



Locomotive Workshop Modification 9

Install extraction flues and hoods within bays 1-4a
State Significant Development Modification Assessment
(SSD 8517 MOD 9)

July 2021

Published by the NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Install blacksmith flues in bays 1-4a

Subtitle: State Significant Development Modification Assessment (SSD 8157 MOD 9)

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
ATP	Australian Technology Park
BCA	Building Code of Australia
CIV	Capital Investment Value
Council	City of Sydney Council
Department	Department of Planning, Industry and Environment
DPI	Department of Primary Industries, DPIE
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
Heritage	Heritage NSW, Department of Premier and Cabinet
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

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1 Introduction

This report provides an assessment of an application to modify the State significant development (SSD) consent for the adaptive re-use of the Locomotive Workshop Bays 1-4a at the Australian Technology Park (ATP) (SSD 8517).

The modification application seeks approval to install three extraction hoods and flues over the existing Blacksmith Workshop within locomotive bays 1-4a.

The Applicant has advised the purpose of the modification is to improve the internal amenity of the Locomotive Workshops by capturing and directing emissions generated by the blacksmith furnaces and oil quench areas located on the southern part of bays 1 and 2, outside the Locomotive Workshop.

The application was lodged on 26 April 2021 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 known as 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**). The site is located within the City of Sydney local government area (LGA).



Figure 1 | The Australian Technology Park (Source: DPIE)

1.2 Approval history

On 22 February 2019, the Independent Planning Commission granted development consent to SSD 8517 for the adaptive reuse of the Locomotive Workshop Bays 1-4a, including the retention of the existing Blacksmith Workshop in Bays 1-2. SSD 8517 has been modified seven times and one modification is currently under assessment (**Table 3** in **Appendix C**).

2 Proposed modification

The modification application seeks approval to install three extraction hoods and galvanized steel flues above three of the existing heritage coke furnaces that form part of the blacksmith use in bays 1-4a of the Locomotive Workshop (**Figure 2** to **4**).

A link to the modification application is provided in **Appendix A**.

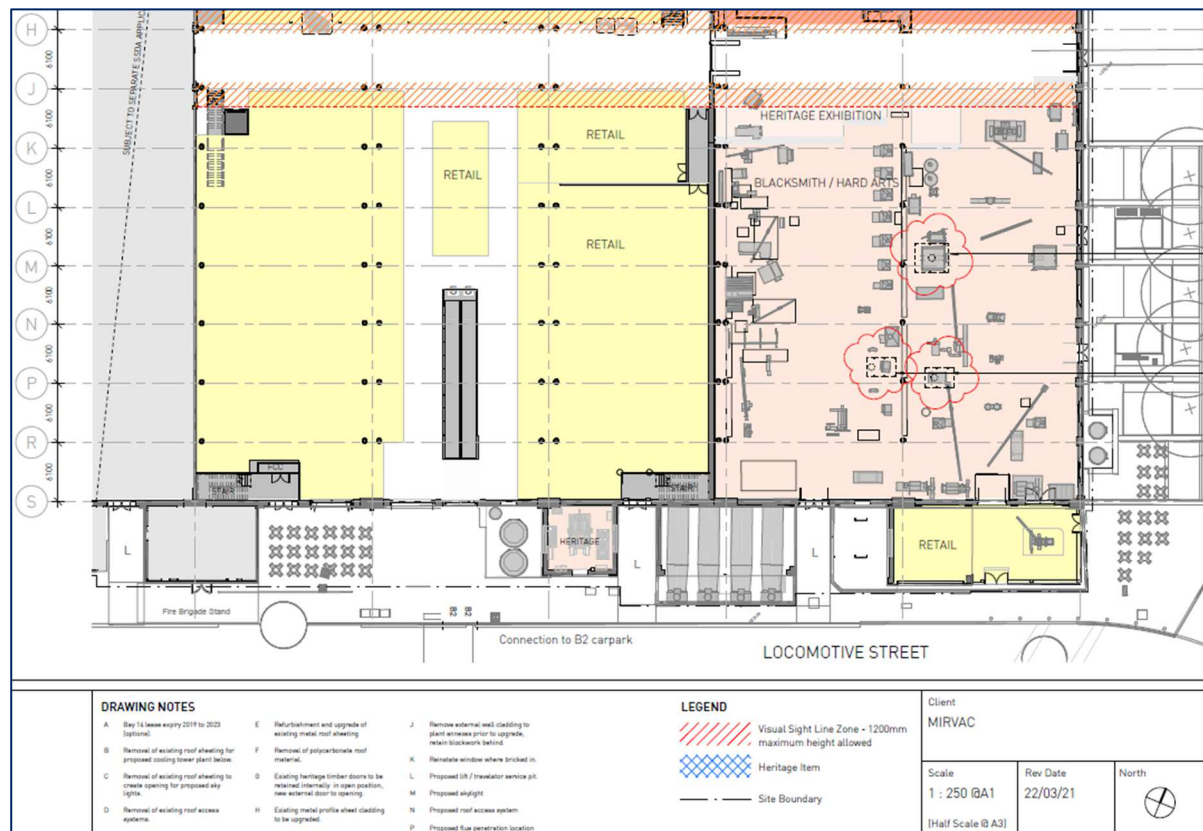


Figure 2 | Location of hoods and flues (red bubble) (Source: Architectural Plans)



