

21 September 2021

2190140

Table 1 Summary of Public Submissions and Organisation Submissions

Number	Name	Objection	Response
1	Ryan Gillatt - Objector	<p>Key Points:</p> <p>Previously when events have been held until midnight at the Technology Park where alcohol is served, people funnel out onto the street in front of my property usually to await their uber or taxi.</p> <p>The noise from this congregation of drunk people is often very noisy and anti-social. Having lived in the property for 5 years I have lost count of the amount of times I have been woken after midnight to the sound of loud drunken voices hanging around for extended periods of time whilst they await their rides.</p> <p>If the hours are extended until 1am then this will be something I will no doubt experience on a regular daily basis past 1am and most likely stretching towards 2am.</p> <p>This change of operational hours will potentially severely impact my health and therefore my job and my ability to provide for my family.</p> <p>This issue should have been foreseen by the Architects and/or town planners of this development and could have been accounted for by providing a pickup area for ride share and taxi services that is away from residential buildings.</p> <p>Unfortunately this has not happened hence the reason for my objection.</p> <p>The development design should be modified by moving the boom gates back or removing them, and creating an area for taxi or ride share pickups a long way away from residential properties prior to any further extension of the hours of operation.</p>	<p>The proposal no longer seeks consent to extend the publicly accessible area operational hours to 1am.</p> <p>Taxi and ride share spaces are provided on Locomotive Street and the Locomotive Street precinct marker sign provides clear directional signage to indicate where taxi's and ride share services should go.</p> <p>Furthermore SSD 8517 relates to the Locomotive Workshop and Innovation Plaza and therefore it does not extend to the land where the boom gates at the entrance of Locomotive Street from Garden Street is located. Accordingly, the issue of the boom gates is not relevant to this modification application.</p>

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2	Richard Butcher - Comment	<p>Key Points:</p> <p>Don't destroy the total fabric of these 1877 historic rail workshops. Mirvac require a superb reminder to the Age of Steam. The men the profile of a big rail family. Respect those that served at Eveleigh. The 1925 heritage Davy Bros. press leave the earthen floor the way it was when I served at the shops and press.</p>	<p>No physical works are proposed to the Locomotive Workshops within this application. The works undertaken by Mirvac within the Locomotive Workshops and across South Eveleigh Precinct have sought to maintain and preserve the heritage fabric and promote the heritage values of the site.</p> <p>Furthermore the heritage interpretation that is currently being implemented across the precinct is of world class quality and is a testament to all those that served at Eveleigh.</p>
3	Chris Shanley - Objector	<p>Key Points:</p> <p>I want to express my opposition to the application by Mirvac to modify the development consent applying to the reuse of the Locomotive Workshops by extending food and beverage uses into the public land that constitutes Innovation Plaza. This will have the effect of permanently dividing this public space into private and public spaces. The application should be rejected.</p> <p>The public land that makes Innovation Plaza is the subject of many environmental planning instruments covering zoning and land use including, the Environmental and Planning Act 1979; State Environmental Planning Policy (State Significant Precincts) 2005; Redfern –Waterloo Built Environment Plan (Stage One) and covenants and easements which relate to the public rights for use and the purposes for which zoning had been determined. (See ATP Sale Positive Covenant-Public Access and the ATP Sale-Easement for Access.) No mention is made in the retail expansion Application of the impact on the rights of the public, the citizens of NSW.</p> <p>The legislation has determined that Innovation Plaza is exclusively zoned as public land for the purpose of public recreation. The Easement provides that “any authorised User has a full, free and unimpeded right to enter the Public access areas for the purpose of public passive recreation ..”</p> <p>Previous development applications for the Australian Technology Park site, (bought by Mirvac from the NSW Government in late 2015) have focussed on the development of three commercial buildings and the repurposing of the Locomotive Workshop for retail and commercial purposes. There has been scant attention paid to the development of the public domain and in particular Innovation Plaza, which has taken a back seat.</p> <p>Why after 5 years of private ownership, has a community-orientated</p>	<p>As set out within the Modification Application letter, Mirvac has been working on an activation strategy for Innovation Plaza since November 2019, and following several meetings with the City of Sydney, NSW Heritage and others, it was agreed that the activation of Innovation Plaza would best be achieved through a food and beverage offer located along eastern side of the Locomotive Workshop. In particular NSW Heritage considered, subject to detailed design review, that an offer of this kind, would allow engagement with the existing heritage buildings and better pedestrian movement through the remaining intact component of the site.</p> <p>Accordingly, Mirvac is not trying to divide Innovation Plaza into public and private spaces, rather facilitate an opportunity for people to repeatedly visit to take advantage of the unique character and history of the space and support the new food and drinks premises located within Bays 1 and 2 North.</p> <p>It is not Mirvac's intention to impact the public access arrangements set out within the Public Access Easement and Covenant, however it has been acknowledged by Council that the terms of the public access easement and covenant are outdated and is open to updating them. Mirvac is therefore in the process of reviewing the public domain areas and will then look to update the terms of the easement in a manner which will ensure that the original intention of the public access easement is preserved but also ensure that the public spaces, such as Innovation Plaza can also be activated by outdoor seating, other non-permanent furniture and structures.</p> <p>The public domain throughout South Eveleigh including Innovation Plaza has been significantly upgraded over the last few years. The works to the public domain were approved under SSD 7317, SSD 8517 and other DAs, and include the general upgrade to the pavement infrastructure, wayfinding signage, provision of new street furniture, the junior scooter park, the children's playground, the Aboriginal Cultural garden, the community garden, the public art works and significant new</p>

