

Our Ref: 2190140
Council Ref: SSD 8517 & SSD 8449 MOD 1

4 June 2019

2190140

Jim Betts
Secretary
Department of Planning, Industry and Environment
GPO BOX 30
Sydney NSW 2001

Attention: Emily Dickson

Dear Emily

**RESPONSE TO SUBMISSIONS
SSD 8517 & SSD 8449 – MOD 1
LOCOMOTIVE WORKSHOP, SOUTH EVELIEIGH**

This letter has been prepared on behalf of Mirvac Projects Pty Ltd (Mircvac) to respond to the comments made by the City of Sydney Council (Council) in regard to the applications to modify Condition B29 of SSD 8517 (SSD 8517 – MOD 1) and Condition B25 of SSD 8449 (SSD 8449 – MOD 1) as they relate to the State Significant redevelopment of the Locomotive Workshop, South Eveleigh.

In preparation of this letter, Mirvac has consulted directly with Council and Sydney Water. Accordingly, the following additional information is attached in support of this submission:

- Correspondence from Council (**Attachment A**)
- Statement prepared by Harris Page & Associates (**Attachment B**)

1.0 City of Sydney Submission

Council's correspondence to the Department of Planning, Industry and Environment (Department), dated 24 April 2019 did not support the proposed modifications to Condition B29 of SSD 8517 and Condition B25 of SSD 8449. Council, therefore consider that the wording of the conditions should remain unchanged.

Council's submission states:

"Staff have reviewed the modification proposals, which are understood to be seeking to amend the water quality post-development pollutant load standards specified in the condition. I note that the standards specified replicate the standards in section 3.7.3 of DCP 2012 which are generally applied to all development over 1000m².

The proponent is seeking to significantly lower the standards to 25% (90%), 30% (85%), 10% (65%) and 10% (45%). The numbers in brackets are the DCP target standards. It is our understanding that the proponent's reasoning for the changes is that the existing building and storm water drainage system will remain unchanged and they have only considered a stormwater treatment system comprising filter baskets being installed within the existing gully pits to remove pollutants from the stormwater run off.

The Department are advised to request the proponent consider a stormwater treatment system incorporating new Gross Pollutant Traps and similar stormwater quality improvement devices that will enable the specified targets to be met.

Response

The SSD Applications (SSD 8517 & SSD 8449), as approved on 22nd February 2019 sought approval to adaptively reuse the Locomotive Workshop and only sought minor external alterations. This primarily was due to the fact that the Locomotive Workshop is part of the Eveleigh Railway Workshops State Heritage Item (SHI #01140) and is individually listed on the ATP S170 Heritage Register and Conservation Register (ATP S170 Register). It therefore has a high level of heritage significance and the proposed development has therefore had to adopt a sensitive approach.

Importantly, the Environmental Impact Statements (EIS) for both applications, did not seek any amendments to the stormwater infrastructure and explicitly stated that 'no amendments' were proposed to be made to the existing stormwater downpipe or drainage infrastructure and as such the water management system would not be affected due to the unaltered building and roof footprint.

In our opinion, Council has not adequately taken the Locomotive Workshop's existing context, the parameters of the SSD development applications, and the subsequent approvals into consideration in reaching their opinion.

Furthermore, we do not consider it correct or necessary for Council to adopt a blanket approach to all developments over 1000m² and require all development that fall in this category to apply the water quality post-development pollutant load standards that are set out in DCP 2012. Particularly when pursuant to Schedule 3, Part 5 of *State Environmental Planning Policy (State Significant Precincts) 2005*, Council's DCP 2012 policies do not apply to the Locomotive Workshop or the Australian Technology Park as the site is located within the Redfern-Waterloo State Significant Precinct.

In light of Council's submission, Mirvac and its project team has sought to consult and meet with Council representatives through various forms of correspondence. The intention of a meeting was to discuss the proposed modification applications and attempt to resolve Council's issues. Council has not been willing to meet, and accordingly correspondence has only been through email and telephone conversations.

