



Locomotive Workshop, Bays 5-15

*State Significant
Development Modification
Assessment
(SSD 8449 MOD 6)*

February 2020

© Crown Copyright, State of NSW through its Department of Planning, Industry and Environment 2020

Disclaimer

While every reasonable effort has been made to ensure this document is correct at time of printing, the State of NSW, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance or upon the whole or any part of this document.

Copyright notice

In keeping with the NSW Government's commitment to encourage the availability of information, you are welcome to reproduce the material that appears in SSD 8449 MOD 6 Assessment report. This material is licensed under the Creative Commons Attribution 4.0 International (CC BY 4.0). You are required to comply with the terms of CC BY 4.0 and the requirements of the Department of Planning, Industry and Environment. More information can be found at: <http://www.planning.nsw.gov.au/Copyright-and-Disclaimer>.



Glossary

Abbreviation	Definition
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
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	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
OC	Occupation Certificate



1. Introduction

This report is an assessment of an application seeking to modify the State significant development (SSD) consent (SSD 8449) for the adaptive reuse of Bays 5-15a of the Locomotive Workshop at the Australian Technology Park (ATP), 2 Locomotive Street, Eveleigh.

The modification application seeks approval for:

- amendments to the Conditions of Consent (Part B & E) to enable staged Occupation Certificates to be issued
- the use of frosted replacement glazing in existing heritage arched windows.

The application has 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 site is the Locomotive Workshop, located within the northern portion of the ATP. The ATP is located approximately five kilometres (km) south of the Sydney central business district (CBD), eight km north of Sydney airport and 200 m from Redfern railway station (**Figure 1**).



Figure 1 | The Australian Technology Park

The Locomotive Workshop is immediately south of the railway line and its primary frontage is to Locomotive Street, to the south. The Locomotive Workshop, with a site area of 26,984 m², is a two-

storey sandstone brick neoclassical building, divided into 16 equal sized bays orientated north south (**Figure 2**). The Locomotive Workshop is listed as a State Heritage Item under the NSW State Heritage Register and the Australian Technology Park S170 Heritage and Conservation Register.

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 south 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 2 | Aerial view of Locomotive Workshop and ATP

1.2 Approval History

On 22 February 2019 the Independent Planning Commission approved two SSD applications for the adaptive reuse of the Locomotive Workshop Bays 1-4a (SSD 8517) and Bays 5-15 (SSD 8449).

The approval of SSD 8449 includes a maximum of 27,458 m² GFA for commercial premises including 156 m² for retail uses, associated heritage conservation works, external illumination and signage.

The development consent has been modified on four occasions and one modification is currently under assessment (see **Table 1**).

Table 1 | Summary of 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	Changes to the internal design and layout of commercial tenancies within Bays 5-13	TBC	4.55 (1A)	Under assessment
MOD 5	Additional skylights above Bays 5-15	Director	4.55 (1A)	20 November 2019



2. Proposed Modification

The Applicant has lodged a modification application (SSD 8449 MOD 6) seeking approval under section 4.55(1A) of the EP&A Act, for amendments to the conditions of consent, for Bays 5-15 of the Locomotive Workshop. A link to the modification application documents is provided in **Appendix A**.

The proposal specifically seeks:

- Glazing (Condition B35) - allow frosted replacement glazing in the existing heritage arched windows
- Moveable Heritage (Condition B40) - change the timing of the completion of the Moveable Collections Management Plan from within 12 months of issue of the first Construction Certificate, to within 12 months of the issue of the first Occupation Certificate
- Waste Disposal (Condition E16) – minor update to correctly reference Condition B9.
- the following amendments to the Conditions of Consent (Part E) to enable the issuing of staged Occupation Certificates for the Locomotive Workshop:

