

20 September 2018

15756

Carolyn McNally
Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attn: Brendon Roberts

Dear Brendon

**SSD 7317 - MODIFICATION 12 - RESPONSE TO SUBMISSIONS
AUSTRALIAN TECHNOLOGY PARK, EVELEIGH**

This Response to Submissions letter has been prepared by Ethos Urban on behalf of Mirvac Projects Pty Ltd (Mircac) to address submissions received during the notification period of the Section 4.55(1A) Modification 12 (MOD 12) to State Significant Development 7317 (SSD 7317) which relates to the development of a commercial campus at the Australian Technology Park, Eveleigh.

The Section 4.55(1A) modification application submitted as MOD 12 was lodged on 13 July 2018 and seeks to:

- amend the approved Landscape Masterplan;
- gain approval for the proposed Public Domain Signage and External Signage Strategy; and
- introduce new conditions of consent to the Instrument of Approval for SSDA 7317.

The MOD 12 application was placed on notification until 8 August 2018. This letter responds to the submissions made by Transport for NSW, Heritage Council of NSW, Office of Environment and Heritage, Environment Protection Authority, Roads and Maritime Services, Sydney Trains, Urban Growth NSW Development Corporation, Ausgrid and the City of Sydney. Furthermore, the letter also responds to the issues raised by the Department of Planning & Environment (the Department) in its email dated 13 August 2018. It should be read in conjunction with the following supporting documentation:

- Contamination Compliance Statement prepared by JBS&G (**Attachment A**);
- Revised Public Domain Staging Plan (**Attachment B**);
- Indigenous Garden Concept Plan, prepared by Yerrabingin (**Attachment C**); and
- Indigenous Garden vision statement, prepared by Yerrabingin (**Attachment D**).

1.0 Response to Department of Planning & Environment

1.1 Contamination Impacts

The Department requests further clarification whether approval is sought for excavation to accommodate the proposal?

If so, please provide clarification and additional information on any potential contamination impacts and remediation mitigation measures not covered by the existing Remediation Action Plan (R002_ATP Site Wide RAP_Rev 0_Part 1 – Part 9 – EIS, SSD 7317).

Response

The proposed works within the Wellness Precinct will involve minor excavation works within the boundary of the Wellness Precinct. Other works proposed within the revised Landscape Masterplan do not technically involve excavation, rather re-grading in localised areas to remove areas of top soil footings and pathways.

Accordingly, any excavation works associated with the Wellness Precinct will be supervised by a suitably qualified environmental consultant and/ or occupational hygienist, in accordance with Safe Work Australia/ NSW WorkCover regulatory requirements. Furthermore details of any necessary remediation works will be documented as per the requirements of the existing RAP such that upon completion of the Public Domain works within Areas 1, 2 and proposed Area 3, a final validation assessment will be completed to demonstrate the suitability of the site for the proposed use, subject to ongoing management under the Long Term Environment Management Plan.

JBS&G has prepared a statement (**Attachment A**) that confirms that the final surface finishes proposed within the Indigenous Garden, Wellness Precinct, and northern edge of Eveleigh Green are consistent with the requirements of the RAP and at the completion of the work, the site will be considered suitable for its proposed use.

2.0 Response to City of Sydney

2.1 Indigenous Garden

2.1.1 Clarify if the Indigenous Garden is part of the Public Domain works

It is unclear whether the new Indigenous Garden will form part of the landscaping and public domain works to be completed under Public Domain Area 1 or Public Domain Area 2?

Response

The concept of an Indigenous Cultural Landscape Garden arose through the community consultation process that was undertaken in relation to the Stage 2 Heritage Interpretation Plan for the Public Domain. The area of land proposed for the Indigenous Garden was then earmarked and Mirvac has since engaged Yerrabingin to co-ordinate the design, manage the establishment and then also manage the ongoing operation and maintenance of the space. It will be co-designed with the local Indigenous Community who will also be involved with the planting, establishment and ongoing maintenance. The Garden will be publicly accessible to the community 24 hours a day/ 7 days a week.

The Indigenous Garden is to be a key Heritage Interpretation element in this location and will sit outside of the scope of works for Public Domain Areas 1 and 2 and as such can be considered to be part of Area 3 as shown in the Staging Diagram included at **Attachment B**.

Given the Indigenous Garden is a Heritage Interpretation element, in line with Condition F4 (as proposed to be modified under MOD 11), its delivery will be timed such that it will be completed prior to the issue of the last Occupation Certification for Building 2.

2.1.2 Indigenous Garden completion trigger

It is recommended that the works to the new Indigenous Garden are specifically included into Public Domain Area 2. As per condition B53D, works to Public Domain Area 2 are to be completed prior to the issue of the first OC for Building 2. This timing is consistent with delivery of the Stage 2 Heritage Interpretation Plan. If the subject modification is to be approved, the Department are recommended to require the proponent to formally amend the Public Domain Staging Plan to incorporate the new Indigenous Garden for the avoidance of doubt.

Response

As set out in Section 2.1.1, the Indigenous Garden sits outside of the scope of works for Public Domain Area 2 and is a key Heritage Interpretation element. It is a garden that will incorporate physical elements to tell the historical stories of the Indigenous workers on the Eveleigh Railway site and be a community based garden that will be designed by the community for the community.

