

Item 3.**Development Application: 2 Locomotive Street, Eveleigh - D/2021/947****File No.:** D/2021/947**Summary****Date of Submission:** 23 August 2021

Additional information was submitted on 23 November and 20 December 2021.

Applicant: Mr Giovanni Cirillo/ Planning Lab**Architect/Designer:** SGB Group**Owner:** Mirvac Project (Retail & Commercial) Pty Ltd**Planning Consultant:** Planning Lab**Heritage Consultant:** Curio Projects**Cost of Works:** \$1,320,000.00**Zoning:** The site is located in the 'Business Zone - Business Park' area under the State Environmental Planning Policy (State Significant Precincts) 2005. The proposed development is defined as a pub and is permissible with consent in the zone.**Proposal Summary:** The application seeks consent for the fit out and use of Bays 1 & 2 in the Locomotive Workshop as a pub.

The proposed trading hours are between 10.00am - 12.00am midnight, Monday to Sunday.

The application is Integrated Development requiring approval under the Heritage Act 1977.

The application is referred to the Local Planning Panel for determination as it is sensitive development, being a development for the purposes of a new licensed premises that requires a hotel (general bar) license under the Liquor Act 2007, defined under the Sydney Local Environmental Plan 2012 as a 'pub'.

The application was notified for a period of 28 days between 26 August 2021 and 24 September 2021. A total of 7 submissions were received, including 5 submissions by way of objection and 2 submissions in support of the proposal. Issues raised in the submissions include, but are not limited to, the proposed capacity of the pub, noise impacts and hours of operation, potential future expansion into Innovation Plaza, sanitary facilities, security and management of patrons and heritage impacts.

A request for additional information was sent to the applicant on 29 October 2021. Issues identified by Council related to heritage details and management of the proposed pub.

Additional information was submitted on 22 November 2021, including a written response to the issues raised by Council and public submissions and a revised Plan of Management and Waste Management Plan.

The Plan of Management was again revised and resubmitted on 20 December 2021.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) Environmental Planning and Assessment Act 1979
- (ii) Heritage Act 1977
- (iii) State Environmental Planning Policy (State Significant Precincts) 2005
- (iv) Sydney Regional Environmental Plan No. 26 - City West

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Plan of Management

Recommendation

It is resolved that consent be granted to Development Application No. D/2021/947 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The development is permissible with consent in the 'Business Zone - Business Park' area within the Redfern-Waterloo Authority Sites under the State Environmental Planning Policy (State Significant Precincts) 2005 and is consistent with the relevant objectives.
- (B) The development complies with Part 3, Clause 21 of the State Environmental Planning Policy (State Significant Precincts) 2005 relating to height, floor space ratio and gross floor area.
- (C) The development, subject to conditions, will not result in unacceptable amenity impacts to surrounding properties or any items of State heritage significance as per the Redfern-Waterloo Authority Sites Heritage Map.
- (D) The proposal generally satisfies the relevant strategy, objectives and provisions of the applicable State Environmental Planning Policies.
- (E) Issues raised in submissions have been considered and where appropriate addressed in the conditions of consent.
- (F) Suitable conditions of consent are recommended and the development is considered to be in the public interest.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 4000 in Deposited Plan 1194309 and is known as 2 Locomotive Street, Eveleigh. It is rectangular in shape with area of approximately 27,210sqm. It is located within a broader site known as the South Eveleigh Precinct (former Australian Technology Park site).
2. It has a primary street frontage to Locomotive Street to the south and adjoins a pedestrian thoroughfare known as 'Innovation Plaza' to the east. Henderson Road is further south of the South Eveleigh Precinct and Garden Street and Cornwallis Street are located to the east of the precinct.
3. The site contains the Locomotive Workshop, a historic building of heritage significant comprising a number of 'bays'. This application relates to the use of the northern portion of Bays 1 and 2, which are located on the easternmost side of the workshop.
4. The site is a state heritage item known as 'Eveleigh Railway Workshops' (SHR 01141). It is not located within a heritage conservation area. Historically, South Eveleigh was used for railway maintenance, storage and associated industries. The former Australian Technology Park accommodated a mix of uses including technology and innovation business uses, exhibition space, ancillary retail and car parking.
5. The redevelopment of the workshop was approved under State Significant Development approvals SSD-8517 (Bays 1-4a) and SSD-8449 (Bays 5-15) on 22 February 2019.
6. The surrounding area is characterised by a mixture of land uses, with predominantly commercial uses in the South Eveleigh Precinct. Within the Locomotive Workshop, there is a range of approved commercial uses including food and drink premises, a supermarket, small bar, gym, educational establishment and office uses. Further east and south of the precinct are predominantly residential uses. Redfern Train Station is located directly north-east of the site.
7. Photos of the site and surrounds are provided below:

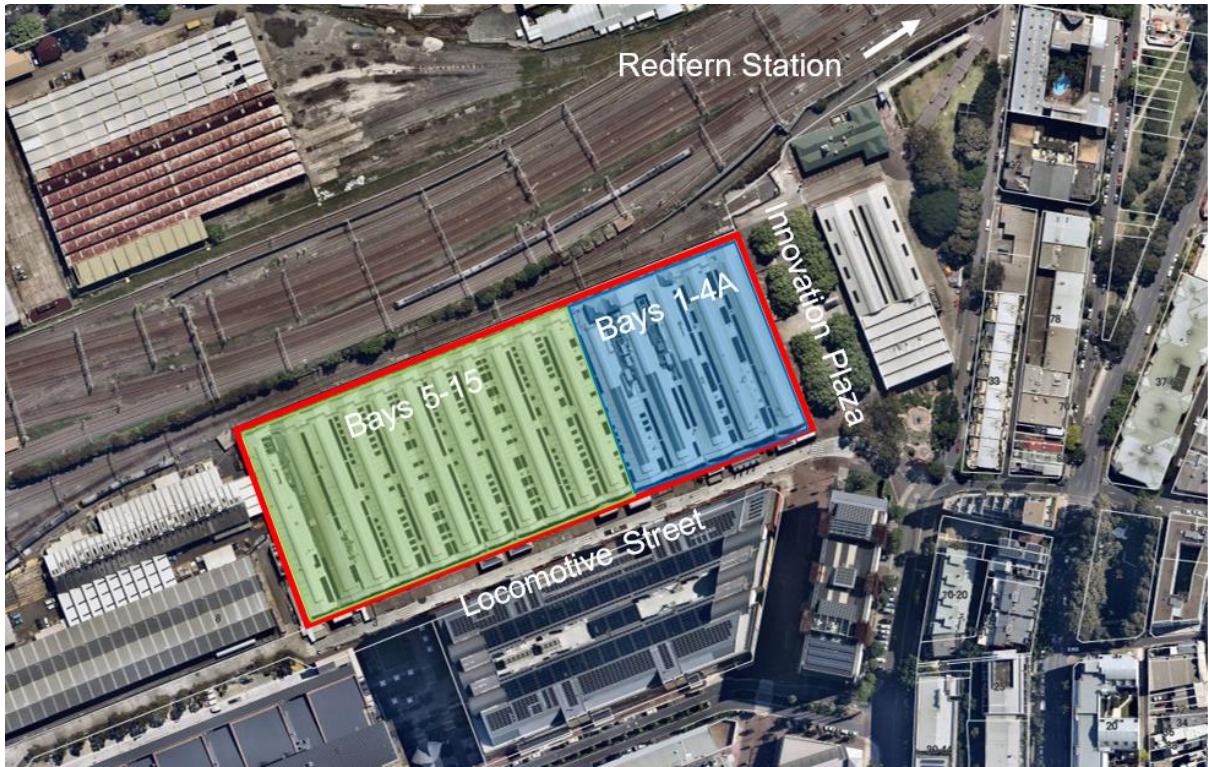


Figure 1: Aerial view of site and surrounds

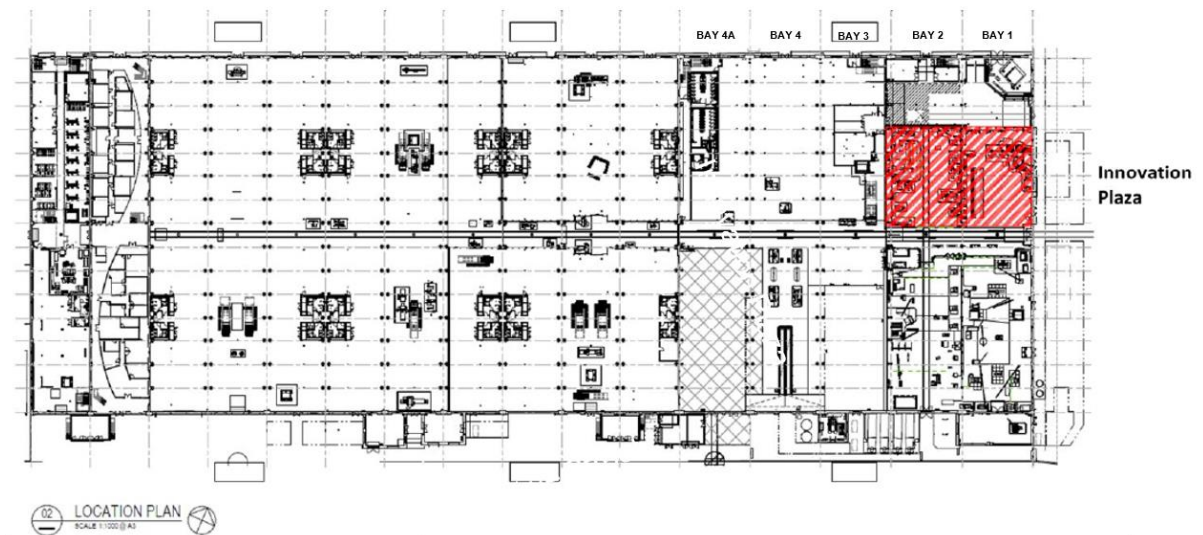


Figure 2: Site plan showing subject tenancy within Bays 1 and 2 (north) of the Locomotive Workshop