Table 2 | Part E Condition Amendments

Condition	Timing (as approved)	Timing (proposed)
Pre-Construction Dilapidation Report (Condition B11)	Prior to a Certificate of Completion for the Public Domain Works or before an OC, whichever is sooner (relating to rectification of damage only)	Prior to the commencement of use of the Locomotive Street Stage 2 public domain as identified in the approved Civil Works Staging Plan
Protection of Public Infrastructure (Condition E1)	Prior to occupation or commencement of use	Prior to the issue of the final Occupation Certificate
Post Construction Dilapidation Report (Condition E11)	Prior to the issue of an Occupation Certificate	Prior to the issue of the final Occupation Certificate
External Lighting (Condition E23)	Upon installation	Prior to the issue of the final Occupation Certificate

The Applicant advises that the amendments are required to ensure that replacement glass panels in the heritage arched windows do not adversely impact on the heritage aesthetic of the Locomotive Workshop and the changes to conditions will enable the issuing of staged Occupation Certificates, to enable the timely completion and commencement of commercial uses in Bays 5-15 of the Locomotive Workshop.



3. Statutory Context

3.1 Scope of Modifications

Section 4.55(1A) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining an application that seeks to modify an SSD application. The matters for consideration under section 4.55(1A) of the EP&A Act that apply have been considered in **Table 3**.

Table 3 | Section 4.55(1A) Modification involving minimal environmental impact

Section 4.55(1A) Evaluation	Consideration
a) that the proposed modification is of minimal environmental impact, and	Section 5 of this report provides an assessment of the impacts associated with the modification application. The Department considers the proposed changes to conditions of consent in Part B and E allows for the staged completion of works for the commercial uses in Bays 5-15 of the Locomotive Workshop, while continuing to ensure the conditions will be complied with. The use of frosted replacement glass panels in the heritage arched windows will not adversely impact the heritage significance of the building and will have minimal environmental impact.
b) 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), and	The modification application seeks changes to the timing of conditions and replacement glass panels for Bays 5-15 of the Locomotive Workshop. There is no change to the approved adaptive reuse for commercial uses. The modification application is considered to result in development that is substantially the same as the originally approved development.
c) the application has been notified in accordance with the regulations, and	The modification application has been notified in accordance with the EP&A Regulations. Details of the notification are provided in Section 4.1 of this report.
d) 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 4 and 5 of this report.

3.2 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application. However, under the Minister's delegation, 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 public submission on the nature of objection.

3.3 Environmental Planning Instruments

The following Environmental Planning Instruments (EPIs) are relevant to the applications:

- 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. The Department has considered the above EPIs and is satisfied the modification application has adequately addressed the relevant provisions and remains consistent with these EPIs.

3.4 Objects under the EP&A Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the EP&A 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 6 December 2019 and was referred to Council and Heritage NSW, with a request for comments by 19 December 2019 (14 days).

4.2 Summary of Submissions

The Department received submissions from Council and Heritage NSW. No submissions were received from the public. A link to the submissions is provided in **Appendix A**.

Council reviewed the modification application and provided the following comments:

- agree the wording of Condition B35 should be amended to facilitate the replacement of existing glass but suggest 'frosted' glass is used instead of 'opaque' or 'tinted', as this best corresponds with the type of glass to be replaced
- suggest Condition E8 (Occupation Certificate) be amended to reference the specific stages of the Occupation Certificates.

Heritage NSW reviewed the documentation and raised no objections, noting the proposed modifications are relatively minor and will not substantially alter the approved design.

The Department placed copies of all submissions received on its website and requested the Applicant respond to the comments from Council.

4.3 Response to Submissions

The Applicant provided a Response to Submissions (RtS) on 10 January 2020 which responds to Council's comments as follows:

- agreed with Council's recommendation to use the term 'frosted' in the wording of Condition B35
- amending Condition E8 (Occupation certificate) is unnecessary as the conditions which are required to be satisfied for an occupation certificate already specify if it is the first or final occupation certificate.

The Department placed the Applicant's RtS on its website. No further submissions were received.

On 29 January 2020 the Applicant requested further amendments to change the timing of condition B11 (Pre-Construction Dilapidation Report). The additional information was made publicly available on the Department's website.



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 issues associated with the proposal are:

- staging of occupation certificates
- glazing.

