



22 February 2019

**State Significant development applications for the adaptive reuse of the Locomotive Workshop, Australian Technology Park  
(Bays 1-4a: SSD 8517 and Bays 5-15: SSD 8449)**

**1. INTRODUCTION**

1. On 9 November 2018, the NSW Independent Planning Commission (**Commission**) received from the NSW Department of Planning and Environment (**Department**) two State significant development (**SSD**) applications (**Applications**) from Mirvac Projects Pty Ltd (**Applicant**) to the Locomotive Workshop in the Australian Technology Park (**ATP**).
2. The Commission is the consent authority in respect of the SSD Applications under Section 4.5(a) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)* as the:
  - applications constitute SSD under section 4.36 of the EP&A Act as each Application has a capital investment value of more than \$10 million and is located within the Redfern-Waterloo site, as identified under Schedule 2 Clause 2 of the SEPP SRD; and
  - Department received more than 25 submissions from the public objecting to the SSD Applications.
3. Professor Mary O’Kane AC, Chair of the Commission, nominated John Hann (Chair), Professor Zada Lipman and Adrian Pilton to constitute the Commission determining the SSD Applications.
4. The Commission notes that there are two SSD Applications (SSD 8517 and SSD 8449) and has decided to assess both applications concurrently as they are within the same subject site. The SSD Applications seek to adaptively reuse the existing Locomotive Workshop for mixed use purposes.

**1.1 Site and locality**

5. The site has an area of approximately 26,984 square metres (m<sup>2</sup>) and is legally described as Lot 4000 DP 1194309 at 2 Locomotive Street, Eveleigh in the ATP in the City of Sydney local government area (**LGA**).
6. The site is located within the northern portion of the ATP, immediately south of the railway line with its main southern frontage to Locomotive Street.
7. The site is known as the Locomotive Workshop, which is listed as a State Heritage Item under the NSW State Heritage Register. The Locomotive Workshop is the most significant heritage building in the ATP. The ATP is also listed on the S170 Heritage and Conservation Register.

8. The site comprises a 2-storey sandstone brick neoclassical structure which is divided into 16 equal sized bays oriented north south and characterised by internal hollow cast iron columns, wrought iron trusses and corrugated iron roofing.
9. The ATP is identified in the Redfern-Waterloo Built Environment Plan (Stage One) (**RW BEP**). The new business park is proposed to harness the potential job growth and activity around Redfern railway station to meet local and metropolitan employment needs. Figure 1 identifies the location of the site.

Figure 1: The SSD Applications within the ATP Precinct (Source: Department's Assessment Report)



## 1.2 Background to the SSD Applications

10. On 20 December 2016, the then Planning Assessment Commission approved SSD 7317 for development at the ATP. This application included a new commercial campus in the site comprising 3 mixed use buildings to include commercial, retail, community office, child care and gym uses and associated public domain improvements. The ATP is subject to a number of SSD applications, these are summarised in paragraph 17.
11. The Commission notes the ATP public domain works have been modified since SSD 7317 was approved. At the time of writing this report, the Commission notes Modification 12 (SSD 7317) was being assessed by the Department to make further changes to the approved plan.
12. SSD 8517 (Bays 1-4a) includes demolition of the existing infill fit-out and the adaptive reuse of the Bays for a mix of retail, function centre, information and education, industrial and recreational uses. The SSD retains the Blacksmith's operations and provides for public domain works. Internal and external works are proposed to facilitate



the new uses. The proposal also involves the relocation of heritage items and heritage interpretation and conservation works.

13. SSD 8449 (Bay 5-15) includes demolition of the existing infill fit-out and the adaptive reuse of the Bays for commercial and light industrial uses and public domain improvements.
14. Both SSD Applications were publicly exhibited by the Department from 16 November 2017 to 15 December 2017.
15. The Department received 79 submissions in response to the exhibition, comprising submissions from 7 Government agencies, 1 from the City of Sydney Council (**Council**) and 71 public submissions (65 objecting and 6 providing comments).
16. The proposal was referred to the Commission for determination as more than 25 public objections were received as part of the public exhibition.

Figure 2: The ATP (Source: Department's Assessment Report)



### 1.3 Summary of ATP approvals relevant to the site

17. A chronology of the relevant approved applications applicable to the ATP (SSD 7317) is provided below:
  - 20 December 2016 – the Planning Assessment Commission approved a SSD application (SSD 7317) for new a commercial campus comprising 3 mixed use buildings to be used for commercial, retail, community office, child care and gym purposes. The SSD included associated public domain improvements;
  - 26 June 2017 – the Department approved SSD 7317 Modification 1 to defer the approval of landscaping/public domain plans and stage the delivery of the public domain works;
  - 22 August 2017 – the Department approved SSD 7317 Modification 2 to modify

- the voluntary planning agreement, car parking, signage zone on Building 1 and internal and external alterations to Building 2;
- 20 October 2017 – the Department approved SSD 7317 Modification 4 to increase the height of roof top plant on Building 1;
  - 1 December 2017 – the Department approved SSD 7317 Modification 3 to modify Building 3, including changes to the design, increase in Gross Floor Area (GFA), introduce a roof top community garden and signage zones;
  - 29 June 2018 – the Department approved SSD 7317 Modification 5 to introduce a concrete structure below Locomotive Street to accommodate a future travelator connecting Building 2 (lower ground level) to the Locomotive Workshop;
  - 17 July 2018 – the Department approved SSD 7317 Modification 7 to modify Building 1, including changes to the external facades, signage zone and addition of plant on the roof level;
  - 16 August 2018 – the Department approved SSD 7317 Modification 6 to modify Building 2, including changes to the lower and upper ground floor level layouts, façade materials, signage zones and car parking;
  - 3 September 2018 – the Department approved SSD 7317 Modification 10 to modify building 3, including internal reconfiguration, additional GFA and façade materials;
  - 24 September 2018 – the Department approved SSD 7317 Modification 8 to modify the cycle parking in Building 1, Building 2 and the public domain;
  - 23 October 2018 – the Department approved SSD 7317 Modification 13 to modify Building 1 to extend the lower ground floor child care terrace;
  - 30 October 2018 – the Department approved SSD 7317 Modification 14 to modify Building 2 roof materials and signage zone; and
  - 15 November 2018 – the Department approved SSD 7317 Modification 11 to amend conditions relating to the delivery and timing of works.

#### 1.4 Summary of the proposed SSD Applications

18. The SSD Applications before the Commission for determination propose to adaptively reuse the Locomotive Workshop. Specifically, the SSD Applications seek approval for:

##### *SSD 8517 (Bays 1-4a):*

- demolition of existing modern infill fit-out elements;
- adaptive reuse of the Bays 1-4a and two annex structures for a mix of retail premises uses, function centre uses, information and education facility uses, general industrial uses, recreation facility (indoor) uses and associated back of house facilities including a loading dock and travelator;
- construction of internal and external alterations to Bays 1-4a;
- establishment of a maximum quantum of 11,358m<sup>2</sup> GFA to be provided within Bays 1-4a;
- relocation of moveable heritage items;
- heritage interpretation and conservation works; and
- public domain improvements

##### *SSD 8449 (Bays 5-15):*

- demolition of existing modern infill fit-out elements to Bays 5-13, Bay 15 and two annex structures;
- adaptive re-use of Bays 5-13, Bay 15 and two annex structures for commercial premises uses and light industrial floorspace;
- construction of internal and external alterations to Bays 5-13, Bay 15 and to the

- two annex structures and roof;
- establishment of a maximum of 27,237m<sup>2</sup> GFA for commercial premises uses within Bays 5-15 and the two annex structures;
- on-street car parking and loading and servicing bays;
- public domain improvements; and
- associated utilities and infrastructure

Figure 3: Proposed ground floor plan (Source: Department's Assessment Report)

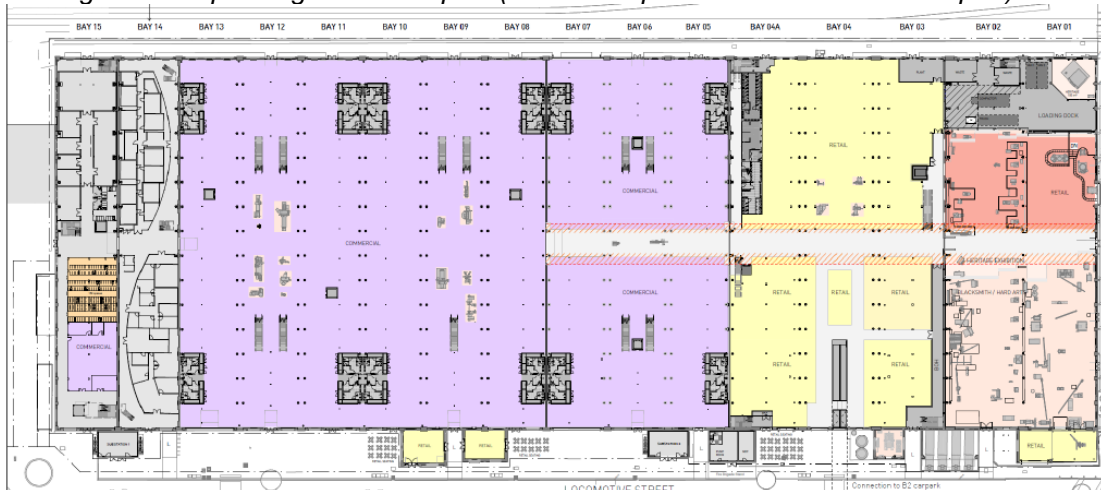
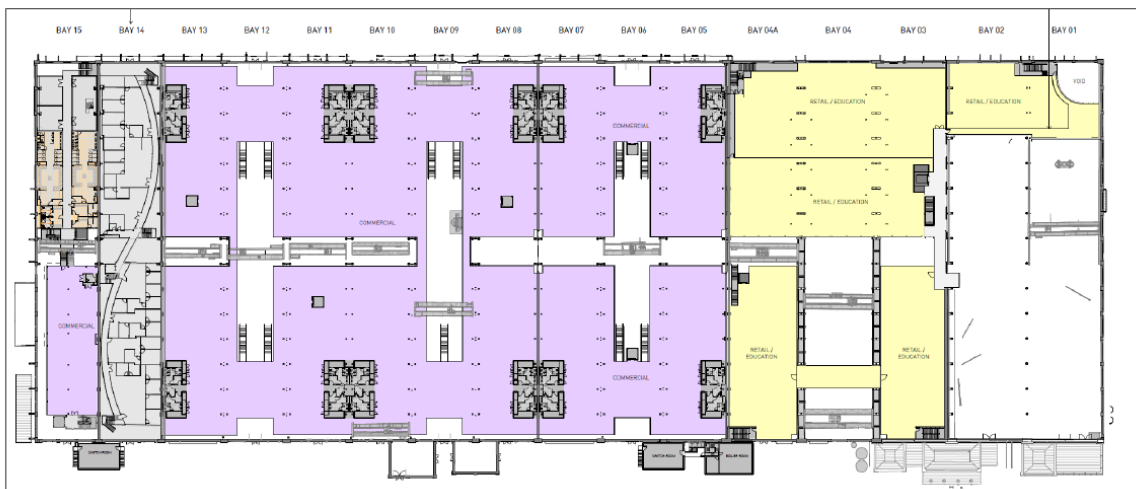


