

7 May 2020

2190140

Mr Jim Betts
Secretary
Department of Planning, Industry and Environment
12 Darcy Street
PARRAMATTA NSW 2150

Attention: Amy Watson (Team Leader, Key Sites Assessments)

Dear Amy,

**SECTION 4.55(1A) MODIFICATION APPLICATION
BAYS 1-4A, LOCOMOTIVE WORKSHOPS, SOUTH EVELEIGH (SSD 8517)**

This application has been prepared by Ethos Urban on behalf of Mirvac Projects Pty Ltd (Mircac), pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD 8517 relating to Bays 1-4a of the Locomotive Workshop, South Eveleigh (the site).

The modification relates to amendments to the internal design and layout of Bays 3-4a that respond to the requirements of future tenants within the Locomotive Workshop. The modification also includes amendments to the Condition B37 and a new Condition B37A, which together relate to the process and timing for the submission of detailed landscape and public domain plans.

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. It is accompanied by:

- Amended Architectural Plans prepared by Sissons Architects (**Attachment A**)
- 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 11,607m² 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, five (5) modification to SSD 8517 have been approved since February 2019, with one other modification in the pre-lodgement phase. The existing and future modifications are summarised below in **Table 1**.

Table 1 Modifications to SSD 8517

Modification #	Date Approved	Description
Modification 1	10 September 2019	Modification to Condition B29 (Stormwater and Drainage).
Modification 2	29 May 2019	Deletion of Condition D6 (Construction Hours).
Modification 3	6 September 2019	Modification to the ground floor layout of Bays 3-4a North.
Modification 4	20 November 2019	Retention of existing skylights (the removal of which was approved under SSD 8517) and provision of additional skylights above Bays 1-4a.
Modification 5	12 February 2020	Amendments to the Conditions of Consent (Part B & E) to enable the issuing of staged Occupation Certificates and changes to glazing in heritage arched windows.
Modification 6	Pre-Lodgement	Amendments to enable future 'food and drinks premises' in the western portion of Innovation Plaza.

2.0 Proposed Modifications to the Consent

2.1 Modifications to the Development

The proposed modifications to Development Consent SSD 8517 comprise alterations to the internal design and layout of Bays 3-4a of the Locomotive Workshop, on the Ground Floor and Level 1, including:

- Conversion of back of house corridor on the Ground Floor of Bay 3 South to retail uses;
- Deletion of void space over the travelator tunnel on the Ground Floor of Bay 4 South;
- Narrowing of the bridge over Bay 4 South on Level 1;
- Removal of the viewing platform in Bay 3 on Level 1, along the central spine of the Locomotive Workshop.
- Reduction in the extent of the mezzanines over Bay 3 and Bay 4.

The proposed physical modifications, which are contained wholly within Bays 3-4a of the Locomotive Workshop, are the result of design development that responds to the requirements of future tenants within Bay 3-4a of the Locomotive Workshop.

The proposed modifications to Bay 3-4a are detailed in the amended Architectural Plans prepared by Sissons Architects (**Attachment A**). **Figure 1** illustrates the approved and proposed configuration of Bay 3-4a of the Locomotive Workshop.

As identified in the GFA Plans (**Attachment A**) the proposed amendments to the design and layout of Bays 3-4a of the Locomotive Workshop will have no impact on the overall GFA of Bays 1-4a of the Locomotive Workshop (24,458m²), as approved under SSD 8517.

