



Locomotive Workshop, Bays 1-4a

○ *State Significant
Development Modification
Assessment
(SSD 8517 MOD 5)*

February 2020

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
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 8517) for the adaptive reuse of Bays 1-4a 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
- changes to the timing of the delivery of the loading dock management plan and service vehicle access route
- 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 5 km south of the Sydney central business district (CBD), 8 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.



Figure 2 | Aerial view of Locomotive Workshop and ATP

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).

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 8517 includes a maximum of a maximum of 11,662 m² 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), as well as a loading dock, traveller, heritage conservation works, public domain works, illumination and signage.

The development consent has been modified on four occasions (see **Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Modify Condition B29 (SSD 8517) relating to stormwater and drainage to reduce post development pollutant loads	IPC	4.55 (1A)	10 September 2019
MOD 2	Modification to Condition D6 (Construction Hours)	Director	4.55 (1A)	29 May 2019
MOD 3	Change the layout of the ground floor of Bays 3-4a	Director	4.55 (1A)	6 September 2019
MOD 4	Retain and add additional skylights above Bays 1-4a	Director	4.55 (1A)	20 November 2019



2. Proposed Modification

The Applicant lodged a modification application (SSD 8517 MOD 5) seeking approval under section 4.55(1A) of the EP&A Act, for changes to conditions of consent (Part B and E) and replacement glazing, for Bays 1-4a of the Locomotive Workshop. A link to the modification application documents is provided in **Appendix A**.

The proposal specifically seeks approval to modify the following conditions:

- Glazing (Condition B44) – allow frosted replacement glazing in the existing heritage arched windows
- Moveable Heritage (Condition B48) - change the timing of the completion of the Moveable Collections Management Plan from within 12 months of the issue of the first Construction Certificate to within 12 months of issue of the first Occupation Certificate
- Waste Disposal (Condition E17) – minor error update to correctly reference Condition B13, not E15.
- the following amendments to the Conditions of Consent (Part E) to enable the issuing of staged Occupation Certificates for the Locomotive Workshop:

Table 2 | Amendments to Part E Conditions

Condition	Timing (as approved)	Timing (proposed)
Pre-Construction Dilapidation Report (Condition B15)	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
Public Domain Works (Condition E9)	Prior to commencement of use or issue of the first Occupation Certificate	Staged delivery of the public domain in accordance with the Civil Works Staging Plan prepared by Mirvac (Figure 3)
Post Construction Dilapidation Report (Condition E12)	Prior to the issue of an Occupation Certificate	Prior to the issue of the final Occupation Certificate
Loading Dock Management Plan (Condition E19)	Prior to issue of the first Occupation Certificate	Prior to commencement of the first use of the Locomotive Workshop
Service Vehicle Access Route (Condition E20)	Prior to issue of the first Occupation Certificate	Prior to commencement of the first use of the Locomotive Workshop
External lighting (Condition E24)	Upon installation	Prior to the issue of the final Occupation Certificate

The Applicant advises 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 to enable the timely completion and commencement of retail and commercial uses in Bays 1-4a 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 will allow for the staged completion of works for the retail and commercial uses in Bays 1-4a of the Locomotive Workshop, while continuing to ensure the conditions will be complied with. The 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 1-4a of the Locomotive Workshop. There is no change to the approved adaptive reuse for retail and 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 applications have 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 a submission 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 applications. However, under the Minister's delegation, the Director, Key Sites Assessments, may determine the applications as:

- the relevant local Council has not made an objection
- a political disclosure statement has not been made
- there were no public submissions received.

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 proposals against relevant EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the modification applications have 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 modifications are 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 20 November 2019 and was referred to Council and Heritage NSW, with a request for comments by 3 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 raised no concerns with the changes to conditions, subject to any comments from Heritage NSW.

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

Following referral of the applications to Council and Heritage NSW, the Department placed copies of all submissions received on its website.

As Council and Heritage NSW raised no objections to the proposal, a response to submissions was not required.