Figure 4: Proposed first floor plan (Source: Department's Assessment Report)



### Stated need for Applications

19. The Applicant's EIS states that the strategic need for the SSD Applications are as follows:
  - "...provide an exceptional experience for the future workers and visitors within the ATP, local Eveleigh and Redfern communities as well as the wider Sydney population;
  - ...there was a need to provide a critical mass of retail floorspace, that was not provided by the development included within SSD 7317;
  - ...it was determined that in order to generate significant and frequent visitation, a key established anchor and everyday offer such as a supermarket, would be fundamental to attracting other speciality retailers, including food and beverage

- *type retails and bespoke make/seller operations;*
- *...responds to the NSW Government's requirement to unlock the social and economic benefits that the ATP has held, as well as providing a range of goods and services for the local community...; and*
- *...responds to the NSW Government's requirement to unlock the social and economic benefits that the ATP has held, as well as providing a mix of commercial tenancies to support and nurture a new innovative, creative and entrepreneurial based working community..."*

## 1.5 Chronology of the SSD Applications

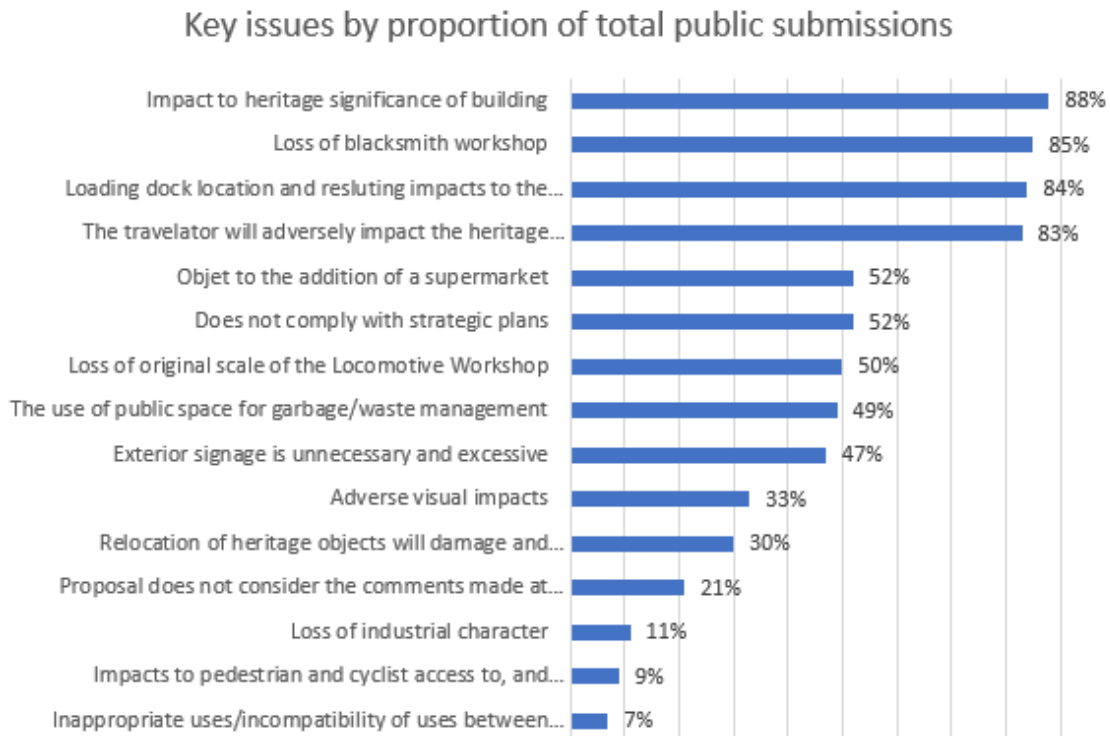
20. A chronology of the history of the SSDs (SSD 8449 and SSD 8517) is provided below:
- 8 June 2017 – the Department issued Secretary's Environmental Assessment Requirements (**SEARs**) for SSD 8449;
  - 26 June 2017 – the Department issued SEARs for SSD 8517;
  - 16 November 2017 – the proposals were exhibited from 16 November 2018 until 15 December 2017 (30 days);
  - On 21 December 2017 – the Department requested additional information for both proposals in response to the issues raised in the submissions;
  - On 12 June 2018 – the Applicant provided a Response to Submissions (**RTS**) for each application which were made publicly available on the Department's website;
  - The RTS for each SSD was referred to Council and relevant agencies;
  - In August 2018 - the Applicant provided an addendum to each RTS dated 7 August 2018. The addendums were provided in response to the Department's request for further information in response to the submissions received on each RTS;
  - 19 September 2018 – the Applicant requested additional amendments to SSD 8517. The Department considered the amendments would not result in additional environmental impacts beyond those previously exhibited and would therefore not warrant further exhibition. The Department placed the amendment request on its website and notified Council and the Heritage Council of NSW; and
  - 9 November 2018 – the Commission received a request from the Department for determination as more than 25 public objections have been received.

## 2. THE DEPARTMENT'S CONSIDERATION OF THE APPLICATIONS

### 2.1 Key steps in Department's consideration of the SSD applications

21. The Department's assessment report dated November 2018 stated that the SSD Applications were publicly exhibited from 16 November 2017 until 15 December 2017. A total of 79 submissions were received during the exhibition period, including 7 from Government agencies (**agencies**), 1 from Council and 71 from the public. Of the 71 submissions from the public, 65 objected to the proposal and 6 provided comments.
22. A summary of the matters raised in objections, and the percentage of submissions attributed to these matters is provided in Figure 5.
23. On 12 June 2018, the Applicant provided a RTS to address respective issues raised for each SSD application.

Figure 5: Key issues by issue and percentage of submissions that raised each issue  
(Base Source: Department's Assessment Report)



24. The Department's assessment report states that the RTS included the following amendments to the SSD applications:

SSD 8517 (Bays 1-4a):

- addition of education establishment land use
- increase proposed GFA by 318m<sup>2</sup> (from 11,358m<sup>2</sup> to 11,676m<sup>2</sup>);
- reconfiguration of the loading dock and reduction of the loading bays (from 5 to 3);
- move primary heritage exhibition and interpretation space from mezzanine level to the ground floor adjacent to the Blacksmith area;
- addition of a viewing platform over the Blacksmith workshop;
- new roof maintenance access system;
- outdoor seating in Innovation Plaza and Locomotive Street;
- public domain works within curtilage of the Locomotive Workshop, including drop off and on street loading spaces; and
- removal of one tree from Innovation Plaza and tree pruning for vehicular access to the loading dock.

SSD 8449 (Bays 5-15):

- increase proposed GFA by 221m<sup>2</sup> (from 27,237m<sup>2</sup> to 27,458m<sup>2</sup>);
- changes to layout of Bay 15, including changes to bicycle storage spaces and end of trip facilities;
- deletion of light industrial use in Bays 5-7 south and replacement with commercial uses;
- new plant platform on the roof within valleys of Bays 14 and 15; and
- new roof access maintenance system.

25. The Department's Report stated that the RTS was made available on its website and



was provided to agencies for final comment. Additional submissions were received from 4 Government agencies and Council.

26. The Department's assessment report stated that the Applicant provided an Addendum to the RTS, which provided the following further clarification and amendments:
- cycle access plan providing 46 visitor bicycle spaces in the public domain (SSD 8517);
  - provision of 215 bicycle parking spaces within Bay 15 (SSD 8449);
  - updated Arborist Report, confirming three trees in Innovation Plaza and one other tree will be impacted by service vehicle access to the loading dock in Bays 1-2 (SSD 8517);
  - removal of the works to the western turntable in Locomotive Street (SSD 8517);
  - further analysis of truck movements from Innovation Plaza into the loading dock; and
  - detail of the structural stability of brick paving in Innovation Plaza

## 2.2 The Department's assessment report

27. The Department's assessment report identified the following key assessment issues associated with the proposals:
- heritage conservation and management
  - transport, parking and access
28. The Department identified the following key heritage considerations to be:
- works to the heritage fabric
  - change of use
  - heritage interpretation including the Blacksmith operations
  - moveable and fixed (in situ) heritage collection
29. The Department identified the following key transport assessment issues to be:
- loading and servicing
  - cycling and pedestrian access
  - vehicle parking
  - traffic generation

Each of these above assessment issues are discussed in further detail in this report.