On this basis, Mirvac consider that the Indigenous Garden is to form Public Domain Area 3, as outlined in the revised Public Domain staging plan at **Attachment B**. It will also will be included within the Stage 2 Heritage Interpretation Plan and as such will be completed prior to the issue of the last Occupation Certification for Building 2.

2.1.3 Indigenous Garden – detailed design

The City objects to the proponent's request that 'The detailed design of the Indigenous Garden will be confirmed within the Stage 2 Heritage Interpretation Plan for the Public Domain and the detailed construction level drawings will be provided to the PCA as part of the relevant construction certificate documentation'.

- i. *Given the heritage significance of the Indigenous Garden and its prominent location at the north eastern entry of the precinct, the City request that the Department require consultation with the City of Sydney on the detailed design. Specialist landscape knowledge is required to critically assess the design presented by Aspect Studios and identify any matters that need to be addressed to ensure the longevity of the scheme.*
- ii. *It is the City's preference that the detailed design is provided to the City prior to the determination of the subject modification application. The level of detail expected is akin to the level of detail that was provided to satisfy Public Domain Areas 1 and 2. Aspect Studios are very familiar with the level of detail required by the City.*
- iii. *If the detail is not ready yet pending further design resolution or due to ongoing heritage investigations, an amendment to the wording of the approved condition B53A should be made by the Department. The amended wording should be phrased so that it is clear that the Indigenous Garden is now included in the area defined as Public Domain Area 2, and the Staging Plan that forms the package of information for Public Domain Area 2 is amended to reflect the addition of the Indigenous Garden. By incorporating the Indigenous Garden into the condition, the same level of detail that was required for the rest of the landscaping and public domain areas in the precinct will also be provided for the Indigenous Garden and be subject to consultation with the city. Further, the above change will ensure that the Indigenous Garden is captured by the requirements of the rest of the associated conditions i.e. B53C and B53D.*

Response

The concept of the Indigenous Garden was conceived during the consultation exercises undertaken for the Stage 2 Heritage Interpretation Plan. It is intended to be the key Indigenous Heritage Interpretation element within the ATP Precinct.

The design for this garden is being developed as a co-design process with the local indigenous community, led by Yerrabingin. A number of co-design workshops have already been undertaken with both the Indigenous community and current community users of the existing space. These co-design workshops utilise design thinking approaches to bring collective knowledge and interest into the final design of the garden and all associated products.

The revised Landscape Masterplan prepared by Aspect Studios outlines the location of the Indigenous Garden. However, the design presented on the Masterplan is indicative only. Ultimately, the design is not landscape architect led, it is community led.

It is essential that the community are responsible for the design of the Garden as this will ensure that they take ownership, not just during the design and construction stages, but through to its long-term operation. The Garden will also be constructed by the local community under the leadership of Yerrabingin, who will also have an ongoing management role.

In order to provide further indicative detail, a concept plan for the Indigenous Garden is included at **Attachment C**. As set out in the modification application, the detail design will be confirmed within the Stage 2 Heritage Interpretation Plan. Due to the nature of the Garden, it is not considered necessary for the Council to critically assess the detailed design to ensure the longevity of the scheme. The space is intended to be an organic, free flowing space that supports Aboriginal cultural engagement, education and heritage interpretation. Yerrabingin and the community will be responsible for its longevity along with Mirvac who will oversee and ensure the ongoing up keep and quality of the Garden.

The Garden will also form part of a broader Indigenous educational framework through its connections with the Rooftop Garden in Building 3 to provide a space that will enable opportunities to showcase culturally relevant native plant species and traditional use. Yerrabingin's vision statement for the Indigenous Garden is provided at **Attachment D**.

The Indigenous Garden is primarily a Heritage Interpretation element. The desire by Mirvac and the Heritage Council for the Heritage Interpretation across the entire ATP precinct to be of a high quality and be consistent requires sufficient time to ensure the detailed design has had adequate consultation with relevant stakeholders (as required by Condition F3) before it can be finalised and incorporated within the Stage 2 Heritage Interpretation Strategy.

The amendment of Condition B53A to include the Indigenous Garden (as Council has recommended) is not accepted. In Mirvac's opinion, if consultation is undertaken with the Council in the manner they are requesting, the focus of the community led design will be compromised resulting in a design that is more focused on the standard City of Sydney technical specifications rather than its original intent and connection with the historical stories and community engagement.

The previous consultation exercises demonstrated that Council is significantly wedded to its technical specifications and Public Domain Manual which are not appropriate benchmark documents for this community Indigenous Garden space.

In light of the above explanation and supporting documents included at **Attachments C and D**, we request that Council retracts its objection. If the Department consider that Mirvac should comply with Council's requests, this would be extremely detrimental to the delivery of the Garden and its intended purpose.

2.2 Wellness Precinct

2.2.1 Clarify what the grey hatch lines mean

The concept design for the Wellness Precinct appears generally acceptable however, it is unclear what the grey hatch lines mean within the grassed area to the south of the scooter/skate park. It should be clarified what is on soil and what is on slab.

Response

These areas are intended to be planted garden beds to provide landscaping features for the area.

