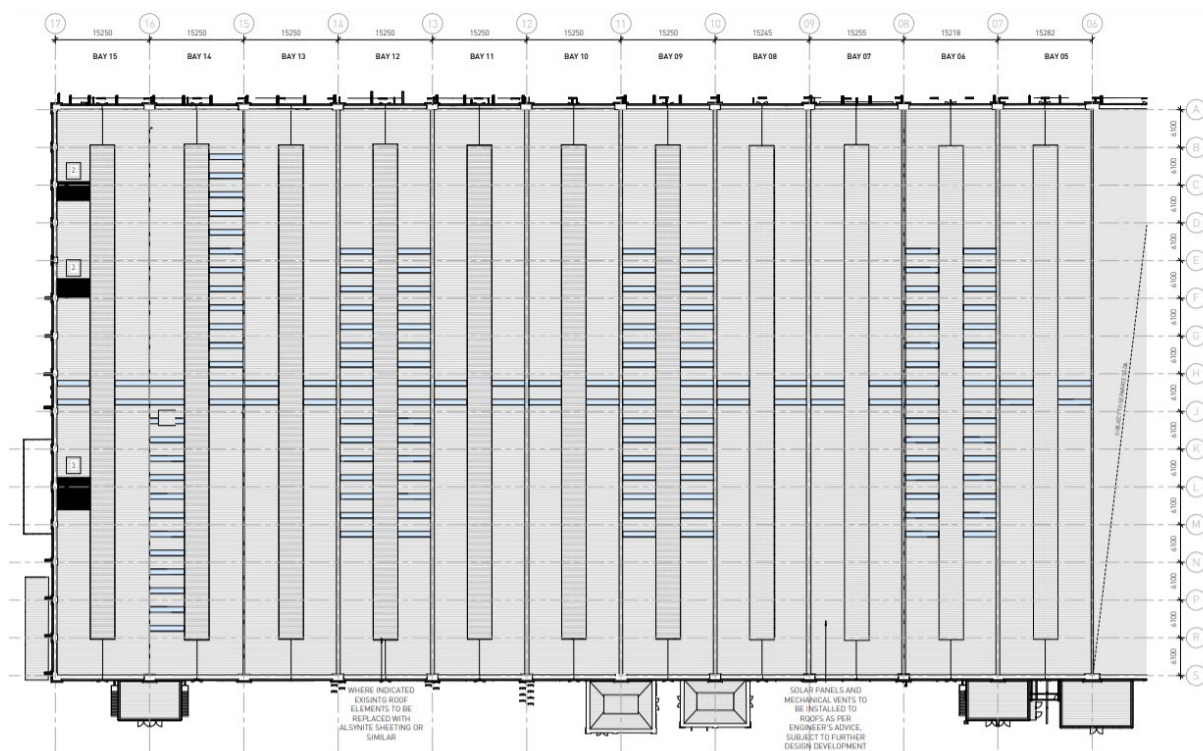


Figure 1 Approved Roof Plan, Bays 5-15

Source: *Sissons Architects*

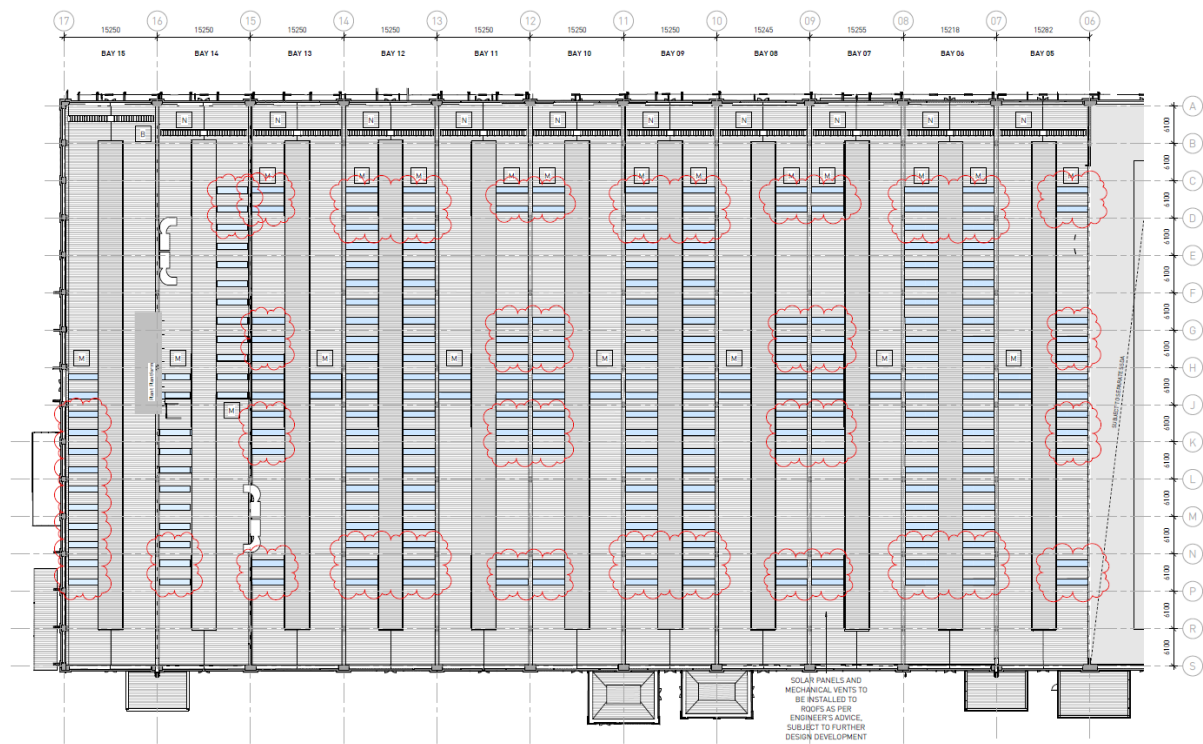


Figure 2 Proposed Roof Plan, Bays 5-15

Source: *Sissons Architects*

2.2 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-B4-0234	P <i>W</i>	Proposed Plan – Roof	10/05/18 <i>24/07/19</i>

3.0 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, given the proposed modifications:

- will not substantially alter the approved use, noting that skylights were included in the original consent, and the proposed modification only proposes additional skylights over and above those already approved;
- will not significantly alter the external appearance of the building, noting that the proposed modifications are limited to the roof, will generally not impact the way the building is read from the public domain, and will not change the roof profile;
- will not alter the approved gross floor area of the development;
- will not 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.

4.0 Minimal Environmental Impact

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*”. A summary of the extent of the environmental impacts of the proposed modification is provided in **Table 2** below and discussed in further detail in **Section 5.0**.

Table 2 Summary of Environmental Impacts

Potential Impact	Comment
Physical Impact	The additional skylights will be installed only within the modern fabric of the roof and will not require major physical intervention into the existing building, or compromise the visual integrity of the existing exposed roof trusses or original shape, bulk and roof profile of the Locomotive Workshop. Therefore, the proposed skylights will have minimal physical impact, while resulting in significant benefits for the occupants of the building.
Visual Impact	The existing building already features skylights, meaning the skylights are not a new or foreign element, and simply add to the skylights already approved. In addition, the skylights have been designed to minimise visual impact. Specifically, the additional skylights: • have been designed to maintain the same shape, dimension and materiality as those approved under SSD 8449; • maintain the existing roof profile and will not significantly alter the way the building is read from the public domain; and • have been placed to match the geometry of the roof profile and to achieve symmetry and consistency. The proposed skylights will have, on balance, an acceptable visual impact, while resulting in significant benefits for the occupants of the building.