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		plan for the entire Innovation Plaza not been developed to create an imaginative public recreation space? Draft concept plans have been produced by the applicant for the Plaza e.g pocket park, kids' education play, fun plaza furniture, differing weekday and weekend activities, lunchtime activities, a pavilion with public art, creation of space for outdoor cinema utilising the northern boundary for the Plaza etc. These concept plans have not seen the light of day and little attempt has been made to engage in dialogue with the public about the future of the Plaza for public recreation purposes.	landscaping throughout. This demonstrates Mirvac's significant commitment to the public domain and whilst the original activation strategy concepts have been scaled back, Mirvac is currently exploring further activation and engaging concepts for Innovation Plaza and the South Eveleigh precinct, for a post Covid 19 situation.
4	Sam Altman - Objector	<p>Key Points:</p> <p>I write to strongly urge the rejection of the Mirvac modification proposal to significantly expand retail services in Innovation Plaza as part of the redeveloped Locomotive Workshops.</p> <p>The expressed purpose of this expansion is to provide increased flexibility however, this conceals a major attempt to commercialise and therefore privatise previously agreed public lands and so cut off permanently a range of possible public uses of public amenities.</p> <p>There are a range of other omissions that this modification proposal makes. These include no mention of what COVID-safe features need to be included, but especially spelling out the range of effects on public use such as, the impact on pedestrian and cycle flows through and around the Plaza for the planned 10,000 strong local daily workforce and other potential users.</p> <p>To restate, the Department should reject this Mirvac application since it seeks to significantly undermine the legislated determination that Innovation Plaza is exclusively zoned as public land for the purpose of public recreation.</p>	<p>Following several meetings with the City of Sydney, NSW Heritage and others, it was agreed that the activation of Innovation Plaza would best be achieved through a food and beverage offer located along eastern side of the Locomotive Workshop. In addition, Mirvac's intention is to facilitate an opportunity for people to repeatedly visit to take advantage of the unique character and history of the space and support the new food and drinks premises located within Bays 1 and 2 North.</p> <p>It is not Mirvac's intention to impact the public access arrangements set out within the Public Access Easement and Covenant, however it has been acknowledged by Council that the terms of the public access easement and covenant are outdated and is open to updating them. Mirvac is therefore in the process of reviewing the public domain areas and will then look to update the terms of the easement in a manner which will ensure that the original intention of the public access easement is preserved but also ensure that the public spaces, such as Innovation Plaza can also be activated by outdoor seating, other non-permanent furniture and structures.</p> <p>The amended plans included at Attachments A and B, illustrate the increase in width of the transition zone between the Locomotive Workshop façade and the outdoor seating zone (increased to 3.2m), 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 thoroughfare.</p> <p>Accordingly, a significant amount of space, will continue to be provided within Innovation Plaza for pedestrians and cyclists. Furthermore, the outdoor seating will not be fixed and entirely movable, and accordingly people will be able to walk in between the chairs and tables if they wish to.</p>

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5	Peter Murphy – Objector	Key Points:	Following several meetings with the City of Sydney, NSW Heritage and others, it was agreed that the activation of Innovation Plaza would best be achieved through a food and beverage offer located along eastern side of the Locomotive Workshop. In addition, Mirvac's intention is to facilitate an opportunity for people to repeatedly visit to take advantage of the unique character and history of the space and support the new food and drinks premises located within Bays 1 and 2 North.
6	Patrick Cranney – Objector	I write to oppose to the application by Mirvac to modify the development consent applying to the reuse of the Eveleigh Locomotive Workshops by extending food and beverage uses into the public land that constitutes Innovation Plaza. The application should be rejected.	
7	Jeanne Rudd – Objector	Mirvac wants the Department to approve its retail expansion application to allow the permanent use of the western portion of Innovation Plaza for retail use, dramatically increased outdoor seating areas, and to establish two built structures and two awnings.	Mirvac do not consider this to be a minor matter by virtue to the fact the that approval for the amendments are sought pursuant to Section 4.55(2) of the EP&A Act and extensive valid arguments are made within the application letter as to why the development (SSDA 8517), as amended, continues to be substantially the same as the approved development.
8	Michael Tobin – Objector	In addition the application seeks to extend the hours of operation from 6am to midnight to 6am to 1am, for all Locomotive Workshop retail tenants, not only for retail uses in the Plaza.	
9	Jane Brock – Objector	This is a backdoor change for the whole site and should be rejected. No evidence has been offered to show why this change would be positive.	It is not Mirvac's intention to impact the public access arrangements set out within the Public Access Easement and Covenant, however it has been acknowledged by Council that the terms of the public access easement and covenant are outdated and is open to updating them. Mirvac is therefore in the process of reviewing the public domain areas and will then look to update the terms of the easement in a manner which will ensure that the original intention of the public access easement is preserved but also ensure that the public spaces, such as Innovation Plaza can also be activated by outdoor seating, other non-permanent furniture and structures.
10	Carla Cranny – Objector	I call your attention to the Application's Attachment B- Amended Public Domain Plan and Attachment C -Heritage Impact Statement.	Furthermore, the proposed amendments to the application have sought to reduce the scale of any built structures significantly and only now proposes a 14m ² reversible structure zone and the outdoor seating zone. In addition the revised area of the outdoor seating zone has also been reduced and now equates to 16% of the total area on Innovation Plaza.
		The retail expansion application is not a minor matter, but is a dramatic change, seeking to commercialise the western side of Innovation Plaza which will have the effect of permanently dividing this public space into private and public spaces.	As noted in the submission, all information regarding the number, type and design of the outdoor seating will be part of a separate DA that will be submitted to Council for assessment, however the seating will be moveable, not fixed and will be able to be packed and stored away at the end of every day.
		The public land that makes Innovation Plaza is the subject of many environmental planning instruments covering zoning and land use including, the Environmental and Planning Act 1979; State Environmental Planning Policy (State Significant Precincts) 2005; Redfern –Waterloo Built Environment Plan (Stage One) and covenants and easements which relate to the public rights for use and the purposes for which zoning had been determined. But the Mirvac Application does not mention the impact on the rights of the public, the citizens of NSW.	Furthermore, the public domain throughout South Eveleigh including Innovation Plaza has been significantly upgraded over the last few years. The works to the public domain were approved under SSD 7317, SSD 8517 and other DAs, and include the general upgrade to the pavement infrastructure, wayfinding signage, provision of new street
		The legislation has determined that Innovation Plaza is exclusively zoned as public land for the purpose of public recreation. The Easement provides that "any authorised User has a full, free and unimpeded right to enter the Public access areas for the purpose of public passive recreation .."	
		The documentation for this application contains no quantification of the	