5.1 Staging of Occupation Certificates

The Applicant seeks to change the timing of Conditions B11 (Pre-Construction Dilapidation Report), E1 (Protection of Public Infrastructure), E11 (Post Construction Dilapidation Report) and E23 (External Lighting) from prior to the first/ any Occupation Certificate (OC) to prior to issue of the final OC.

The Applicant is co-ordinating the refurbishment and redevelopment of the Locomotive Workshop across two separate SSD consents, SSD 8517 for Bays 1-4a and SSD 8449 for Bays 5-15. The Applicant seeks to defer the requirements for repair/relocation of public infrastructure, completion of the post construction dilapidation report, rectification of any damage to the public way and the lighting compliance statement until all works to the building and public domain are complete and a final OC is able to be issued. The Applicant notes this will allow:

- an assessment of whether public infrastructure needs to be repaired or relocated once all construction for the development is complete
- the post construction dilapidation report and repairs to any damage to be undertaken once all construction is complete
- the installation of external lighting to occur with the completion of the works to the public domain.

Council reviewed the proposal and suggested that to ensure the conditions are satisfied at the nominated OC stage, Condition E8 (Occupation Certificate) should be updated to reference the specific stages of the occupation certificates for the development.

In its RtS, the Applicant advised that conditions are proposed to be tied to either the first or final OC, and therefore there is no need to tie these conditions to any other specific OC.

The Department also raised concern regarding the Applicant's request to defer these condition requirements from the first OC to the final OC. The Department is concerned that this would allow the

Locomotive Workshop to be occupied and in use before any necessary repair to public assets, adjoining buildings, infrastructure and roads and certification of the external lighting is completed.

As such, it is recommended Conditions B11, E1, E11 and E23 be altered to 'prior to commencement of the first use of the commercial bays (Bays 5-15) of the Locomotive Workshop'. The Department considers this approach would be more appropriate as:

- the commercial bays (Bays 5-15) will be the last stage of the Locomotive Workshop development and the timing of the condition would still meet the Applicant's request that the conditions be satisfied after all construction works and public domain works have been completed
- it ties the delivery of the conditions to a stage of the development, requiring these conditions to be satisfied prior to the use of the commercial bays
- it is similar to the changes suggested by Council to Condition E8, however as the consent has already been issued altering the whole consent to nominate all OC stages is not considered necessary.

Overall, the Department is satisfied the amendments to the conditions will align with the staged construction works across the whole Locomotive Workshop and ensure that any necessary repair works to public assets and/or adjoining property are undertaken prior to first use of the commercial bays.

5.2 Condition B35 (Glazing)

The Applicant seeks to change Condition B35 to allow frosted glazing to be installed in the existing heritage arched windows within the Locomotive Workshop, instead of clear glazing. The Applicant advises a significant amount of the early and original glass panels of the heritage arched windows are frosted, are in poor condition and require replacement (**Figure 3**).

