

21 September 2021

2190140

Jim Betts
Secretary
Department of Planning, Industry & Environment
12 Darcy Street
PARRAMATTA NSW 2150

Attention – Tom Piovesan

Dear Tom

RE: Response to Request for Information, Bays 1-4a of the Locomotive Workshop, South Eveleigh (SSD 8517, MOD 7)

Ethos Urban has prepared this letter on behalf of Mirvac Projects Pty Ltd (Mirvac) in response to the Department's Request for Additional Information dated 16 February 2021, which related to the Modification Application (MOD 7) to amend State Significant Development (SSD) Consent SSD 8517 for the adaptive reuse of Bays 1-4a of the Locomotive Workshop and Innovation Plaza at South Eveleigh.

This Response to Submissions (RTS) is supported by the following documents:

- Amended Architectural Plans, prepared by Sissons (**Attachment A**);
- Amended Landscape Plans, prepared by Aspect (**Attachment B**);
- Response to Public Submissions (**Attachment C**);
- Copy of minutes from a meeting with City of Sydney Council and NSW Heritage (**Attachment D**).

The information requested by the Department and Mirvac's response is provided in Section 1. Mirvac's Response to the comments made by the City of Sydney Council and NSW Heritage are set out in Sections 2 and 3 respectively and Mirvac's Response to the Public Submissions are provided in Attachment C.

In response to the submissions made, the proposal has been revised as follows:

Element	December 2020 Submission	September 2021 Submission
Expansion of the retail premises use zone	<ul style="list-style-type: none"> 671.8m² with 1.5m pedestrian throughfare between the Locomotive Workshop and the retail/ outdoor seating zone 18% of total area of Innovation Plaza 	<ul style="list-style-type: none"> This element is still proposed The retail area will comprise 587.1m² and provide a 3.2m pedestrian throughfare between the Locomotive Workshop and the retail/ outdoor seating zone 16% of total area of Innovation Plaza will be taken up by the proposed retail area
Extension of the approved outdoor seating areas within Innovation Plaza	<ul style="list-style-type: none"> As per plan 	No change, however confirmation that the furniture will not be fixed and will be removable.
Built structure envelopes	<ul style="list-style-type: none"> North – 73.2m² built structure envelope South – 73.2m² built structure envelope 	North – built structure envelope is withdrawn South – a 14m ² reversible structure envelope is proposed instead of the previous built structure zone
Awning structure zone envelope	<ul style="list-style-type: none"> North – 146.4m² envelope South – 256m² envelope 	Withdrawn
Amendment to Condition F12	Publicly accessible area operational hours to extend from 12am midnight to 1am	Withdrawn

1.0 Response to DPIE Key Issues

1.1 Building Envelopes

Issue

It is recommended that the proposed building envelopes be reconsidered, noting the public recreation zoning, heritage values of Innovation Plaza and the concerns raised by Heritage NSW and Council about the introduction of permanent built structures within Innovation Plaza.

While the Department is open to considering options for activation of Innovation Plaza, consideration should be given to flexible and non-permanent alternatives, developed in consultation with heritage NSW and Council.

Response

The revised Architectural Plans included at **Attachment A** and in **Figures 2 and 4** below demonstrate that only one structure zone is now proposed, and the awning structure zone has been removed. It is still intended to provide a bar within the structure zone from which drinks will be served and as such it will be permanently placed in the proposed location, whilst the tenancy is operational. However, the proposed composition is likely to be a container-like structure which will be fully reversible in nature and can easily be removed without leaving any permanent physical or visible traces of it being there, as depicted in **Figure 5**.

In addition, the outdoor seating is also proposed to remain, however this has been condensed slightly due an increase of the travel paths between the Locomotive Workshop and the outdoor seating zone, as discussed in Section 1.2 below. Furthermore, the seating within this zone is not intended to be fixed and will be of a non-permanent and removable nature.