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		<p>amount of seating that will be required for the food and beverage premises, no indication of the materials that will be used for the structures and their precise location. These are to be determined in a separate application which does not allow for community participation.</p> <p>Previous development applications for the Australian Technology Park site, (bought by Mirvac from the NSW Government in late 2015) have focussed on the development of three commercial buildings and the repurposing of the Locomotive Workshop for retail and commercial purposes.</p> <p>There has been scant attention paid to the development of the public domain and in particular Innovation Plaza, which has taken a back seat. Innovation Plaza has flown under the radar and its future has not been the subject of widespread community consultation. This is a major planning and policy failure.</p> <p>Innovation Plaza consists of 3675.8 square meters of public land and the Application argues it will only excise 18% or 671.8 square metres of the footprint needed for the implementation of the retail expansion application.</p> <p>It fails to take into account that a significant part of the northern Innovation Plaza has been affected by the insertion of a loading dock with three truck bays directly into the Locomotive Workshops through Innovation Plaza, thus directly impacting on public amenity and potential recreation use.</p> <p>The Application does not take into account the impact on pedestrian and cycle flows through Innovation Plaza, the major transit corridor for the precinct. Nor does it refer to the Plaza as the green boulevard with its two rows of mature trees providing a haven for the local 10,000 strong workforce to socialise, network and have a lunchtime break.</p> <p>The Plaza is at the heart of and integral to the heritage-listed 19th century buildings that remain in the Australian Technology Park precinct because the two most important ones, the Locomotive Workshops and the National Locomotive Centre both adjoin the Plaza and provide the best opportunity to enjoy the industrial aesthetics of the exceptional examples of late 19th century public industrial architecture.</p> <p>The retail expansion Application does not mention the heritage machinery currently located in the Plaza and whether they will be relocated or added to the collection, nor does it refer to the social and</p>	<p>furniture, the junior scooter park, the children's playground, the Aboriginal Cultural garden, the community garden, the public art works and significant new landscaping throughout. This demonstrates Mirvac's significant commitment to the public domain and whilst the original activation strategy concepts have been scaled back, Mirvac is currently exploring further activation and engaging concepts for Innovation Plaza and the South Eveleigh precinct, for a post Covid 19 situation.</p> <p>The amended plans included at Attachments A and B, illustrate the increase in width of the public transition zone between the Locomotive Workshop façade and the outdoor seating zone (increased to 3.2m), 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 thoroughfare.</p> <p>A significant amount of space therefore, will continue to be provided within Innovation Plaza for pedestrians and cyclists. The impacts on the loading dock were considered in great detail within the original SSD 8517 application and Mirvac are also in the process of considering the provision of additional public domain infrastructure in the area located north of the loading dock. However the terms of the approved loading dock management plan are such that all regular deliveries requiring the Loading Dock will be pre-approved by Mirvac with acceptable times for bulky deliveries being 6pm to 8am and van deliveries that do not pose a high risk to pedestrian safety between 9am to 4.00pm, but outside of peak pedestrian hours. The loading dock management plan cautiously considers the use of the loading dock with public amenity and use and provides carefully crafted mitigation and operational management measures to ensure that no adverse impacts are generated.</p> <p>With reference to the heritage machinery located within Innovation Plaza, the Steam Crane is staying in the same location and the crane is also generally to be kept in its existing location, but may be moved slightly to the south. Furthermore, significant heritage interpretation is currently being implemented within the Locomotive Workshop and throughout the South Eveleigh precinct. This modification application is not seeking to alter the approved heritage interpretation strategies.</p>

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		<p>labour history that was the result of 100 years of occupation by tens of thousands of industrial workers employed in a myriad of skilled occupations that manufactured, assembled and repaired locomotives for the NSW railways. These are major omissions.</p> <p>The Application also refers to a circulation path adjacent to the Locomotive Workshop. How large will it be and will it be closed to the public? A fleeting reference is made to an option for events and two bar / keg structures. What are the implications of these?</p> <p>Why, after five years of private ownership, hasn't a community-oriented plan for the entire Innovation Plaza been developed to create an imaginative public recreation space? Draft concept plans have been produced by the Applicant for the Plaza e.g. pocket park, kids' education play, fun plaza furniture, differing weekday and weekend activities, lunchtime activities, a pavilion with public art, creation of space for outdoor cinema utilising the northern boundary for the Plaza etc.</p> <p>These concept plans have not seen the light of day and little attempt has been made to engage in dialogue with the public about the future of the Plaza for public recreation purposes.</p> <p>The retail expansion Application asserts that Modification 7 will "provide significant public benefits" and is in "the public interest." But an examination of these assertions indicates that neither is true. Vague references are made to place activation, improved social destination. But the outcome will be that patrons will have to pay to enjoy the heritage listed buildings and industrial aesthetic. It is all about a few private individuals enjoying the commercialisation of retail activities on public land.</p> <p>An alternative to the Retail Expansion Application could provide significant public benefits and almost unlimited opportunities to transform public land into an imaginative multi-purpose public recreation place, following dialogue with the public that would benefit all current and future generations of NSW citizens.</p>	