Figure 3: Internal view of subject tenancy

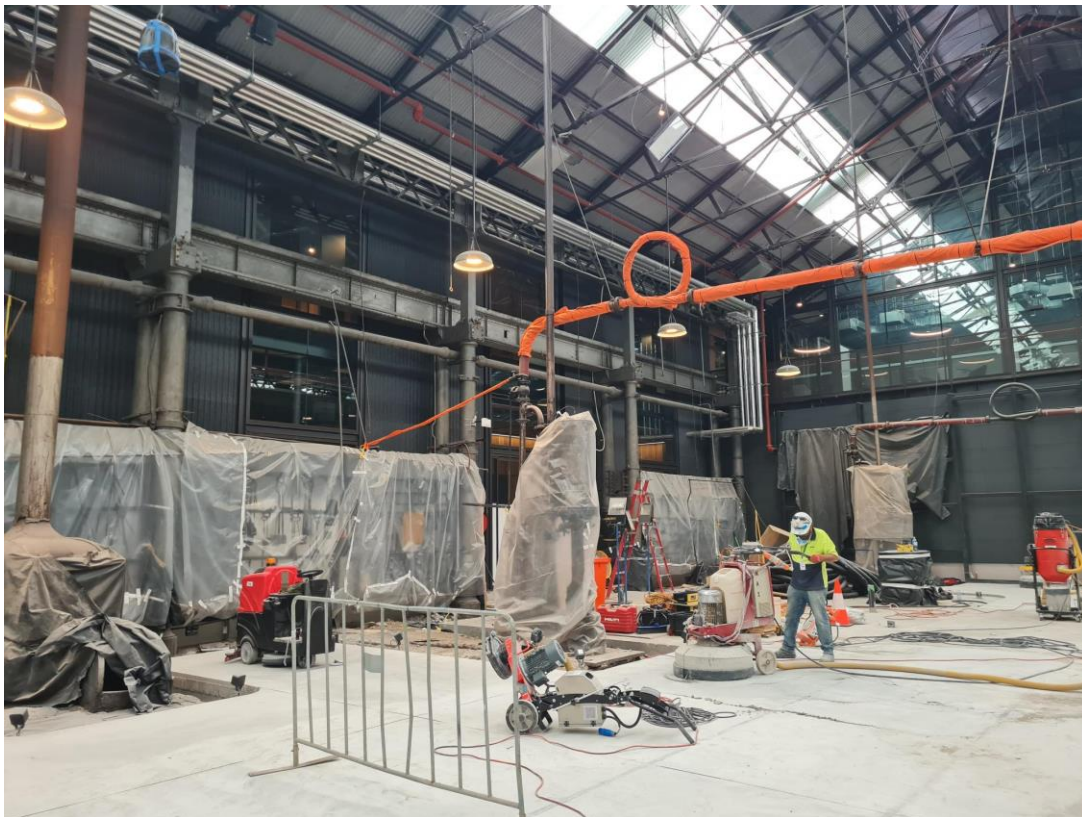


Figure 4: Internal view of subject tenancy

History Relevant to the Development Application

State Significant Development Applications

8. The following SSD applications are relevant to the current proposal:

- **SSD-8449** – Development consent was granted by the Independent Planning Commission on 22 February 2019 for the adaptive reuse of Bays 5-15 of the Locomotive Sheds for a maximum of 27,458sqm GFA for commercial premises including 156sqm for retail uses, associated heritage conservation works and external signage.
- **SSD-8517** - Development consent was granted by the Independent Planning Commission on 22 February 2019 for the adaptive reuse of Bays 1-4a of the Locomotive sheds, including:
 - (i) a maximum of 11,607sqm 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);
 - (ii) a loading dock and travelator;
 - (iii) associated heritage conservation works; and
 - (iv) public domain works, external illumination and signage.

Under Condition A19 of this SSD, the operation and fitout of all tenancies (excluding the Blacksmith) within Bays 1 and 2 north at ground floor and mezzanine level were not approved. The hours of operation of all retail tenancies and signage design were also not approved under the SSD. However, condition F12 allows the publicly accessible areas within Bays 1-4a (located outside the proposed tenancy lines) to operate between the hours of 6am to midnight, Monday to Sunday.

- SSD-8517 has been subject to 9 modifications, as follows:
 - (i) Modification 1 was approved on 10 September 2019 to modify Condition B29 relating to stormwater and drainage.
 - (ii) Modification 2 was approved on 29 May 2019 to modify Condition D6 relating to construction hours.
 - (iii) Modification 3 was approved on 6 September 2019 to change the layout of the ground floor of Bays 3-4a.
 - (iv) Modification 4 was approved on 20 November 2019 to retain and add additional skylights above Bays 1-4a.
 - (v) Modification 5 was approved on 12 February 2020 to amend Part E of the consent to enable the issuing of staged OCs, timing of moveable collections plan and glazing changes.

- (vi) Modification 6 was approved on 20 August 2020 to amend the layout of Bay 3-4 and to change Condition B37 to tie the issue of Construction Certificates for the public domain to the approved Civil Works Staging Plan.
- (vii) Modification 7 is still under assessment at the time of writing this report. It seeks consent for the approval for food and drink premises use in the western portion of Innovation Plaza, extend the approved outdoor seating in Innovation Plaza and Locomotive Street and built form elements for the proposed bar, keg room and awnings.
- (viii) Modification 8 was approved on 2 September 2020 for the installation of PV panels.
- (ix) Modification 9 was approved on 15 July 2021 for the installation of exhaust hoods, fans and flues to service the blacksmith workshop.

Development Applications

9. The following fit-out applications within the Locomotive Workshop are relevant to the subject proposal:
- **D/2021/1411** - A development application was lodged on 30 November 2021 for the change of use of tenancy LWS005 to a food and drink premises. This application is still under assessment at the time of writing this report.
 - **D/2020/860** - Development consent was granted on 27 October 2020 for alterations to use premises as a small bar.
 - **D/2020/223** - Development consent was granted on 22 June 2020 for the fitout and use of tenancy LWS002 and LWS003 (Locomotive Workshop Bays 3 and 4a South Ground Floor) for a licensed restaurant, function centre, coffee roasting facility and training school to be known as 'The Grounds of South Eveleigh'.
 - **D/2020/316** - Development consent was granted on 11 June 2020 for the fitout and use of the annex structure to the south of Bays 9-10 as a licensed restaurant with outdoor seating (Kylie Kwong Eatery).
 - **D/2019/942** - Development consent was granted on 18 December 2019 for the fitout and use of Bays 3 - 4a North (ground floor) as a supermarket with bottleshop. Proposed hours of operation are between 7.00am and 10.00pm Monday to Friday and between 7.00am and 8.00pm Saturday, Sunday and Public Holidays.
 - **D/2019/884** - Development consent was granted on 18 November 2019 for the fitout and use of tenancy LWMM01 (level 1 of Bays 3-4a north) as a recreational facility known as 'BodyFit Gym Locomotive'.
 - **D/2019/751** - Development consent was granted on 28 October 2019 for internal fitout works of the northern tenancy at Level 1 at Bays 1-4a in the Locomotive Workshop as an educational establishment.

Amendments

10. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information was sent to the applicant on 29 October 2021. The following information was requested:
- (a) Heritage details
 - clarification as to whether the height of the kitchen pod could be reduced;
 - kitchen pod cladding tile detail;
 - clarification as to whether the floor thickness of the keg room is adequate to support the weight of the kegs; and
 - adequate space to be provided around the display machinery for public access.
 - (b) Sanitary facilities and seating capacity
 - The proposal includes a capacity of 720 patrons without any sanitary facilities within the tenancy, instead relying on public toilets within the broader workshop. Clarification on compliance with BCA requirements for sanitary facilities was requested.
 - Seating is provided for only 328 patrons. Clarification was requested in the Plan of Management to address how having 392 standing patrons will be managed.
 - (c) Plan of Management
 - An updated Plan of Management was requested to outline site and locality details, operational details, hours of operation, security and safety and management measures.
 - (d) Waste Management
 - Clarification around waste management and an updated Waste Management Plan was requested.
 - (e) Association with SSD-8517 Mod 7
 - Clarification was requested regarding any association between the subject DA and SSD-8517-Mod-7, which is currently under assessment by the Department of Planning, Industry and Environment (at the time of writing). SSD-8517-Mod-7 seeks approval to expand the retail premises use within Bays 1 and 2 (the space subject to this DA) into Innovation Plaza, including the provision of outdoor seating areas and structures.
 - (f) Public submissions:
 - The applicant was requested to respond to the public submissions received by Council.

11. The applicant responded to the request on 22 November 2021, and submitted the following information:
 - updated Plan of Management;
 - updated Waste Management Plan; and
 - written response to the issues raised by Council and public submissions.
12. On 14 December 2021, Council requested further clarification on details relating to patron access/ exit points and the location of existing sanitary facilities.
13. A revised Plan of Management was submitted by the applicant on 20 December 2021.

Proposed Development

14. The application seeks consent for the following:
 - the fit out and use of Bays 1 & 2 in the Locomotive Workshop as a pub with a maximum capacity of 720 patrons; and
 - proposed trading hours between 10.00am - 12.00am midnight, Monday to Sunday.
15. The proposed fit out works include:
 - Construction of a kitchen pod, being a 3 storey internal structure with a kitchen at the ground level, dry store at level 1 and a keg room at level 2. The upper two levels have a proposed GFA of 106sqm, which results in an overall increase to the GFA of Bays 1-4a.
 - Construction of a bar pod, which is proposed to be an open structure.
16. Seating is to be provided for 328 patrons. No sanitary facilities are proposed within the tenancy and patrons are to use the publicly accessible bathrooms within Bays 3 and 4a.
17. No external signage is proposed.
18. Plans and elevations of the proposed development are provided below.