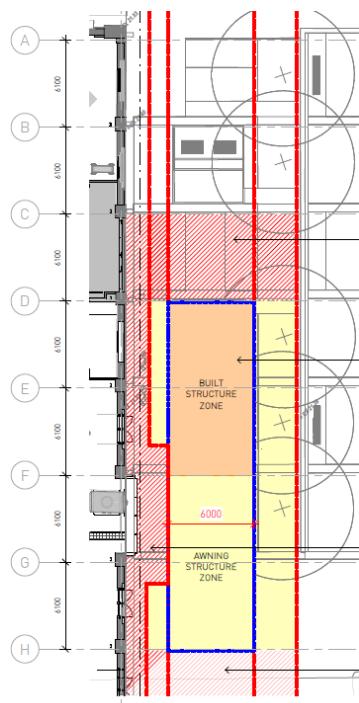


Figure 1 Previous Scheme – Innovation Plaza North

Source: Sissons

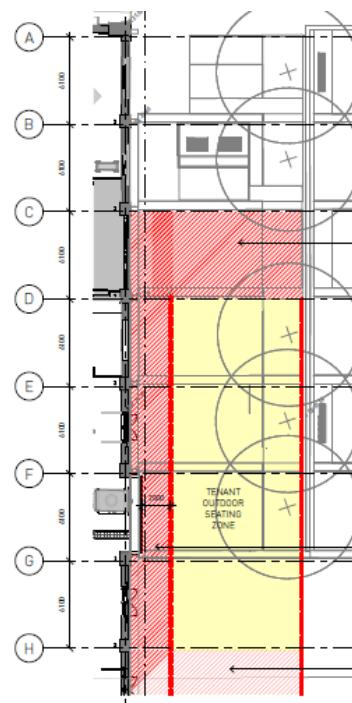


Figure 2 Revised Scheme – Innovation Plaza North

Built Structure Zone removed, Awning Structure Zone removed, Width of walkway between the Locomotive Workshop Façade and the Outdoor Seating Zone increased to 3.2m, and Outdoor Seating Zone retained but reduced in width

Source: Sissons

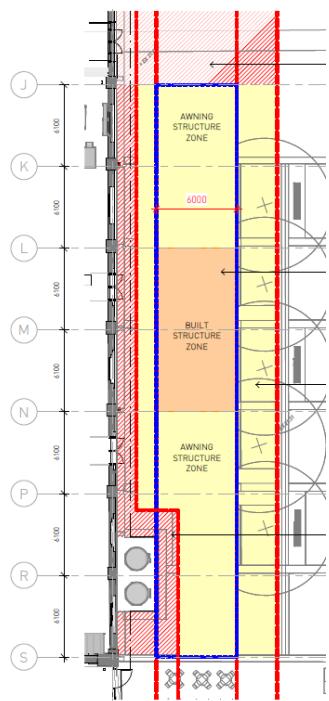


Figure 3 Previous Scheme – Innovation Plaza South

Source: Sissons

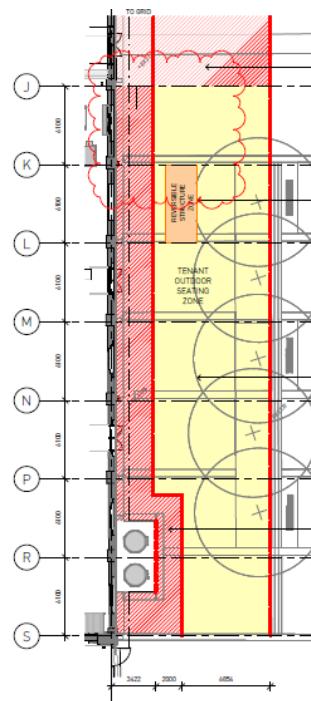


Figure 4 Revised Scheme – Innovation Plaza South

Built Structure Zone decreased to 14m² and relocated, Awning Structure Zone removed, Width of walkway between the Locomotive Workshop Façade and the Outdoor Seating Zone increased to 3.2m, and Outdoor Seating Zone retained but reduced in width

Source: Sissons



Figure 5 Indicative image of proposed bar structure

The final design and materiality of the proposed bar structure will be set out within the separate DA submitted to Council by the tenant
Source: 3PE

1.1.1 Consultation with City of Sydney Council and NSW Heritage

On 18th August 2021, Mirvac representatives met with Council and NSW Heritage to present the proposed amendments to the scheme. Minutes from the meeting were then provided to all attendees on 31st August 2021. A copy of the minutes is provided at **Attachment D**.

Following the issue of the meeting minutes, Council's Heritage Officer confirmed via email on 7th September 2021 that *"the proposal is a definite improvement"* and that she was supportive of it from a heritage perspective. In addition, Council's Area Planning Manager (Major Projects) via email on 7th September 2021, relayed his thanks for issuing the minutes from the meeting and confirmed that he had no further comments to make.

