

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthony Witherdin
Director
Key Sites Assessments

Sydney 12 February 2020

SCHEDULE 1

Development consent:	SSD 8517 granted by the Independent Planning Commission on 22 February 2019
For the following:	Adaptive reuse of the Locomotive Workshop (Bays 1-4a) including: <ul style="list-style-type: none">• a maximum of 11,607 m² GFA for uses including retail premises, function centre, educational establishment, information and education facility, artisan food and drink industry, general industrial (retention of the Blacksmith) and recreation facility (indoor)• a loading dock and travelator• associated heritage conservation works• public domain works, external illumination and signage
Applicant:	Mirvac Projects Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
The Land:	Locomotive Workshop (Bays 1-4a), 2 Locomotive Street, Australian Technology Park, Eveleigh (Lot 4000 DP 1194309)
Modification:	SSD 8517 MOD 5: Modification to Conditions of Consent (Part B and E) and use of frosted replacement glazing in heritage arched windows.

SCHEDULE 2

- (a) Condition B15 in Schedule 2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

PRE-CONSTRUCTION DILAPIDATION REPORT

- B15. The Applicant is to engage a suitably qualified person to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all adjoining buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be approved by the PCA prior to the issue of the Stage 2 Construction Certificate. A copy of the report is to be forwarded to each of the affected property owners.

In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the PCA that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant. Damage must be fully rectified by the Applicant in accordance with the Council's standards ~~**prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is the sooner prior to commencement of the first use of the commercial bays (Bays 5-15) of the Locomotive Workshop.**~~

- (b) Condition B44 in Schedule 2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

GLAZING

- B44. All new external glazing used for the Locomotive is to be clear. ~~**Tinted glazing is not permitted.**~~
Frosted glazing is only permitted to be used in existing heritage arched windows of the Locomotive Workshop, to match surrounding frosted glazing within the same window. Where frosted glazing is to be used, the project heritage consultant must, prior to installation, verify consistency with the appearance of the existing heritage fabric.

- (c) Condition B48 in Schedule 2 is moved to Part E and amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

MOVEABLE HERITAGE

- ~~**B48**~~ **E26**. The MCMP is to be updated and completed, in consultation with the Heritage Council and Council, within 12 months of the issue of the first ~~**Construction Certificate**~~ **Occupation Certificate** for the Locomotive Workshop, to provide detailed recommendation on the future conservation, management, display conditions, storage, security, and identify the location and management of all moveable heritage

- (d) Condition E1 in Schedule 2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

PROTECTION OF PUBLIC INFRASTRUCTURE

- E1. Unless the Applicant and the applicable authority agree otherwise, **prior to commencement of the first use of the commercial bays (Bays 5-15) of the Locomotive Workshop**, the Applicant must:
- repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development
- (e) Condition E9 in Schedule 2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

PUBLIC DOMAIN WORKS

- E9. The works to the public domain are to be completed in accordance with the approved public domain plan ~~or issue of the first final Occupation Certificate, whichever occurs first for the Locomotive Workshop~~ **and as shown in the Civil Works Staging Plan, Rev 4, prepared by Mirvac, dated 21/01/2020. Staging is as follows**
- **Innovation Plaza: prior to the commencement of the use of Bays 1 & 2**
 - **Locomotive Street Stage 1: prior the commencement of the use of Bays 3-4a (ground level)**
 - **Locomotive Street Stage 2: prior to the commencement of the use of Bays 5-15.**

- (f) Condition E12 in Schedule 2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

POST CONSTRUCTION DILAPIDATION REPORT

- E12. Prior to ~~the issue of an Occupation Certificate~~ **commencement of the first use of the commercial bays (Bays 5-15) of the Locomotive Workshop**:
- the Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads;
 - the report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
 - compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - a copy of this report is to be forwarded to the Secretary and each of the affected property owners.
- (g) Condition E17 in Schedule 2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

WASTE DISPOSAL

- E17. Prior to the issue of any Occupation Certificate, details shall be submitted to the satisfaction of the PCA that waste handling works have been completed in accordance with Condition ~~E15~~ **B13**.

- (h) Condition E19 in Schedule 2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

LOADING DOCK MANAGEMENT PLAN

- E19. Prior to the ~~issue of the first Occupation Certificate~~ **commencement of the first use** for the Locomotive Workshop, a Loading Dock Management Plan shall be prepared in consultation with the Sydney Coordination Office and Council and submitted to the Planning Secretary for approval. The Plan is to apply to all tenancies within the Locomotive Workshop to promote safe and efficient operation of the loading area in Bay 1-2 north and Innovation Plaza, the on-street loading spaces on Locomotive Street and to minimise conflicts with pedestrian movements. The Loading Dock Management Plan shall include the following:
- (a) allocation of loading spaces
 - (b) restrictions on delivery times to ensure all loading activities are undertaken outside of peak pedestrian hours, being before 8am and after 6pm, all days
 - (c) management of conflicts between vehicles and pedestrians
 - (d) all vehicles are to exit the loading dock in a forward direction
 - (e) controls on duration of stays
 - (f) measures to ensure there is no queuing of delivery vehicles including details of alternate parking locations to redirect vehicles when queuing occurs
 - (g) procedures for tradesperson access and parking
 - (h) truck access routes
 - (i) detail of physical landscaping and street furniture within Innovation Plaza to passively manage risks associated with trucks reversing into the loading dock
 - (j) active management measures (eg traffic controllers)
 - (k) evidence of consultation with the Sydney co-ordination office and Council in respect of the loading dock management plan must be submitted to the Secretary.

- (i) Condition E20 in Schedule 2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

SERVICE VEHICLE ACCESS ROUTE

- E20. Prior to the ~~issue of the first Occupation Certificate for~~ **commencement of the first use** of the Locomotive Workshop, the Applicant is to obtain endorsement from Council's Local Pedestrian and Calming Committee ~~to use~~ **for changes to 'no stopping' parking restrictions on Rosehill Street, to enable the** servicing access route Option 1 (Rosehill Street and Margaret Street) to the ~~ATP site~~ **Locomotive Workshop**. This includes ~~undertaking~~ **implementing** the required changes to 'no stopping' parking restrictions on Rosehill Street.

If endorsement is not obtained from Council's Local Pedestrian and Traffic Calming Committee **for changes to kerbside parking restrictions**, evidence must be provided to the satisfaction of the Planning Secretary, prior to the ~~issue of the first Occupation Certificate~~ **commencement of the first use of the Locomotive Workshop**, before Option 2 (Rosehill Street, Marian Street and Cornwallis Street) can be used for servicing vehicle access to the Locomotive Workshop.

- (j) Condition E24 in Schedule 2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

EXTERNAL LIGHTING

- E24. External Lighting shall comply with AS 4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. ~~Upon installation of lighting, but before it is finally commissioned,~~ **Prior to the commencement of the first use of the commercial bays (Bays 5-15) of the Locomotive Workshop** the Applicant shall submit to the PCA evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

**End of modification
(SSD 8517 MOD 5)**