4.3 Additional Information

The Department requested the Applicant reconsider the wording of Condition E9 (Public Domain Works), noting the indicative staging plan is inconsistent with the proposed wording of the condition.

On 10 January 2020 the Applicant provided additional information including:

- an updated civil works staging plan for the public domain and proposed amended wording for Condition E9 (Public Domain Works)
- a request for additional condition changes to Condition E19 (Loading Dock Management Plan) and Condition E20 (Service Vehicle Access Route).

The additional information was made publicly available on the Department's website on 10 January 2020 and was referred to Council, with a request for comments by 17 January 2020.

Council provided comments advising:

- it raises no objection to changes in wording of Conditions E19 and E20
- it recommends the title of Condition E20 be renamed to 'changes to kerbside parking restrictions' as Council's Local Pedestrian, Cycling and Traffic Calming Committee (Committee) does not have the authority to approve the use of a private vehicle on a public road. Council's preference is for access route Option 1 and only the changes to kerbside parking restrictions are subject to endorsement by the Committee.

The Department requested further additional information including justification for changes to the timing of conditions E19 and E20, indicative timeframes for commencement of the first use at the Locomotive Workshop and to update the Civil Works Staging Plan. The Applicant submitted the additional information on 22 January 2020.

On 29 January 2020 the Applicant requested further amendments to change the timing of condition B15 (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 and completion of public domain works
- staging of occupation certificates
- loading dock management and service vehicle access route
- glazing.

5.1 Public Domain Works

The Applicant seeks to change the timing for completion of the public domain works to enable staged delivery of Innovation Plaza and Locomotive Street (Stage 1 and Stage 2) in accordance with the Civil Works Staging Plan prepared by Mirvac (**Figure 3**). Currently the condition requires completion prior to the commencement of use or issue of the first Occupation Certificate.

The Applicant proposes the following timeframes for completion:

- Innovation Plaza: prior to commencement of the use of Bays 1 & 2
- Locomotive Street Stage 1: prior to commencement of the use of Bays 3-4a (ground level)
- Locomotive Street Stage 2: prior to commencement of the use of Bays 5-15.

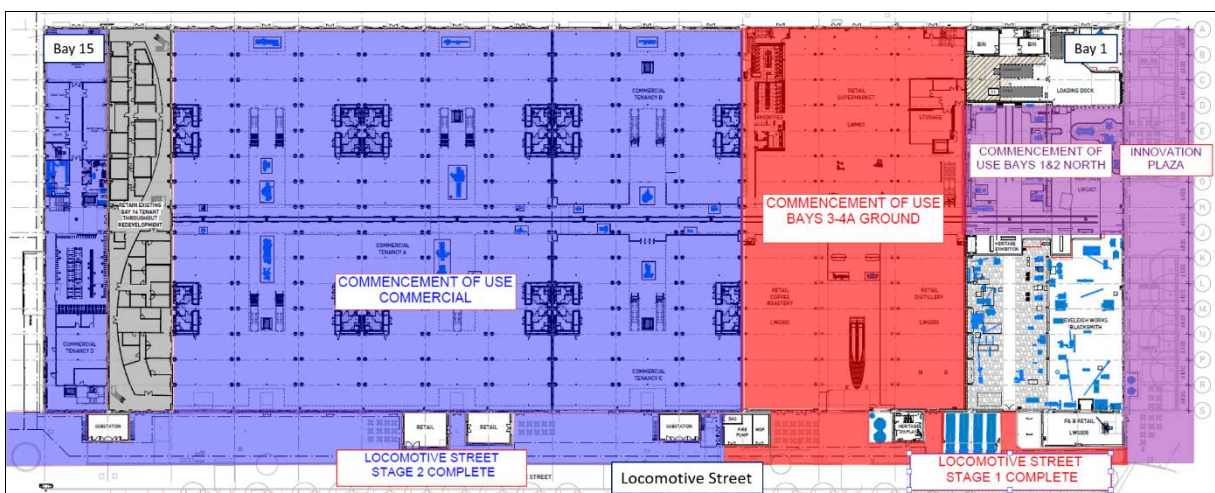


Figure 3 | Indicative civil works staging plan

The Applicant advises that:

- the use of Locomotive Street is required for storage of construction materials and facilities during the construction of both Bays 1-4a (this SSD) and Bays 5-15 (SSD 8449), as the Locomotive Building does not have a basement or other area for the construction materials
- after the completion of all building works (under both SSD 8517 and SSD 8449), the removal of construction materials and facilities will occur and will allow the public domain works along Locomotive Street to be progressively completed, in accordance with the staging plan (**Figure 4**).

The Department acknowledges the constraints of the site and the limited space available for storage of construction materials and facilities.

The Department also notes that currently the public domain works must be completed prior to the first occupation certificate for Bays 1-4a, which is due to be completed while construction works are still occurring within Bays 5-15. This construction sequencing is problematic as it requires all public domain works to be completed while construction within the larger portion of the building (Bays 5-15) is still occurring. In addition, the Department notes potential for damage to the new public domain if it is completed before construction works have been finalised.

The Department supports the Applicant's proposed staged delivery of public domain for the following reasons:

- the public domain will be delivered progressively as works are completed in the Locomotive Workshop rather than the entirety of the public domain as the last stage of development
- the staging will allow the Applicant to manage construction materials and facilities
- the Applicant will be able to ensure that risk of damage to the public domain is minimised during construction.

The Department therefore recommends Condition E9 be updated to refer to the timing of delivery of the public domain as shown in the Civil Works Staging Plan.

5.2 Staging of occupation certificates

The Applicant seeks to change the timing of Conditions B15 (Pre-Construction Dilapidation Report), E1 (Protection of Public Infrastructure), E12 (Post Construction Dilapidation Report) and E24 (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 can 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.

The Department 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 B15, E1, E12 and E24 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 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.

5.3 Loading dock management and service vehicle access route

The Applicant seeks to change the timing of the preparation of the Loading Dock Management Plan (Condition E19) and resolution of the Service Vehicle Access Route (Condition E20) from prior to the issue of the first OC to prior to the commencement of the first use of the Locomotive Workshop.

The Applicant seeks the change to allow an OC to be issued for a tenancy on level 1 in Bays 1-4a as an educational establishment operated by 'Top Education' (as per the development consent (D/2019/751) issued by the City of Sydney Council on 28 October 2019). The Applicant advises:

- Top Education requires an OC to be issued to apply for the Commonwealth's Tertiary Education Quality and Standards Agency (TEQSA) application, which is required before the tenant can commence their use
- it is unable to meet with Council's Local Pedestrian and Calming Committee (LPCC) until 17 March 2020, due to the break over Christmas
- to align with their construction program, the first OC is to be obtained in April 2020 and the meeting in March places unnecessary stress and risk on conditions E19 and E20
- the indicative date for commencement of the first use at the Locomotive Workshop is June/ July 2020.

Council reviewed the request to amend the timing of conditions E19 and E20 and raised no objections.

The Department notes the intent of the current wording of Conditions E19 and E20 is to ensure:

- a loading dock management plan is in place prior to the Locomotive Workshop being occupied and used
- changes to parking restrictions on Rosehill Street have been agreed to by Council's LPCC prior to servicing vehicles using the street to access the loading dock.

The Department is satisfied the change to the timing of delivery of Conditions E19 and E20 will continue to ensure a Loading Dock Management Plan and a service vehicle access route will be in place prior to commencement of the first use of the Locomotive Workshop, as:

- it allows an OC to be issued in April 2020 to enable TESQA approval to be obtained, but the actual first use of the Locomotive Workshop will not occur until June/ July 2020
- the loading dock will not be operational until commencement of the first use, which is likely to be Top Education in June/ July 2020
- the timing changes align with the Applicant's construction program while maintaining the intent of the conditions
- it ties the delivery of the conditions to a stage of development, being the first use of the Locomotive Workshop.