30. The Commission notes the Department's assessment report assessed the merits of the proposal, considered the issues raised in submissions and the Applicant's response/s to these. The Department is satisfied the heritage conservation and management and transport, parking and access impacts are satisfactorily addressed in the proposal and through the recommended conditions.
31. The Department considers,  
*"the proposal responds sensitively to the heritage significance of the site and the design principles underlying the heritage interpretation plan are sound and innovative. The Department recommends additional design detail be provided, guided by the finalised stage 2 Heritage Interpretation Plan (HIP) to ensure the interpretative principles are reflected in the final design."*
32. The Department considers the transport, parking and access to the Locomotive Workshop can also be appropriately managed. The Department recommends a



loading dock management plan to address traffic and servicing and to minimise any adverse impacts within the site and to surrounding local streets.

33. The Department's assessment report concludes the:
- *“adaptive reuse of the Locomotive Workshop will sensitively renew and revitalise the most significant heritage building in the ATP;*
  - *the Locomotive Workshop has a strong industrial character and the building is of significance for the local community; and*
  - *the proposal will provide for a high-quality working, social and heritage experience.”*
34. The Department's assessment concludes that both Applications are approvable subject to conditions of consent based on:
- *“a wide range of positive public benefits including employment opportunities located near the CBD and public transport;*
  - *improved public access to a state listed heritage building, heritage interpretation experiences; and*
  - *an improved public domain which will benefit workers, visitors and the local community.”*

### **3. THE COMMISSION'S MEETINGS AND SITE VISIT**

35. As part of its consideration, the Commission met with the Department and the Applicant. A public meeting was also held. A summary of the meetings, site inspection and public meeting is set out below. On 26 October 2018, the Commission wrote to Council to invite it to attend a meeting, however, Council declined.
36. All meeting and site inspection notes and transcripts were made available on the Commission's website on 5 December 2018.

#### **3.1 Meeting with the Department**

37. On 22 November 2018, the Commission met with the Department to discuss the SSD applications. Issues discussed at the meeting are recorded in the transcript and are available on the Commission's website.

#### **3.2 Briefing from the Applicant**

38. On 22 November 2018, the Commission met with the Applicant to discuss the SSD applications. Issues discussed at the meeting are recorded in the transcript and are available on the Commission's website.

#### **3.3 Site inspection**

39. On 22 November 2018, the Commission conducted an inspection of the site. The Applicant attended the site inspection.

### 3.4 Public Meeting

40. On 30 November 2018, the Commission held a public meeting at Rydges Sydney Central, 28 Albion Street, Surry Hills. A list of speakers that presented to the Commission, the transcript of the public meeting and a copy of the material tendered at the public meeting were made available on the Commission's website. An opportunity to lodge any written submission or comments was afforded until 7 days following the public meeting. Further submissions were received following the public meeting. A summary of issues raised in written submissions and by speakers is outlined below.
41. In summary, the main issues of concern included:
  - impacts to heritage significance of the building and heritage interpretation; and
  - impacts to the continued operation of the Blacksmith.

### 4. ADDITIONAL INFORMATION

42. The Commission received:
  - 8 comments from public following the public meeting;
  - 22 November 2018 – a request from the Applicant to amend Conditions C13 and E6; and
  - 4 December 2018 – a copy of the Heritage Public Positive Covenant and Attachments B and C from the Heritage Response Report prepared by Curio Projects that were submitted as Attachment E and Attachment D within the Response to Submissions packages for SSD 8517 and SSD 8449 respectively.
  - 12 February 2019 – the Commission received clarification from the Heritage Division of the Office of Environment and Heritage (OEH), as delegate of the Heritage Council, in relation to its position on the timing of the proposed Stage 2 Heritage Interpretation Plan. The Heritage Division also presented their position on the proposed travelator and loading dock.
  - 14 February 2019 – the Commission received a response from the Department in relation to the Heritage Division's clarifications from 12 February 2019.
  - 15 February 2019 – the Commission received a response from the Applicant in relation to information received from the Heritage Division and the Department on 14 and 15 February 2019.

All of the above information is available on the Commission's website.

### 5. THE COMMISSION'S CONSIDERATION

#### 5.1 Material considered by the Commission

43. In this determination, the Commission has carefully considered the following material (**material**):
  - the SEARs for SSD 8849 dated 8 June 2017 and SSD 8517 dated 26 June 2017;
  - the Environmental Impact Statement (EIS) for SSD 8449 and SSD 8217 dated 13 November 2017 and prepared by Ethos Urban, and its accompanying appendices;
  - the RTS for SSD 8517 dated 7 June 2018 prepared by Ethos Urban, and its accompanying appendices;
  - the RTS for SSD 8449 dated 12 June 2018 prepared by Ethos Urban, and its accompanying appendices;
  - the Addendum to the RTS for SSD 8449 and SSD 8517 dated 7 August 2018

- prepared by Ethos Urban, and its accompanying appendices;
- the Department's Report for SSD 8449 and SSD 8517 dated November 2018
- agency, Council and public submissions; and
- additional information received from the Applicant and the public following the public meeting (refer to paragraphs 42 and 45)

## 5.2 Mandatory considerations

44. In determining this application, the Commission has taken into consideration the following relevant mandatory considerations, as provided in section 4.15(1) of the EP&A Act (**mandatory considerations**):
- the provisions of all:
    - environmental planning instruments; and
    - proposed instruments that are or have been the subject of public consultation under the EP&A Act and that have been notified to the Commission (unless the Secretary has notified the Commission that the making of the proposed instrument has been deferred indefinitely or has not been approved); and
    - development control plans; and
    - planning agreements that have been entered into under s 7.4 of the EP&A Act, and draft planning agreements that a developer has offered to enter into under s 7.4;
    - the Environmental Planning and Assessment Regulations 2000 (Regulations) to the extent that they prescribe matters for the purposes of s 4.15(1) of the EP&A Act;
  - that apply to the land to which the SSD Application relates;
  - the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;
  - the suitability of the site for development;
  - submissions made in accordance with the EP&A Act and Regulations; and
  - the public interest.

## 5.3 Additional considerations

45. In determining this application, the Commission has also considered the:
- Heritage and public positive covenant, dated 13 March 2016;
  - ATP Conservation Management Plan (CMP) policies;
  - Heritage Asset Management Strategy 2013-2018 (HAMS);
  - ICOMOS Burra Charter 2013; and
  - NSW Heritage Council and The Royal Institute of Architects *New Uses for Heritage Places: Guidelines for the Adaption of Historic Buildings and Sites*.
46. The Commission has also had regard to the Objects set out in Section 1.3 of the EP&A Act. The Commission considers the proposed SSD Applications are generally consistent with the objects of the Act.

## 5.4 Relevant Environmental Planning Instruments

47. Under section 4.15 of the EP&A Act, the consent authority (the Commission) is required to consider any EPI relevant to the proposals. The relevant EPIs applicable to the SSD Applications include:
- *Heritage Act 1977*
  - *State Environmental Planning Policy (SEPP) (State and Regional Development)*

2011 (SRD SEPP)

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Urban Renewal) 2010
- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy No. 55 – (Remediation of Land)
- State Environmental Planning Policy 64 – Advertising and Signage
- Redfern-Waterloo Built Environmental Plan (Stage One)

*Project Permissibility*

48. The Department's assessment report states, *"the site is located within the Business Zone – Business Park zone of the Redfern-Waterloo Authority Sites in the SSP SEPP.*

*The proposed uses, including commercial premises, business premises, retail premises, information and education facility, function centre, educational establishment, general industrial and recreation facility (indoor) are all permissible with consent within the Business Zone – Business Park zone.*

*...The proposal also includes outdoor seating areas within Innovation Plaza associated with retail uses in the Locomotive Workshop. Innovation Plaza is zoned Recreation Zone – Public Recreation under SSP SEPP and retail uses are prohibited in this zone. However, Section 4.83(3) of the EP&A Act provides that development consent for SSD may be granted despite the development being partly prohibited by an environmental planning instrument (EPI)."*

49. The Commission accepts the finding within the Department's assessment report as outlined in paragraph 48, that despite the retail use being prohibited, consent may be granted. The Commission is satisfied the remaining proposed uses detailed in paragraph 48 are permissible within the Business Zone – Business Park zone. The Commission accepts the Department's finding that pursuant to *"Section 4.83(3) of the EP&A Act provides that development consent for SSD may be granted despite the development being partly prohibited by an environmental planning instrument (EPI)."* The Commission is therefore satisfied that development consent may be granted for the SSD Applications.

## **5.5 Relevant Proposed Instruments**

50. The Commission notes the Department's assessment report does not address the Draft Remediation of Land SEPP, which was on exhibition until April 2018. The Commission notes the Draft Remediation of Land SEPP will replace SEPP 55 and will continue to require works on environmentally sensitive land or carried out in association with development are undertaken with development consent. The Commission has reviewed the EIS and is satisfied that the development is consistent with the draft SEPP.

## **5.6 Relevant Development Control Plans**

51. As the proposals are SSD Applications, Development Control Plans do not apply (as per clause 11 of the SRD SEPP).



## 5.7 Relevant Planning Agreements

52. There are no planning agreements proposed in conjunction with the SSD Applications.

## 5.8 Relevant Draft Planning Agreements

53. There are no draft planning agreements offered in conjunction with the SSD Applications.

## 5.9 Applicable Regulations

54. The Department's assessment report states that, "*Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with*". The Commission accepts this finding. The Commission notes the Department's assessment report did not address *AS2601- demolition* pursuant to Clause 92 of the Regulations. The Commission has reviewed the SSD Applications and is satisfied the Applicant has adequately addressed *AS2601 – demolition*.