2.2.2 Security gates/ fences around the scooter/ skate park

Given that this area is likely to be regularly frequented by children, there is no indication what security gates or the like are within or around the scooter/skate park. There is a steep fall towards Henderson Road. How is access into and out of this area of the precinct managed to ensure small children will not wander into the surrounding streets.

Response

There are no security fences or gates proposed as part of the design of the scooter park. The design includes a range of ledge and bench seat spaces that will act as an informal fence between the scooter park and Henderson Road, while ensuring carers and parents have visibility across the entire space. The intention is for an open and inviting space unrestricted by fencing and gates to welcome the community into the Park. This is consistent with the approach for the entire ATP public domain, which provides open and unrestricted access to all of the play areas.

2.2.3 Shade structures

It is noted that there are shade trees around the perimeter of the scooter/skate park however, the scooter/skate elements are quite open and not protected from the sun. Are additional shade structures or the like required in the mounds etc. given that small children will use it for potentially prolonged periods? This is a consideration akin to play areas at child care centres or the like.

Response

The proposed scooter park and gym equipment area extends to approximately 725m² in area and is not a child care centre space. Any shade structure would require further redesign and may introduce support poles into the skate elements themselves, creating a safety hazard for users of the space.

In general scooter and skate parks do not have shade structures over them and there are many examples in and around Sydney that demonstrate this, including those in Glebe (The Crescent), Sydney Park, Ward Park, St Peters/ Tempe, and Randwick (Heffron Park).

Notwithstanding this, some shade will be provided by Building 1 and the proposed trees that surround the scooter/skate park, which include Yellow Gum, Brush Box, Golden Robinia, Water Gum and Magnolia species. These tree species have been selected for their height and canopy cover, which range from 7m (Magnolia) to 15m (Brush Box) in height, with canopy widths of 5m (Yellow Gum) to 10m (Brush Box).

Additional shade structures are not proposed to be provided.

2.2.4 Request for detailed drawings to be submitted to PCA for final approval

The City objects to the proponents request for the more detailed drawings of the Wellness Precinct to be submitted to the PCA for final approval. The Wellness Precinct is within PD Area 1. Any detailed drawings including future amendments to the approved PD Area 1 package should either be assessed via the subject application with sufficient detail provided for assessment, or re-satisfy the condition via the consultation process with the City and the Heritage Council as required by the wording of Condition B53A for resubmission to the Secretary.

Response

It is noted that the Council does not 'object' to the concept of the inclusion of the Wellness Precinct, and has only asked for clarification in the issues addressed in Sections 2.2.1-2.2.3.

As set out in the Modification application, Mirvac has demonstrated (through the previous consultation exercises undertaken to meet the requirements of Condition B53A) that a high-quality public domain will be delivered that is relevant to the industrial character and is generally in accordance with the required elements of Council's 'Public Domain Manual'.

Council has provided in principle support for the changes to the Concept Plan and those changes propose significant benefits or seek to mitigate potential impacts which may not be apparent until works have commenced in the area (such as the change to Eveleigh Green). It is therefore considered extremely over-regulatory to require every minor change to the detailed plans to be scrutinised by Council before endorsement and then the Secretary to approve each minor change. This process is not been required for equivalent changes to a building which would/could be approved by the PCA to our knowledge.

It is noted that it took 11 months for the detailed design of Public Domain Area 1 to go through the consultation process and be approved by the Secretary. Similarly, it took 4-5 months for the detailed design of Public Domain Area 2 to go through the consultation process and be approved by the Secretary. Mirvac's construction program simply cannot accommodate Council's request if it is to provide the public domain benefits it is proposing. Further delays to the program will impact on the delivery of the public domain spaces to the community.

The inclusion of proposed Condition B53E will avoid the need for the Council, Heritage Council and the Secretary to perform a role that the PCA has authority to do under Section 6.5 of the EP&A Act and issue construction certificate's without unnecessarily delaying the construction program, subject to the concept documents being approved and the detailed design being in accordance with these approved concept documents.

2.3 Eveleigh Green

The concept proposal appears to be acceptable. However, as per above, the City objects to the proponents request for the more detailed drawings of Eveleigh Green to be submitted to the PCA for final approval. Eveleigh Green is within Public Domain Area 1. Any detailed drawings including future amendments to the approved PD Area 1 package should either be assessed via the subject application with sufficient detail provided for assessment, or re-satisfy the condition via the consultation process with the City and the Heritage Council as required by the wording of Condition B53A for resubmission to the Secretary.

Response

It is noted that Council considers the change to Eveleigh Green to be acceptable. The change to Eveleigh Green is extremely minor, resulting in negligible changes to the pathway to avoid impacts on the established trees. This insignificant change which has no consequential impact on the overall public domain design, clearly demonstrates why proposed Condition B53E should be approved.

As noted above in Section 2.2.4, to undertake a consultation exercise on this minor change is considered extremely over-regulatory that will result in an impediment to the provision of the proposed benefits that the proposed amendments will provide.

2.4 Feature Lighting Concept

2.4.1 Requirement to meet the Sydney Streets Technical Specifications A5: Street Lighting Design and Sydney Lights Public Domain Design Code.