In addition, NSW Heritage requested further detail via email on 31st August 2021 and Mirvac responded on 9th September 2021. **Table 1** sets out the details requested by NSW Heritage and Mirvac's response. *It must be noted however that the information requested by NSW Heritage relates to the detailed design and operational factors of the future tenancy, which do not form part of this modification application. Accordingly, the design and type of loose furniture and umbrellas, the design of the container bar structure and intended storage locations are matters that should only be considered at the DA stage. These details will be clearly set out in the future DA and therefore NSW Heritage, Council and the public will have an opportunity to assess what is proposed by AVC (the future tenant) and provide comments at that time.*

Table 1 Summary of NSW Heritage request for additional information and Mirvac's response

NSW Heritage	Mirvac's Response
Is the loose furniture proposed to be packed away at night? Where will it be stored?	It will be packed up and stored externally. The intent is consistent with other AVC external licensed areas under CoS control (i.e. Customers house, Bungalow 8 and Cargo bar.)
Could you clarify the use of umbrellas and again where these will be stored.	The use will be similar to that of RE bar on Locomotive Street and they will be stored inside the venue.
How mobile will the shipping container be, i.e. will it be plumbed, services provided etc?	The container will have serviced plumber to it.
Will perspectives from key views within the space be provided to understand visual impacts of the elements.	There are renders presented previously from AVC however they don't reflect what the current intent (permanent bar, awning structure, etc). Updated perspectives can be sent across once AVC update them.

Further correspondence received from NSW Heritage via email on 13th September 2021 confirmed that NSW Heritage would provide formal comment to the Department following submission of the RTS. However it was again requested that perspectives from key views within Innovation Plaza were provided to enable an understanding of the visual impacts or the proposed new elements.

Indicative perspectives have been prepared by Sissons and are included in **Attachment A**. These perspective images are indicative only and do not necessarily reflect the final design outcome, as the exact detail of AVC's final design is not available at this time. Notwithstanding this, the perspective images illustrate that the presence of the reversible bar structure and removal tables and chairs within the context of Innovation Plaza, the Locomotive Workshops and the National Innovation Centre, do not provide unacceptable clutter, allow the views of the heritage fabric of the buildings to not be impacted or compromised, simply and effectively activate the space and enable people to enjoy the space and the surrounds. Accordingly, we do not consider the proposal will create any adverse visual impacts.

1.2 Continuous Path of Travel

Issue

Options should be explored to increase the width of the continuous path of travel between the Locomotive Workshop and outdoor seating zones, to improve pedestrian movement and provide appropriate separation between the outdoor seating area and the Locomotive Workshop.

Response

As illustrated in the revised architectural plans and public domain plans (**Attachments A and B**), the continuous path of travel between the Locomotive Workshop and the outdoor seating zone has been increased by 1517mm from 1600mm to 3117mm, with the exception of the dogleg around the tanks in Innovation Plaza South.

1.3 Public Domain

Issue

Provide detail of the terms of public access easement over Lot 4007 DP1194309 and how the proposal relates to and is consistent with this easement.

Response

The details of the terms of the public easement over Lot 4007 DP1194309 have been provided to DPIE under separate correspondence.

At the meeting with Council and NSW Heritage, it was confirmed by Council that the terms of the public access easement and associated covenant are outdated and were instated by Urban Growth at the time of the transferal of ownership to Mirvac. Council noted that they would be open to amending and updating the wording, however it is likely that any amendment would only enable non-permanent furniture to be permitted.

It is Mirvac's understanding that the existence of the public access easement and covenant does not prevent this Modification Application or any other Development Consent to be approved, that seeks to utilise the space and 'suspend access' to public access areas. Furthermore, the enforcement of the terms of the easement and covenant is subject to the 'Authority's' (being Council) discretion.

Following on from the initial discussion with Council at the meeting on 18th August 2021, Mirvac has commenced a review of the areas of outside seating across the entire South Eveleigh precinct and once completed will look to update the terms within the easement, in a manner which will ensure that the original intention of the public access easement is preserved, but the South Eveleigh precinct can also be effectively activated, by outdoor seating and other non-permanent furniture and structures.

Issue

Update Public Domain Plan No.6 Rev 2 to ensure the outdoor seating zones do not extend over the path of travel and are consistent with the architectural plans submitted.

Response

Noted, the public domain plans have been updated as included in **Attachment B**.

1.4 Hours of Operation

Issue

Provide details of the tenancies within the Locomotive Workshop that have approval to trade until midnight, including the development application numbers.

Response

Three tenancies currently have approval to operate until midnight and require customers to utilise the public amenities located in Bay 4A. The details of the tenancies are included in **Table 2** below. Notwithstanding this, Mirvac withdraws its request to amend Condition F12.