Figure 3 | Elevation plans of proposed flues (Source: Applicant's RTS)

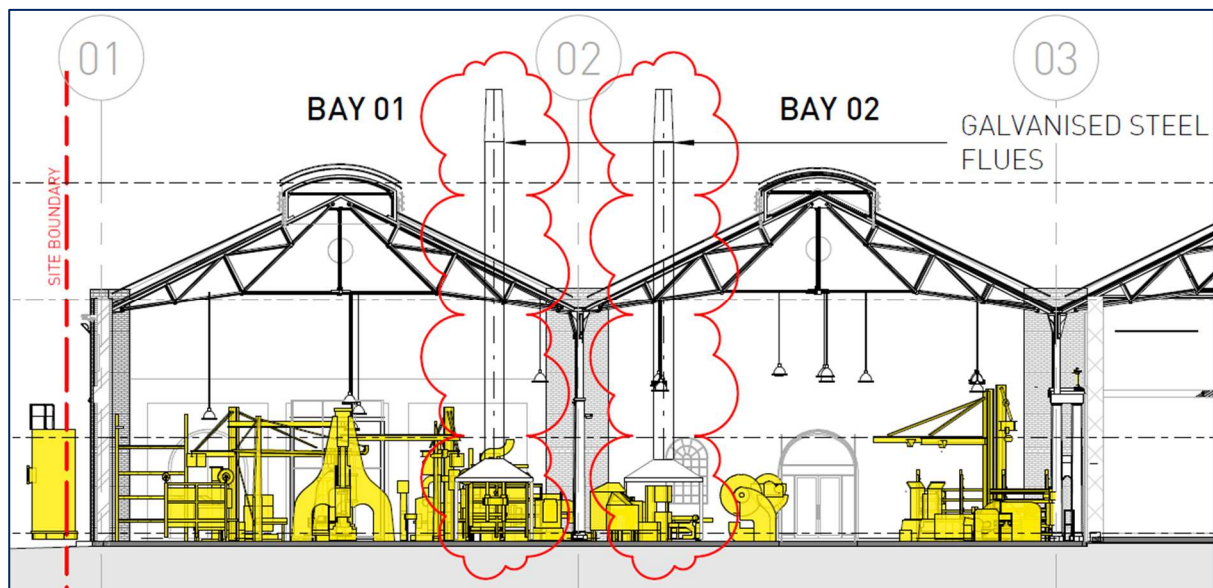


Figure 4 | Internal section plan of proposed extraction hoods and flues (Source: Architectural Plans)

3 Statutory context

3.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers the application can be characterised as modifications involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the project as approved
- are substantially the same development as originally approved
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modifications are within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the applications should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

3.2 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, the Team Leader, Key Sites Assessments may determine the application under delegation as:

- a political disclosure statement has not been made
- no public submissions in the nature of objection were received
- Council does not object.

3.3 Mandatory matters for consideration

The following are relevant mandatory matters for consideration:

- Section 4.55(1A) of the EP&A Act, including environmental planning instruments or proposed instruments
- EP&A regulation
- likely impacts of the modification application, including environmental impacts on both the natural and built environments, and social and economic impacts
- suitability of the site
- any submissions
- the public interest
- the reasons for granting approval for the original application.

The Department has considered all these matters in its assessment of the proposal. The Department has also considered the relevant matters in **Section 5** and **Appendix B** of this report.

4 Engagement

4.1 Department's engagement

The application was made publicly available on the Department's website on 30 April 2021 and was referred to the City of Sydney Council (Council) and Heritage NSW for comment.

The Department received submissions from Council and Heritage NSW and placed copies of all submissions received on its website.

Heritage NSW did not object to the modification application and considers the proposed flues will not result on any additional heritage impacts.

Council does not object to the modification and recommended:

- the proposed mechanical ventilation complies with AS1668 and be signed off by a competent person prior to the issue of a Construction Certificate
- further assessment of air quality if there is a change in fuel source against Best Available Technology (BAT) standards
- external air quality monitoring be undertaken at the exhaust stacks to ensure compliance with relevant air quality standards.