The City objects to the proponents request for the detailed designed documents of the 'Feature Lighting Concept' to be submitted to the PCA for final approval.

- i. *The City's Lighting Engineer has specific knowledge to assess the relevant details to ensure that they meet the Sydney Streets Technical Specifications A5: Street Lighting Design, and the Sydney Lights Public Domain Design Code.*

Response

Feature lighting is designed to provide atmospheric lighting and is not intended to substitute nor contribute to the compliant lighting solution being delivered throughout the site. It involves up-lighting to trees, accent lighting to greenery and planting, handrail lighting, integrated lighting in seating and landscape walls and also lighting to the Heritage Interpretation elements.

The feature lighting is a design enhancement and reflects a significant investment that Mirvac are making to enhance the Public Domain spaces at night. It will humanise the public domain whilst also encouraging night time activation which will be of benefit to the wider community.

At the time of dedication (in approximately 27 years time) should Council not consider the feature lighting to be acceptable, it will be able to easily be disconnected and as such therefore should be no requirement to meet the 'Sydney Street Technical Specifications A5: Street Lighting Design and the Sydney Lights Public Domain Design Code'.

The compliant lighting throughout the Public Domain, (that has already been approved under Condition B53A) provides clear way-finding lighting which is be compliant with the relevant requirements and standards.

2.4.2 Requirement for any additional details or amendments to the approved Public Domain packages

The proponent has stated that they intend to include the detailed designed documents of the 'Feature Lighting Concept' for the Public Domain within the Stage 2 Heritage Interpretation Plan. Any additional details or amendments to the approved PD Area 1 and 2 packages that relate to the lighting should either be assessed via the subject application with sufficient detail provided for assessment, or re-satisfy the condition via the consultation process with the City and the Heritage Council as required by the wording of Condition B53A for resubmission to the Secretary.

Response

To clarify, the Modification application noted that the detailed design documents associated with the provision of the landscape feature lighting will be prepared in accordance with the 'Feature Lighting Concept' (as set out in the Public Domain Design Report) and then provided to the satisfaction of the PCA.

The Heritage machinery and interpretation element feature lighting details will be included within the Stage 2 Heritage Interpretation Plan for the Public Domain and consultation will be undertaken in accordance with Condition F3 of the Instrument of Approval.

The design of the Heritage Interpretation for the Public Domain is a distinctly separate exercise than the design of the base build Public Domain works that are subject to Condition B53A and accordingly, **Mirvac strongly disagree that the Heritage Interpretation lighting works should be required to satisfy or re-satisfy Condition B53A.**

Furthermore, it should be noted that the designs that have been approved under Condition B53A for Public Domain Areas 1 and 2 is the base case. To improve on this 'base case' and provide additional layers of sophistication to the experience, Mirvac will provide heritage interpretation, way-finding signage, feature lighting and public art within

Public Domain Areas 1 and 2. To require the Condition B53A consultation and Secretarial approval process to be undertaken for every additional element or amendment to the 'base case' is completely unnecessary and was not the intent of the Condition when it was originally included in the Instrument of Approval under MOD 1.

2.5 Additional Conditions

The City objects to imposing additional conditions B53E, which would allow the PCA to approve any future amendments to the landscaping and public domain plans, and B53F, which imposes a time limit for such amendments to be made. The applicant's justification as to why it is 'not necessary to repeat the consultation exercise' with the City for amendments to the detailed landscape and public domain plans are not supported. The Department originally required consultation with the City of Sydney Council and the Heritage Council on the public domain and landscaping details and this should be maintained to ensure consistency with the quality of design and level of detail already approved throughout the precinct. Much of the landscape and public domain elements are bespoke design directly linked to the heritage significance of the site.

Specialist staff at the city are familiar with what has been approved already on the site and are best placed going forward to assess any amendments.

It is noted that the Wellness Precinct and Eveleigh Green are within those areas to be dedicated to the City in the future under the VPA, as well as many other areas within the public domain that will have the feature lighting.

Response

As outlined previously, the changes to the landscaping and public domain plans are relatively minor, in localised areas and will provide significant benefit to the community. Mirvac is not trying to undermine the quality of the design and or the significance of the site, it is simply trying to make minor improvements that are clearly set out in the Landscape Masterplan documentation and to which Council deems acceptable in principle.

Condition B53 as currently worded (in its entirety) does not provide a mechanism for the landscape and public domain detailed design plans to be amended and therefore the proposed wording for Conditions B53E and B53F provide an entirely appropriate process for amendments to the detailed plans to be signed off without adding unnecessary impediments to construction timeframes on the project.

Whilst the Wellness Precinct and Eveleigh Green along with other areas within the public domain are to be offered for dedication to Council in approximately 27 years time under the VPA, Mirvac is responsible for maintaining the land until such time. It is widely known that the use of high quality construction materials will reduce the need for significant maintenance. It is not Mirvac's intention and there is no benefit for Mirvac to provide sub-standard elements.