Table 2 Tenancies within the Locomotive Workshops that trade until midnight

Name	Location	Relevant DA Reference
Lucky Kwong	Annex structure on Locomotive Street south of Bays 9 and 10	D/2020/316
RE' Cocktail Bar	Annex structure on Locomotive Street south of Bays 8 and 9	D/2020/860
The Grounds	Ground level of Bays 3 and 4a South within the Locomotive Workshops	D/2020/223

2.0

3.0 Response to City of Sydney Council

3.1 Points 1 & 2

To ensure the vitality and safety of the community and public domain is achieved, the City recommends that the provision of tenant outdoor seating zones located 1.6m from the Locomotive Workshop building line and outside of the proposed enveloped be deleted. This would allow for a generous width of travel to avoid crowding and increase the safety of people, particularly with impaired visions, to easily traverse and navigate this space.

Having regard to the above, a path of travel free of structures would simultaneously improve the visual and spatial relationship of any future structures within the Locomotive Workshops and allow the building to be discerned. This is of critical importance having regard to the state heritage significance of the building.

Response

The outdoor seating zone are to remain within the revised scheme, as they are considered necessary and critical to activating Innovation Plaza and providing suitable areas for customers to sit and enjoy a drink within the surrounds of the Locomotive Workshops and Innovation Plaza. The width of the outdoor seating zones have been reduced and the path of travel between the Locomotive Workshop and the outdoor seating zone has been increased as discussed above, to provide a 3.2m wide pathway adjacent to the building façade that will enable people to easily traverse and navigate through Innovation Plaza on either side of the outdoor seating zone.

Accordingly, the area of the revised outdoor seating zone/ retail premises area is 587.1m², which equates to 16% of the total 3,675m² area that comprises Innovation Plaza and the Recreation Zone – Public Recreation. Significant space within Innovation Plaza will therefore remain for public recreation activities and people transitioning through Innovation Plaza. As depicted in **Figure 6**, the transition zones will include a 3.2m walkway between the façade of the Locomotive Workshop and the western edge of the outdoor seating zone, and a 26m wide area between the eastern edge of the outdoor seating zone and the façade of the National Innovation Centre, which incorporates a central 14m wide main pedestrian throughfare.

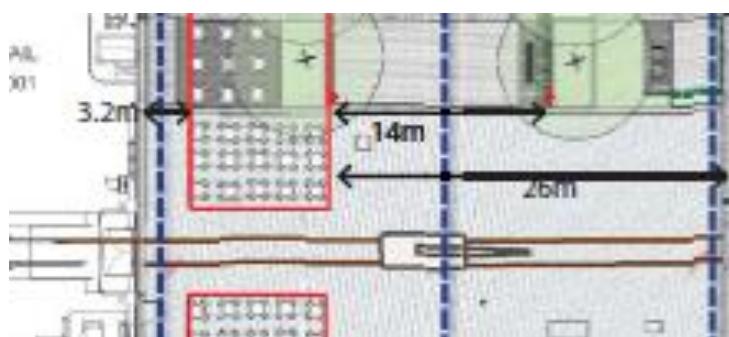


Figure 6 Widths for pedestrian movement through Innovation Plaza

Source: Aspect

The provision of only one structure zone and the removal of the awning structure from the proposed scheme, will also reduce clutter and provide increased visual opportunities to absorb the appearance of the Locomotive Workshops and its heritage significance. It is not considered necessary to delete the outdoor seating zone for the state heritage significance of the Locomotive Workshops to be appreciated.

3.2 Point 3

The provision of outdoor seating and any built form and awning structure envelopes must not compromise and impede on the existing trees located within Innovation Plaza. The trees are vital public domain elements that positively contributes to the visual and aesthetic value as well as to the amenity of the area and must be protected.

Response

The reversible structure envelope is positioned well away from the nearest tree and no other built form or awning structures are now proposed. Outdoor seating will likely be positioned in and around the trees, however they will be moveable and likely to be light weight. Therefore, it is unlikely that any future seating and tables placed within the outdoor seating zone will impact upon the existing trees and affect their visual and aesthetic value.

3.3 Point 4

Having regard to the proposal relating to the provision of outdoor dining zones and building envelope for structures only, it is imperative that any future application for the detailed design be well considered to allow the eastern façade of the Locomotive Workshops to be revealed whilst allowing for the continual functionality of the Plaza for public open space as the primary thoroughfare to and from the ATP precinct. As such, the operating hours of the retail uses, the types and location of the seating and furniture proposed, outdoor lighting and the accessibility through Innovation Plaza and the Locomotive Workshops must be addressed in any future application.

Response

Noted. The future development application for the use and operation of the space will address all aspects of the development including the type and location of the seating and furniture, accessibility through Innovation Plaza and any outdoor lighting.