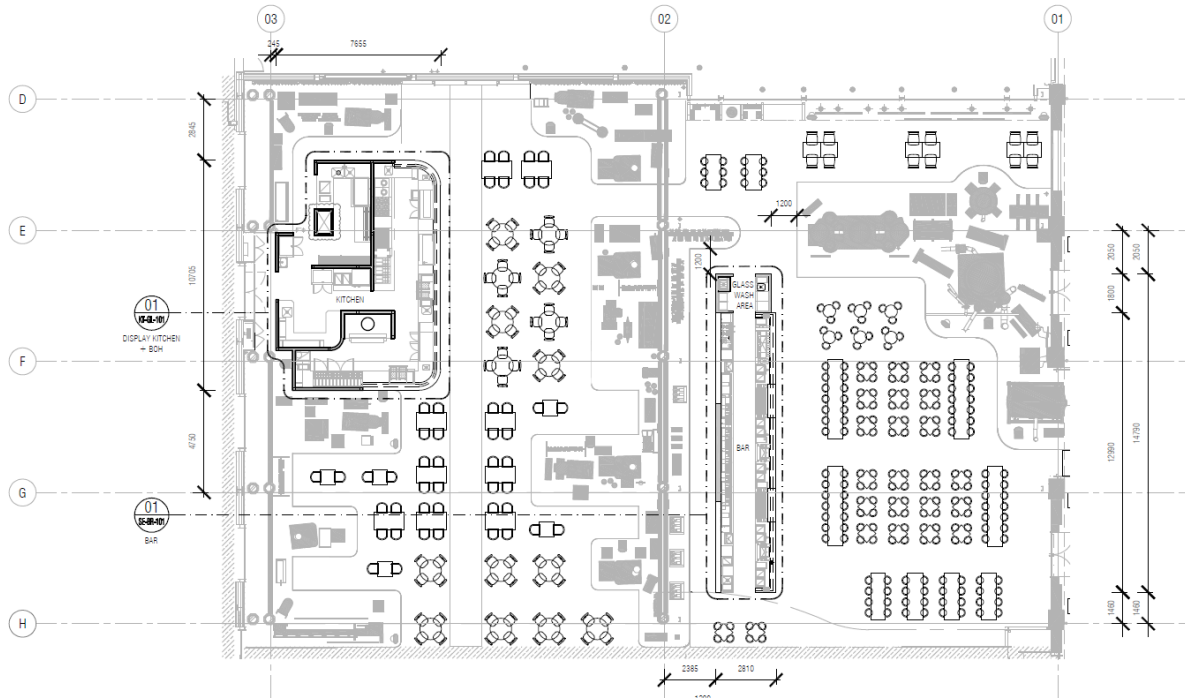


Figure 5: Proposed floor plan

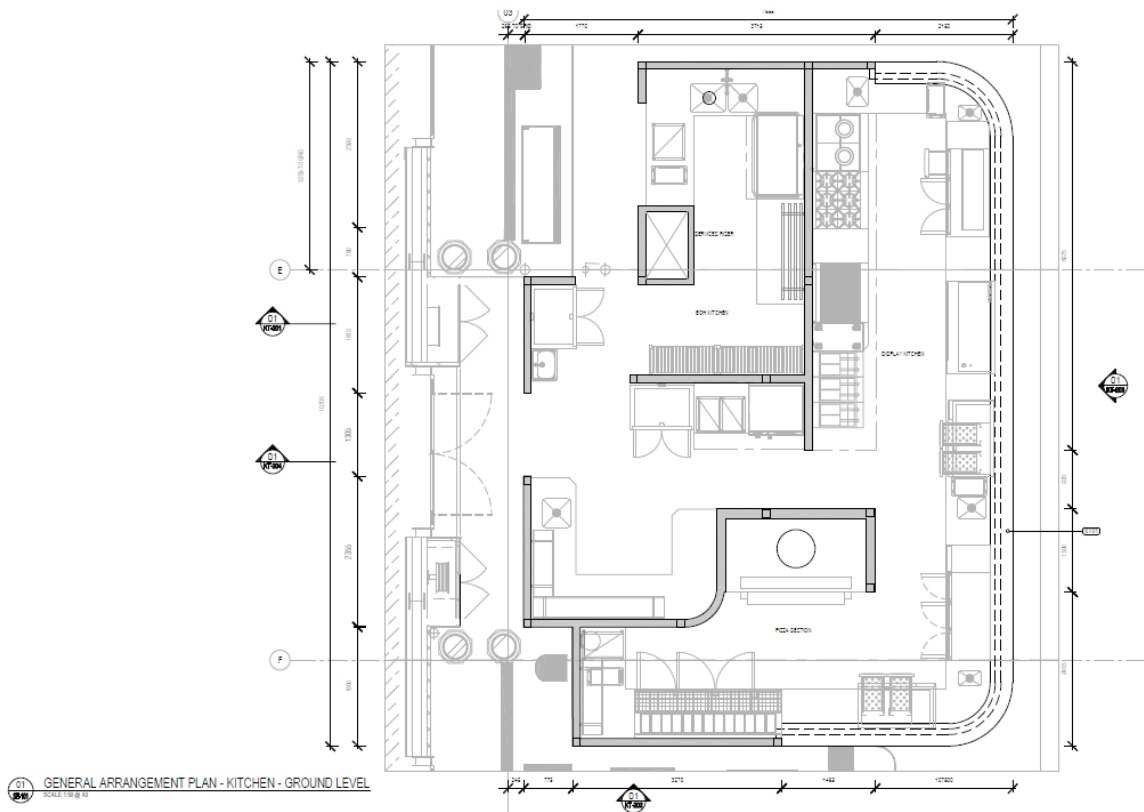


Figure 6: Proposed ground floor plan - kitchen pod

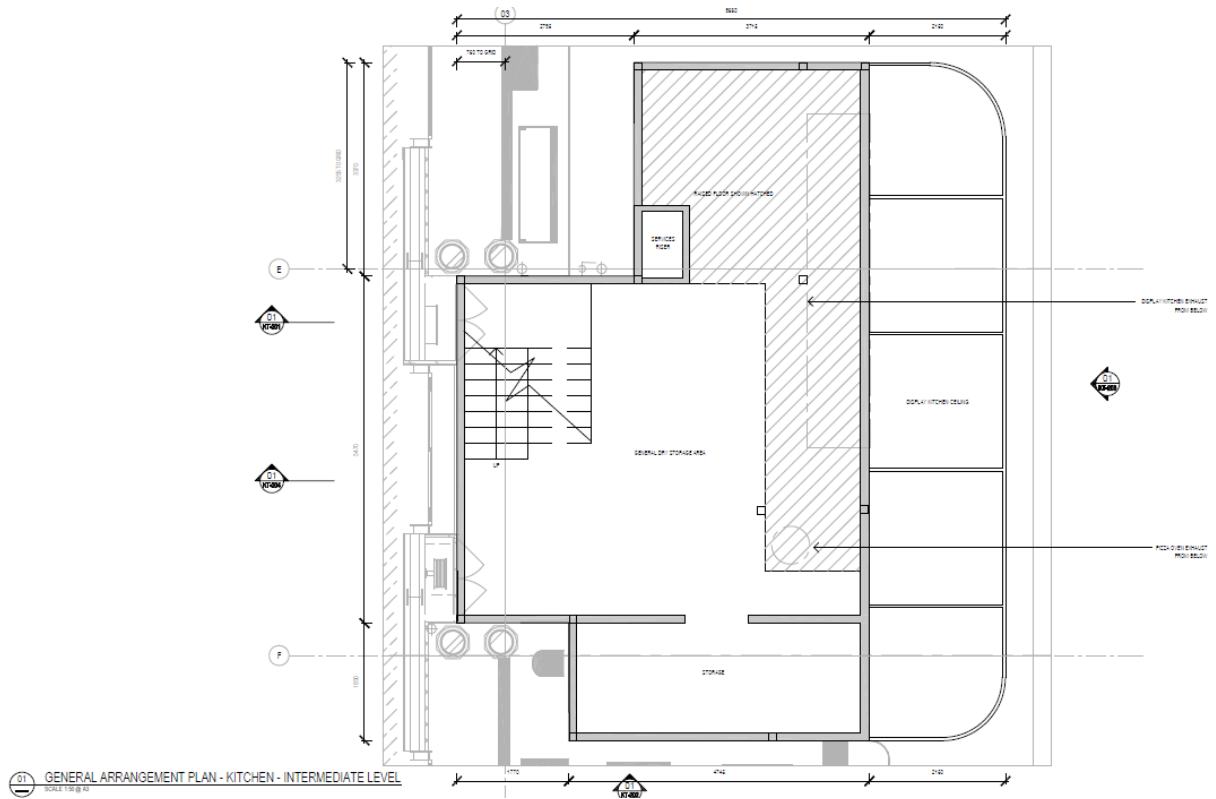


Figure 7: Proposed intermediate level plan - kitchen pod

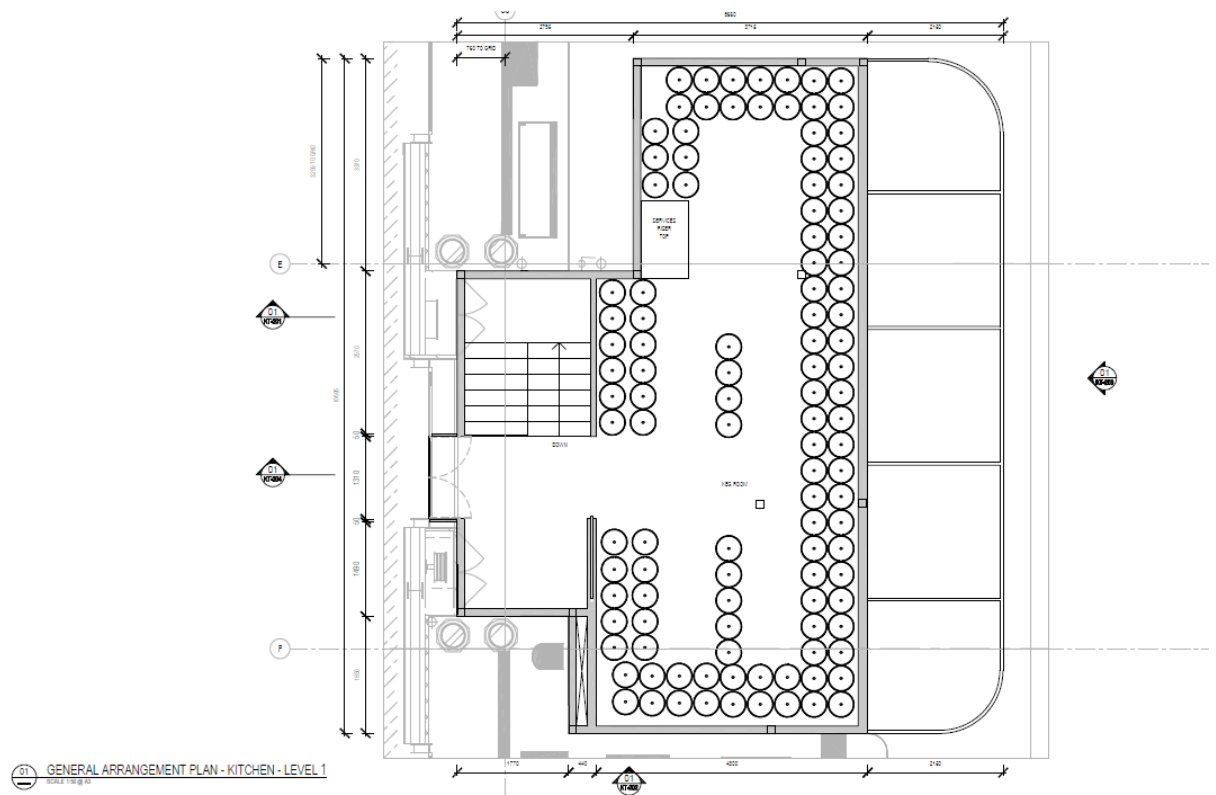


Figure 8: Proposed level 1 floor plan - kitchen pod

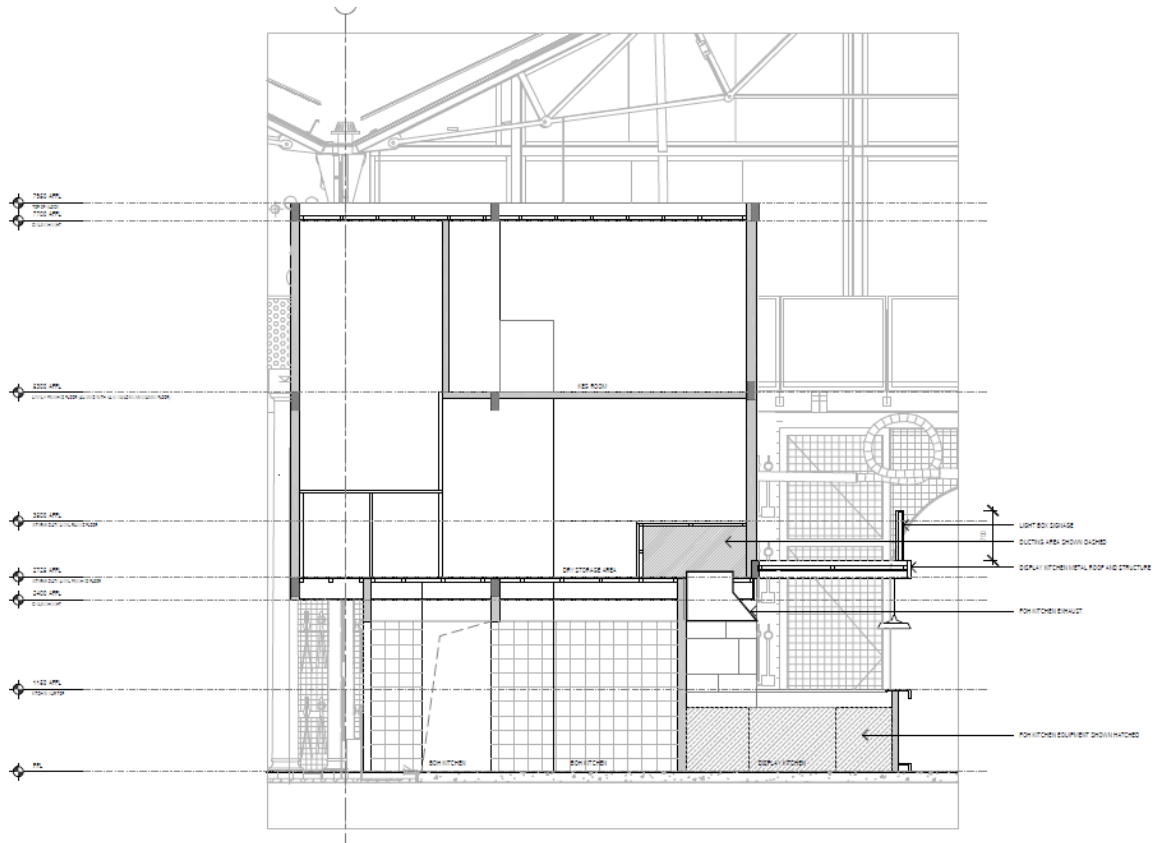


Figure 9: Proposed section - kitchen pod

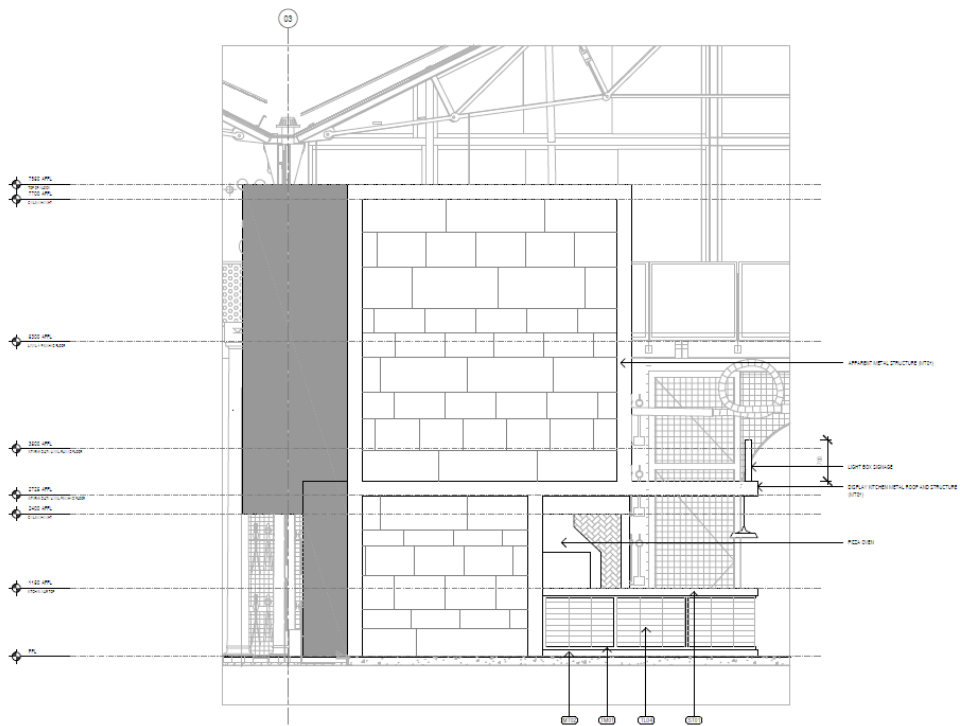


Figure 10: Proposed southern elevation - kitchen pod

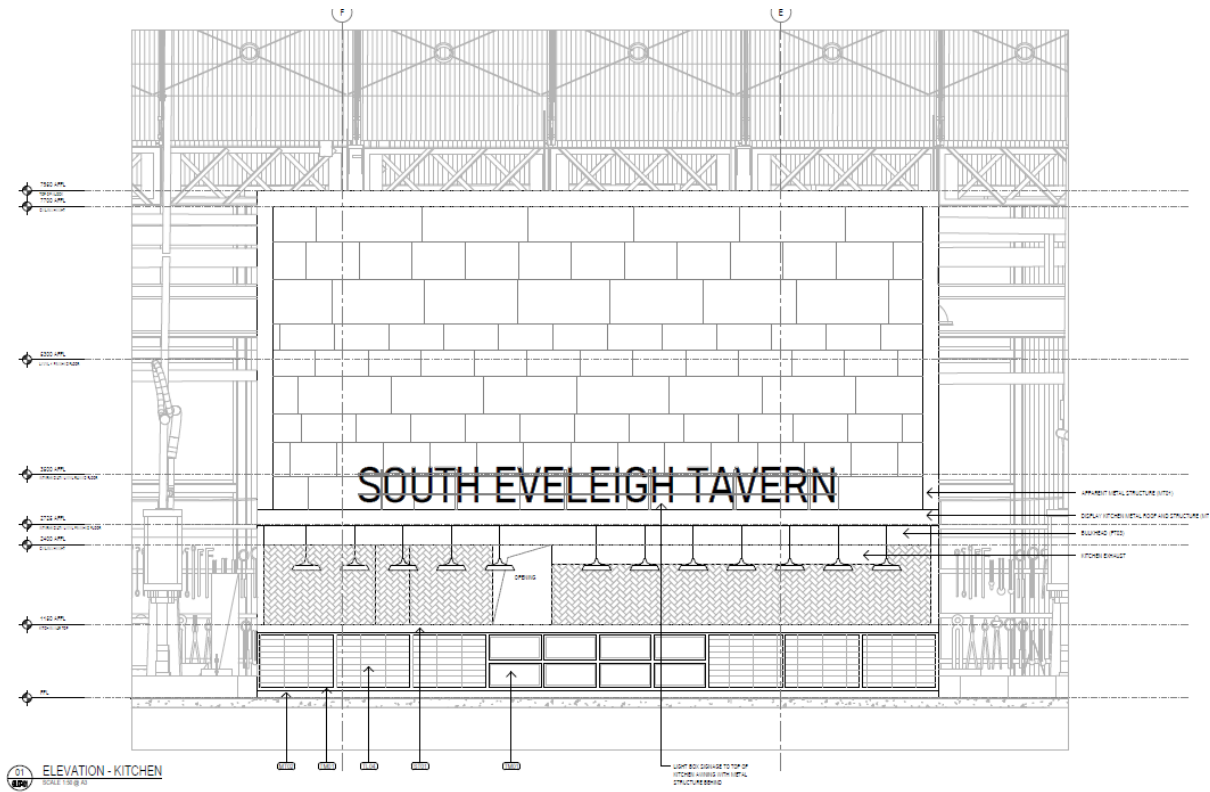


Figure 11: Proposed eastern elevation - kitchen pod

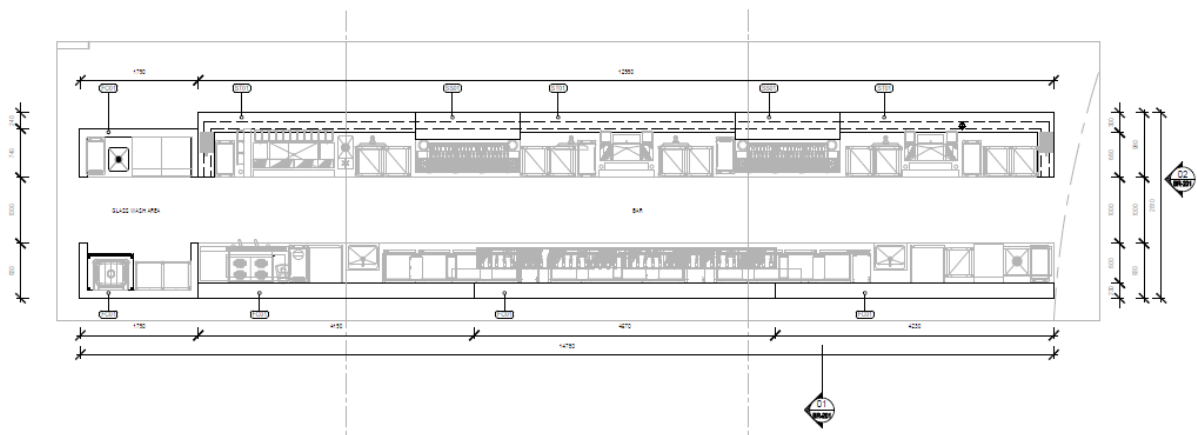


Figure 12: Proposed floor plan - bar detail

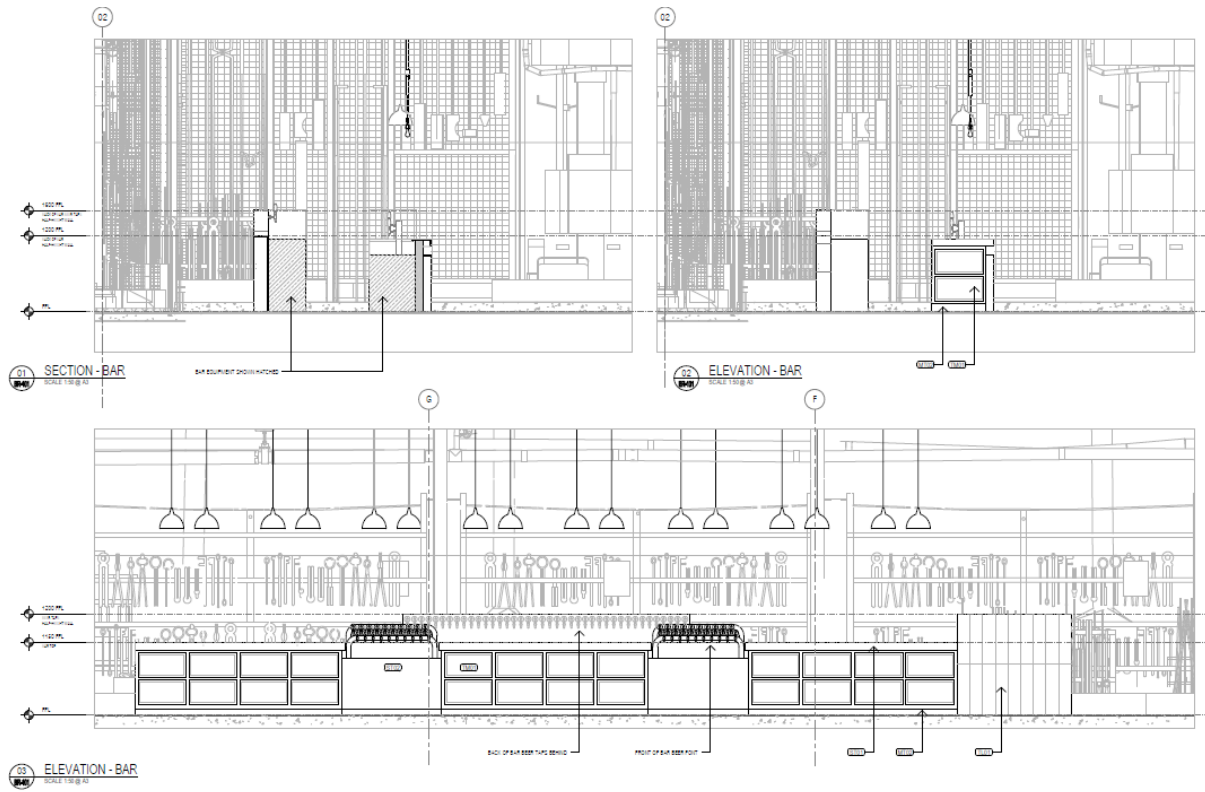


Figure 13: Proposed bar elevations and section

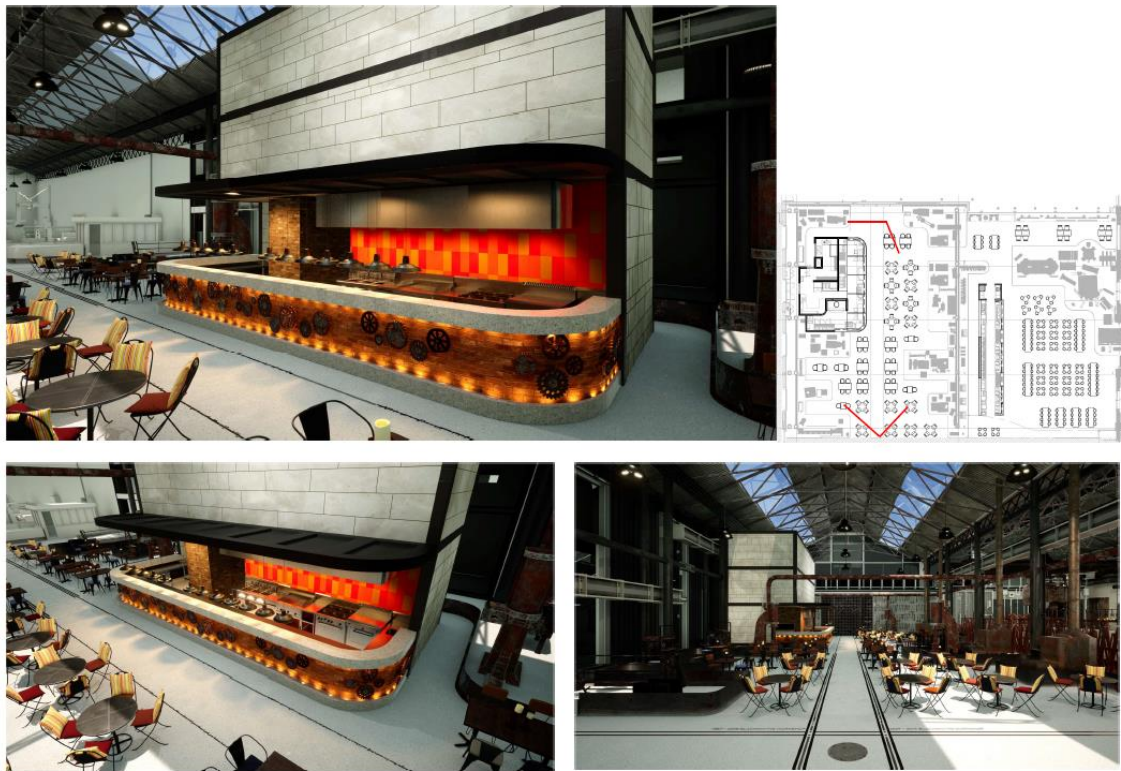


Figure 14: 3D visuals of proposed kitchen

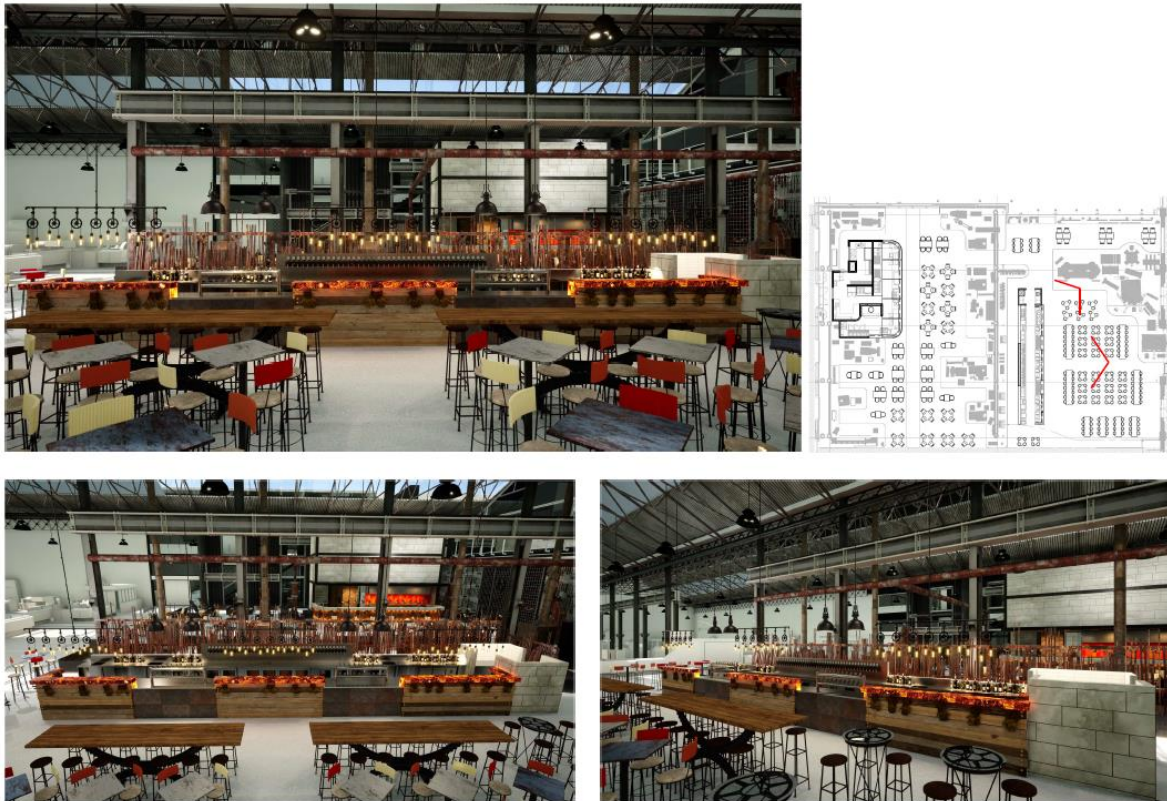


Figure 15: 3D visuals of proposed bar

Assessment

19. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Heritage Act 1977

20. The subject site is listed as an item known as 'Eveleigh Railway Workshops' on the State Heritage Register under the Heritage Act 1977 (Item No. 01140).
21. A Conservation Management Plan (CMP) for the former Australian Technology Park prepared by GML was formally endorsed in 2014.
22. As Integrated Development requiring approval under the Heritage Act 1977, a copy of the application was referred to the Heritage Council on 27 August 2021 in accordance with Clause 66 of the Environmental Planning and Assessment Regulation 2000. In correspondence dated 7 October 2021, the NSW Heritage Council was advised that the exhibition period had been completed and that 7 submissions had been received.
23. On 22 October 2021, the Heritage Council of NSW issued the General Terms of Approval subject to recommended conditions which are included in the Notice of Determination. See further details under the sub-heading 'Heritage' in the 'Discussion' section below.

State Environmental Planning Policies

State Regional Environmental Plan No. 26 - City West

