



Marrickville Metro Shopping Centre

Section 75W Application to Modify Concept Plan MP_09_0191
December 2012



francis-jones morehen thorp



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Executive Summary

This report accompanies a request to modify Major Project No. 09_0191 pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) on behalf of AMP Capital Investors, the proponent of the project.

Concept Plan Approval was granted on 19 March 2012 for:

“...use of the existing building for retail premises and business premises, and expand the Marrickville Metro Shopping Centre including a first floor addition to the existing building at 34 Victoria Road, a new 2 level retail building at 13-55 Edinburgh Road and two levels of rooftop parking above each building.”

It was proposed to undertake these works in two separate stages:

- **Stage 1:** Redevelopment of the existing industrial land south of Smidmore Street (13-55 Edinburgh Road) to create a two level free-standing retail addition to the shopping centre with car parking above.
- **Stage 2:** An extension of retail floor area at first floor level above the existing Marrickville Metro shopping centre building with further additional roof top parking above.

Since obtaining this consent, the proponent has undertaken further consultation and market research and also decided to appoint respected architects, Francis-Jones Morehen Thorp (FJMT) to prepare a revised design for Stage 1 of the project.

The proposed modifications relate only to Stage 1 of the project, involving the redevelopment of the existing industrial land south of Smidmore Street (13-55 Edinburgh Road) to create a two level free-standing retail addition to the shopping centre with roof top car parking.

The modification application seeks approval to refine and enhance the approved project, without changing the more fundamental aspects of the development relating to overall retail floor space and traffic access arrangements. The modifications sought are intended to further improve the amenity and functionality of the building and the surrounding public domain through a range of design initiatives inspired by architects FJMT.

The design intent as described by FJMT is:

“A contemporary retail experience embracing the special character of Marrickville and bringing together the qualities of street activation and Marrickville Metro choice and convenience.”

It is considered that the proposed design refinements introduce a number of significant improvements compared to the approved project that will make a positive contribution to the local character without any detrimental impacts.

The modified Stage 1 design prepared by FJMT includes the following improvements:

- Deletion of the circular ramp design and replacement with a revised vehicle ramp.
- An extension of the building to the western boundary replacing the circular ramp.
- An increased building setback to Smidmore Street at ground floor level.
- Altering and extending the double height void space internally within the building, providing improved internal amenity and natural light.
- A revised design of the retail layout to accommodate changes to vehicle ramp, void area and public domain improvements to Smidmore Street.

- A reduction in the scale of the approved development.
- A new façade design and landscape treatment.

To incorporate these design changes, it is proposed to modify the existing Conditions of Approval as follows:

- Condition A1 – update development description.
- Condition A2 – to include new plans for reference.
- Condition B19 – update to reflect amended car parking numbers.
- Condition D29 – update to reflect the removal of additional trees not previously assessed.

The modified proposal has been assessed against the relevant provisions of Section 75W of the *Environmental Planning and Assessment Act 1979*. This modification provides the opportunity to provide a more appealing design and enhanced public domain outcome, without any adverse environmental impact.

1 Introduction

This report accompanies a request to modify Major Project No. 09_0191 pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) on behalf of AMP Capital Investors, the proponent of the project.

This report provides:

- A description of the site and context;
- A summary of the approved project and details of the proposed modifications;
- Assessment of the key impacts associated with the proposed modifications; and,
- Suggested amendments to the current consent conditions listed within the Concept Plan approval to accommodate the requested modifications.