4.0 Response to the NSW Heritage

4.1 Indicative building envelopes

Activation of this area is supported. However, this must be achieved through design that does not compromise the importance and character of the space, the significant visual connections, and the legibility of significant elements of the Locomotive Workshops building including the longitudinal external façade wall and its composition. This is critical to mitigate cumulative impacts of the overall redevelopment on public and non-public spaces of the site.

We understand that the proposed amendments are for the set out of built structure envelopes and not for the built structures themselves. However, we do not support the introduction of permanent built structures within this area. This is based on Innovation Plaza being the last uncompromised non-built space within the South Eveleigh precinct; the retention of these spatial qualities will help interpret the original form and solid-and-void composition of this important public space. This is consistent with our comments on other proposals for Innovation Plaza. We recommend that structures and built elements within Innovation Plaza not be permanent so as to be responsive to a changing environment, to adjacent uses (existing and future) and to future strategies to activate the area. As such, we recommend that such structures and built elements be reversible (without damaging significant fabric and qualities); their reversibility and flexibility will help to mitigate potential heritage impacts.

Response

The comments from NSW Heritage have been duly noted. In particular, both Mirvac and the future tenant of the space have taken on board the requirement for structures and built elements within Innovation Plaza to be reversible without damaging significant fabric and the qualities of the space.

Accordingly, the built structure and awning structure zones have been removed from the proposal and it now only seeks approval for the use of the space, one reversible structure zone and the outdoor seating zone. The built form of the bar will be subject to a separate development application, but will likely be akin to the container-like structure illustrated in **Figure 5**. Whilst the practicalities of the operation will mean that the future bar structure will need to be sited within the reversible structure zone in perpetuity, a structure such as that outlined in the indicative image, will ensure that the space will not be damaged in any way and can be easily transported into place and removed if necessary.

4.2 Retail use/ outdoor seating

We generally support the use of the western portion of Innovation Plaza as retail premises as it would allow engagement and interaction with the existing heritage buildings. We also do not have objections in expanding the approved outdoor seating areas provided legibility of Locomotive Workshops building and its distinctive elements are not compromised. However, we recommend that the proposed 1.6m separation between the building and the seating be increased to 2 metres to provide a more appropriate physical and visual separation and better pedestrian movement in that area.

Response

The support for the use of the western portion of Innovation Plaza as retail premises is welcomed. Furthermore, as noted in Section 1.2 above and illustrated in the amended Architectural Plans included at **Attachment A**, the continuous path of travel between the Locomotive Workshop and the outdoor seating zone has been increased by 1517mm from 1600mm to 3117mm, with the exception of the dogleg around the tanks in Innovation Plaza South.

5.0 Public Submissions

A response to the public submissions received is provided in **Attachment C**.

6.0 Conclusion

Overall, in response to the comments received by the Department, Council and NSW Heritage, the proposed amendments have been modified as set out in **Table 3**.

Table 3 Proposed amendment to Modification Application

Element	December 2020 Submission	September 2021 Submission
Expansion of the retail premises use zone	<ul style="list-style-type: none"> 671.8m² with 1.5m pedestrian throughfare between the Locomotive Workshop and the retail/ outdoor seating zone 18% of total area of Innovation Plaza 	<ul style="list-style-type: none"> This element is still proposed The retail area will comprise 587.1m² and provide a 3.2m pedestrian throughfare between the Locomotive Workshop and the retail/ outdoor seating zone 16% of total area of Innovation Plaza will be taken up by the proposed retail area
Extension of the approved outdoor seating areas within Innovation Plaza	<ul style="list-style-type: none"> As per plan 	No change, however confirmation that the furniture will not be fixed and will be removable.
Built structure envelopes	<ul style="list-style-type: none"> North – 73.2m² built structure envelope South – 73.2m² built structure envelope 	North – built structure envelope is withdrawn South – a 14m ² reversible structure envelope is proposed instead of the previous built structure zone
Awning structure zone envelope	<ul style="list-style-type: none"> North – 146.4m² envelope South – 256m² envelope 	Withdrawn
Amendment to Condition F12	Publicly accessible area operational hours to extend from 12am midnight to 1am	Withdrawn

The revised proposal therefore provides a more simple and scaled back version of the original proposal and accordingly reduces the potential for any adverse impacts to be generated. Notwithstanding this, the revised proposal will still facilitate the use of the space for the purposes of a bar and provide all the benefits that the activation of the space will generate, as originally intended.

Should you have any further queries about this matter, please do not hesitate to contact me.

Sincerely,

Claire Burdett

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