## 5.10 Secretary's Environmental Assessment Requirements (SEARs)

55. On 8 June 2017 (SSD 8449) and 26 June 2017 (SSD 8517) the Department notified the Applicant of the Secretary's SEARs for the SSD Applications.
56. The Department's assessment report states that, "*The Department is satisfied that section 2.7 of each EIS adequately addresses compliance with the respective SEARs to enable the assessment and determination of the proposal*". The Commission accepts the findings of the Department's assessment report and finds the information provided enables the Commission to assess and determine the proposals.

## 5.11 Region and District Plans

### *Greater Sydney Region Plan*

57. The Greater Sydney Region Plan (**GSR Plan**) integrates land use, transport and infrastructure planning across Greater Sydney. It outlines how Greater Sydney will be transformed into a metropolis of three cities. The site is located in the Eastern Harbour City of the GSR Plan.
58. The Region Plan sets ten directions, including a city supported by infrastructure, a collaborative city, a city of people, housing the city, a city of great places, a well-connected city, jobs and skills for the city, a city in its landscape, an efficient city and a resilient city.
59. The Department's assessment report finds the proposals are consistent with the GSR Plan as it:
- *delivers a healthy, safe and inclusive space for people of all ages in a well-designed built environment and encourages opportunities to walk, cycle and use public transport (objective 7 and 12);*
  - *fosters creative, culturally rich communities by supporting creative and innovation industries through adaptive reuse of a heritage building, retention of the Blacksmith/arts work space and creation of heritage interpretation and exhibition*

- spaces (objective 9);
- adaptively re-uses built heritage building and provides public access to heritage buildings and items (objective 13);
- revitalises commercial floor space and ancillary retail uses to contribute to growth of an internationally competitive economy in the Eastern Economic Corridor and the Redfern to Eveleigh corridor (objective 15);
- provides additional jobs, of which a significant proportion will be highly skilled for the Harbour CBD to be stronger and more competitive (objective 18); and
- supports growth of the Innovation Corridor by providing floorspace for creative and digital industries in a heritage listed building that is well connected to public transport (Objective 21).

60. The Commission accepts the findings of the Department's assessment report as outlined in paragraph 59. The Commission considers the SSD Applications to be consistent with the GSR Plan as they will in particular foster creative, culturally rich communities by supporting and innovation industries through the adaptive reuse of the heritage building and retain the blacksmith/arts work space and create a heritage interpretation and exhibition space.

#### *Eastern City District Plan*

61. The Eastern City District Plan (District Plan) is a 20-year plan to manage growth in the context of economic, social and environmental matters. The District Plan guides the decisions of State agencies and informs the private sector and the wider community of approaches to manage growth and change.

62. The District Plan identifies the ATP in the Central to Eveleigh Precinct and the Innovation Corridor. The Department's assessment concludes that the proposal will support the Innovation Corridor through the provision of technology focused commercial uses, start-ups and knowledge intensive industry to support productivity and growth.

63. The Department's assessment report finds the proposals to be:  
*"consistent with the relevant priorities of the Eastern City District Plan as it will:*

- *revitalise and adaptively reuse underutilised floor space within the heritage listed Locomotive Workshop;*
- *provide floor space to accommodate a range of commercial uses; and*
- *provide unique retail opportunities to serve the increasing working population at the ATP and the surrounding local community".*

64. The Commission accepts the findings of the Department's assessment report in paragraph 63. The Commission finds the SSD Applications to be consistent with the priorities of the Eastern City District Plan as they will revitalise and adaptively reuse the underutilised floor space within the heritage listed building.

#### **5.12 Likely impacts of the development on both natural and built environments**

65. The Commission considers the key environmental impacts relevant to the SSD Applications include:

- heritage conservation management
  - loading dock
  - travelator

- demolition and internal works
- Blacksmith operation
- traffic and access
  - access to the loading dock
- public domain
  - tree removal
- other
  - signage zones
  - ecologically sustainable development (ESD)
  - construction management
  - Positive Covenant

### **5.12.1 Heritage conservation management**

#### *Public and Council comments*

66. The Commission heard concerns from speakers at the public meeting and written submissions regarding the impacts to the significant heritage fabric. These concerns included:
- loading dock location and resulting impacts to the Davy Press and Furnace, Innovation Plaza and the public domain;
  - the impact of the travelator on the significant heritage fabric of the building;
  - works to the heritage fabric including fit out, new floor and roof upgrade;
  - preservation of the site's intangible cultural heritage;
  - the social and labour historical importance of the site;
  - treatment of moveable heritage; and
  - the staging of the preparation of the Heritage Interpretation Plan (HIP)

#### Loading Dock

##### *Applicant's consideration*

67. The Applicant's RTS outlines a new loading dock in the northern portion of Bays 1 and 2, with vehicular access from Innovation Plaza through an existing opening in the eastern elevation of the building. The loading dock will be used for deliveries and waste servicing for the Locomotive Workshop.
68. In the RTS, the Applicant amended the loading dock design to reduce the number of vehicle bays and included a new part glazed / part solid wall to separate the loading dock from the remainder of Bays 1 and 2 and to protect the heritage items within these bays. The loading dock comprises 3 vehicle bays, 2 waste storage rooms and a compactor.
69. The Applicant provided additional information to the Commission as detailed in paragraph 43. The Applicant also referred the Commissioners to review "*Section 2.23 – Heritage Management documents of the Heritage Response Report that directly addresses how the development complies with the requirements of the Heritage Public Positive Covenant*".
70. The Applicant provided a Heritage Impact Statement (HIS) and a Heritage Response,

prepared by Curio Projects to accompany the EIS and RTS respectively, which state,

- *“it is important to consider the adaptive reuse of the building and to consider realistically how the story of the current use of the spaces in Bay 1 and 2 can be told and the history of the space presented;*
- *the site is currently not visited on a regular basis;*
- *there will be impacts associated with the loading dock and adaptive reuse of the space, these impacts have been minimised as much as possible through the use of transparent, light-weight reversible materials and will be offset by the opportunities new visitation to the site provides in terms of telling the significant stories about the people and the industries that ATP once housed;*
- *the adaptive reuse of the space will allow for reinterpretation, engagement with the collection and the opportunity to introduce interpretational elements into the space. These interpretational elements can be installed without major permanent physical impacts.*
- *the long-term benefits of allowing the loading dock to be implemented must be weighed against the status quo. The loading dock allows for the ongoing viability and active use of the building.*
- *...the best way to conserve a heritage building, structure or site is to use it. Adaption or adaptive reuse offers news uses for old places...”*

71. The further information provided by the Applicant on 3 December 2018 to the Commission reaffirmed that the SSD Applications are consistent with the Heritage Public Positive Covenant, including the CMP for the Locomotive Workshop building and the ATP. The Commission notes the Applicant does not seek to extinguish the positive covenant, as such, it will continue to be a relevant means to ensure the site is protected.

#### *Department’s consideration*

72. The Department’s assessment report states that, *“the proposal includes demolition of the modern internal fit out elements constructed in the mid-1990s (except Bay 14). This will enable the Locomotive Workshop to be returned to the base building and allow an archival record of the original heritage fabric”*. The Department also states, *“submissions raised concerns about the impact of the loading dock on heritage significance, such as the loading dock separating the Davy Furnace and Press”*.
73. The Department also notes, *“concerns raised by the Heritage Council and Council in relation to the heritage impacts to the Davy Furnace (from enclosure and service vehicles) and the protection of other significant fabric, have been addressed in the Applicant’s RTS, to the satisfaction of both stakeholders”*. The Department further states, *“as requested by the Heritage Council, the Department recommends a condition requiring detailed drawings of the proposed loading dock, loading dock wall protection, loading dock wall design and barriers to protect the Davy Furnace and significant heritage fabric to be prepared in consultation with the Heritage Council and Council prior to the issue of the construction certificate”*.
74. The Department states that it, *“is satisfied that the following measures will enable significant fabric and machinery within the loading dock, including the Davy Furnace, to be protected from service vehicles:*
- *the loading dock uses an existing opening in the eastern elevation for vehicle access and results in no significant changes to the heritage fabric;*
  - *works to the loading dock are fully reversible; and*



- *barriers will be placed on the wall to protect the wall and heritage machinery”*
75. The Department’s assessment report states that it *“acknowledges that the proposed new glazed loading dock wall results in a physical separation between the Davy Press and Furnace”*. The Department further states that it *“has considered the heritage impacts of the loading dock to the Davy Press and Furnace, and considers the approach is reasonable as,*
- *the internal loading dock walls (within Bay 1) are proposed to be glazed to provide views from the Davy Press through the loading dock to the Davy Furnace and vice versa;*
  - *vehicle parking zones within the dock are positioned so vehicles will not obstruct views from the public areas to the Davy Furnace;*
  - *the loading dock wall within Bay 2 will be solid to conceal back of house facilities and display moveable heritage tools/heritage interpretation;*
  - *the mezzanine level above the dock provides views of the Davy Press; and Furnace as well as views of the machinery in the southern parts of the Bay 1 and 2.”*
76. The Department recommends a condition (Condition 38) requiring detailed drawings of the proposed loading dock, loading dock wall protection, loading dock wall design and barriers to protect the Davy Furnace and significant heritage fabric, to be prepared in consultation with the Heritage Council and Council prior to the issue of the construction certificate.

#### *Commission’s consideration*

77. The Commission accepts the conclusions of the Department outlined in paragraphs 71 to 75 above because the significant fabric and machinery within the loading dock will be protected and remain visible to the public, as outlined in paragraphs 73 and 74. The Commission has assessed the location of the proposed loading dock in response to the public and Council comments as set out in paragraph 66.
78. In relation to potential impact on heritage issues, the Commission has carefully considered the position of the Applicant as well as the Department’s assessment report and the public submissions (both written and verbal during the public meeting). In addition, the Commission notes the comments from Heritage Council, specifically in relation to this matter as set out in their response to the applicant’s EIS, dated 15 December 2017 and response to the Commission on 12 February 2019.
79. The Commission is satisfied that the proposed loading dock is the best available solution within the building as it represents the least impact in relation to heritage matters as it is sited adjacent to an existing opening in the eastern elevation of the building.
80. The Commission accepts the Department’s recommendation as outlined in paragraph 74 and includes the recommended condition (Condition 38) as it will ensure the Davy Furnace and significant heritage fabric are protected.
81. The introduction of the proposed loading dock will result in a physical separation between the Davy Press and Furnace. However, the Commission considers this impact to be acceptable on balance, given both heritage items can remain in place with suitable protection measures. The Commission also acknowledges that all proposed works are fully reversible.