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11	Neale Towart – Objector	<p>Key Points:</p> <p>My submission objects strongly to the modification to the heritage plans in particular to the retail proposals. I am a librarian and Heritage Officer with Unions NSW/Sydney Trades Hall</p> <p>The developer claims the area needs activation of the space, ignoring the already extensive activation ie use of the area by people going about their business and leisure. Cycling and foot traffic are a part of the attraction as it is.</p> <p>This will increase with increased office and other space and the proposed alterations to the railway station.</p> <p>The proposal would also increase dangers to said pedestrian traffic by forcing increased interaction of pedestrians and trucks.</p> <p>To claims, as the MOD 7 does, that the outdoor area with awning and other structures would “only” impact 18% of the space is a nonsense as 18% is a substantial proportion, not an “only”. It detracts from the heritage building sightlines and the feel of the area as an historic precinct crucial to the memory of Everleigh as a workers place, where work was carried out in many different ways, and the workers lived and breathed the whole environment. The community has been a walking and cycling one. Modernisation should give great weight to such historic use as those uses continue. Domination by retail private space intruding more and more into the walking and passive outdoor areas detracts severely from that history. It has been retained and the developer has to uphold the heritage values. Such proposals as this detract directly from that goal.</p>	<p>Continuous activation of Innovation Plaza is a critical factor in supporting the retail and restaurant/ car/ bar offerings within the Locomotive Workshop. In reality the City of Sydney Council is actively supporting Sydney’s hospitality businesses through the COVID 19 pandemic by providing more opportunities for outdoor dining and relaxing permit requirements.</p> <p>Whilst the initiative for outdoor dining space was proposed by Mirvac prior to the pandemic, it is now considered even more important to provide an outdoor licensed area within Innovation Plaza, and attract a varied range of people back into the precinct, not just the working population.</p> <p>Careful consideration has been undertaken in regard to the proposed built structure envelopes and this element has been significantly scaled back to ensure that all elements proposed will not impact the heritage sightlines or detract from the rich history of the site.</p>

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12	Ariane Strata Committee - Objector	<p>Key Points:</p> <p>In relation to Mirvac's modification application to the expansion of retail uses in Innovation Plaza, the Owner's Corporation of the ARIANE Building is concerned about extending the hours of operation of publicly accessible areas from 6 am to 1am.</p> <p>The ARIANE building, facing both Cornwallis Street and Margaret Lane, will be exposed to extended foot traffic and noise from patrons returning from the Innovation Plaza as individuals and groups make their way back to the Redfern train station and bus areas.</p> <p>If proceeding with these extended hours, well past Sydney's noise curfew both at night and in the morning, we are asking that Mirvac compensates the residents of the ARIANE apartments facing the areas affected with increased foot traffic by covering the cost of double glazing the windows.</p>	<p>The proposed extension to the operational hours of the publicly accessible space within the Locomotive Workshop has been withdrawn.</p>
13	Rail, Tram and Bus Union (RTBU) National Office	<p>Key Points:</p> <p>The Rail, Tram and Bus Union (RTBU) National Office wishes to raise a number of concerns regarding the application by Mirvac to modify the development consent applying to the reuse of the Locomotive Workshops. In particular, we are concerned about the impact of the proposed expansion of retail activities in Innovation Plaza on the site's heritage values and on public access.</p> <p>The Eveleigh Railway Workshops precinct occupies a crucial place in the industrial history of New South Wales. Innovation Plaza itself is at the heart and integral to the heritage listed 19th century buildings that remain in the precinct as it runs alongside the site's most iconic buildings - Locomotive Workshops and the National Locomotive Centre.</p> <p>The RTBU strongly supports the adaptive re-use of the site for job-creating activities, however it is essential that these activities are done in a manner that is respectful to the site's history.</p> <p>The retail expansion application seeks Departmental approval to allow the permanent use of the western portion of Innovation Plaza for retail use, dramatically increased outdoor seating areas, and to establish two built structures and two awnings. These are significant changes to the built environment, and involve a commercialisation of space that has previously been dedicated to public use. Indeed, Innovation Plaza is exclusively zoned as public land for the purpose of public recreation. The Easement provides that "any authorised User has a full, free and</p>	<p>The support from the RTBU for the adaptive reuse of the site is noted and welcomed and the comments made by all parties including the public submissions have been carefully considered and the proposed amendments to SSD 8517 have been scaled back significantly, as detailed within the RTS letter to ensure that the proposal does not give rise to any adverse impacts on the heritage views or values of the site.</p> <p>There are other examples of outdoor public spaces being used for outdoor dining associated with a bar or restaurant and Council are actively supporting Sydney's hospitality venues in this manner.</p> <p>Notwithstanding this, it is not Mirvac's intention to impact the public access arrangements set out within the Public Access Easement and Covenant, however it has been acknowledged by Council that the terms of the public access easement and covenant are outdated and is open to updating them. Mirvac is therefore in the process of reviewing the public domain areas and will then look to update the terms of the easement in a manner which will ensure that the original intention of the public access easement is preserved but also ensure that the public spaces, such as Innovation Plaza can also be activated by outdoor seating, other non-permanent furniture and structures.</p>

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14	REDwatch - Objector	<p>unimpeded right to enter the Public access areas for the purpose of public passive recreation.” We believe the application is conflicts with this purpose.</p> <p>Public Access Easement Impact</p> <p>Key Points:</p> <p>REDWatch opposes the DA as it seeks to permanently alienate public space protected by a positive covenant and easements placed over the site when it was sold to Mirvac by Urban Growth.</p> <p>The proposed MOD 7 to Bays 1-4A of the Locomotive Workshop, proposes permanent encroachment on some of Innovation Plaza which would exclude public passive recreation and thoroughfare from that portion of the site, contrary to the positive covenant and the easement.</p> <p>The easement states that “any Authorised User has a full, free and unimpeded right to enter the Public Access Areas for the purpose of public passive recreation and thoroughfare and to remain upon and pass and repass to, from and across the Public Access Areas at all times”. Clearly this cannot happen in any area where there might be built structures used for commercial activity.</p> <p>Under the easement the proprietor may only temporarily suspend access to public areas for listed purposes as “the Public Access Areas must remain open at all times so that any Authorised User may exercise the rights created by this easement.” This would seems to prohibit “the permanent use of the western portion of Innovation Plaza for retail premises use” that Mirvac is seeking.</p> <p>While a member of the public may be able to get seating within a seating area associated with a commercial business operating on the plaza they would normally need to make a purchase, or be under pressure to move from the space for paying customers. This would impinge on their free and unimpeded right to use the space.</p> <p>The heritage report says the modification is to transform the plaza from a “transitional path into a leisure space for users”. The “transitional path” will need to continue and would sit alongside a pay-as-you-use “leisure space”. No proposal is made for work in the public space to make it more attractive “leisure space”.</p> <p>REDWatch understands and hence submits that, because of the easement, the proponent cannot legally expand its development into</p>	<p>As set out within the RTS letter, at the meeting with Council and NSW Heritage on 18th August 2021, 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 require non-permanent furniture to be permitted.</p> <p>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 granted 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.</p> <p>Following on from the initial discussion with Council at the meeting on 18th August, 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.</p> <p>Mirvac will provide further updates to REDWatch and the CLG in regard to the public access easement amendments in due course.</p> <p>Furthermore, it is acknowledged that the proposal is only one method of activation for Innovation Plaza, and whilst the original activation strategy concepts have been scaled back, Mirvac is currently exploring further activation and engaging concepts for Innovation Plaza and the South Eveleigh precinct, following the Covid 19 situation. Approval for other updates to the public domain detailed design will be sought separately.</p>