It appears that given the public domain area will potentially be dedicated, Council is wanting to ensure that it is entirely compliant with Council's current technical specifications and Public Domain Manual. Notwithstanding that the technical specifications and Public Domain Manual may change in 27 years time, as noted in Section 2.1.3 the VPA relating to the future dedication of land only requires general compliance with the certain Public Domain Manual elements. Mirvac is comfortable that the proposed design for the Public Domain as a whole (as proposed to be modified by this application) will continue to meet this obligation and as such considers that the process outlined in proposed Conditions B53E and B53 F to be appropriate.

2.6 Authority of the PCA

The City considers that the above advice does not conflict with the authority of the PCA under Section 6.5 of the Environmental Planning and Assessment Act 1979 (the 'Act') or preclude the PCA from issuing relevant certificates for work that he/she is satisfied with under Section 6.29(1) of the Act.

Response

Noted. However, as noted by Council in the issue at Section 2.5, the appointed PCA is also extremely experienced with all elements of the ATP construction and the public domain and therefore it is considered that it is best placed to assess the detailed design elements.

3.0 Response to Transport for NSW

3.1 Bus Access for Special Events

Condition B52 - Bus Access for Special Events for the above development application states the following:

"Prior to issue of the relevant Construction Certificate, the applicant shall submit a plan to TfNSW demonstrating that the access and internal roads within the ATP are capable of accommodating buses to serve special events."

TfNSW has been working with the applicant to address Condition B52 of the Consent. It is noted that no marked bus parking spaces are shown in the Landscape Masterplan. TfNSW understands that the applicant would provide two (2) bus spaces within the precinct to support the subject development; one on Central Avenue and the other on Davy Road.

It is advised that:

- The applicant should not rely on the kerbside restrictions to conduct their business activities on roads outside of the Australian Technology Park Precinct as these restrictions are set to suit the wider community needs and are subject to change based on transport network requirements; and*
- Bus spaces to support the proposed land uses within the Locomotive Workshops should also be provided within the vicinity of the workshops, including potentially on Locomotive Street as the Response to Submissions for the adjoining development at the Locomotive Workshop Bays 1-4a (SSD 17_8517) states that as part of the activation of the Locomotive Workshop, the applicant continue to seek approval to host various short term and temporary events within Bays 1-4a and within Innovation Plaza.*

Response

The proposed public domain changes included within this modification do not affect bus spaces. The provision of bus spaces for the Locomotive Workshop is addressed in the Response to Submissions letter for SSDA 8417 and SSDA 8449.

3.2 Proposed recommendations

- *The two (2) proposed bus spaces on Central Avenue and Davy Road be designed in accordance with Austroads Guides to support the operation of 14.5m long buses including, entries and exits to the Australian Technology Park Precinct and along internal roads*
- *Provision of bus spaces on Locomotive Street also be considered for the southern kerb of Locomotive Street which is located within the area of the Landscape Masterplan and Public Domain Plan required under Condition B53 of the Consent for the subject development*
- *The Landscape Masterplan and Public Domain Plan include bus spaces on the southern kerb of Locomotive Street to support the proposed land uses within the Locomotive Workshops, in consultation with TfNSW*
- *The applicant be conditioned to prepare a Coach Parking management plan in consultation with the Sydney Coordination Office within TfNSW, prior to the issue of the Construction Certificate. Details on how vehicles, including coaches, accessing events/functions can be accommodated within Central Avenue, Davy Road and Locomotive Street should be provided.*

Response

The provision of bus spaces is not relevant to this modification and no changes to bus spaces are proposed. It is not appropriate for the Department to include additional conditions to the Instrument of Approval for SSDA 7317 that are not relevant to the proposed modifications and do not relate to coach parking or bus movements.

4.0 Response to Heritage Council of NSW

4.1 Indigenous Garden

The inclusion of the additional parcel of land proposed to be converted into an Indigenous Garden is generally supported. We understand the detailed design for this area will be developed as part of the Stage 2 Heritage Interpretation Plan. It is recommended that this is undertaken in consultation with the Heritage Council.

Response

Indigenous group Yerrabingin have undertaken a number of co-design workshops with the local indigenous community and have developed very preliminary concept designs for this space. These concepts are currently being reviewed by the community and once these have been endorsed there will be further consultation with the Heritage Council for progression of the detailed design.

Yerrabingin will also operate the rooftop garden on Building 3, with the intention that the two spaces operate together to provide educational and community engagement outcomes.

As noted in Section 2.1.3, the Indigenous Garden is a key heritage interpretation element and as such further consultation with the Heritage Council will be undertaken.

4.2 Wellness Precinct

It is understood that a Wellness Precinct, which includes a junior scooter park, is proposed adjacent to the existing sports courts along the south-east boundary of ATP. Whilst the proposed location, on the edge of the site and a clear distance from the Locomotive Workshops, is considered supportable, it is unclear what level of excavation will take place, and what the potential impact to any archaeological relics will be. It is therefore recommended that the following condition be provided:

The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Response

As clarified in Section 1.1, the proposed works within the Wellness Precinct will involve minor excavation works, and other works proposed within the revised Landscape Masterplan do not technically involve excavation, rather re-grading in localised areas to remove areas of top soil footings and pathways.

The Heritage Impact Statement, prepared by Curio Projects for SSDA 7317, identified that the area where the Wellness Precinct is proposed to be located was potentially associated with 'former residential development at Eveleigh', and the archaeological potential is generally low to nil, except for discrete small areas that may contain deep remnant fabric associated with wells and cesspits.