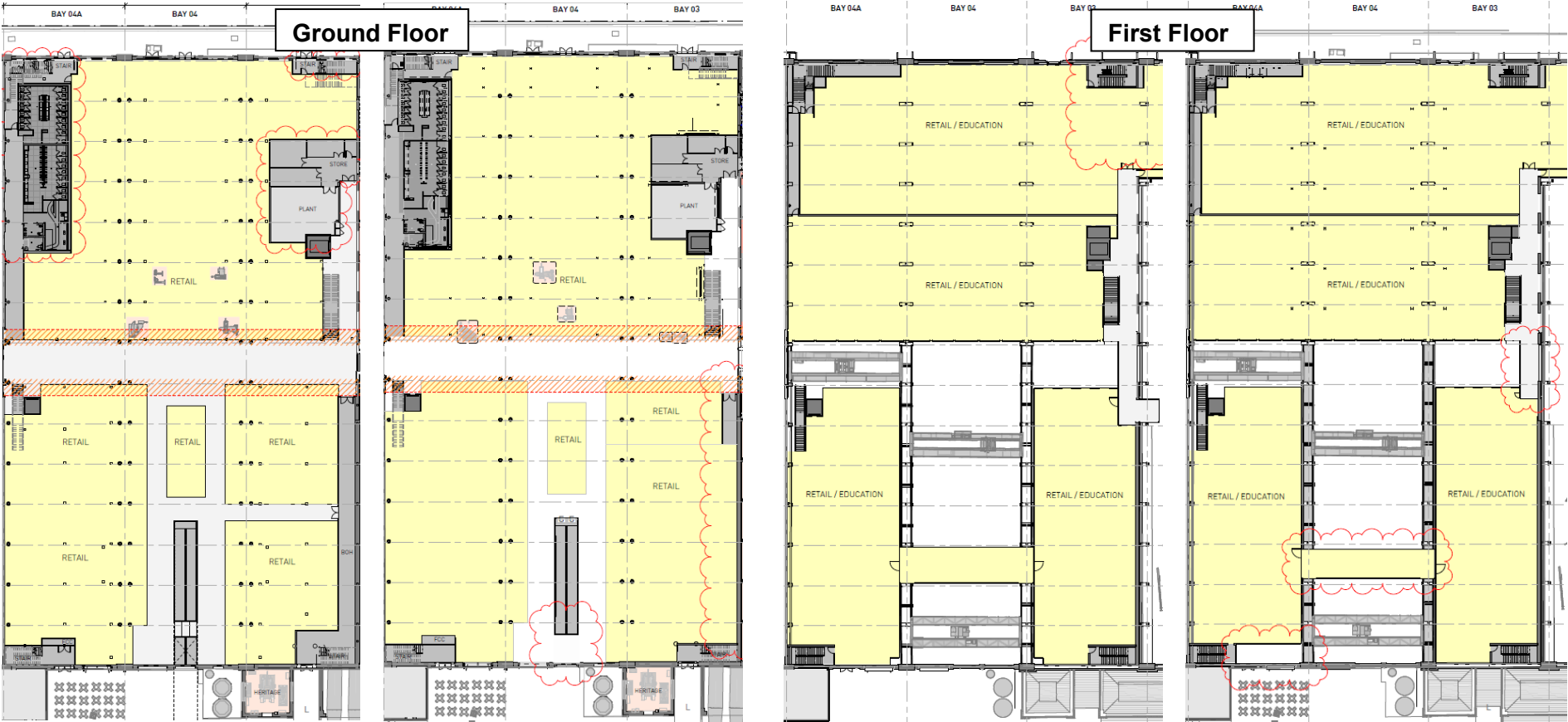


Figure 1 Approved Bay 3-4a Design (Left Image) and Proposed Bay 3-4a Design (Right Image) of Ground Floor and Level 1
Source: Sissons Architects

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-B4-0304	N <i>P</i>	Site Retail Plan	22/03/19 <i>04/05/20</i>
SA-AR-DWG-BB-B4-0330	T <i>AA</i>	Proposed Plan – Ground Floor	22/03/19 <i>10/12/19</i>
SA-AR-DWG-BB-B4-0331	Y <i>AA</i>	Proposed Plan – First Floor	03/06/19 <i>10/12/19</i>
SA-AR-DWG-BB-B4-0350	T <i>U</i>	GFA Plans Bays 5-15	03/06/19 <i>10/12/19</i>
SA-AR-DWG-BB-B4-0361	R <i>T</i>	Signage Elevations	03/06/19 <i>04/05/20</i>
SA-AR-DWG-BB-B4-0390	I <i>J</i>	Proposed Permanent Land Uses Plan – Ground Floor	22/03/19 <i>04/05/20</i>
SA-AR-DWG-BB-B4-0391	J <i>K</i>	Proposed Permanent Land Uses Plan – First Floor	05/06/19 <i>04/05/20</i>
SA-AR-DWG-BB-B4-0392	E <i>F</i>	Proposed Temporary Land Uses Plan – Ground Floor	22/03/19 <i>04/05/20</i>
SA-AR-DWG-BB-B4-0393	F <i>G</i>	Proposed Temporary Land Uses Plan – First Floor	05/06/19 <i>04/05/20</i>