Council also suggested the title of Condition E20 be changed from 'service vehicle access route' to 'changes to kerbside parking restrictions'. This is because Council advises their LPCC does not have authority to approve private vehicle use on a public road, only changes to kerbside parking restrictions. However, the Department notes the condition relates to the service vehicle access route and does not consider the title needs to be changed, to clearly identify the condition. However, the wording of the condition is recommended to be updated to reflect the LPCC's role to make changes to kerbside parking restrictions only.

5.4 Condition B44 - Glazing

The Applicant seeks to change Condition B44 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 4**).

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 B44 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.

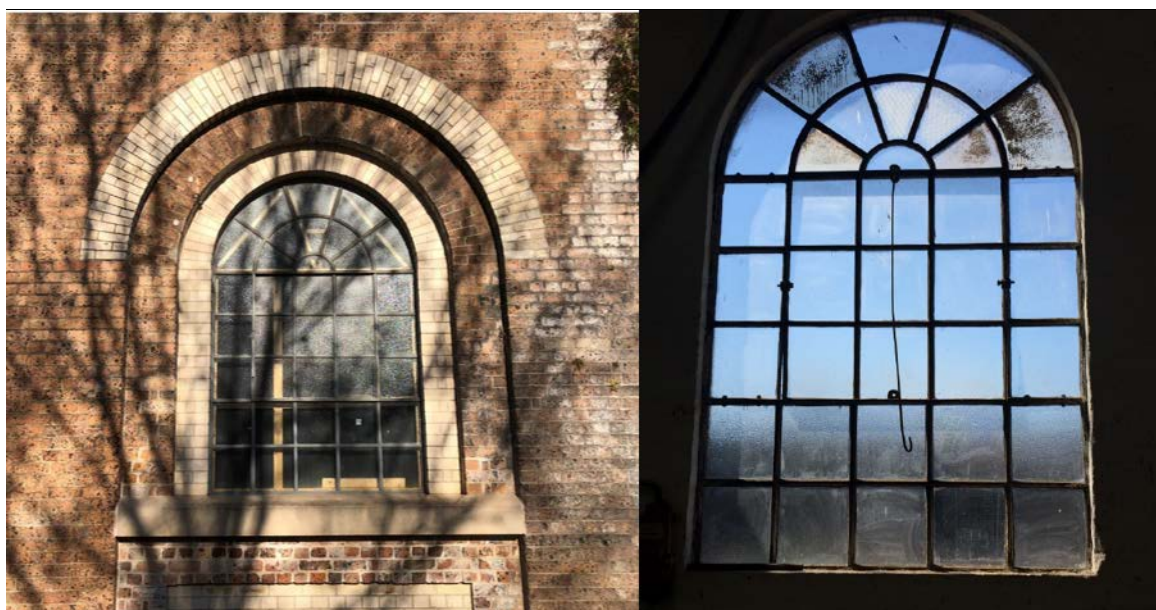


Figure 4 | Heritage arched window – external view (left) and internal view (right)

5.5 Other Issues

Table 3 | Summary of other issues raised

Issue	Findings	Recommended Condition
Condition B48 - 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 allows the MCMP to be completed and updated once all construction at the Locomotive Workshop (across 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 B48 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 E17 – Waste Disposal	- The Applicant seeks to update the condition to reference Condition B13, instead of E15 - This is a minor error update to ensure the correct condition is referenced - The Department supports this change.	Recommend Condition E17 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 proposed modifications are 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 existing heritage arched windows are consistent with the existing heritage fabric
- the public domain will be delivered in stages relevant to the first use of the associated bays
- the loading dock management plan and service vehicle access route will be in place prior to the first use commencing at the Locomotive Workshop
- 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 8517 MOD 5 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 8517
- **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:**

12/2/2020

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 Additional Information
<https://www.planningportal.nsw.gov.au/major-projects/project/25601>
- Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/25601>

Appendix B – Notice of Modification

<https://www.planningportal.nsw.gov.au/major-projects/project/25601>

Appendix C – Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/25601>