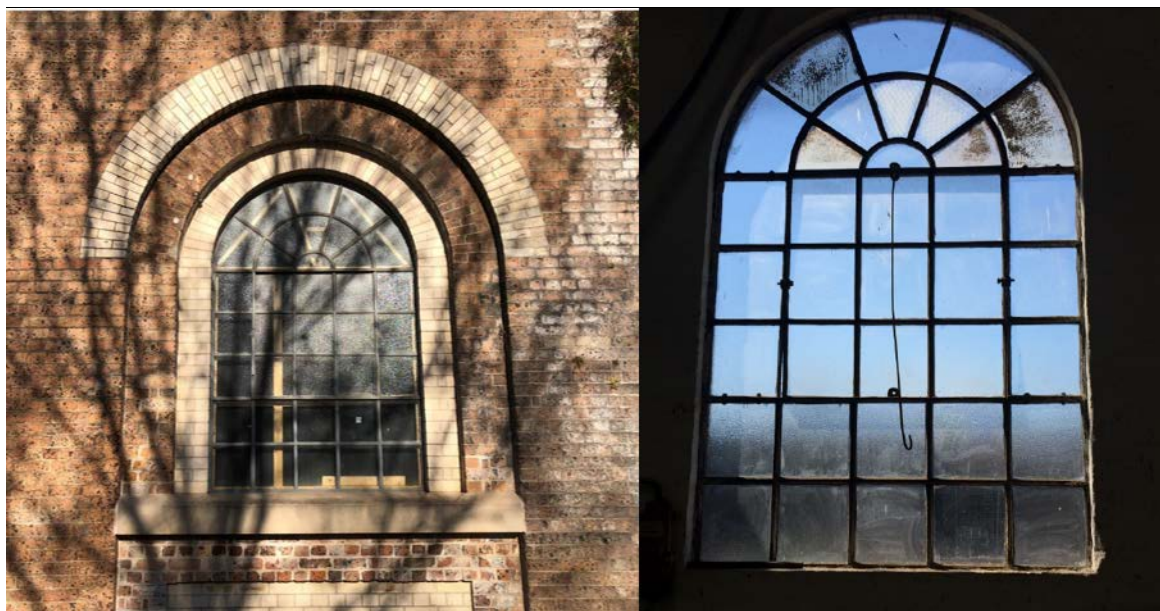


Figure 3 | Heritage arched window – external view (left) and internal view (right)

A statement from the Applicant's Heritage Consultant advised that replacing the glass with clear panes would be inconsistent with the original windows and recommended changing the condition to allow frosted glazing to be installed to maintain the integrity and original quality of the windows.

Council reviewed the proposal and recommended the term 'frosted' be used instead of 'opaque' or 'tinted', which the Applicant has agreed with. Heritage NSW reviewed the proposal and raised no objections.

The Department supports the change to Condition B35 as:

- clear glass panels would be inconsistent with the original windows
- the use of 'frosted' glazing will maintain the heritage quality of the windows and accurately describes the type of glass to be replaced
- frosted glazing will only be permitted in existing heritage arched windows, will match the existing frosted glazing and will occur in consultation with the project's heritage consultant.

On this basis, the Department's assessment concludes the use of frosted glazing instead of clear glazing is acceptable.

5.3 Other Issues

Table 3 | Summary of other issues raised

Issue	Findings	Recommended Condition
Condition B40 -Moveable Heritage	• The Applicant seeks to change the timing of the completion of the Moveable Collections Management Plan (MCMP) from within 12 months of the issue of the first Construction Certificate to within 12 months of the issue of the first Occupation Certificate • This would allow the MCMP to be completed and updated once all construction at the Locomotive Workshop (under SSD 8517 and SSD 8449) has been completed • Heritage NSW reviewed the application and raised no objections • The Department supports this change as it will allow the MCMP to be updated and accurately provide detail on the future conservation, management, display, storage, security and identify the location of all moveable heritage.	• Recommend Condition B40 be amended to require the completion of the MCMP to be within 12 months of the issue of the first Occupation Certificate and moved to Part E of the consent.
Condition E16 – Waste Disposal	• The Applicant seeks to update the condition to reference Condition B9, instead of Condition E14 • This is a minor error update to ensure the correct condition is referenced • The Department supports this change.	• Recommend Condition E16 is updated to remove the minor error.



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:

- it complies with relevant statutory provisions and the proposal remains consistent with relevant EPIs and the strategic planning context
- it is substantially the same development as originally approved and does not result in any adverse environmental impacts
- the use of frosted glazing will ensure the heritage arched windows will be consistent with the existing heritage fabric
- the amendments to conditions of consent will align with the staged construction works across the whole Locomotive Workshop and ensure that necessary repair works to public assets and/or adjoining property as a result of the construction are undertaken prior to first use of the commercial bays.

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 SSD 8449 MOD 6 falls within the scope of section 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 grant approval to the applications
- **modifies** the consent SSD 8449
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:

Emily Dickson

A/Principal Planning Officer
Key Sites Assessments

Recommended by:

Amy Watson

Team Leader
Key Sites Assessments



8. Determination

The recommendation is: **Adopted by:**

Anthony Witherdin

Director

Key Sites Assessments



Appendices

Appendix A – List of 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 and Response to Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/26106>
- Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/26106>

Appendix B – Notice of Modification

<https://www.planningportal.nsw.gov.au/major-projects/project/26106>

Appendix C – Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/26106>