24. The aim of the Plan is to establish planning principles of regional significance for City West, establish planning principles and development controls of regional significance for development in each precinct and promote the orderly and economic use and development of land within City West.
25. The site is identified in the Plan as being located within the Eveleigh Precinct and a heritage item under Schedule 4.
26. Clause 11 of the Plan specifies the Urban Design and Heritage planning principles of regional significance for City West. The proposal satisfies the regional planning principles in that the proposed works are internal only, are sympathetic to the character of the heritage building and does not detract from the quality of the public domain.
27. The proposal satisfies the planning principles for development within the Eveleigh Precinct stipulated under Clause 15 of the Plan. It proposes a land use that is compatible with the area and takes advantage of Redfern Railway Station with no further provision of car parking. It makes efficient use of the heritage item on the site and is compatible with surrounding land uses.
28. The provisions of Division 6 – Heritage Conservation of the Plan have been considered. The proposed signage is compatible with the heritage significance of the Locomotive Workshops and would have an acceptable impact on the quality and overall setting of the area.
29. Overall, the proposal satisfies the relevant matters to be considered by the consent authority under the Plan, subject to conditions.

State Environmental Planning Policy No 64 - Advertising and Signage

30. The aim of State Environmental Planning Policy (SEPP) No 64 is to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.
31. No outdoor signage is proposed under this application. Any proposed outdoor signage would be subject to a separate development application.

State Environmental Planning Policy (Infrastructure) 2007

32. The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Division 15, Subdivision 2: Development in or adjacent to rail corridors and interim rail corridors

Clause 85 – Development adjacent to rail corridors