Therefore, it is highly unlikely that the works will have any impacts on any potential archaeological relics. Notwithstanding this, should any unexpected deposits be identified the appropriate unexpected finds protocol will be followed as per Conditions D29 and D30 within the SSDA 7317 Instrument of Approval.

4.3 Heritage Interpretation

In addition, it is noted that interpretation elements are being developed as part of the Stage 2 Heritage Interpretation Plan. It is recommended that this is undertaken in consultation with the Heritage Council.

Response

Noted. On-going consultation with the Heritage Council is being undertaken.

4.4 Eveleigh Green

The proposed change to the brick pathway around the oval is supported as it is required to avoid impacting on tree roots of the existing trees.

Response

Noted. The intention of the change to the pathway around the oval is to protect the existing established trees.

4.5 Feature Lighting

It is understood the detailed design of the landscape feature lighting is currently being developed. Concept designs provided indicate discrete integration of lighting within handrails, landscape walls and seating, and are generally supported. It is recommended that feature lighting also be investigated for moveable heritage items. This should be developed as part of the Stage 2 Interpretation Plan and provided to the Heritage Council for comment.

Response

Noted. As set out in Section 2.4.2, the feature lighting concepts and details for the Heritage machinery and heritage interpretation elements will be included within the Stage 2 Heritage Interpretation Plan for the Public Domain.

4.6 Signage Strategy

We are generally supportive of the provided Signage Strategy. It is noted that the proposed signage performs both identification and wayfinding signage functions. In addition, many of the signs incorporate interpretation as part of the design. It is recommended that the final interpretative design of the signage be provided to the Heritage Council for comment.

Response

Noted. The detail of the heritage interpretation signs will be included within the Stage 2 Heritage Interpretation Strategy for the Public Domain.

4.7 Defining signage design for the ATP Precinct

It is understood the proposed signage utilises the City of Sydney wayfinding system in an attempt to integrate the ATP precinct into the wider City of Sydney (CoS) area. Whilst this is considered reasonable, it should also be noted that ATP is part of the State Heritage Register (SHR) listed Eveleigh Railway Workshops site. It is therefore recommended that a defining design element be incorporated into the signage which situates the ATP site within the broader SHR curtilage, and which speaks to the industrial heritage of the site. This should be separate to the interpretive elements of the signs.

Response

The proposed Public Domain and External Signage Strategy provides a branded South Eveleigh theme for the ATP precinct, and this is therefore be unique to the site. Heritage interpretation is included within the signage strategy.

5.0 Office of Environment and Heritage

5.1 Aboriginal Cultural Heritage Assessment Report

The following amendments are proposed to the detailed landscape and public domain plans for the wellness precinct including earthworks and soil depths, mounds and rails of levels suited to younger children, terraced edges, inground interpretation signage 'in various areas of the precinct, as detailed in the modification document prepared by Ethos Urban dated 13 July 2018 and shown on the landscape masterplan. It is likely that excavation may be required in both the wellness precinct and Indigenous garden areas that are currently turfed.

A Heritage Impact Statement (HIS) was prepared by Curio Projects (November 2015) and submitted in support of the original ATP development SSD 7317 for "detailed works associated with the redevelopment of Lots 8, 9, and 12 (principally for commercial/business premises) and associated public domain/landscaping works." The HIS also included an analysis of the Aboriginal archaeological potential and impacts of the development (s.51ands7.41). In relation to Aboriginal Cultural Heritage values the HIS stated:

"The ATP site, and its surrounding suburbs have an important and strong legacy of Aboriginal historical connections to the region" (pg 22).

No Aboriginal Cultural Heritage Assessment Report was prepared for the original SSD that was approved on 20 December 2016. An ACHAR is typically required with an SSD application where Aboriginal Cultural Heritage issues are relevant. However, it is noted that this proposal is the twelfth modification to SSD 7317 with the three buildings and Stage 1 public domain areas currently under construction. It is considered that there would be low potential for Aboriginal archaeological deposits to be present due to:

- *Historic site disturbance to the ATP site for the construction of buildings, workshops, warehouses and infrastructure. Notably, Building 1 and the wellness public domain precinct is less than 6m from the underground Illawarra Railway line tunnel as shown on Figure 6 below*
- *extent of fill on site between 2.5m and 4m*

- groundwater at depths of 1.5m w 3m below surface level and
- site contamination.

As such no ACHAR will be required for this modification.

Response

Noted. No ACHAR is to be provided.

5.2 Planting Plan

OEH recommends that the Wellness Precinct planting plan shall include native plant species and refer to the City of Sydney recommended indigenous species list.

Response

There will be native species incorporated into the design in accordance with the City of Sydney recommended indigenous species list.