82. In order for the proposed retail function of the development to operate successfully, the Commission acknowledges that there must be a strong operational nexus between the loading dock and the proposed retail uses. The Commission notes the loading dock is located within close proximity to the retail and supermarket spaces, permitting the efficient operation of these future uses, which are critical to the future activation of the building.
83. In terms of the proposed interface with the adjacent public domain at Innovation Plaza, the Commission is satisfied that this is acceptable for the following reasons:
- the future operation of the loading dock is subject to an approved Plan of Management to manage conflicts between vehicles and pedestrians, hours of operation and ability to exit in a forward direction, and active management measures;
  - provision of physical landscaping and street furniture with Innovation Plaza to passively manage risks associated with trucks reversing into the loading dock;
  - removing on-street loading and off-loading from large trucks in Locomotive Street; and
  - the above measures will be required in the proposed Loading Dock Management Plan as required in the proposed conditions of consent.
84. Based on the above analysis of the material, the Commission finds that the loading dock is acceptable because it will have a limited impact on the significant heritage fabric of the building, the proposed work is fully reversible, is needed to service the operation of the proposed commercial and retail uses and can operate in a safe and effective manner.
85. The Commission notes paragraph 71 and accepts that the Positive Covenant is retained to protect the site. The Commission notes the recommended conditions require the CMP, HAMS and MCMP for the site to be updated following completion of the works at the Locomotive Workshop. All documentation is to be completed and submitted to the Heritage Council for endorsement within 24 months.

### Travelator

#### *Applicant's consideration*

86. The Applicant proposes to include a travelator under Locomotive Street to connect the Locomotive Workshop (Bay 4) with visitor car parking in Building 2. While SSD 7317 MOD 5 approved the excavation for a concrete shell from Building 2 to the boundary of the Locomotive Workshop, the travelator and the remainder of the excavation, concrete shell and heritage interpretation is proposed in the current SSD 8517.
87. The RTS provided additional information regarding the structural works to protect the stability of the Locomotive Workshop during excavation. The Applicant's structural statement advised that the foundations on the south elevation, in the area of the tunnel, will be strengthened to protect the existing building.
88. The Applicant proposes to use the travelator tunnel as a heritage interpretation space, including interpreting the original brick arch in the design, featuring elements from the former Foundry as well as visual and audio-visual displays. This will be included as part of the detailed Heritage Interpretation Plan (HIP) Stage 2.

#### *Department's consideration*

89. The Department's assessment report states that, *"the Heritage Council commented that previous concerns regarding the brick arched footings of the building have been addressed in the Applicant's RTS"*.
90. The Department also states, *"the Department is satisfied that the proposed travelator will not adversely impact significant heritage fabric, as the works are located below ground and the structure of the building will be protected during the excavation. However, the Department recommends a condition requiring the detailed plans of the travelator design and balustrade to be prepared, in consultation with the Heritage Council and Council, prior to the issue of the construction certificate"*.
91. The Department notes that, *"the HIS identified the risk of excavation uncovering in-situ Aboriginal archaeological sites to be low to nil and unlikely that any European archaeology will be found. The Heritage Council has provided no further comments regarding the proposed excavation and recommends surveying and archival recording of the footings as an appropriate methodology for recording. The Department agrees with this approach and recommends a condition in accordance with the Heritage Council's recommendation for an unexpected finds protocol"*.

#### *Heritage Council consideration*

92. In its response to the Department (at the EIS stage) the Heritage Council states,
- *"there is in principle support for the redevelopment of the Workshops, however there are a number of components where additional detail is required to better understand and assess the heritage impacts of the proposal.*
  - *the installation of the travelator will impact on fabric associated with the brick arched footings of the building to connect the Locomotive Workshops to Building 2 through a proposed subterranean tunnel within Bay 4. The works include surveying and archival recording of the brick arched footings prior to their removal which is considered an appropriate methodology for recording. Additionally, the proposed unexpected finds protocol recommended during works is considered a suitable mitigative measure to potential impacts on archaeological resources if present.*
  - *further design resolution of the proposed new travelator in Bay 4 is required ...and must be provided to the Heritage Council for assessment prior to approval of this project."*

#### *Commission's consideration*

93. The Commission notes the Department is satisfied that the proposed travelator will not adversely impact significant heritage fabric, as outlined in paragraph 90. The Commission supports the Department's finding. The Commission accepts the recommended condition as outlined in paragraph 90 as it will ensure the design of the travelator and balustrade will not adversely impact significant heritage fabric.
94. The Commission accepts the Department's condition, outlined in paragraph 91 above, to protect potential archaeological findings as it provides a plan in the event Aboriginal or European archaeology is identified during works.

95. The Commission notes that the Heritage Council provides in principle support for the redevelopment of the Workshops, but requires additional detail to better understand and assess the heritage impacts as outlined in paragraph 92.
96. The Commission notes the Department's assessment report states the Heritage Council commented that its previous concerns regarding the brick arched footings of the building, which may be impacted by the travelator, have been addressed in the RTS.
97. The Commission notes the existing approval for SSD 7317 MOD 5 approved part of the excavation and travelator. These works adjoin the proposed location of the remainder of the travelator.
98. The Commission accepts the finding of the Department in its assessment report that the travelator is necessary as it will support the operation of the proposed adaptive re-use of the building. The Commission notes and accepts the Heritage Council's recommended condition requiring surveying and archival recording of the footings as an appropriate methodology for recording as set out in paragraph 92. The Commission's position on the timing of further design resolution is outlined in paragraph 116.

#### Demolition and internal works

##### *Applicant's consideration*

99. The Applicant seeks approval for new building works, such as partition walls, mezzanine levels, floor finishes, service pods, as well as roof re-cladding and roof platforms. The proposal does not seek approval for the specific fit out and operation of the commercial and retail tenancies.

##### *Department's consideration*

100. The Department's assessment report states that,  
*"the RTS provided additional detail and advised that a key principle is the ability for the proposed works to be reversed and to be clearly distinguish between the new works and the original heritage fabric of the building, with no long-term physical impact on significant fabric"*.
101. In response to the Applicant's EIS, the Heritage Council advises that,  
*"further design details, including materials, methods and finishes, for all the internal additions must be provided to the Heritage Council for assessment prior to approval of this project to ensure that any adverse impacts to significant fabric are avoided. The Department's states, "the Heritage Council advised that the RTS addressed most of its concerns, but requested further detail on the design of the internal lighting, handrails, external substation works, inter-tenancy walls, roof plant and new services."*
102. The Commission notes the Department's recommended conditions include a requirement for the detailed design/drawings to be prepared in consultation with the Heritage Council NSW and Council.
103. The Department's assessment report states, *"the specific fit out and operation of the retail and commercial tenancies will be subject to future development applications"*.



104. The Department also states that it *“is satisfied the proposed new building works respect the significant heritage fabric as:*
- *Bays 1-4a and 5-13 comprise one mezzanine level, allowing the building to be open to the roof structure, retaining key views and vistas, including the volume of the building and significant elements including cast iron columns, roof trusses, steel girders and overhead cranes;*
  - *the works are reversible, comprising a lightweight steel frame that is self-supporting and sits within the building envelope of the Locomotive Workshop, which minimises the impact on the significant heritage fabric of the building;*
  - *the roof works will improve thermal and daylight performance of the building;*
  - *the fit out and operation of the commercial and retail tenancies are subject to future development applications, which will be informed by detailed fit out design guidelines;*
  - *the new roof plant platforms are located within the valleys of the roof between Bays 3-4, 4-4a and 14-15, to minimise visibility from Locomotive Street and the railway line;*
  - *the floor in the Blacksmith area will be returned to its original industrial finish (hard packed earth);*
  - *the existing concrete floor slab is to be retained and the new floor treatment is consistent through Bays 1-13 to maintain the spatial quality of the Locomotive Workshop and reflect the interpretation of the former railway tracks that run east west through the workshop.”*

#### *Commission’s consideration*

105. The Commission accepts the Department’s assessment report finding that the proposed works can be reversed and the proposal will be clearly distinguish between the new works and the original heritage fabric of the building, with no long-term physical impact on significant fabric as outlined in paragraph 100. The proposals will result in the original fabric being visible and will provide an opportunity for the fabric to be documented. The Commission supports the recommended conditions by the Department.
106. The Commission notes the Department’s assessment report states that the RTS addressed most of the Heritage Council’s concerns as outlined in paragraph 101. The Commission notes that the Department’s conditions include a requirement for the detailed design to be prepared in consultation with the Heritage Council NSW and Council. The Commission agrees with this condition also outlined in paragraph 101 as it will protect the significant heritage fabric.

#### *Heritage Interpretation*

#### *Applicant’s consideration*

107. In its RTS, the Applicant states that, *“Given the highly significant heritage nature of the Locomotive Workshop, and in particular the sensitivities that surround Bays 1 and 2, in order to guide and inform the detailed design elements within the Bays 1-4a”* it will commission a Stage 2 HIP in consultation with the Heritage Division, the City of Sydney Council and other relevant stakeholders as necessary.
108. The Applicant outlines a recommended condition of consent for the Stage 2 HIP to be

approved prior to the issue of the first occupation certificate.