33. The provisions of Clause 85 have been considered in the assessment of the application.

34. While the subject site is located adjacent to a rail corridor, the proposed development is for an internal fitout and use that does not involve works identified in parts (a) to (d) of Clause 85. The proposed works are therefore unlikely to have an adverse effect on rail safety.

State Environmental Planning Policy (State and Regional Development) 2011

35. The proposed development has a capital investment of less than \$10 million on land identified as being within Redfern-Waterloo sites. Accordingly, the proposal is not classified as State Significant Development and can therefore be determined by the Local Planning Panel as the consent authority.
36. The proposed development is consistent with the aims and objectives of the SEPP.

State Environmental Planning Policy (State Significant Precincts) 2005

37. The site is subject to the provisions of the above SEPP (formerly State Environmental Planning Policy – Major Development 2005). It is located within the Redfern-Waterloo Authority Site. Consequently, the SLEP 2012 and SDCP 2012 do not apply to the site.
38. The proposal use as a pub is permissible with consent in the 'Business Zone - Business Park' area and is generally consistent with the objectives of the zone.
39. The relevant matters to be considered under the SEPP for the proposed development are outlined below:

Appendix 4 - Redfern-Waterloo Authority Sites		
Development control	Compliance	Comment
Part 3 Clause 8 Land use zone - Business Zone - Business Park	Yes	The proposed use as a pub is not listed as a prohibited use in the zone. Therefore, the development is permitted with consent in the zone.
Part 3 Clause 21 Height, floor space ratio and gross floor area	Yes	The proposal does not seek to alter the height of the building on the site. The proposed kitchen pod has 3 levels internally and therefore results in additional gross floor area. The maximum permitted FSR and GFA for the site are established under the SEPP. The Locomotive Workshops are permitted a maximum GFA of 42,055sqm. SSD-8517 approved a quantum of floor space equating to 11,607sqm for Bays 1-4a.