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		space protected by the easement. Further REDWatch submits that DPIE cannot rezone the area covered by the easement as requested by the proponent.	
	REDwatch – Objector ...continued	<p>Request that earlier approvals be withdrawn</p> <p>Key Points:</p> <p>To the extent that any approval has already been granted as part of the Locomotive Workshop SSDAs and its Mods for uses in areas zones for public recreation which conflict with the easement, REDWatch believes these approvals would be invalid and should be declared so in the determination of this Mod.</p> <p>Approvals previously made in contravention of the easement appear to be invalid and they should not be used as a precedent for expansion of retail uses into Innovation Plaza and Locomotive Street.</p>	As noted above, the enforcement of the Public Access Easement is subject to Council's discretion and the existence of the easement and covenant do not prevent approvals being granted. The existing approvals are not therefore invalid.
		<p>Introduction of built structure envelopes and awning structure envelopes</p> <p>Key Points:</p> <p>REDWatch opposes the introduction of built envelopes into public space around the development, as it conflicts with the rights protected under the easement.</p> <p>REDWatch is further concerned that awning structures will adversely impact appreciation of the heritage built form of the Locomotive Workshop and new Loco from Innovation Plaza and other public spaces. Mirvac's proposal for a 3 metre north south strip alongside the building to allow the eastern wall of the Locomotive Workshop to be visible and appreciated is rejected. Such a vista is too narrow and restricted, and the proposed development will interrupt appreciation from everywhere else.</p>	<p>The scale of the proposed build structure envelopes have been scaled back considerably, and the awning structure envelope has been removed. In addition, the width of the transition pathway between the façade of the Locomotive Workshop and the outdoor seating area has been widened and therefore the width of the outdoor seating zone has been reduced. Accordingly, as noted in the RTS letter no adverse impacts upon the heritage views of the Locomotive Workshop are proposed to be generated. However the proposed seating will provide opportunities for people to site and appreciate the values of the space.</p> <p>The increased in width of the transition pathway combined with the retention of the 26 wide zone between the eastern edge of the outdoor seating zone and the façade of the National innovation Centre is considered to be a significant width to allow people to easily move through the Plaza.</p>

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	REDwatch – Objector ...continued	<p>Amendments to Condition A2 relating to approved plans</p> <p>Key Points:</p> <p>REDWatch has argued that the built form modifications should be rejected and hence there should be no need to lodge amended plans.</p>	Amended plans are provided in Attachments A and B and therefore Condition A2 will be required to be amended to reflect these.
		<p>Amendment to Condition F12 to extend the operating hours</p> <p>Key Points:</p> <p>This part of the Modification is independent of the expansion of the development into surrounding public space, but if it were to go ahead, it would also apply to the outdoor commercial sites, if they were allowed, as well as those within the Locomotive Workshop.</p> <p>REDWatch does not believe that the case has been made for the extension for operating hours. Current approvals for tenancies are until 12 midnight and the existing hours of operation are consistent with this. The extension of Hours of Operation for the centre would soon spill over into applications from some of the other tenants using this MOD 7 approval as precedent.</p>	The proposed extension to the operational hours of the publicly accessible space within the Locomotive Workshop has been withdrawn.
		<p>Concerns about inadequate information in the MOD 7 SEE and lack of consultation prior to submission.</p> <p>Key Points:</p> <ol style="list-style-type: none"> 1) There was no disclosure of the positive covenant and the easement or an assessment of the implications of them on the proposal. 2) The public domain plans only show a circulation plan from within the site and cycle movements through the site. 3) There is no assessment of the public pedestrian traffic through the site not any assessment of how that movement would be impacted by the proposal. 4) The proposal argues the need for activation while ignoring people who currently move through and use the space. The proposal does not present any measures to improve the space that will remain public or explore how this space will be impacted by the commercialisation. This seems to be an argument for retail expansion rather than any activation or an already active space. 5) In the traffic and parking graphic, the proposal omits to show the main Bay 1 & 2 North loading dock, while only showing 	<p>It is noted that the public access easement was not disclosed within the SEE and we accept this was an oversight. However, as noted above, the existence of the public access easement and covenant does not prevent this Modification Application or any other Development Consent being granted that seeks to utilise the space and 'suspend access' to public access areas.</p> <p>The public domain plans have been updated to reflect the proposed amendments only. It is considered that the SEE and the RTS response have provided sufficient detail to confirm that there is significant space within the remainder of Innovation Plaza to efficiently traverse through the space.</p> <p>It is acknowledged that the proposal is only one method of activation for Innovation Plaza, however whilst the original activation strategy concepts have been scaled back, Mirvac is currently exploring further activation and engaging concepts for Innovation Plaza and the South Eveleigh precinct, within the post Covid 19 situation. Approval for other updates to the public domain detailed design will be sought separately.</p> <p>The public domain plans have been updated to show the amended proposal, and whilst the plans show the loading areas within the public</p>