Condition B37

Detailed landscape and public domain plan(s), drawn to scale, by a qualified landscape architect or landscape designer, must be prepared in consultation with Council and the Heritage Council and approved by the Planning Secretary prior to the issue of the ~~first relevant public domain Construction Certificate, in accordance with the Civil Works Staging Plan, Rev 4, prepared by Mirvac, dated 21/01/2020.~~

Justification:

As established in Condition E9 (as amended by Modification 5 to SSD 8517), the public domain works around the Locomotive Workshop are to be delivered progressively in accordance with the Civil Works Staging Plan prepared by Mirvac (dated 21/01/2020).

To align with the staged delivery of the public domain works, it is proposed to amend Condition B37 to tie the submission of detailed landscape and public domain plan(s) to the issue of the relevant Construction Certificate for the public domain works around the Locomotive Workshop, which will enable the issue of staged Construction Certificates, being:

1. Innovation Plaza;
2. Locomotive Street (Bays 1-4a); and
3. Locomotive Street (Bays 5-13).

It is emphasised that the public domain works will continue to be delivered in accordance with the staging established in Condition E9, with the proposed amendments limited to the timing for the submission of the detailed public domain and landscaping plans.

Condition B37A

Amended detailed landscape and public domain plan(s), drawn to scale, by a qualified landscape architect or landscape designer, must be prepared for all modifications consultation with the Heritage Council and to the satisfaction of Council prior to the issue of the relevant Construction Certificate.

The amended plans must continue to reference the industrial character of the precinct, be generally in accordance with Council's 'Public Domain Manual', include the details required under Condition B37(a)-(h) and comply with the design intent established in the approved Landscape Plan (Condition A2).

Justification:

It is noted that currently Condition B37 does not provide a mechanism for the detailed landscape and public domain plans to be amended following discharge of Condition B37 by the Secretary.

Accordingly, the proposed Condition B37A provides a mechanism for future amendments to the Landscape Plan approved under SSD 8517, in consultation with the Heritage Council and to the satisfaction of Council. In this regard, it mirrors Condition B53AA of SSD 7317, which relates to the Landscape Masterplan for the broader Australian Technology Park (approved under MOD 12).

The proposed wording of Condition B37A requires the detailed landscape and public domain plans to include the details listed within the Condition B37.

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 approved, given the proposed modifications:

- do not alter the design of the public domain, with the proposed modifications to Condition B37 limited to the timing of the submission of detailed landscape and public domain plan, which will enable the issue of staged Construction Certificates.
- 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 3-4 of the Locomotive Workshop;
- 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 8517, as discussed further in **Section 4.3** 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 8517 may therefore be lawfully approved under Section 4.55(1A) of the EP&A Act.

4.0 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.

4.1 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 8517.

4.2 Compliance with Environmental Planning Instruments

4.2.1 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 minor changes to internal design and layout of Bay 3-4a and the submission of detailed landscape and public domain plan.

Therefore, the proposed modifications will not alter the original assessment of the SSD 8517, which will remain consistent with the objectives of the Business Zone – Business Park zone.

4.3 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; | • Accessibility; |
| • Design excellence; | • Building Code of Australia; |
| • Heritage impacts; | • Services and utilities; |
| • Traffic, parking and access; | • Water cycle management; |
| • Waste management; | • Railway infrastructure; |
| • Contamination; | • Social and economic benefits; |
| • Noise and vibration; | • Construction management; |

- Ecologically sustainable development
- 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 8517.

Supplementary technical assessment has been undertaken in relation to issues relevant to the proposed amendments to SSD 8517, 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.