6.0 Environment Protection Authority

The EPA understands that a Remedial Action Plan and Site Audit Statement have previously been prepared for the site (as part of the original SSD 7317 application), and that a long term Environmental Management Plan(s) is in place to manage potential risks from the contamination. The EPA understands that due to heritage restrictions, contamination at the site cannot be practically removed, and has primarily been addressed by capping with buildings, hardstand or landscaping. The proposal seeks to:

- *realign the public domain master plan boundary to include a parcel of land adjacent to the southern edge of Innovation Plaza that is intended to become an Indigenous Garden;*
- *introduce a 'wellness and junior scooter park' at the south-east boundary of the ATP site (adjacent to Building 1) in place of a turfed grass area;*
- *relocate the brick pathway proposed to run around the northern edge of Eveleigh Green 1.2m; and*
- *introduce a feature lighting concept within the Public Domain area.*

Based on the information provided, it is not clear to the EPA whether areas of residual contamination are still present at the site, or whether the proposal will impact any areas of residual contamination.

The Environmental Impact Statement for the application should clarify whether the proposal will impact any areas of residual contamination, and how any such impacts will be managed. Any impacts on contamination at the site should be managed in accordance with the previously submitted Remedial Action Plan, Site Audit Statement and relevant Environmental Management Plan(s).

Response

As clarified in Section 1.1, the proposed works within the Wellness Precinct will involve minor excavation works, and other works proposed within the revised Landscape Masterplan do not technically involve excavation, rather re-grading in localised areas to remove areas of top soil footings and pathways.

Any excavation works associated with the Wellness Precinct will be supervised by a suitably qualified environmental consultant and/ or occupational hygienist, in accordance with Safe Work Australia/ NSW WorkCover regulatory requirements and details of any necessary remediation works will be documented as per the requirements of the existing RAP such that upon completion of the Public Domain works within Areas 1 and 2 a final validation assessment will be completed to demonstrate the suitability of the site for the proposed use, subject to ongoing management under the Long Term Environment Management Plan.

Furthermore, JBS&G has prepared a statement (**Attachment A**) confirms that the final surface finishes proposed within the public domain areas will be consistent with the requirements of the Remediation Action Plan (RAP). The works will be delivered in accordance with the existing Site Wide RAP.

7.0 Roads and Maritime Services

Roads and Maritime has previously acquired a strip of land for road along the Henderson Road frontage of the subject property, as shown by blue colour on the attached Aerial - "X". Roads and Maritime has also previously vested a strip of land as road along the Henderson Road frontage of the subject property, as shown by grey colour on the attached Aerial - Roads & Maritime Services has no other approved proposal that requires any part of the subject property for road purposes. Therefore there are no objections to the development proposal on property grounds provided all buildings and structures (including signage), together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Henderson Road boundary.

Response

It is unclear in the RMS's Aerial 'X', which is the 'blue' area of land, and which is the 'grey' areas of land. On the basis of the blue and grey areas being those which are marked up in **Figure 1**, Mirvac confirms that these areas do not fall within Lot 4007 in DP 1197309 and therefore the proposed modifications do not impact these RMS blue and grey areas.