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		<p>loading bays in Locomotive Street. The proposal does not access the impact on pedestrian movements of the combination of truck access through Innovation Plaza with increased funnelling of pedestrian movements cause by the proposed expansion into Innovation Plaza.</p> <p>6) The proposal does not include any improvements to the public domain to make it more conducive to use and activation. The only inclusions are those which can be used for a commercial lease.</p> <p>7) Neither the proposal nor the Heritage Report mentions the Heritage Loco and Crane that sit within Innovation Plaza. Those heritage items sit within the zone that pedestrians will need to take at the centre and south of Innovation Plaza to avoid the proposed commercial developments. The Heritage Report should deal with this conflict and discuss what is proposed to mitigate this conflict. If Mirvac needs to move the heritage items to where will they be moved?</p> <p>8) The Statement of Environmental Effects says (Page 5) that there has been extensive consultation with various agencies. The South Eveleigh Community Liaison Group, which still meets, was established under earlier South Eveleigh SSDAs as the mechanism for Mirvac to meet with regularly to consult surrounding residents and groups. The timeline presented on page 3 shows an early presentation to this group about a place making strategy, but nothing in the last year. The minutes of the meeting of 25th November 2019 show no mention of commercial/ retail expansion into Innovation Plaza. The South Eveleigh Community Liaison Group was advised by email about this proposal as DPIE placed this proposal on exhibition.</p>	<p>domain, they purposely don't illustrate the loading dock as this is located within the Locomotive Workshop building.</p> <p>As noted above, the proposed impacts of the loading dock were assessed in the original DA and the approved loading dock management plan, sets out clear mitigation and operational measures to ensure there is no conflict between pedestrians and the loading dock operations.</p> <p>The Steam Crane is not proposed to be moved and the other crane will still be retained, but may be positioned slightly to the south. The Modification Application is not seeking approval to move any of these pieces and therefore consideration of this issue is not relevant to the application.</p> <p>It is acknowledged that consultation with REDWatch and the CLG was not undertaken directly prior to the submission of the Modification Application. This was an oversight. However we confirm that consultation has been undertaken with REDWatch in the preparation of the Response to Submissions Report and the proposed amendments will be presented to the CLG at its next meeting.</p>
15	Rail Tram & Bus Union Retired members Association - objector	<p>Commercialisation of the public domain</p> <p>Key Points:</p> <p>The retail expansion is dramatically different to previous development applications for the ATP site in that it seeks to commercialise the western side of Innovation Plaza which will have the effect of permanently dividing this public space into private and public spaces.</p> <p>The Environmental Planning Instruments state clearly and unequivocally that Innovation Plaza is zoned Public Land – to be used for Public Recreation purposes. The RTBU RMA argues development consent cannot be granted because commercial retail uses in the Plaza are wholly prohibited by the EPA Act.</p>	<p>As set out within the Modification Application letter, Mirvac has been working on an activation strategy for Innovation Plaza since November 2019, and following several meetings with the City of Sydney, NSW Heritage and others, it was agreed that the activation of Innovation Plaza would best be achieved through a food and beverage offer located along eastern side of the Locomotive Workshop. In particular NSW Heritage considered that, subject to detailed design review, that it would allow engagement with the existing heritage buildings and better pedestrian movement through the remaining intact component of the site.</p> <p>Accordingly, Mirvac is not trying to divide Innovation Plaza into public and private spaces, rather facilitate an opportunity for people to repeatedly visit to take advantage of the unique character and history of</p>

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		<p>The RTBU RMA argues that even if the development fell within the sphere of being partly prohibited this would be subject to the various covenants and easements which allow unfettered access by the public for public recreation in Innovation Plaza in its entirety – see ATP Positive Covenant – Public Access and the ATP Sale – Easement for Access.</p> <p>No mention is made in the commercial retail expansion Application of the impact on the rights of the public, the citizens of NSW.</p> <p>The Covenant and Easement provide that <i>“any Authorised User has a full, free and unimpeded right to enter the Public access areas for the purpose of public passive recreation and thoroughfare and to remain upon and pass and repass to, from and across the Public Access Areas at all times.”</i></p>	<p>the space and support the new food and drinks premises located within Bays 1 and 2 North.</p> <p>It is not Mirvac's intention to impact the public access arrangements set out within the Public Access Easement and Covenant, however it has been acknowledged by Council that the terms of the public access easement and covenant are outdated and is open to updating them. Mirvac is therefore in the process of reviewing the public domain areas and will then look to update the terms of the easement in a manner which will ensure that the original intention of the public access easement is preserved but also ensure that the public spaces, such as Innovation Plaza can also be activated by outdoor seating, other non-permanent furniture and structures.</p>
	<p>Rail Tram & Bus Union Retired members Association</p> <p>...continued</p>	<p>Revitalising the Public Domain is an urgent necessity</p> <p>Key Points:</p> <p>The documentation for this application contains no quantification of the amount of seating that will be required for the food and beverage premises, no indication of the materials that will be used for the structures and their precise location. These are to be determined in a separate application which does not allow for community participation.</p> <p>There has been scant attention paid to the development of the public domain and in particular Innovation Plaza. It has been all but ignored. The curtilage of the Locomotive Workshops abutting the Plaza has seen expenditures on windows, doors and lighting but Innovation Plaza itself has flown under the radar and its future as a public recreation space has not been the subject of community consultation.</p> <p>The Association argues the neglect of the public domain is a major planning and policy failure and must be urgently rectified. The rejection of this application should be the first step in the process.</p>	<p>The public domain throughout South Eveleigh including Innovation Plaza has been significantly upgraded over the last few years. The works to the public domain were approved under SSD 7317, SSD 8517 and other DAs, and include the general upgrade to the pavement infrastructure, wayfinding signage, provision of new street furniture, the junior scooter park, the children's playground, the Aboriginal Cultural garden, the community garden, the public art works and significant new landscaping throughout. This demonstrates Mirvac's significant commitment to the public domain and whilst the original activation strategy concepts have been scaled back, Mirvac is currently exploring further activation and engaging concepts for Innovation Plaza and the South Eveleigh precinct, for a post Covid 19 situation.</p> <p>Furthermore, all information regarding the number, type and design of the outdoor seating will be part of a separate DA that will be submitted to Council for assessment, however the seating will be moveable, not fixed and will be able to be packed and stored away at the end of every day.</p>