Council also specified that the post construction air quality monitoring report should:

- be carried out in accordance with the testing methods in the EPA Approved Methods from Sampling and Analysis of Air Pollutants in NSW and Schedule 7 of the Protection of the Environment Operations (Clean Air) Regulation 2010
- assess emissions against the standards of concentration for non-scheduled premises set out in Schedule 6 of the Protection of the Environment Operations (Clean Air) Regulation 2010 and the NSW EPA best available technology (BAT) emission standard for natural gas fired reciprocating internal combustion engines (Nitrogen dioxide (NO₂) or nitric oxide (NO) or both, as NO₂ equivalent).

In response, the Applicant contended that Council's recommend air emissions testing is not necessary as:

- existing air emission levels have been tested and found to be either below detection levels of the sampling instruments or below the adopted assessment criteria
- the proposed modification would not alter existing air emission concentrations which result from the approved blacksmith operation.

Council provided further comments that the Applicant should demonstrate that emissions comply with the relevant air quality standards by either modelling or sampling. The Department has recommended a revised condition incorporating this requirement. Council also confirmed that as the Applicant does not intend to change fuel sources, the recommended conditions relating to BAT emissions standards for natural gas are no longer necessary.

Council has advised they are satisfied with the Department's recommended conditions. Further consideration of air impacts is provided at **Section 5** below.

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 has assessed the potential impacts associated with the proposal in **Table 2**.

Table 2 | Key Issues

Issue	Findings	Recommendations
Heritage impacts	• The modification is supported by a Heritage Impact Statement (HIS) which concludes that the modifications are sympathetic to the heritage fabric and significance of the Locomotive Workshop and would have a neutral impact on its heritage significance. • Both Council and Heritage NSW consider the proposal would not result in any adverse heritage impacts. • The Department's assessment concludes the proposed modifications are sympathetic to the heritage fabric and significance of the Locomotive Workshop and would not result in adverse heritage impacts as: - o the galvanised steel flues are setback from the roof edge to reduce their visual prominence and designed to appear sympathetic to the existing blacksmith use and form of the Locomotive Workshop building - o the flues would penetrate through non-original roof sheeting and be suspended using a guywire support system, ensuring the heritage fabric of the roof trusses would not be affected • The Department recommends a new condition requiring consultation with and supervision of the installation of the flues by the nominated heritage consultant to avoid any physical impacts to the heritage fabric of the Locomotive Workshop.	The Department recommends: • condition A2 be updated to reflect the amended plans • new condition B42B to ensure the proposed changes are installed in consultation with and supervised by the heritage consultant.
Air quality	• The Applicant provided an Air Quality Assessment (AQA) which notes that without the proposed ventilation system, all tested air pollutants within the Locomotive Workshop are either below the detection level of the sampling instruments used or the adopted assessment criteria. • The Applicant advised while current air quality conditions do not pose a health risk, the proposed ventilation system would enhance	The Department recommends: • new condition E26 to update the approved AQMP to

amenity for tenants, workers and visitors by extracting smoke haze and fume odour from the blacksmith operation.

include the proposed flues.

- The AQA concludes the proposed modification will effectively remove air emissions and the internal air quality will improve or at least remain consistent with existing conditions.
 - Council advised the Applicant should demonstrate that emissions comply with the relevant air quality standards and that on-going monitoring be undertaken.
 - The Department has reviewed the Applicant's AQA and the advice provided by Council and is satisfied the internal and external air quality impacts would be acceptable as:
 - o the proposal does not seek to alter the Blacksmith Workshop operation and would not change the existing air emission levels generated by the approved blacksmith use
 - o the Applicant's AQA demonstrates that air pollutants caused by the Blacksmith Workshop operation are either below the detection level of the instruments used or the adopted assessment criteria
 - o the proposed ventilation flues will remove existing air contaminants from within the workshop and disperse them into the outside air
 - o existing condition B16 requires all mechanical ventilation systems to be installed in accordance with the relevant Australian Standards
 - o existing condition B12 requires preparation of an Air Quality Management Plan (AQMP) in accordance with the EPA's approved methods.
 - The Department recommends the AQMP is updated to include the proposed flues and extraction hoods within 12 months of the installation to ensure all emissions comply with the adopted assessment criteria. Council has advised it is satisfied with the proposed modified conditions.
 - On this basis, the Department is satisfied the modifications would not result in adverse air quality impacts to tenants, visitors or external receivers.
-

6 Evaluation

The Department has reviewed the proposed modifications and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposal is appropriate as:

- the addition of the extraction hoods and flues is sympathetic to the heritage significance of the site and would not result in any impacts to the roof trusses or other historic fabric within the building
- it will result in improved internal air quality and amenity for workers and visitors and would not result in adverse external air quality impacts subject to the recommend conditions
- it complies with relevant statutory provisions and remains consistent with the 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

Consequently, the Department concludes the proposal is in the public interest and should be approved, subject to conditions (**Appendix D**).