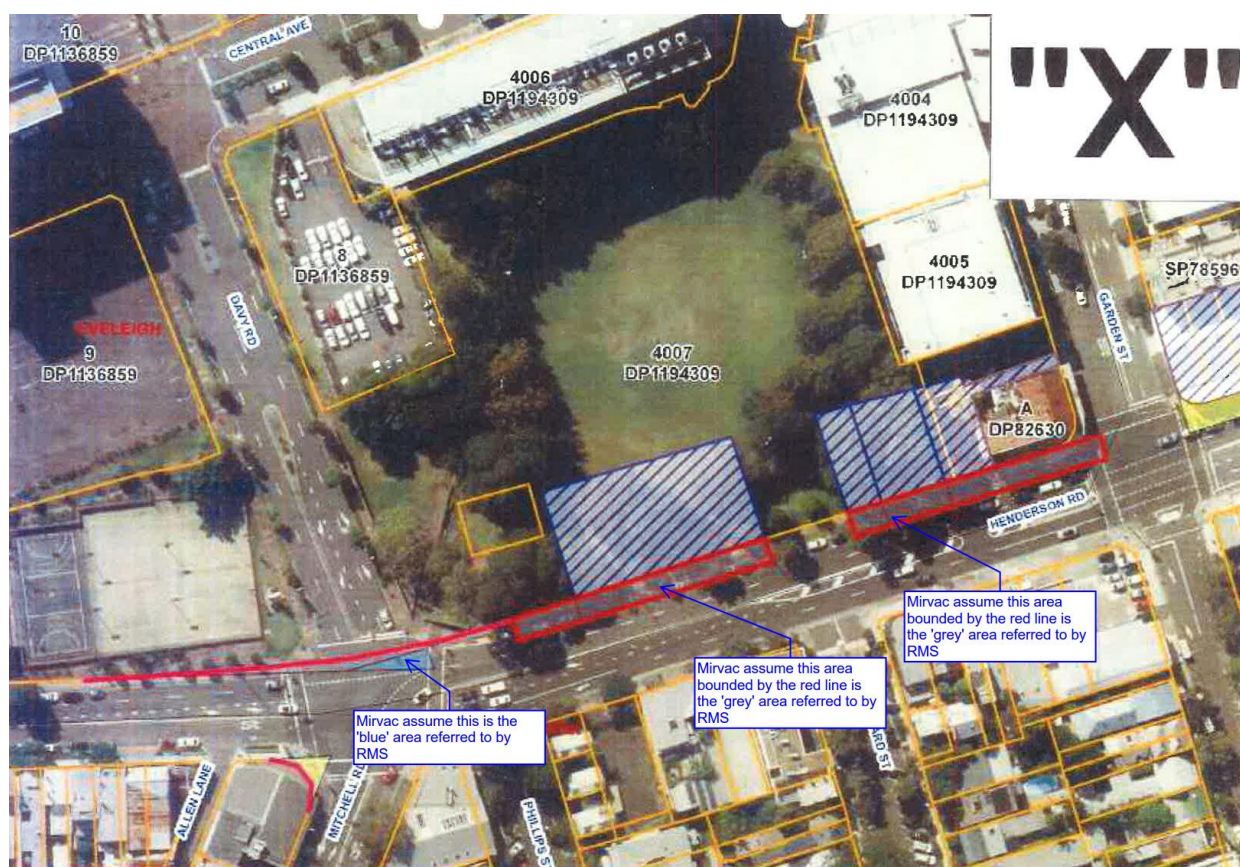


Figure 1 Marked up version of RMS Aerial 'X'

8.0 Response to Transgrid

1. Transgrid must be able to maintain access to their portal in Australian Technology Park. Over the years there has been increasing vegetation growth narrowing access.
2. The proposed total signage S1.B is located in the access easement required for maintenance of the portal. It looks like it may impeded access/ egress and use of that area between the tree and the footpath for maintenance vehicle parking.
3. Transgrid requests that the maintenance access requirements and easement be considered as part of the masterplan.
4. The current access point to the tunnel portal being off Henderson Road (near Davy Road).
5. Vehicular travel to the tunnel portal is currently still possible within the grounds.

Response

As identified in the modification application letter, the External Signage Strategy provided plans that identified the 'indicative signage locations' throughout the ATP precinct. Mirvac acknowledge that Transgrid require access to maintain their portal and will ensure that the signage totem S1.B or any other signage structures are located within Lot 4007 and not within the Transgrid portal (Lot 501 in DP1033739) or its easement zone, as highlighted in **Figure 2**.

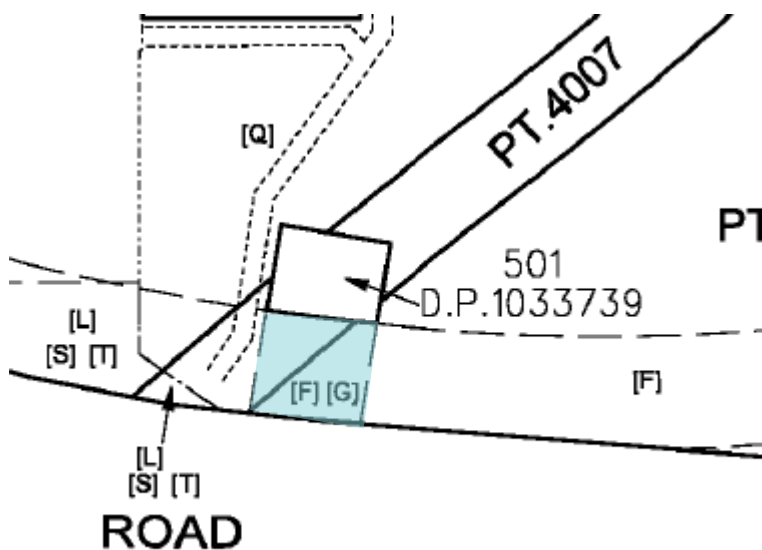


Figure 2 Extract of survey plan showing Transgrid Portal and access easement zone

9.0 Response to Sydney Trains

Sydney Trains commented that it had no comment on the proposed modification and the original conditions still apply.

It also noted that:

“Sydney Trains had not received a referral for MOD 5 for the underground travelator, which is proposed to be constructed underneath Locomotive Street which has a Right of Carriageway benefitting Sydney Trains along the length of the Street. Sydney Train needs to ensure that for the duration of the works, the easement requirements for 24x7 access will either not be impacted or an alternative access means is arranged prior to commencement of those works for maintenance and emergency purposes. Additional it should be advised that the documentation for the original conditions should incorporate the underground travelator.”

Response

Mirvac notes that Sydney Trains has no comments in regard to the proposed modification.

Furthermore, MOD 5 has been approved and therefore Sydney Trains’ comments regarding that application is not relevant to MOD 12, the subject of this letter.

10.0 Conclusion

The proposed modification seeks approval for amendments to the approved Landscape Masterplan, the Public Domain Signage and External Signage Strategy and the introduction of new conditions of consent to the Instrument of Approval.

Submissions were received from the Department, Transport for NSW, Heritage Council of NSW, Office of Environment and Heritage, Environment Protection Authority, Roads and Maritime Services, Sydney Trains, Urban Growth NSW Development Corporation, Ausgrid and the City of Sydney. Responses to each of the key issues raised in the submissions have been provided above.

In light of its merits and in the absence of significant environmental impacts, we recommend that the proposed modification be supported by the Department and ask that the application be forwarded to the Independent Planning Committee without un-due delay. Should you have any queries regarding the above do not hesitate to contact me on 9956 6962.

Yours sincerely,



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