<p>Rail Tram & Bus Union Retired members Association</p> <p>...continued</p>	<p>Important Issues with the Documentation</p> <p>Key Points:</p> <p>Innovation Plaza consists of 3675.8 sq m of public land and the application argues it will only excise 18% or 671.8 sqm of the footprint needed for the implementation of the commercial retail expansion application.</p> <p>The Association argues that it fails to take into account that a significant part of northern Innovation Plaza has been affected by the insertion of a loading dock with 3 truck bays directly into the Locomotive Workshops through Innovation Plaza thus severely impacting on public amenity and potential recreation use.</p> <p>The application does not take into account the impact on pedestrian and cycle flows through Innovation Plaza, the major transit corridor for the precinct.</p> <p>Nor does it refer to the Plaza as the green boulevard with its two rows of mature trees providing a haven for the local 10,000 strong workforce to socialise, network and have a lunchtime break.</p> <p>The Plaza is at the heart and integral to the three heritage listed 19th century buildings that remain in the 13.2 acre Australian Technology Park precinct because all are situated around innovation Plaza. Innovation Plaza provides the best opportunity to enjoy the industrial aesthetics of the exceptional examples of late 19th century public industrial architecture within the whole ATP/ South Eveleigh South precinct.</p> <p>The retail expansion Application does not mention the heritage listed machinery collection in the Plaza. It includes the Stephenson Loco Crane 1082 and the Wheel shop Pivot Crane. Importantly no mention is made in the Applicants documentation to social and labour history. These are major omissions and must be addressed. The Association asks if the heritage machinery currently located in the plaza will be relocated or the collection added to.</p> <p>A number of other questions are raised by the Application. There is reference to a circulation path adjacent to the Locomotive Workshop. How large will it be and will it be closed to the public? A fleeting reference is made of an option for events and two bar/keg structures. What are the implications of these on future uses of the Plaza for public recreation?</p>	<p>The proposed amendments to the application have sought to reduce the scale of any built structures significantly and only now proposes a 14m² reversible structure zone and the outdoor seating zone. In addition the revised area of the outdoor seating zone has also been reduced and now equates to 16% of the total area on Innovation Plaza.</p> <p>As noted above, the proposed impacts of the loading dock were assessed in the original DA and the approved loading dock management plan, sets out clear mitigation and operational measures to ensure there is no conflict between pedestrians and the loading dock operations.</p> <p>The amended plans included at Attachments A and B, illustrate the increase in width of the transition zone between the Locomotive Workshop façade and the outdoor seating zone (increased to 3.2m), 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.</p> <p>Accordingly, a significant amount of space, will continue to be provided within Innovation Plaza for pedestrians and cyclists. Furthermore, the outdoor seating will not be fixed and entirely movable, and accordingly people will be able to walk in between the chairs and tables if they wish to. No proposed structure will impact upon the existing trees, and the new outdoor seating area will enable people to enjoy the shade of the trees.</p> <p>With reference to the heritage machinery located within Innovation Plaza, the Steam Crane is staying in the same location and the crane is also generally to be kept in its existing location, but may be moved slightly to the south. Furthermore, significant heritage interpretation is currently being implemented within the Locomotive Workshop and throughout the South Eveleigh precinct. This modification application is not seeking to alter the approved heritage interpretation strategies.</p>
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Number	Name	Objection	Response
	Rail Tram & Bus Union Retired members Association ...continued	<p>Plan for Innovation Plaza</p> <p>Key Points:</p> <p>Why after 5 years of private ownership, hasn't a community orientated plan for the entire Innovation Plaza been developed to create an imaginative public recreation space?</p> <p>Draft concept plans have been produced by the applicant for the Plaza e.g. pocket park, kids' education play, fun plaza furniture, differing weekday and weekend activities, lunchtime activities, a pavilion, public art, creation of space for outdoor cinema utilising the northern boundary for the Plaza etc.</p> <p>These concept plans have not seen the light of day and little attempt has been made to engage in dialogue with the public about the future of the plaza for public recreation purposes.</p> <p>There is clearly an alternative to the Commercial Retail Expansion Application, one that provides significant public benefits and almost unlimited opportunities to transform public land into an imaginative multi-purpose recreation place, following dialogue with the public that would benefit all current and future generations of NSW citizens.</p> <p>Consultation Processes</p> <p>Key Points:</p> <p>The presentation at the CLG meeting was about the broad concept of place making in Innovation Plaza in the widest sense. The overwhelming majority of concepts concerned public recreation uses for this public space.</p> <p>No reference was made to the details of the retail commercialisation of the public recreation zone nor was information given as to the footprint, structures, awnings, seating numbers etc.</p> <p>The next occasion CLG members were aware of the place making Mirvac plans for Innovation Plaza was on the 18th December 2020 when Mirvac's Modification 7 Plans were table for public exhibition. Thus 13 months had elapsed since the initial concept only, place making plans for innovation Plaza had been made to the CLG.</p> <p>CLG members were presented with a fait accompli when only the commercial retail plans only were put on public exhibition.</p>	<p>As set out within the Modification Application letter, Mirvac has been working on an activation strategy for Innovation Plaza since November 2019, and following several meetings with the City of Sydney, NSW Heritage and others, it was agreed that the activation of Innovation Plaza would best be achieved through a food and beverage offer located along eastern side of the Locomotive Workshop.</p> <p>It is acknowledged that the proposal is only one method of activation for Innovation Plaza, and whilst the original activation strategy concepts have been scaled back, Mirvac is currently exploring further activation and engaging concepts for Innovation Plaza and the South Eveleigh precinct, following the Covid 19 situation. Approval for other updates to the public domain detailed design will be sought separately</p> <p>It is acknowledged that the presentation to the CLG in November 2019 did only provide broad concepts of place making, however, reference was made to a food and beverage operation.</p> <p>Following the feedback in the meeting with the CLG and other meetings with NSW heritage and Council the proposal was further refined. It is acknowledged that consultation with the CLG was not undertaken directly prior to the submission of the Modification Application and accept that this was an oversight. It was not intended to be a denial of community representatives and community rights, or deceptive and non-inclusive.</p> <p>In addition, we acknowledge that the proposed amendments to the Modification Application have not been presented to the CLG as yet. However, email correspondence has been issued outlining the proposed amendments and the amendments will be presented at the next CLG meeting.</p>

Number	Name	Objection	Response
		This was a comprehensive denial of community representatives and community rights in an application involving public land. The consultative process for the community has been threadbare, deceptive, non- inclusive and on these grounds alone the Mirvac application should be rejected.	