4.3.1 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 amendments to the internal design and layout of Bay 3-4, as approved under SSD 8517, Curio Projects consider that the most significant amendments (from a visual and physical impact perspective) are the:

- Removal of the Back of House (BOH) Corridor in Bay 3 South;
- Infilling of void space on Ground Floor in Bay 4 South;
- Removal of Viewing Platform along Gridline 3; and
- Narrowing of Bay 4 South Bridge & Reduced Mezzanine over Bay 3 and 4 South.

An assessment of the respective heritage impacts of each of these alterations is provided in **Table 2** below and detailed in the HIS (**Attachment B**).

Table 2 Heritage Assessment of Physical Impacts

Impact	Comment
Removal of the Back of House (BOH) Corridor in Bay 3 South	
Physical Impacts	There are no foreseeable physical impacts related to the removal of the BOH Corridor.
Visual Impacts	The reduction in the extent of the BOH Corridor will allow the general public to better understand and appreciate the space in Bay 3 South.
Infilling of void space on Ground Floor in Bay 4 South	
Physical Impacts	The infilling of the void space over the travelator will create an expanded and more useable space at the entry/exit of Bay 4 South, without affecting the heritage fabric of the Locomotive Workshop.
Visual Impacts	The infilling of the void space above the travelator will have a positive visual impact by creating a larger reception area at the southern entrance to Bay 4 of the Locomotive Workshop. This will allow users to better appreciate the double-height void and the heritage elements on display (roof trusses and columns).

Impact	Comment
Removal of Viewing Platform along Gridline 3 (Level 1, Bay 2 South)	
Physical Impacts	The deletion of the viewing platform responds to design development that has identified significant noise leakage from the Blacksmith into Bay 3. The removal of the viewing platform will also allow for the in situ retention of existing service pipes related to the historical use of the Locomotive Workshop. On this basis, the deletion of the viewing platform is considered to have a neutral to positive visual impact.
Visual Impacts	While the removal of the viewing platform will prevent viewing of the activities in the Blacksmith from this part of the Locomotive Workshop, opportunities for viewing activities in the Blacksmith will continue to be provided in the viewing area on the Ground Floor of Bay 1. The removal of the viewing platform will also allow for the preservation of service pipes associated with the historic use of the Locomotive Workshop. On this basis, it is considered that the removal of the viewing platform will have a neutral visual impact on the Locomotive Workshop.
Narrowing of Bay 4 South Bridge & Reduced Mezzanine	
Physical Impacts	The narrowing of the bridge over Bay 4 South and the reduction in the extent of the mezzanine over Bay 3 and Bay 4 South will not have a physical impact on the heritage fabric of the Locomotive Workshop.
Visual Impacts	The narrowing of the bridge over Bay 4 South and the reduction in the extent of the mezzanine over Bay 3 and Bay 4 South will not obstruct or interfere with the visual appreciation of the heritage character of the Locomotive Workshop.

Conclusion and Recommendations

Curio Projects conclude that the proposed amendments are sympathetic to the heritage fabric and significance of the Locomotive Workshop. This is because the proposed amendments will not physically impact on existing heritage fabric, while have a neutral to positive visual impact by increasing the area useable by the general public and improving appreciation of the historic southern entrance of Bay 4 South. On this basis, the proposed amendments are supported on heritage grounds by Curio Projects.

4.4 Suitability of the Site

Under SSD 8517, Bays 3-4a of the Locomotive Workshop have already been approved for a mix of retail and education uses. The proposed modifications do not alter the suitability of the site for these uses and will continue to support the future operation of Bays 3-4a.

4.5 Public Interest

The proposed modifications to the approved development are in the public interest, as they respond to the needs of future tenants within Bay 3-4 of the Locomotive Workshop and support the delivery of the public domain works, which will provide amenity for workers and the local community.

5.0 Conclusion

This Modification Application relates to amendments to the internal design and layout of Bays 3-4a and Condition B37. The proposed amendments respond to the needs of future tenants within Bay 3-4a of the Locomotive Workshop. They will also support the future delivery of the public domain works surrounding the Locomotive Workshop.

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; and
- substantially the same development as development for which the consent was granted.

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

Sincerely,



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