Appendix 4 - Redfern-Waterloo Authority Sites		
		<p>GFA calculation diagrams prepared by Sissons Architects were submitted with this application. The diagrams demonstrate that there is a surplus of GFA of 866sqm within Bays 1-4a.</p> <p>The proposed kitchen pod results in an additional GFA of 106sqm, which results in a total GFA for Bays 1-4a of 10,741sqm.</p> <p>The additional GFA is within the maximum permitted for Bays 1-4a.</p> <p>The GFA is therefore acceptable and there will be no perceived bulk to the building resulting from the internal kitchen pod.</p>
Part 4 Clause 27 Heritage Conservation	Yes	<p>The Locomotive Workshop is identified as a state heritage item.</p> <p>The proposed works have been reviewed by the City's Heritage Specialist and Heritage NSW.</p> <p>Subject to recommended conditions and implementation of the GTAs, the proposal is acceptable.</p>

State Environmental Planning Policy (Urban Renewal) 2010

40. The subject site is located within the Redfern-Waterloo Potential Precinct Map. The policy applies to land within a potential precinct. The proposal is considered to comply with Clause 3 of the Policy and the objectives and matters for consideration under Clause 10 of the Policy.

Discussion

Heritage impacts

41. The subject site is listed as an item known as 'Eveleigh Railway Workshops' on the State Heritage Register under the Heritage Act 1977 (Item No. 01140).

42. The application was referred to Council's Heritage Specialist who advised that the proposal is supported in principle on heritage grounds. The proposed fit out works including the bar pod and kitchen pod are supported as it has been demonstrated that these works will not adversely impact heritage fabric.
43. Clarification on a number of minor points were requested by Council's Heritage Specialist as part of the RFI letter dated 29 October 2021. The table below outlines the requests made by Council and the applicant's response:

Heritage request	Applicant response
Clarify whether the height of the kitchen pod could be further reduced.	The height of the kitchen pod is the minimum possible to comply with codes and regulations for the kitchen.
Provide kitchen pod cladding tile detail.	The proposed materiality for the kitchen pod has been carefully studied and refined in liaison with Heritage NSW and Heritage NSW have requested that the final materiality be submitted for review as part of the GTAs. This will allow the design team to further test and develop appropriate alternatives in liaison with Heritage NSW.
Clarify whether the floor thickness for the Keg room is adequate to support the weight of the kegs.	The keg room floor will have a thickness of 80mm, which has been advised by a structural engineer as being sufficient for the weight of the keg rooms plus 4 persons.
Adequate and generous space must be provided around the display machinery to allow for public access.	A clear circulation of 900mm minimum is provided around all display machinery to allow the public to access and circulate around the machinery.

44. The applicant's response was reviewed by Council's Heritage Specialist who supports the proposal subject to conditions of consent, which are included in the recommendation.
45. As Integrated Development requiring approval under the Heritage Act 1977, a copy of the application was referred to the Heritage Council on 27 August 2021 in accordance with Clause 66 of the Environmental Planning and Assessment Regulation 2000.
46. On 22 October 2021, the Heritage Council of NSW issued the General Terms of Approval subject to recommended conditions which are included in the Notice of Determination.

47. The General Terms of Approval issued by Heritage NSW require the applicant to submit the following as part of the Section 60 application:
 - details of final materials, finishes and colours proposed to be utilised;
 - details of any signage proposed;
 - details of the proposed industrial commercial fans;
 - clarification of who will undertake works to crane beam section; and
 - confirmation that no physical barrier will be utilised to restrict public access to the interpretive elements.
48. In addition to the above details to be submitted, a number of conditions are recommended by Heritage NSW relating to interpretive elements and tours, use of a heritage consultant and standard heritage protection conditions.
49. Subject to the conditions of consent recommended by Council and the General Terms of Approval provided by Heritage NSW, the proposal is considered to be acceptable on heritage grounds and will not adversely impact the heritage significance of the item.

Plan of Management

50. An amended Plan of Management was submitted by the applicant on 22 November 2021, which addressed Council's first request for amendments dated 29 October 2021.
51. On 14 December 2021, Council asked the applicant to clarify further details relating to patron access/ exit points (discussed below) and the location of the existing bathroom facilities. In response to this request, a revised Plan of Management was submitted by the applicant on 20 December 2021.
52. The Plan of Management outlines the following operational details for the premises:
 - Hours of operation will be between 10.00am and 12.00am, 7 days per week (see discussion below regarding hours of operation).
 - Maximum patron capacity is 720.
 - Seating is provided for up to 328 patrons.
 - The primary entry and egress will be via Innovation Plaza (see discussion below regarding patron entrance/ exit points).
 - No bathrooms are provided within the tenancy. Patrons may use the publicly accessible bathrooms within Bays 3 and 4a.
53. The Plan of Management has been reviewed by Council's Licensed Premises unit who advised that it adequately addresses the matters to be considered under the SDCP 2012.

54. With regard to security, the Plan of Management specifies that licensed security will be provided 'as required' from Tuesday - Thursday and from 6pm on Friday - Sunday. Council's Licensed Premises unit recommends that security guards be provided at the premises from 8pm, 7 days per week. A condition of consent is recommended in this regard, which will prevail over the Plan of Management.

Patron entrance/ exit points

Patron entrance

55. On 14 December 2021, Council asked the applicant to provide clarification on the proposed location for patron entrance/exit points to and from the pub.
56. The applicant confirmed that the pub will have two possible entrances/ exits:
- the primary entrance will be from Innovation Plaza (shown in red below); and
 - the secondary entrance will be from the bistro area (shown in purple below), which will also be the way to and from the bathrooms.

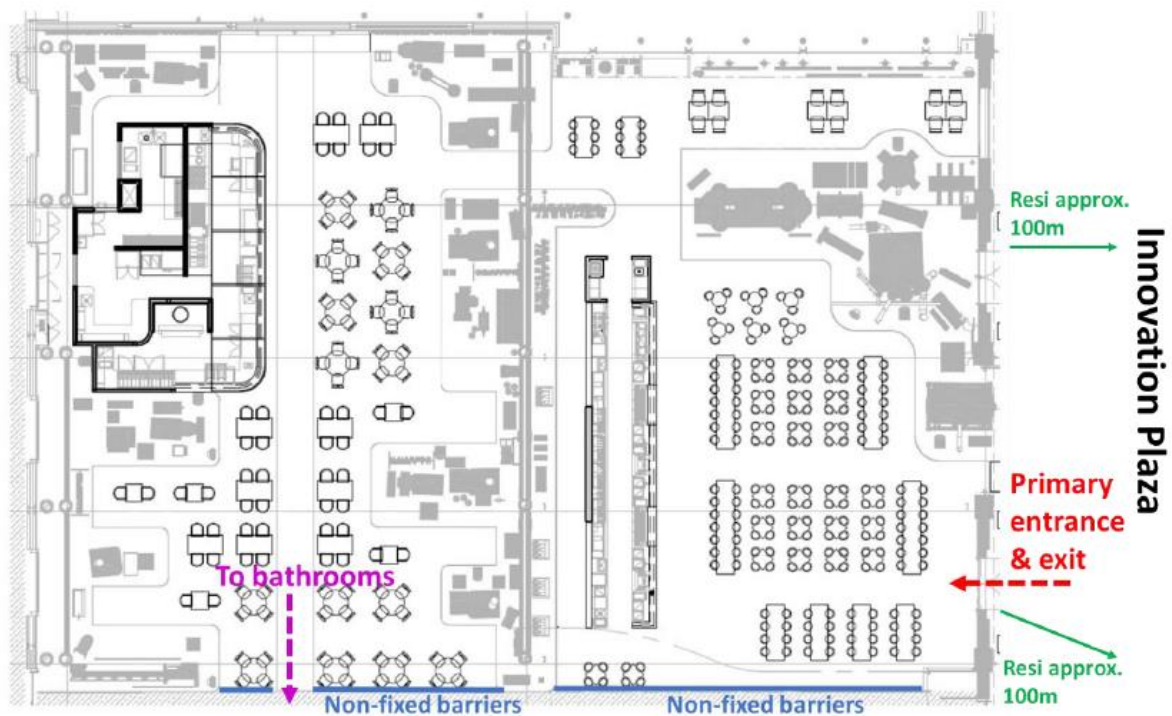


Figure 16: Patron entrance/ exit points as outlined in the Plan of Management dated December 2021

57. The applicant also advised that non-fixed barriers (shown in blue above) will be used to delineate between the tenancy and the common walkway and blacksmith area. This may include interventions such as booth seats, planters, display items, bollards or ropes. A condition of consent is recommended requiring further details of these barriers to be submitted.

58. The Plan of Management has been amended to include the above patron entrance details. The proposed arrangement with primary access being from Innovation Plaza is supported.

Patron exit

59. The submitted Acoustic Report includes a recommendation that after 12.00am midnight, patrons are to be directed out through the southern exit of Bays 3 and 4 towards Locomotive Street to avoid having patrons in the Innovation Plaza area. The intent of this recommendation was to limit the number of people in Innovation Plaza after midnight to minimise possible acoustic impacts.
60. Public submissions were received that queried this proposed egress at closure onto Locomotive Street. The submissions questioned why the Innovation plaza exit will not be utilised, as Innovation Plaza facilitates the direct link to Redfern Street which patrons are most likely to use. Having the primary egress onto Locomotive Street at close may also mean that there are no security staff along Innovation Plaza, where many patrons are likely to travel, which could create noise/ safety issues along the plaza.
61. In response to the above, the applicant's acoustic consultants provided supplementary written advice, confirming that utilising either exit points (Locomotive Street or Innovation Plaza) is acoustically acceptable. It was acknowledged that it is likely that many patrons who leave via Locomotive Street would then walk through Innovation Plaza towards Redfern Station. Therefore, requiring patrons to exit via Innovation Plaza at close would allow staff and security to play an advice role in dispersing patrons quickly and quietly, mitigating potential noise impacts.
62. The Plan of Management was updated to reflect this advice and was resubmitted on 20 December 2021. The Plan of Management confirms that the primary entrance and exit point will be via Innovation Plaza and security guards will monitor Innovation Plaza throughout the night and at closing time to ensure that patrons leave quickly and quietly.

Hours of operation

63. The proposed hours of operation for the pub are between 10.00am - 12.00am midnight, Monday to Sunday.
64. The hours of operation are consistent with those approved under SSD 8517, which restricted hours of operation within the public accessible areas of Bays 1-4a to between the hours of 6.00am to 12.00am midnight, Monday to Sunday.
65. The premises falls under the State Environmental Planning Policy (State Significant Precincts) 2005 and therefore the SLEP 2012 and SDCP 2012 do not strictly apply. However, the late night trading controls outlined in the SDCP 2012 are used as a guide in the assessment of the proposed trading hours.
66. The proposed pub is considered a 'Category A - High Impact Premises' under the SDCP 2012, within an 'all other areas' zone. The permitted indoor late night trading hours in the DCP are as follows:

Base: 10am to 10pm

Extended: 10am to midnight

67. An Acoustic Report prepared by Renzo Tonin & Associates was submitted with the application. The assessment identifies the nearby sensitive receivers as being a commercial premise (Educational Facility) within the Locomotive Workshop and nearby residential premises along Cornwallis Street and Garden Street, approximately 100m from subject site.