7 Recommendation

It is recommended that the Team Leader, Key Sites Assessments, as delegate of the Minister for Planning and Public places:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 8517 MOD 9 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 approve the modification
- **modify** the consent SSD 8517
- **signs** the attached approval of the modification (**Appendix D**).

Recommended by:



Thomas Piovesan
Senior Planner
Key Sites Assessments

Recommended by:



David Glasgow
Principal Planning Officer
Key Sites Assessments

8 Determination

The recommendation is **Adopted** by:



15/07/2021

Amy Watson

Team Leader

Key Sites Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced 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
- Submissions
- Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/41756>

Appendix B – Statutory considerations

To satisfy the requirements of the EP&A Act, the Department's assessment of the proposal has given detailed assessment to a number of statutory requirements. These include:

- the requirements of section 4.55(1A) of the EP&A Act
- the matters listed under Section 4.15(1) of the EP&A Act, including applicable EPIs and regulations.

The Department has considered these matters in its assessment of the modification application in **Table 1** and **Table 2**.

Table 1 | Consideration of section 4.55(1A) of the EP&A Act

Section 4.55(1A)	Assessment
The proposed modification is of minimal environmental impact	Section 5 of this report provides an assessment of the impacts associated with the modification application. The Department is satisfied the proposed modification will have minimal environmental impact as it will not adversely impact the heritage significance of the building and would not result in additional air quality impacts.
The development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified	The modification application seeks to install three extraction hoods and flues over three exiting blacksmith stations. No changes to the use of the space are proposed. The modification is considered to result in the development being substantially the same as the originally approved development.
The application has been notified in accordance with the regulations	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.

Any submissions made concerning the proposed modification has been considered

The Department received submissions from Council and Heritage NSW. Neither agency objected to the modification application. The Applicant's response and the Department's assessment regarding the comments from Council are provided in **Section 5**.

Table 2 | Consideration of the matters listed under Section 4.15(1) of the EP&A Act

Issue	Consideration
(a)(i) any environmental planning instrument	The proposed modification is consistent with the relevant EPIs as addressed below in this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under Clause 11 of the SRD SEPP, Development Control Plans do not apply to SSD.
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations	The modification application meets the relevant requirements of the <i>Environmental Planning and Assessment Regulations 2000</i> , including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA) (refer to Section 4).
(b) the impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The Department considers the likely impacts of the proposed modification are acceptable and have been appropriately addressed (refer to Section 5).
(c) the suitability of the site for the development	The site is suitable for the development.
(d) any submissions	The Department has considered the submissions received (refer to Section 4 and 5 of this report).
(e) the public interest	The Department considers the proposed modification to be in the public interest.
Reasons given by the consent authority for granting of development consent that is sought to be modified	The Department has considered the reasons given by the consent authority for granting consent in its assessment in Section 5 .

Environmental Planning Instruments

To satisfy the requirements of section 4.15(1)(a)(i) of the EP&A Act, the following EPIs were considered as part of the assessment of the modification application:

- 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. Due to the minor nature of the modification application, the Department is satisfied the application remains consistent with the EPIs.

Appendix C – Previous modifications to the consent

Table 3 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Decision Date
MOD 1	Modify Condition B29 (SSD 8517) relating to stormwater and drainage to reduce post development pollutant loads	IPC	4.55(1A)	Approved 10 September 2019
MOD 2	Modification to Condition D6 regarding construction Hours	Director	4.55(1A)	Approved 29 May 2019
MOD 3	Change the layout of the ground floor of Bays 3-4a	Director	4.55(1A)	Approved 6 September 2019
MOD 4	Retain and add additional skylights above Bays 1-4a	Director	4.55(1A)	Approved 20 November 2019
MOD 5	Amend conditions of Consent (Part E) to enable the issuing of staged Occupation Certificates, timing of moveable collections plan and glazing changes	Director	4.55(1A)	Approved 12 February 2020
MOD 6	Amend the layout of Bay 3-4, Condition B37 to tie the issue of Construction Certificates for the public domain to the approved Civil Works Staging Plan	Director	4.55(1A)	Approved 20 August 2020
MOD 7	Approval for food & drink premises use in the western portion of Innovation Plaza, extend approved outdoor seating in Innovation Plaza & Locomotive Street and built form envelopes for the proposed bar & keg room and awnings.	TBC	4.55(2)	Currently awaiting response to submissions
MOD 8	Install photovoltaic panels across the roof of the Locomotive Workshop (Bays 1-4a) and a door to the Bay 1 south annexe.	Director	4.55(1A)	Approved 2 September 2020

Appendix D – Notice of modification

SSD 8517 MOD 9: <https://www.planningportal.nsw.gov.au/major-projects/project/41756>

Appendix E – Consolidated Consent

SSD 8517 MOD 9: <https://www.planningportal.nsw.gov.au/major-projects/project/41756>