Heritage Impact	As detailed above, the skylights will be installed only within the modern fabric of the roof and will not require major physical intervention into the existing building, or compromise the visual integrity of the existing exposed roof trusses or original shape, bulk and roof profile of the Locomotive Workshop. The proposed skylights are also consistent with the dimensions and materiality of the skylights already approved under SSD 8449. The additional skylights will provide increased natural light penetration to atrium areas and the floor plate of Level 1, improving the working environment and decreasing the need for artificial lighting. This is consistent with the original heritage character of the Locomotive Workshop (where there was limited use of artificial light) and will avoid the need for visually intrusive wiring and clamping, which would be required to support additional artificial lighting. 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.

5.0 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 (State 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, or internal heritage fabric, with the proposed modifications involving only the installation of additional skylights above Bays 5-15. 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:

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| • 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, the conclusions of the original assessment remain generally valid and that the development, as proposed to be modified, will be of minimal environmental impact.

5.4 Physical Impact

The assessment of the physical impact of the skylights in the original EIS stated the following:

The upgrade strategy has been designed to retain and conserve the internal roof fabric in the majority of the Bays, with alterations only to the exterior roof sheeting in order to improve the thermal stability of the building, without major intervention within the roof spaces of the building. In addition, the installation of the skylight slots is limited to 5% of the entire roof surface and will standardise the quality of daylight to common spaces and stria to provide natural even daylight distribution without the need for major physical intervention through the introduction of a whole new system of overhead lighting and associated infrastructure within key circulation areas. The configuration of the skylight slots have been modelled on the existing roof conditions within the Large Erecting Shop and will be constructed from Alsynite polycarbonate sheeting or similar. In terms of physical impact, the proposed roof treatment is considered to be neutral as the only fabric impacted will be the replacement non-original sheeting, and creates positive sustainable environmental benefits.