Figure 17: Aerial photo provided in Acoustic Report, showing sensitive receivers in orange and green

68. The Acoustic Report does not identify any non-compliances with the relevant noise criteria. It recommends that management controls be implemented during operation. These include:
- Existing acoustic measures to the base building (no further works required).
 - All operable doors and windows on the façade of the proposed pub are to be closed during operating hours.
 - After 12.00am midnight, patrons are to be directed out through Bays 3 and 4 towards Locomotive Street, to avoid having patrons in the Innovation Plaza area.
 - Limitations on music noise, with the report specifying Council's noise criteria below:
- The LA10, 15 minute noise level emitted from the use must not exceed the background noise level (LA90, 15 minute) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.

69. Council's Environmental Health Unit expressed caution in the assessment of the proposed operation until 12.00am, given the premises will be licensed with music noise. It was recommended that consideration be made to limiting the hours of operation to 10.00pm on Sunday to Thursday and a trial period to 12.00am midnight on Fridays and Saturdays.
70. However, it was also acknowledged by Council's Environmental Health unit that the Acoustic Report did not find any non-compliances and has recommended management controls be put in place during operation. It was also acknowledged that the location of the development is within an existing covered warehouse with no history of noise issues.
71. It is also noted that the applicant has clarified that no live entertainment is proposed and this is outlined in the Plan of Management.
72. A number of licensed premises have been granted consent for operation until 12.00am within the Locomotive Workshop. Some examples are outlined below:

Use and location	Application no.	Approved hours of operation
Bays 3 and 4A south Licensed restaurant, function centre, coffee roasting facility and training school known as 'The Grounds of South Eveleigh'. Maximum capacity is 895 persons.	D/2020/223 dated 22 June 2020	7.00am to 12.00am midnight Monday to Sunday
Annex structure to south of Bays 9-10 Licensed Restaurant (Kylie Kwong Eatery)	D/2020/316 dated 20 June 2020	6.00am to 12.00am midnight Monday to Sunday
Annex Structure in Bays 8-10 Small bar	D/2020/860 dated 27 October 2020	10.00am to 12.00am midnight Monday to Sunday

73. Considering the above, the proposed trading hours to 12.00am midnight, Monday to Sunday are considered to be acceptable for the following reasons:
- The hours are consistent with the approved hours under the SSD fitout consent for Bays 1-4a (SSD 8517).
 - Trading until 12.00am midnight has been approved for other licensed premises within the Locomotive Workshop, as outlined in the table above.

- (c) The hours of operation are consistent with what would be sought and expected for a pub use within a commercial precinct.
 - (d) Nearby residential receivers are located approximately 100m away from the site and the submitted Acoustic Report demonstrates that required noise levels can be achieved on the site in accordance with the recommendations made in the report.
 - (e) Though the proposed maximum capacity is 720 patrons, it is not anticipated that the pub would be at full capacity at all times, including on week nights.
 - (f) The proposed hours are consistent with the permissible indoor trading hours under SDCP 2012.
 - (g) The Plan of Management adequately outlines how the premises will operate in terms of noise management, safety, security and managing incidents.
74. It is recommended that hours of operation be approved between 10.00am and 10.00pm on a permanent basis Monday to Sunday, with trading between 10.00pm and 12.00am midnight approved on a trial basis. A 1 year trial period is recommended so that Council can review the operational performance of the venue.
75. Additional conditions of consent relating to management and operation of the premises are also recommended to ensure the proposal does not result in unacceptable amenity impacts to surrounding properties.

Sanitary facilities

76. The Plan of Management states that no sanitary facilities are provided within the subject tenancy. Patrons will use the publicly accessible sanitary facilities within Bays 3 and 4A, outlined in the diagram below:

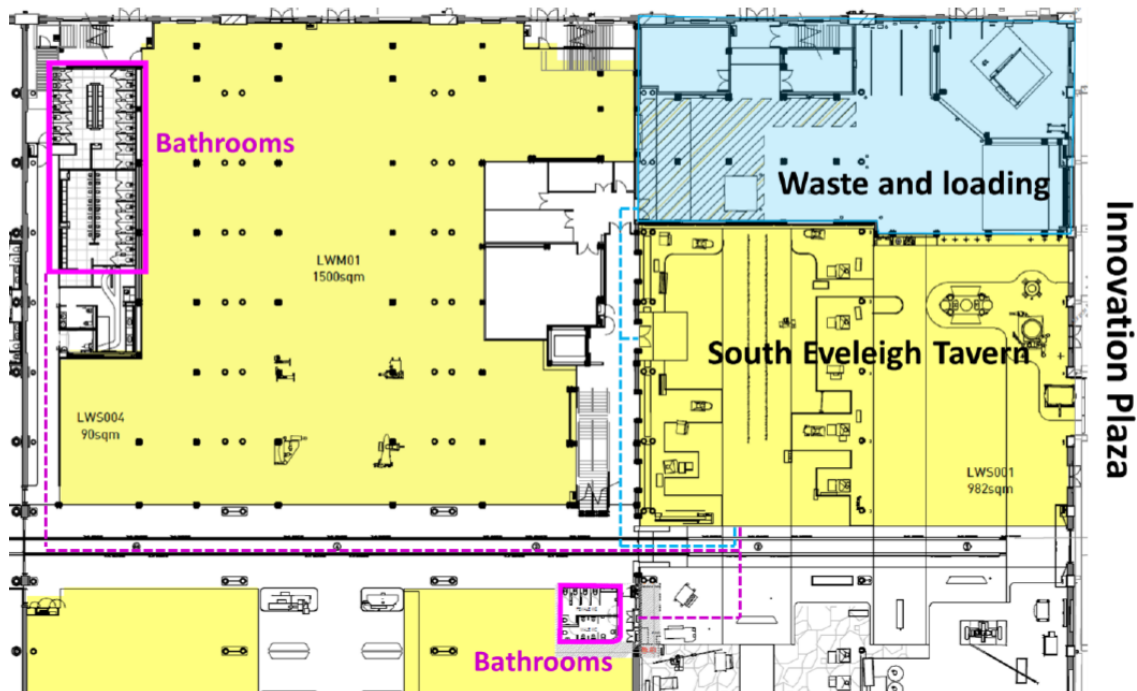


Figure 18: Existing bathroom facilities within the Locomotive Workshop, outlined in purple

77. In the request for additional information, Council requested clarification as to how the proposal will comply with requirements for sanitary provisions in the BCA, noting that this must take into consideration other occupancies using the same sanitary facilities.
78. An 'Amenities Population Letter' prepared by Mirvac was provided, which demonstrates that the public bathrooms in the Locomotive Workshop have an existing surplus capacity of 1500 patrons, which is sufficient for the proposed use.
79. The applicant also advises that wayfinding signage for bathrooms has been installed as part of the base build. Additionally, the proposed pub will display non-fixed signage identifying the two available bathrooms.
80. Council's Building unit raise no objection to the proposal, subject to conditions including the requirement for the premises to comply with the requirements of F2 of the Building Code of Australia relating to sanitary facilities.

Waste management

81. The premises seeks to utilise a shared waste room that was approved under SSD-8517 and will be shared with two other tenancies within the Locomotives Workshop.
82. The submitted Waste Management Plan prepared by Elephant's Foot demonstrates that the shared waste room has the capacity for storage of the waste generated by the proposed pub.
83. The waste arrangements are supported by Council's Waste Management unit, subject to standard conditions which are included in the recommendation.

Association with SSD-8517-Mod-7

84. It is noted that a Section 4.55(2) application (SSD-8517-Mod-7) is currently under assessment by the Department of Planning, Industry and Environment at the time of writing this report. SSD-8517-Mod-7 was lodged by Mirvac in December 2020 and proposes, amongst other things, the expansion of the Bays 1 and 2 north retail space into Innovation Plaza.
85. In the RFI dated 29 October 2021, Council requested clarification around the link between what is sought under this DA and what is proposed under SSD-8517-Mod-7. A number of public submissions received raised concern about the pub use being associated with the outdoor retail space on Innovation Plaza.
86. The applicant advised that that Mod 7 was not lodged by the proponent of D/2021/947 and has wider applicability than the proposed pub. The applicant states that no aspect of D/2021/947 relies on the approval of Mod 7 and that if the proposed pub sought to utilise any seating in Innovation Plaza, a separate application would need to be made to the City, where an assessment on its merits would be made.

Consultation

Internal Referrals

87. The application was discussed with Council's Heritage Specialist, Environmental Health Unit, Licensed Premises Unit, Waste Management Unit and Building Services Unit, who advised that the proposal is acceptable subject to conditions. A summary of comments received is outlined below:

Unit Referral	Comment
Heritage	Acceptable subject to conditions of consent. See details under the 'Discussion' section above.
Environmental Health	Acceptable, subject to conditions. See discussion regarding hours of operation above.
Licensed Premises	<p>The updated Plan of Management is acceptable. It is noted that seating is supplied for 328 patrons, meaning that the need for 392 patrons to stand will require good management by the operator.</p> <p>It is also noted that a condition of consent relating to security requirement will contradict the security details in the Plan of Management. The DA condition will prevail over the Plan of Management.</p> <p>The proposal is acceptable, subject to conditions.</p>
Waste Management	The waste arrangements are acceptable, subject to standard conditions.
Building Services	Acceptable, subject to conditions including the requirement for the premises to comply with BCA requirements for sanitary facilities.
Safe City	Acceptable, subject to conditions relating to security and the approval of the proposed late night trading on a trial basis.
Transport and Access	It is recommended that a Green Travel Plan and a Passenger Pick-up and Drop-off Management Plan be submitted to Council prior to works commencing.

External Referrals

NSW Heritage Council

88. Pursuant to the Heritage Act 1977, the application was referred to NSW Heritage Council on 27 August 2021 for concurrence.
89. Copies of public submissions made to the City of Sydney during the notification period were forwarded to the NSW Heritage Council on 7 October 2021.
90. General Terms of Approval were issued by NSW Heritage Council on 22 October 2021 and have been included in the schedules within the recommended conditions of consent.

NSW Police

91. The application was referred to NSW Police for comment.
92. A response was received raising no objections to the proposed development, however a number of comments were made as follows:
 - Security: The Plan of Management states that the venue will be in charge of its own security but indicates that 'it will liaise with Mirvac and when appropriate, licensed guards will be used to ensure proper and orderly operation of the Tavern'. NSW Police is concerned that this does not indicate that the venue is charge of its own security and raises risks as to the ability of the Tavern to adequately provide those functions at the venue (particularly in a timely manner). It further raises risks with compliance with Security legislation. NSW Police request that a condition be included that requires the venue to provide a licensed security person on Friday, Saturday and Sunday evenings of long weekends as well as event days.
 - Crime scene preservation: It is requested that the PoM be updated to commit to crime scene preservation. This has been updated by the applicant.
 - Incident register: To be included in the PoM. This has been updated by the applicant.
 - A condition of consent should be imposed requiring the venue to always be operated/ managed in accordance with the PoM.
93. Conditions of consent reflecting the above comments have been included in the recommended conditions of consent.

Advertising and Notification

94. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 28 days between 26 August 2021 and 24 September 2021.
95. A total of 1,112 properties were notified and seven submissions were received.
96. One submission was in support of the application. Another submission was in support of the application subject to some minor issues being addressed. Five submissions by way of objection were received.