#### *Heritage Council consideration*

109. In its submission to the Department dated 15 December 2017, the Heritage Council stated,  
*“The underlying design principles for the development of the place’s interpretation are sound and innovative, in particular seamless – connecting inside and outside in one seamless interpretive experience. However, how this is currently informing the project’s detailed design and into the public domain design is yet to be further demonstrated.”*  
and  
*“It is understood that the Stage 2 Interpretation Strategy is currently in preliminary design phase. The plan must be further developed in consultation with the Heritage Division as delegate of the Heritage Council. The interpretation detailed design must include the public domain, lighting and signage. It must clearly integrate into the project’s overall detailed design and be provided to the Heritage Council prior to the approval of this project.”*
110. However, the Commission notes that the Heritage Division, as a delegate of the Heritage Council, stated in their response to the Commission of 12 February 2019 that,  
*“It is acceptable to the Heritage Division that Stage 2 Heritage Interpretation Plan be submitted for approval prior to the first Occupation Certificate”.*  
and that,  
*“In addition, as the Stage 2 Heritage Interpretation Plan will now not be submitted prior to the first Construction Certificate, the Heritage Division does not agree at this stage to the proposed traveller tunnel as it is a high adverse heritage impact to the place. The Heritage Division requires the further detailed developed of the interpretation plan and design to understand how this will mitigate/offset the impacts of this proposed component. The proponent has known of this requirement since 2017. This advice also applies to the proposed loading dock.”*

#### *Department’s consideration*

111. The Department’s assessment report notes that,  
*“while the Heritage Council of NSW supports the proposal, it requested continued involvement in the preparation and endorsement of the HIP, as well as future detailed design of various stages of the development (in particular for the loading dock, travelator and heritage interpretation space).”*
112. The Department also notes that,  
*“The Applicant contends (in its RTS) the requirement for the stage 2 HIP to be approved prior to the issue of the first construction certificate is unnecessary, would result in a poorly developed HIP, delay works and is not consistent with what was required for SSD 7317”.*
113. The Department states that it,  
*“also agrees that the HIP focusses on heritage interpretation, rather than informing the detailed design works”*  
and  
*“supports the proposed timeframe for the Stage 2 HIP (being prior to the first*

*occupation certificate for Locomotive Workshop) as this will allow further stakeholder consultation, including with the Heritage Council, final content development and design of physical installations, after the base build but before occupation”.*

114. The Department concludes,  
*“In response to the concerns raised by the Heritage Council, the Department recommends a specific requirement that the stage 1 HIP be reviewed and updated (before the first construction certificate) and the stage 2 HIP for the Locomotive Workshop be consistent with the updated stage 1 HIP (for the whole ATP and already approved). This will ensure that the detailed design of works within the Locomotive Workshop will be informed by, and have regard to, the up to date HIP”.*

#### *Commission’s consideration*

115. The Commission notes the public concerns as set out in paragraph 66 regarding the staging of the preparation of the HIP. The Commission also notes that the Department’s conclusion as to the timing of the Stage 2 HIP as set out in paragraph 113 was contrary to the initial recommendation of the Heritage Division, as a delegate of the Heritage Council, as set out in paragraph 109, but is now consistent with the Heritage Council’s position in paragraph 110. However, the Department’s conclusion does not address the concerns of the Heritage Division, as a delegate of the Heritage Council, as set out in paragraph 110 in relation to the travelator and loading dock. The Commission notes that the Department’s statement outlined in paragraph 113 is inconsistent with the position of the Applicant outlined in paragraph 107. The Applicant noted that it will commission a stage 2 HIP in order to guide and inform the detailed design elements within the Bays 1-4a, whereas the Department states that the Stage 2 HIP will allow for final content development and design of physical installations.
116. The Commission finds that the Stage 2 HIP should be submitted for approval prior to the issue of the first Construction Certificate, given that a delay to the completion of this HIP until issue of the Occupation Certificate may exclude critical heritage interpretation from the final design, potentially significantly diminishing the heritage value of the Locomotive Workshop. The Commission finds that this would address the community’s concerns in relation to the staging of the HIP and the concerns of the Heritage Division, as delegate of the Heritage Council, outlined in paragraph 110 in relation to the travelator and loading dock. The Commission has subsequently included conditions B34 of SSD 8517 and B38 of SSD 8449 to reflect this position.

### **5.12.2 Blacksmith**

#### *Public comments*

117. The Commission heard concerns from speakers at the public meeting and received written comments regarding:
- the impacts to the significant heritage fabric, namely that the proposal will adversely impact the story sharing of the site’s social and labour history, continuation of the Blacksmith operations, reduce the Blacksmith area and introduce potentially incompatible retail uses; and
  - the impact on the social and labour historical importance of the site.

#### *Land use conflict and social and labour historical importance*

### *Applicant's consideration*

118. The Applicant states in its EIS that the current spaces within the Locomotive Workshop are underutilised and no longer reflect the busy vibrant workshop environment that once existed. The Applicant also advised the long-term conservation of the site is linked to the site's economic viability, which will be achieved through ongoing activation, use and visitation. This will be facilitated through the introduction of retail and commercial space, including the key retail anchor supermarket.
119. In the RTS, the Applicant reiterated its commitment to the ongoing operation of the Blacksmith and advised the activation of the Locomotive Workshop is underpinned by the Blacksmith operating in Bays 1 and 2. The Applicant also provided an indicative fit out for Bays 1 and 2 which demonstrates that future retail tenants, including food and beverage, can utilise the space in Bays 1 and 2 while interacting with the Blacksmith.
120. The Department's assessment report states, "*the Applicant has prepared additional air quality, acoustic and airborne contamination studies to demonstrate that the Blacksmith operation will not give rise to adverse impacts to staff or visitors*". This further information provided to the Department seeks to address potential land use conflicts between the Blacksmith operations and the future retail/commercial tenancies.

### *Department's consideration*

121. The Department states in its assessment report that, "*while Council and the Heritage Council did not raise concerns with the proposed uses, the Heritage Council sought clarification on any physical separation between the Blacksmith and other proposed uses*".
122. The Department's assessment report notes that, "*the Heritage Council guidelines on New Uses for Heritage Guidelines for the Adaption of Historic Building and Sites promotes the conservation of heritage buildings through adaptive reuse, offering a new use for an old place. The Department considers the proposal achieves this by providing an opportunity to reuse the Locomotive Workshop and conserve the significant heritage fabric in a sensitive and reasonable manner*".
123. The Department's assessment report notes, "*that the Applicant has prepared additional air quality, acoustic and airborne contamination studies to demonstrate that the Blacksmith operation will not give rise to adverse impacts to staff or visitors*". The acoustic study provided with the RTS finds the sound levels for the existing Blacksmith operation do not exceed the relevant Work Health and Safety (WHS) requirements and the fit out and operation of the future retail tenancies will be subject to separate development applications (DAs), with detailed acoustic consideration to occur at that stage.
124. The Department states in its assessment report that it supports the adaptive reuse of the Locomotive Workshop as proposed by the Applicant as,
  - "*the retail and tenancy works have been designed to be reversible and do not result in adverse impacts to the heritage significance of the building fabric;*
  - "*the change of use, particularly Bays 1-4a, will increase public access to the Locomotive Workshop and enable the wider appreciation and understanding of the site's history and heritage significance, including the moveable heritage collection;*
  - "*the existing blacksmith is retained in Bays 1 and 2 south and the proposal will*



*enhance the role of the blacksmith in the building by returning the floor materials to the original, replacing broken furnaces and heritage interpretation (including a viewing platform on level1);*

- *a heritage transition zone will be provided at the entrance to the supermarket tenancy to integrate the supermarket with the rest of the building; and*
- *reuse for commercial office space, which will be occupied by hundreds of workers, reflects the original function of the space.”*

125. The Department concludes that it,  
*“supports the proposed land uses, and considers the retail uses can operate in conjunction with the blacksmith without adversely impacting each other”.*

#### *Commission’s consideration*

126. The Commission acknowledges the possible future land use conflicts between the operations of the Blacksmith and the future retail/commercial spaces as outlined in paragraph 119 and notes these may arise due to the nature of the Blacksmith’s operations (noise, dust, odour).
127. The Commission acknowledges the proposed developments may lead to an impact on the social and labour history of the site as raised by the community at the public meeting and outlined in paragraph 117. The Commission is satisfied the concerns raised by the community are addressed in the Department’s assessment report. The Commission notes that the current proposal will change the current experience of the history of the site. However, on balance the Commission accepts the Department’s findings and conclusion outlined in paragraphs 124 and 125 as it considers the adaptive reuse will increase public access to the Locomotive Workshop and enable the wider appreciation and understanding of the site’s history and heritage significance.
128. The Commission notes the Heritage guidelines on *New Uses for Heritage Places: Guidelines for the Adaption of Historic Building and Sites* promotes conservation of heritage buildings through adaptive reuse, offering a new use for an old place. The Commission acknowledges that the site is no longer used as intensively as it was in the past and visitation to the site is not high, despite the site being available for the public to view and experience.
129. The Commission notes the Department’s assessment report concludes that, *“the retail uses can operate in conjunction with the blacksmith without adversely impacting each other”*, as set out in paragraph 125. The Commission also notes the sound levels for the existing Blacksmith operation do not exceed relevant WHS requirements and the fit out and operation of the future tenancies will be subject to separate development applications, with detailed acoustic consideration to occur at that stage. The Commission supports the statement within the Department’s report as set out in paragraph 118, the Applicant has demonstrated, as far as practical, that the proposed land uses can operate in conjunction with the Blacksmith without adversely impacting each other.
130. The Commission accepts the Department’s finding in its assessment report that the development is a significant adaptive reuse, which sensitively responds to the heritage significance of the Locomotive Workshop, while providing for new commercial and retail uses. The Commission also accepts the Department’s finding outlined in paragraph 124 as the proposal will increase public access to the Locomotive Workshop and enable the wider appreciation and understanding of the site’s history

and heritage significance, through the future public use of the building.

