

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 5 February 2020

SCHEDULE 1

Development consent:	SSD 8449 granted by the Independent Planning Commission on 22 February 2019
For the following:	Adaptive reuse of the Locomotive Workshop (Bays 5-15) including: <ul style="list-style-type: none">• A maximum of 27,458 m² for commercial premises including 156 m² for retail uses• Associated heritage conservation works• External illumination and signage
Applicant:	Mirvac Projects Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
The Land:	Locomotive Workshop (Bays 5-15), 2 Locomotive Street, Australian Technology Park, Eveleigh (Lot 4000 DP 1194309)
Modification:	SSD 8449 MOD 6: Modification to conditions of consent (Part B and E) and use of frosted replacement glazing in heritage arched windows.

SCHEDULE 2

- (a) Condition B11 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

- B11. 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~~ **commencement of the first use of the commercial bays (Bays 5-15) of the Locomotive Workshop.**

- (b) Condition B35 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

- B35. All new external glazing used for the Locomotive Workshop must 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 B40 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

- B40 E25.** 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 recommendations 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:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.
- (e) Condition E11 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

E11. Prior to ~~the issue of an Occupation Certificate for~~ **commencement of the first use of the commercial bays (Bays 5-15) of** the Locomotive Workshop:

- (a) 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;
 - (b) 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:
 - (c) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - (d) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - (e) a copy of this report is to be forwarded to the Secretary and each of the affected property owners.
- (f) Condition E16 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

E16. 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 E14 B9**.

- (g) Condition E23 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

E23. 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 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 8449 MOD 6)**