97. The submissions raised the following issues:

Issue raised	Comment
<p>Heritage interpretation</p> <p>Bays 1 and 2 north were intended to be a hybrid development which combined heritage interpretation within a retail setting of small retail offerings.</p> <p>The heritage displays within Bays 1 and 2 are removed from public accessibility. A condition should be included that says that the public should be allowed to access to view the heritage interpretation.</p> <p>Concern was also raised that the DA would limit access to heritage tourism, school excursions and open days.</p> <p>The Plan of Management makes no reference to heritage interpretation.</p>	<p>The proposal has been assessed by Council's Heritage Specialist and Heritage NSW.</p> <p>Heritage NSW granted concurrence to the DA subject to General Terms of Approval (GTAs). The GTAs require additional details to be submitted for approval by Heritage NSW to ensure that impacts to significant fabric are minimised, that works are reversible and that significant heritage fabric remains largely exposed and visible.</p> <p>The GTAs also include a condition requiring the moveable heritage items located west of the proposed kitchen pod structure to be relocated to a more visually accessible location, and a plan of management to be provided outlining how access for tour groups and school groups will be facilitated.</p> <p>Conditions of consent are recommended requiring submission of details to Council prior to the issue of a construction certificate.</p>
<p>Public access to heritage elements</p> <p>Key elements such as the Davey Press and blacksmith tools will reside within the area of the pub tenancy. There is no public thoroughfare for people to view these items up close.</p> <p>Those under 18 would be prohibited from entering the pub and would not have access to the heritage interpretation.</p> <p>The DA does not consider access for school excursions.</p>	<p>Heritage NSW have imposed conditions that require the relocation of some interpretive elements and a plan of management to be provided outlining how access for tour groups and school groups will be facilitated.</p>

Issue raised	Comment
<p>Kitchen pod</p> <p>The 3 level kitchen pod would impact the Victorian grandeur and impacts the space, columns and roof structures of the workshop.</p>	<p>The proposed kitchen pod is supported by Council's Heritage Specialist and Heritage NSW, subject to details of materiality being submitted.</p>
<p>Hours of operation</p> <p>The proposed hours of operation are excessive and would provide no relief to local residents, particularly with the pub being less than 100m from residential uses on Cornwallis Street and Garden Street.</p> <p>If the Tavern closes at midnight, it will take a further 30-45 minutes for all patrons to leave the area.</p> <p>Several submissions request that the operating hours be restricted to 10pm. One submission requests no operation on Sundays.</p>	<p>The proposed hours of operation are supported subject to a trial period for the reasons outlined in the 'Discussion' section above.</p> <p>Conditions of consent are recommended to protect neighbourhood amenity. This includes a condition requiring the operator to cease serving customers 30 minutes before the required closing time and a condition requiring the premises to ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.</p> <p>The use must also always be operated in accordance with the revised Plan of Management and Acoustic Report.</p>
<p>Security</p> <p>The PoM does not provide enough detail/commitment to providing security. The pub must provide more than 'monitoring' of anti-social behaviour. At least 2 full time security guards are needed.</p>	<p>The Plan of Management has been updated to outline proposed security staff. Conditions of consent are also recommended that require the provision of security guards, surveillance cameras and compliance with the Plan of Management.</p>
<p>Egress</p> <p>Egress at closure will be onto Locomotive Street, not Innovation Plaza. It is queried why both are not utilised, as Innovation Plaza facilitates the direct link to Redfern Station. Leaving via Locomotive Street makes Cornwallis Street more appealing for pedestrians, which could cause noise impacts.</p>	<p>The queries raised in public submissions have been addressed by the applicant and the primary egress at closure has been amended to be via Innovation Plaza, instead of Locomotive Street as originally proposed.</p> <p>An addendum to the Acoustic Report prepared by Renzo Tonin & Associates has been submitted, which demonstrates that direct exit onto</p>

Issue raised	Comment
<p>Also, having 700+ patrons from the pub plus patrons from other premises leaving via one exit could cause congestion and noise.</p> <p>It does not make sense for exit to not be provided onto Innovation Plaza, when patrons are likely to walk down Innovation Plaza to get to the train station. This is an issue if there are no security staff allocated along Innovation Plaza.</p>	<p>Innovation Plaza is acoustically acceptable.</p> <p>It is acknowledged that many patrons who leave the pub will likely walk towards Redfern Station through Innovation Plaza. Therefore, the primary exit point and location of security staff has been amended to reflect this, to ensure that security guards are present as patrons exit onto Innovation Plaza.</p> <p>The Plan of Management has been updated to reflect this arrangement.</p>
<p>Public safety</p> <p>The site is located on the pedestrian trajectory between the Commonwealth Bank offices and Redfern Station. Having to make their way through pub patrons will compromise commuters' workplace safety.</p>	<p>The proposal seeks to operate indoors only and does not seek to use Innovation Plaza or any other outdoor areas as part of the pub.</p> <p>Security staff will be required during the evenings to ensure patrons leave the premises quickly and quietly.</p> <p>Conditions of consent are recommended to protect neighbourhood amenity and the premises will need to operate in accordance with the Plan of Management.</p>
<p>Expansion of Tavern into outdoor areas</p> <p>Concern is raised regarding the association between the subject DA and SSD-8517-Mod-7. Expansion into Innovation Plaza should have a separate acoustic study, environmental impact study and heritage impact study.</p> <p>Permanent structures in Innovation Plaza would result in heritage impacts and impacts to trees.</p> <p>Concern is raised that the submitted Acoustic Report does not address the expansion of the pub use into Innovation Plaza.</p>	<p>Use of Innovation Plaza for the purpose of outdoor dining for the pub does not form part of this DA. This DA and all supporting documentation including the Acoustic Report relates to indoor use only.</p>

Issue raised	Comment
<p>Sanitary facilities</p> <p>The premises will rely on public facilities. Given the number of patrons and shared nature of the facilities, there is no indication as to who is responsible for cleanliness and supply of the public toilets.</p> <p>There is one wheelchair accessible toilet and one baby changing room that can be used by a wheelchair bound person. However, there are no hand holds to assist a disabled person.</p>	<p>The issue of sanitary facilities is assessed under the 'Discussion' section above.</p> <p>The proposal will need to comply with the requirements of the BCA relating to sanitary facilities and accessibility.</p>
<p>Travel management</p> <p>A Travel Management Plan should be provided to provide detail of staff travel, traffic impacts on the locality and truck movement into loading bays.</p> <p>The loading dock is intrusive and disproportionate.</p>	<p>No parking is provided as part of the proposal, which is permissible and supported in this location.</p> <p>The site is located in close proximity to various public transport options such as bus routes and Redfern Station.</p> <p>To address community concerns relating to traffic impacts, it is recommended that a Green Travel Plan be submitted to Council prior to the issue of a construction certificate. The Green Travel Plan will assist in managing transport demand through a series of measures that promote and facilitate use of sustainable modes of travel to reduce private motor vehicle use.</p> <p>It is also recommended that a Passenger Pick-up and Drop-off Management Plan be submitted prior to works commencing, to ensure the operation of the premises has minimal impact on the surrounding transport network.</p> <p>The loading dock was approved under SSD-8517 and does not form part of the subject DA.</p>

Issue raised	Comment
<p>Community consultation</p> <p>There has been a lack of consultation undertaken with community members and community groups.</p>	<p>The applicant advises that consultation was undertaken between the proponent, Mirvac and NSW Heritage prior to lodgement.</p> <p>The DA was placed on public exhibition to allow for consultation with residents within a 75m radius of the site in accordance with the City of Sydney Community Participation Plan 2020.</p>
<p>Signage</p> <p>Though not specified in this DA, potential outdoor signage is of concern. Other signs on the Locomotive Workshop have been installed without consent and concern is raised that inappropriate signage will be installed in association with the pub without consent.</p>	<p>No external signage is proposed under this DA. Any signage for the pub would need to be subject to a future DA.</p> <p>A condition of consent is recommended that requires details of any internal signage associated with the pub to be submitted to Council prior to the issue of a construction certificate.</p>

Financial Contributions

Contribution under Redfern-Waterloo Authority Contributions Plan 2006

98. The development is subject of a contribution under the provisions of the *Redfern-Waterloo Authority Contributions Plan 2006*. The plan requires any relevant contributions to be paid to Urban Growth NSW, now known as Infrastructure NSW. The City of Sydney Development Contributions Plan 2015 does not apply to Redfern-Waterloo Authority (RWA) sites while the Redfern-Waterloo Authority Contributions Plan 2006 remains in force.
99. The Minister is the consent authority and that authority has been delegated to Council. Clause 8 of the plan states: 'The Minister may impose as a condition of consent to the carrying out of development to which this Plan applies, a requirement that the applicant pay a development levy of 2% of the proposed cost of carrying out the development'.
100. The contribution is calculated as 2% of the proposed cost of development. Clause 11 of the plan requires an application to be accompanied by a detailed cost report, prepared in accordance with Schedule 3 of the plan. Clause 12 of the plan requires this detailed cost report to be prepared by a licensed builder, a practical structural engineer, a quantity surveyor, an architect or a person appointed by agreement between the applicant and the Minister.
101. In this instance, an estimated cost of works was submitted with the application, prepared by a Project Manager at SGB Group. The estimated cost of works was submitted as being \$1,320,000.00.

102. The estimated cost of works does not appear to have been prepared in accordance with Schedule 3 of the plan. Therefore, it is recommended that a detailed cost report prepared in accordance with Clause 11 of the plan be submitted prior to calculation of the levy and that any necessary contributions to Infrastructure NSW be paid accordingly.

Affordable housing contribution

103. The Redfern-Waterloo Authority Sites Affordable Housing Contributions Plan 2006 requires the payment of an affordable housing contribution. This calculates the contribution using a rate (indexed annually) per square metre of GFA sought in the application.
104. Under SSD-8517 for Bays 1-4a, it was established that given the SSD proposed less GFA than previously existed, no affordable housing contribution is required.
105. The proposed GFA resulting from the kitchen pod results in a total GFA for Bays 1-4a that is below the approved GFA for these bays. Therefore, no affordable housing contribution is required.

Relevant Legislation

106. Environmental Planning and Assessment Act 1979.
107. Heritage Act 1977.

Conclusion

108. Approval is sought for the fit out and use of Bays 1 & 2 in the Locomotive Workshop as a pub, with proposed trading hours between 10.00am - 12.00am midnight, Monday to Sunday.
109. The proposal complies with the objectives of the 'Business Zone - Business Park' area under the State Environmental Planning Policy (State Significant Precincts) 2005.
110. The development complies with the development standards relating to height, floor space ratio and gross floor area under the State Environmental Planning Policy (State Significant Precincts) 2005.
111. The development includes internal fitout works that achieve a high standard of design, materials and detailing that are appropriate for the heritage item, subject to conditions. The works are internal only and will not adversely impact the significance of the heritage item or the visual appearance of the building from the public domain.

112. The proposed hours of operation are acceptable, subject to a trial period. The hours of operation are in keeping with licensed premises within the vicinity of the site and will contribute positively to the commercial precinct in close proximity to public transport. Noise impacts will be managed through conditions of consent and the operation of the premises will be managed in accordance with the Plan of Management.
113. A total of seven submissions were received. Issues raised in the submissions have been addressed in the report.
114. The proposal is generally consistent with the objectives, standards and guidelines of the relevant planning controls and is recommended for approval, subject to conditions.

ANDREW THOMAS

Executive Manager Planning and Development

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