131. The Commission notes concern was raised at the public meeting regarding the need to protect and retain the operation of the Blacksmith as this was culturally significant to the Locomotive Workshop as set out in paragraph 117. In this regard, the Commission notes the draft conditions recommended by the Department do not require the Applicant to inform future tenants of the existing Blacksmith's operations.
132. To address this issue, the Commission has included a new Condition B45 (SSD 8517) in addition to Condition B44 (SSD 8517) which requires the future tenants to be made aware of the cultural significance of the Locomotive Workshop. To limit the potential for future conflicts, the Commission recommends Condition B45 requiring all tenants to be informed that the Blacksmith is permitted to operate 24 hours a days, 7 days per week. This information must be communicated to future tenants prior to any development applications for first use.
133. The Commission has also included Condition B45 to require the preparation of a Blacksmith Plan of Management (POM) to ensure that the proposed land uses are appropriately managed. The POM is required to be prepared by the Applicant and submitted to the Secretary for endorsement. The POM is to include:
  - the continued permitted hours of operation of the Blacksmith (being 24 hours a day 7 days per week); and
  - a complaints register, outlining the nature and location of complaint. The register must also outline what, if any, mitigation was undertaken by the Applicant. The register must be provided to the Secretary every 6 months.
134. Based on the material, the Commission finds that the proposed and existing land uses can operate on-site subject to the recommended conditions. The Commission accepts the finding of the Department as outlined in paragraph 124, that the proposal will increase public access to the Locomotive Workshop and enable the wider appreciation and understanding of the site's history and heritage significance. The Commission also considers on balance, the proposed developments will provide an opportunity for the continued story sharing of the site's social and labour history as outlined in paragraph 115, albeit in an altered capacity.
135. The Commission supports the proposed land uses and finds that the retail uses could operate in conjunction with the Blacksmith without adversely impacting each other as outlined in paragraphs 126-132 inclusive, subject to separate development applications and assessments (DAs). The Commission notes that the success of the future operations will require careful on-going management by the Applicant and adherence to the conditions of consent.

### **5.12.3 Traffic**

#### Access to the loading dock – external access

##### *Applicant's consideration*

136. The Applicant provided 2 options for external transport routes to access the proposed loading dock. Option 1 is via Margaret Street and Option 2 is via Marian Street.

##### *Department's consideration*

137. The Department's assessment report states that, *"the Department also supports option 1 as it avoids the existing shared zone and is a shorter and more direct route"*.
138. The Department's assessment report notes, that Option 1 will result in the removal of 2 on-street car spaces which is subject to approval from Council's Local Pedestrian and Traffic Calming Committee (LPTCC). The Department's assessment report further notes if approval from the LPTCC cannot be obtained, the Department notes the Applicant has demonstrated that Option 2 (via Marian Street) is also a viable option.

#### *Commission's consideration*

139. The Commission accepts the conclusions of the Department outlined in paragraphs 136 and 138 above.
140. Based on the material, the Commission finds that Option 1 is the preferred option as it is the shortest route to the site and would avoid an existing shared pedestrian zone on Marian Street. The Commission is satisfied that should Option 1 not be supported by Council, Option 2 has been demonstrated as being a viable option.

#### **5.12.4 Public Domain**

##### *Tree Removal*

##### *Applicant's consideration*

141. The Applicant identifies the location of the loading dock and that access to it will result in the removal of a tree and tree pruning within Innovation Plaza.
142. As detailed in the Department's assessment report, the Applicant's RTS provided additional information to the Department to support the location of the loading dock, this included:
- *"the need to remove all vehicles from the public domain where possible, especially from Locomotive Street;*
  - *the creation of one central point for loading and delivery activity;*
  - *to be close to existing vehicle entry points; and*
  - *to link directly to retail space for safety, hygiene and operational efficiency."*

##### *Department's consideration*

143. The Department's assessment report states that, *"the Department has reviewed the benefits of each option, and considers the proposed location in Bays 1 and 2 (north) and provides the most appropriate outcome for the site for the following reasons:*
- *it uses an existing opening in the building and therefore limits the impacts to the significant heritage fabric;*
  - *it requires the relocation of a small number of in situ heritage items;*
  - *removing trucks from Locomotive Street will improve the amenity of the street;*
  - *it will conceal the main loading and unloading from the public domain; and*
  - *it minimises trucks loading and unloading within Locomotive Street"*.
144. The Department's also states that, *"the Department notes tree 67 (to be removed) has a retention value of moderate, however it is not possible to retain this tree and provide truck access to the loading dock. The Department considers the removal of tree 67 is*

*adequately compensated by the significant new trees and landscaping being delivered across the ATP (under SSD 7317)".* The Department notes the Applicant's Arborist Report clarified that the, *"proposed tree removal and pruning works, required to accommodate vehicle movements to the loading dock are:*

- *the removal of one existing tree (London Plane Tree – tree 67) in Innovation Plaza (required for vehicle access to the loading dock*
- *selective tree pruning in Innovation Plaza (two London Plane Trees - trees 66 and 68) (to provide clearance to service trucks entering the site);*
- *tree pruning (crown lifting) to a height of 4.5m (for truck clearance) to one Port Jackson Fig (Tree 43) at the intersection of Cornwallis Street and the entrance to the ATP".*

#### *Commission's consideration*

145. The Commission accepts the conclusions of the Department outlined in paragraphs 143 and 144 above. The Commission considers the proposed location of the loading dock within Bays 1 and 2 to be the best outcome for the site. The loading dock provides a centralised servicing area on site, removing trucks from Locomotive Street. In addition, the Commission considers the use of the existing opening into the Locomotive Workshop to be a positive outcome as it will minimise impacts to the original heritage fabric.
146. Based on the material, the Commission finds that the removal of the Tree 67 and the pruning of Trees 66 and 68 is an acceptable compromise given the positive benefits of siting the loading dock within Bays 1 and 2 as set out in paragraph 141. The Commission accepts that the removal of Tree 67 is unavoidable and notes the new significant trees provided across the ATP overall as a sufficient replacement as set out in paragraph 144.

### **5.13 Other relevant issues**

#### **5.13.1 Signage Zones**

##### *Applicant's consideration*

147. The Applicant seeks approval for numerous signage zones including behind the upper glazed panels of entrance doorways, on the corner retail annex (Bay 1) and on the brick heritage fascia. Under SSD 8517 the signage zones are also sought on the existing service towers on the north elevation at Bays 4 and 4a.
148. The Applicant states in the RTS that all signage will be subject to detailed design and separate applications. For the service towers (SSD 8517) the Applicant argues the signage will be designed to be an appropriate scale, material and finish. The Applicant further argues this service tower signage is needed to enable train users to identify the site and activate the Locomotive Workshop.

##### *Department's consideration*

149. The Department's assessment report states that, *"the proposed signage zones on the Locomotive Workshop northern, eastern and southern elevations relate to the tenancy spaces within the building and as such have a direct link to the use of the building".* The Department also states that it, *"is satisfied the location of the signs is compatible*

*with the desired amenity and visual character of the area and are in a suitable location". The Department further notes that, "separate applications will be required for the detailed signage design, content and illumination in these zones".*

150. The Department's assessment report notes the Heritage Council and Council raised concerns about the service tower signage zones (SSD 8517). The Department also notes the service tower signage zones are not linked to tenancies and the Applicant has not provided detail of the content, illumination or design. The Department concludes that the,

*"signage would be highly visible from a significant distance".*

and

*"as the context and design is unknown, it is not possible for the Department to determine if the service tower signage zones are compatible with the building, surrounding context or the heritage significance of the Locomotive Workshop. As such, the Department considers that these signage zones have the potential to dominate the service towers, if not carefully designed. The Department recommends that the zones not be approved at this stage, but subject to future approvals by Council".*

#### *Commission's consideration*

151. The Commission agrees with the recommendations of the Department outlined in paragraph 150 and considers the location of the signage zones on the northern, eastern and southern elevations relate to the tenancy spaces within the building and have a direct link to the use of the building.
152. The Commission accepts the Department's finding outlined in paragraph 148 that insufficient information has been provided to enable a thorough assessment to be undertaken for the service tower signage zones. The Commission also accepts the Department's finding in paragraph 150 that the service tower signage zones should be the subject to future approvals by Council.

#### **5.13.2 Ecologically Sustainable Development**

##### *Department's consideration*

153. The Department's assessment report states that the proposed ESD initiatives and sustainability measures include:
- *"5 star green star design and as built v1.1 rating;*
  - *5 star NABERS office energy (base building) rating;*
  - *4 star NABERS water (whole building) rating;*
  - *provision of energy efficient LED lighting design;*
  - *energy efficient heating, ventilation, air conditioning (HVAC) systems to minimise conditioning of unoccupied spaces;*
  - *utilisation of materials with low solar reflection indexes;*
  - *WELS rating fittings and fixtures as per the Green Star (design and as built V1.1);*  
*and*
  - *water reuse systems, collecting rainwater from the roof and stored for use in landscaping irrigation, toilet and urinal flushing and wash down facilities".*
154. The Department confirms that the proposals have been considered in relation to the ESD principles. The Department also states that,
- "the precautionary and intergenerational equity principles have been applied in the*



*assessment process by a thorough assessment of the environmental impacts of the project. Overall, the proposal is consistent with the ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act”.*

*Commission’s consideration*

155. The Commission accepts with the Department’s findings as set out in paragraphs 153 and 154 as the SSD Applications are consistent with ESD principles. The Commission in particular notes the precautionary and intergenerational equity principles with regards to the heritage fabric.