This assessment remains valid, and on balance, it is considered that the proposed skylights will have an acceptable physical impact, while resulting in significant benefits for the occupants of the building. Although the skylights will occupy greater than 5% of the total area of the Locomotive Workshop, it is considered that additional skylights provide sufficient benefit (through increased occupant amenity and better ESD performance) to warrant their approval, and that the heritage impacts remain acceptable (see **Section 5.6**).

5.5 Visual Impact

The assessment of the visual impact of the skylights in the original EIS stated the following:

The installation of insulation and replacement of the new outer layer of metal sheeting will have a neutral impact, however the installation of the skylight slots will be visible from within the Locomotive Workshop. Changes to the roof skylights will create a major change and whilst not original, the current skylights are historically arranged in vertical patterns from north to south in each of the bays. The result will be a complete loss of the readability of the 'vertical' pattern of skylights in Bays 6,9, 12 and 14. However, the roof lighting of the Locomotive Workshop and in particular the form of skylights has been altered numerous times over the years to accommodate the different historic activities within the various bays, therefore whilst the skylight slots will have a visual impact on balance it is considered acceptable as they will:

- *achieve sustainable energy efficiency;*
- *restrict impacts to new fabric, rather than original fabric;*
- *minimise the need to introduce major services and infrastructure for new office lighting in the central atria;*
- *impact only on a total of 5% of the entire Locomotive Workshop roof area;*
- *be consistent with the roof daylight strategy being employed by the large Erecting Shop;*

- *be consistent with the historical changing nature of roof lighting to meet the specific requirements of the users of the different bays;*
- *be readily reversed in the future should future user requirements change.*

This assessment remains valid, and on balance, it is considered that the proposed skylights will have an acceptable visual impact, while resulting in significant benefits for the occupants of the building. It is further noted that:

- the existing building already features skylights – the proposed skylights are not a completely new and foreign element, and simply add to the skylights already approved in the original consent;
- the additional skylights have been designed to maintain the same shape, dimension and materiality as those approved under SSD 8449;
- the existing roof profile is maintained – the skylights will not significantly alter the way the building is read from the public domain; and
- the skylights have been placed to match the geometry of the roof profile and to achieve symmetry and consistency.

5.6 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.

The additional skylights will be installed only within the modern fabric of the roof and will not require major physical intervention into the existing building, or compromise the visual integrity of the existing exposed roof trusses or original shape, bulk and roof profile of the Locomotive Workshop. The proposed skylights are also consistent with the dimensions and materiality of the skylights already approved under SSD 8449.

The additional skylights will provide increased natural light penetration to atrium areas and the floor plate of Level 1, improving the working environment and decreasing the need for artificial lighting. This is consistent with the original heritage character of the Locomotive Workshop (where there was limited use of artificial light) and will avoid the need for visually intrusive wiring and clamping, which would be required to support additional artificial lighting.

On this basis, Curio Projects conclude that the proposed modifications will have a minor visual impact and a neutral physical impact on the heritage significance of the Locomotive Workshop. Curio Projects conclude that given the associated improvement in lighting quality, internal amenity and sustainability standards, the proposed modifications are supported on heritage grounds.

5.7 ESD

The additional skylights will enable the commercial component of the building to receive additional Green Star credits for visual comfort and daylight, and will reduce dependence on artificial lighting within the building. This is considered to be positive in terms of the building's overall ESD response as compared with the development as originally approved.

5.8 Suitability of the Site

Under SSD 8449, Bays 5-15 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 improve the internal amenity of commercial tenancies within Bays 5-15 of the Locomotive Workshop.

5.9 The Public Interest

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

- improve the environmental performance of the Locomotive Workshop by increasing natural light penetration, reducing reliance on artificial lighting;
- enhance the internal amenity and working environment of Bays 5-15 by providing more natural daylight to atrium areas and the floor plate of Level 1; and
- respect the heritage fabric of the Locomotive Workshop.

6.0 Conclusion

The proposed modification seeks approval for the installation of additional skylights above Bays 5-15 of the Locomotive Workshop. Adding additional skylights will increase natural light penetration, decreasing the need for additional artificial lighting and improving the internal amenity of the approved commercial tenancies in Bays 5-15.

In accordance with Section 4.55(1A) of the EP&A Act, Council 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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