Copies of relevant email correspondence from Council is included at **Attachment A**. Within this additional correspondence, whilst Council acknowledge (in the email dated 24 May 2019) that the pollutant load reduction targets specified in section 3.7.3 of DCP 2012 do not apply to the development, Council are not willing to alter their opinion, noting that *"The site drainage connects to a series of Council controlled stormwater pipes (to be handed to Council in future) prior to connecting to Sydney Water storm water assets"*.

In referring to the site drainage system being connected to Council controlled stormwater pipes, we would like to clarify that the stormwater pipes are currently privately owned and controlled by Mirvac. They are not to be handed to Council for another 27 years. Notwithstanding this, as shown in **Figure 1**, the Mirvac owned stormwater pipes (shown in Green) are an isolated system that all drain into the Sydney Water asset (shown in Blue). Accordingly, we do not see that there are any impacts generated (either on-site or off-site) by not meeting the targets currently outlined in Conditions B29 and B25. Particularly when the Mirvac owned stormwater pipes all connect to the Sydney Water Asset, and Sydney Water has no objection to the proposed modification, as explained in Section 2.0.

It is our view therefore, that there are no discernible arguments provided by Council to justify exactly why they do not support the proposed reduction in pollutant load targets.

In order to provide further support to the applications, Harris Page & Associates has provided additional information (**Attachment B**).

In summary, the Harris Page & Associates statement provides additional information that:

- explicitly clarifies that Sydney Water is the governing authority in the case of stormwater discharge from the Locomotive Workshop and also confirms that the Australian Technology Park precinct discharges via private independent infrastructure to the Sydney Water infrastructure on Henderson Road;
- confirms that the Locomotive Workshop development falls within the Sydney Water exemption criteria with regard to meeting the stormwater quality targets;
- notwithstanding the view that the Locomotive Workshop should be exempt from meeting the standard Sydney Water targets, Mirvac and Harris Page & Associates have undertaken extensive modelling and conceptual design to gain an understanding of how to best achieve a satisfactory level of discharge quality improvement with the aim being to satisfy the pollution reduction targets set out in Conditions B29 and B25. However, during the modelling and conceptual design development it was clear that in order to achieve the required targets, a complex system of low-flow by-pass manifolds that connect to Stormwater Quality Improvement Devices (SQIDs) would be required. The impact of implementing the low flow by-pass manifolds and SQIDs would require additional penetrations through the northern and southern façades of the Locomotive Workshop and therefore present considerable risk to the heritage assets due to:
 - the existing Locomotive Workshop building occupying approximately 91% of the overall site area; and
 - the required positioning and size of the SQIDs would require penetration of the heritage northern and southern facades, and potentially compromise the ground conditions due the substantial excavation in close proximity of the inground heritage structure and footings;
- whilst the pollutant reduction targets currently set out in Conditions B29 and B25 cannot be met, a reduction can still be achieved that provides a Neutral or Beneficial Effect (NorBE);
- the NorBE approach is recognised by Water New South Wales as an industry standard stormwater assessment approach; and
- Sydney Water has confirmed (refer to the Sydney Water Correspondence included in **Attachment B**) that the proposed pollutant load targets, as set out within the modification applications are reasonable.

2.0 Sydney Water Submission

It is noted that the submission from Sydney Water, dated 17th April 2019 determined that the development did not require assessment by Sydney Water. Notwithstanding this, given Sydney Water is the governing authority for the site, further consultation was undertaken and a meeting was held on 7th May 2019 between Mirvac's project team and the Sydney Water representatives. In correspondence dated 8th May 2019 (**Attachment B**), Sydney Water confirmed that our proposed approach was reasonable and therefore it had no objection to the proposed modification to the stormwater quality assessment.

3.0 Conclusion

We trust that the information provided within this submission adequately addresses Council's submission to SDD 8517 – MOD 1 and SSD 8449 – MOD 1, and the Department can finalise it's assessment report and provide a positive determination recommendation to the Independent Planning Commission.

Yours sincerely,

Claire Burdett

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