**5.13.3 Construction Management**

*Department’s consideration*

156. The Department’s assessment report notes the predicted vehicle movements associated with the construction of the proposals are low, being on average 8 to 16 movements per day. The Department also states that a Construction Pedestrian and Traffic Management Plan (CPTMP) was submitted with each SSD application and includes an assessment of the likely construction traffic volumes, potential impacts and measures to mitigate any impacts. The Department *“considers the potential impacts from traffic generation can be effectively managed through the CPTMP and a condition is recommended”*.
157. The Department’s assessment report notes Transport for NSW and RMS recommended the Applicant prepare a CPTMP *to manage the potential impacts of the development on the road network and nearby intersections. In addition, they have recommended the CPTMP considers the cumulative impacts of other projects within the immediate vicinity of the site”*. The Department’s recommended conditions (Condition B11) include a requirement for the CPTMP to be prepared in consultation with Transport for NSW.

*Commission’s consideration*

158. The Commission supports the Department’s findings as set out in paragraphs 156 and 157. The Commission agrees a CPTMP is required to consider the cumulative impacts of other projects within the immediate vicinity of the site. The Commission supports the Department’s recommended conditions that a CPTMP be prepared on consultation with TNSW.

**5.13.4 Conservation Management Plan and Positive Covenant**

*Applicant’s consideration*

159. As outlined in paragraph 43 the Applicant’s RTS submitted to the Department for assessment considers the Heritage Public Positive Covenant. The Applicant’s RTS included the Heritage Response report prepared by Curio Projects that addresses how the development complies with the requirements of the Heritage Public Positive Covenant.
160. The further information provided by the Applicant on 4 December 2018 to the Commission argues the Applicant has demonstrated consistency with the Heritage

Public Positive Covenant including the CMP for the Locomotive Workshop building and the ATP.

*Department's consideration*

161. The Department's assessment considered the Heritage Response report prepared by Curio Projects. As set out in paragraph 56 the Department's assessment report found the SSD Applications to have addressed the SEARs.
162. The Department's recommended conditions require the CMP, HAMS and MCMP for the site to be updated following completion of the works at the Locomotive Workshop. All documentation is to be completed and submitted to the Heritage Council for endorsement within 24 months (Condition F9).

*Commission's consideration*

163. The Commission heard concerns from speakers at the public meeting regarding the Heritage Public Positive Covenant, that both SSD Applications have not adequately addressed the Heritage Public Positive Covenant applying to the site as.
164. As set out in paragraph 161 the Commission notes the Department is satisfied that each EIS adequately compliance with the respective SEARs. The Commission supports the Department's findings and finds the information provided enables the Commission to assess and determine the proposals with respect to the Heritage Public Positive Covenant.
165. The Heritage Response was considered by the Department and the Heritage Council and did not identify that further information was required.
166. The further information provided by the Applicant on 4 December 2018 to the Commission reaffirms the Applicant has demonstrated consistency with the Heritage Public Positive Covenant as set out in paragraph 160.
167. The Commission supports the Department's recommended conditions as noted in paragraph 162 as these will ensure the site is continued to be appropriately managed with input from the Heritage Council.
168. In light of the findings in paragraphs 163 to 167, the Commission is satisfied this aspect of the SEARs has been addressed for both SSD Applications.

## **6. HOW THE COMMISSION TOOK COMMUNITY VIEWS INTO ACCOUNT IN ITS DECISION MAKING**

169. The views of the community were expressed through:
  - public submissions and comments received (as part of exhibition and as part of the Commission's determination process) as referred to in paragraphs 40 to 42 above; and
  - members of the public who spoke at the public meeting or sent written submissions during or after that meeting as referred to in paragraph 42.
170. As raised during the public meeting the Commission has also considered Sections 170 and 170A of the *Heritage Act 1977* (Heritage Act). While these sections are

applicable to a government authority, they will be addressed nonetheless by the Applicant by way of conditions. Sections 170 and 170A of the Heritage Act requires documentation of heritage items, (which the Commission understands from the community meeting is incomplete), at the Locomotive Workshop.

171. The Commission notes Conditions in both SSD Applications require the Heritage Interpretation Plan (HIP) to be prepared in consultation with the Heritage Council and Council. The Conditions also require a suitably qualified and experienced heritage consultant to be nominated for this project. The nominated heritage consultant must be involved throughout the various stages of the development phases including: preservation, adaptive reuse, recording and demolition.
172. In summary, views expressed by the community raised a number of significant concerns about the impact on the heritage items, covering both fabric and the operations of the Blacksmith, the ongoing management of the Locomotive Workshop by the Applicant and the cultural richness and significance of the site.
173. The Commission acknowledges there will be some impact on the heritage fabric and cultural heritage of the Locomotive Workshop as a result of the proposed development. The Commission considers these impacts to be reasonable on balance, when the public benefits of the SSD Applications are considered.
174. The Commission finds that the impacts of the development on the environment, in particular the heritage fabric, are acceptable. The Commission finds that the impact on cultural heritage can be managed by way of communication with future tenants and conditions of consent.
175. The Commission has considered the Applicant's request to amend conditions of consent for both SSD Applications and the Applicant's rationale. The Applicant requests that Condition C13 is deleted and seeks to amend Condition E6 with regards to timing. The suggested wording provided by the Applicant is reproduced below:
  - *Condition C13 to be deleted in its entirety:*

*Work for the purposes of the development must not commence until the Community Communication Strategy has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.*
  - *Condition E6:*

*Future development applications must ensure that fit out works are consistent with the **approved final draft** Stage 2 Heritage Interpretation Plan.*
176. The Commission does not support the Applicant's request to change the conditions. The Commission considers it is important that the community are well informed of the Applicant's requirements under the Community Consultation Strategy and that no works commence until the Secretary deems appropriate. The Commission also finds the conditions are necessary to ensure environmental impacts of the development can be appropriately managed.
177. The Commission carefully considered all of these views as part of making its decision. The way in which these concerns were taken into account by the Commission is set out in section 5 above.

### 6.1.1 Suitability of the site for the development

178. The Commission considers the proposal is suitable for the site as it will:
- revitalise and activate the building by attracting workers and visitors to the Locomotive Workshop;
  - the proposed uses are consistent with the GSR Plan and District Plan;
  - will result in acceptable impacts to the heritage fabric and the proposed works are reversible; and
  - the likely environmental impacts from the proposal can be addressed through management and mitigation.

### 6.1.2 The public interest

179. The Commission accepts the Department's finding that the development is a significant adaptive reuse, which sensitively responds to the heritage significance of the Locomotive Workshop. The proposed uses will assist to attract visitors to the Locomotive Workshop.
180. The Commission finds that the proposal will provide a significant public benefit as it will actively reuse the heritage building which experiences a low level of visitation. Through the increased activity and visitation to the Locomotive Workshops, the history of the space will continue to be experienced and enjoyed. In particular, the SSD Applications provide an opportunity to continue to share the past and current social and labour history stories that are deeply associated with the Locomotive Workshop.
181. The Commission considers the Applicant has addressed the Positive Covenant in its assessment. The Commission notes that the positive covenant remains applicable to the site and the Applicant. The Commission is satisfied the site will continue to be managed in accordance with this covenant.

#### *Commission's consideration*

182. The Commission finds that the SSD Applications are in the public interest because the developments are a significant adaptive reuse, which sensitively respond to the heritage significance of the Locomotive Workshop while providing for new commercial and retail uses. In light of this finding, the Commission considers the proposal will provide a significant public benefit.
183. The Commission accepts the findings of the Department that the impacts of the development are acceptable and can be appropriately mitigated through the implementation of the recommended conditions of consent.

## 7. CONCLUSION: THE COMMISSION'S FINDINGS AND DETERMINATION

184. The Commission has carefully considered the material before it as outlined in paragraph 43.
185. The Commission finds that the SSD Applications are within the public interest as they will result in a wide range of positive public benefits including,
- employment opportunities located near the CBD and public transport;
  - improved public access to a state listed heritage building;
  - heritage interpretation experiences; and

- an improved public domain which will benefit workers, visitors and the local community.

186. Based on the material, the Commission finds that:

- the SSD Applications are consistent with the Greater Sydney Region Plan and the Eastern City District Plan;
- the loading dock is acceptable because it will have a limited impact on the significant heritage fabric of the building, the proposed work is fully reversible, is needed to service the operation of the proposed commercial and retail uses and can operate in a safe and effective manner;
- the proposed travelator will not adversely impact significant heritage fabric as the works are located below ground and the structure of the building will be protected during construction;
- the proposed and existing land uses can operate on-site subject to the recommended conditions;
- Option 1 is the preferred external transport route to access the proposed loading dock;
- the removal of the Tree 67 and the pruning of Trees 66 and 68 is an acceptable compromise given the positive benefits of siting the loading dock within Bays 1 and 2; and
- the SSD Applications are consistent with ESD principles and in particular notes the precautionary principle with regards to the heritage fabric.

187. The Commission finds that the impacts of the development are acceptable and can be appropriately mitigated through the implementation of the recommended conditions of consent.

188. The Commission approves both SSD Applications subject to the following revised conditions:

- SSD 8517

Conditions: A19, B10, B33, B44, B45, B46, B47, B48, C10, E18, E19, E20, E26, F1, F4, F6, F14, F15, F16 and F17.

- SSD 8449

Conditions: B2, B4, B7, B24, B29, B32, B34, B36, B37, B38, B39, B41, C1, C10, E4, E6, E12, E27, F12 and F13.

The Commission has otherwise adopted the Department's recommended conditions for both SSD Applications.

189. These conditions are designed to:

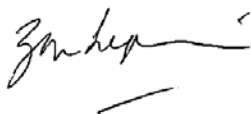
- prevent, minimise and/or offset adverse environmental impacts;
- permit the ongoing heritage interpretation including social and labour history;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the on-going environmental management of the development.



190. The reasons for the Decision are given in this Statement of Reasons for Decision dated 22 February 2019.



**John Hann (Chair)**  
Member of the Commission



**Professor Zada Lipman**  
Member of the Commission



**Adrian Pilton**  
Member of the Commission