<p>Rail Tram & Bus Union Retired members Association</p> <p>...continued</p>	<p>Substantially the Same Development</p> <p>Key Points:</p> <p>In summary the applicant argues the modified development application is “<i>generally unchanged</i>” and therefore should be granted. The RTBU RMA argues the modified application is a major policy change in that it relates to public land zoned public recreation whereas as the original application was for the reuse of Locomotive Workshop Bays s 1-4a.</p> <p>The applicant acknowledges that “<i>there is no hard and fast rule when it comes to determining what constitutes “substantially the same development”</i>”.</p> <p>The quantitative assessment of the impact of the modification ignores the totality of the impact on Innovation Plaza of all development applications and the objectives of the development for all of Innovation Plaza. The ATP, site for development purposes, was divided into five zones. Zone 5 was the public domain which included Innovation Plaza. The various applications have cumulatively impacted on the Plaza. The loading dock and the removal of one large tree have a significant impact on the public recreation uses and public amenity of the Plaza. This has not been taken into account.</p> <p>The quantitative assessment argues that the removal of 18% of the total of 3675.8m2 is “<i>modest</i>.” In order to put this into perspective the footprint of 671.8m2 for the permanent commercial retail space is the size of 3.5 average sized Australian homes.</p> <p>The application in one sentence reference refers to an option for outdoor private events being held in the public space. There is already an indoor private event space approved for in Bay 3-by Grounds Coffee. It provides in addition to a restaurant an event space catering for 500 plus people.</p> <p>Yet little work has been done on what type of public and community events and meetings as well as markets will held for the publics enjoyment on land zoned for public recreation purposes. A reference is made to an option for private events to be held in Innovation Plaza and no details are given. Once again the potential for “mission creep” by the Applicant is potentially provided for in either the Applicants RTS or the fit out applications which have no provision for community participation.</p>	<p>As acknowledged within the submission, a considerable portion of the original Modification Application assessment was given over the whether the proposed amendments were considered to be substantially the same development.</p> <p>Prior to the preparation of the application, correspondence and information (including legal advice) was provided to the Department in regard to this issue to ascertain whether the proposal did constitute a modification under Section 4.55 of the EP&A Act.</p> <p>Following legal advice from its own legal team, Department confirmed that approval for the proposed amendments (as proposed within the Modification Application) could be sought pursuant to Section 4.55(2) of the EP&A Act and then Mirvac proceeded on this basis.</p> <p>Given that the proposed scale of the amendments have been reduced, it is considered that the proposal still constitutes substantially the same development as that which was originally approved.</p> <p>In relation to events being held in Innovation Plaza, as noted above, Mirvac is in the process of formulating its strategy for activation and events across the Precinct, following the lifting of the Covid 19 restrictions. Notwithstanding this, Bays 1-4A and Innovation Plaza already has approval (granted under SSD 8517) for temporary events.</p> <p>In regard to the use of the space within Innovation Plaza, a separate DA will be submitted to Council to seek approval for this, however it can be confirmed that the operator will be AVC, the same tenant is Bay 1 & 2 North and the space will be used as outside dining and bar space, with a container-like bar structure. Indicative detail is detail is provided within the RTS letter.</p> <p>Furthermore the operational hours of the Innovation Plaza tenancy will also be set out within the DA to Council. The proposed amendment to Condition F12 only related to the publicly accessible space (outside of the tenancies) within Bays 1-4A and only related to the central spine and the public amenities. Notwithstanding this, the proposed amendment to Condition F12 has now been withdrawn.</p> <p>In addition, as noted above, the proposed impacts of the loading dock were assessed in the original DA and the approved loading dock management plan, sets out clear mitigation and operational measures to ensure there is no conflict between pedestrians and the loading dock operations.</p>
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Number	Name	Objection	Response
		<p>Neither there is no commitment to what the retail space would be used for but vague references to a secondary service area or bar not is mention made of two bar/keg structures. The retail premises are <i>“likely to be operated by the same tenant”</i>. The RTBU RMA argues this modification enables a holistic view to be taken about the future of Innovation plaza not the slice and dice use of planning and development processes to significantly encroach on public land for commercial retail purposes not allowed by various environmental planning instruments, covenants and easements.</p> <p>No mention is made of the potential safety impacts of the trucks using the loading docks and there being significant overlay with the proposed operating hours of the private bar/s operating in the Plaza... More importantly the residents in the residential housing surrounding the precinct have not been asked for their opinions which from the comments of their representatives on the CLG they were adamant about the need for continued tranquillity of the precinct being of most importance to them.</p>	
	<p>Rail Tram & Bus Union Retired members Association</p> <p>...continued</p>	<p>Reasons for Granting Consent</p> <p>Key Points:</p> <p>The Applicant argues that the six reasons underpinning the SSD 8517 application are equally applicable to the current application. The RTBU RMA argues when these reasons are examined in the context of the current application a quite different picture emerges.</p> <p>The RTBU RMA argues an examination of the ground supporting public interest have not been established and that as the public benefits accrue to relatively few private citizens no significant public benefits have been created and the Applications should be refused as not being in the Public Interest. Moreover, the few benefits that accrue are to private individuals and a private company. The RTBU RMA argues that the public interest is not served by the commercialisation of public recreation space for private benefit and the application should be rejected.</p>	<p>It is considered that the proposal (as amended) do not change the Independent Planning Commissions (IPC) reasons for approval and will not alter the public benefits identified by the IPC in granting development consent to SSD 8517. Furthermore, the proposal also continues to be in the public interest for the reasons originally stated in the Modification Application.</p>