In summary, the proposed modifications to Stage 1 of the Concept Plan approval include:

- **A revised vehicle ramp design** for access to parking on the upper levels of the building. This replaces the approved circular ramp located on the western boundary at the corner of Edinburgh Road and Smidmore Street. The proposed new ramp design extends parallel to Edinburgh Road behind the building facade, utilising the same vehicle access location as previously proposed.
- **An extension of the building to the western boundary** replacing the circular ramp.
- **An increased building setback to Smidmore Street** at ground floor level to allow provision of outdoor seating for cafes and restaurants and public domain embellishments, optimising this northern orientation.
- **Altering and extending the double height void space internally within the building**, providing improved internal amenity and natural light.
- **A revised design of the retail layout** to accommodate changes to vehicle ramp, void area and public domain improvements to Smidmore Street, including increased retail activation along the Smidmore Street frontage.
- **An overall reduction in the scale of the approved development** with the exception of the Murray Street elevation. The proposed modified design will be reduced in height along the principal frontages by 220mm.
- **A new façade design and landscape treatment**, reflecting a new design approach by highly regarded and awarded architects FJMT, adopting a more contemporary and 'industrial' expression consistent with the local urban character.

These amendments to the project will be implemented through modification of the following conditions of MP09_0191:

- Condition A1 – update development description.
- Condition A2 – to include new plans for reference.
- Condition B19 – update to reflect amended car parking numbers.
- Condition D29 – update to reflect the removal of additional trees not previously assessed.

The following team of experts have provided input into the design of the scheme:

- Architectural – Francis-Jones Morehen Thorp (FJMT)
- Landscape – Site Image
- Traffic – GTA Consultants
- Fire Engineering – Defire
- BCA – Steve Watson & Partners
- Hydrology Investigation – Hydrostorm Consulting Pty Ltd
- Civil Engineering – Cardno
- Accessibility – Accessibility Solutions Pty Ltd
- Arboricultural – Tree iQ

2 Site Context

2.1 THE SITE

Marrickville Metro Shopping Centre is a subregional shopping centre in Marrickville, approximately seven kilometres from the Sydney CBD. The shopping centre consists of the major tenants of Kmart, Woolworths and Aldi and a range of speciality stores.

The site encompasses two principal land parcels:

- Marrickville Metro Shopping Centre located at 34 Victoria Road, Marrickville. This land has an area of approximately 3.57 hectares (labelled '1' in Figure 1 below).
- 13-55 Edinburgh Road, which has an area of approximately 8,800m² and is located to the south of Marrickville Metro, with frontage to Smidmore Street, Murray Street and Edinburgh Road. An industrial warehouse development currently occupies this land (labelled '2' in Figure 1 below).

The section of Smidmore Street immediately to the south of Marrickville Metro, between Murray Street to the east and Edinburgh Road to the west will continue to operate as a vehicular road between the two parcels.

Pedestrian access to Marrickville Metro Shopping Centre is from Victoria Road to the north and Smidmore Street to the south and from the rooftop car parking areas down into the centre.

13-55 Edinburgh Road is located on the opposite side of Smidmore Street to the south and bounded by Edinburgh Road and Murray Street. The site is currently occupied by a two storey factory/warehouse building that is built to the street frontages. Open grade car parking is located on the western side of the site.

FIGURE 1 – LOCALITY MAP



3 Background

3.1 APPROVED DEVELOPMENT

On 19 March 2012, the Planning Assessment Commission of New South Wales approved Major Project No.09_0191 for a Concept Plan pertaining to 34 Victoria Road and 13-55 Edinburgh Road, Marrickville.

The development approved under MP09_0191 is summarised as follows:

- An extension of retail floor area at first floor level above the existing Marrickville Metro shopping centre building with further additional roof top parking above.
- Redevelopment of the existing industrial land south of Smidmore Street (13-55 Edinburgh Road) to create a two level free-standing retail addition to the shopping centre with car parking above.
- The retention of Smidmore Street between Edinburgh Road and Murray Street as a public road with street level retail activation.

The approved scheme is required by condition of the Concept Plan approval to be undertaken in two discrete stages, which are detailed below.

Stage 1

- Redevelopment of the industrial site at 13-55 Edinburgh Road to accommodate the two level retail centre.
- New vehicle entrance from Edinburgh Road and circular ramp for access to upper level parking.
- Creation of an activated retail edge along Smidmore Street between Murray Street and the area east of the vehicle access ramp.
- Refurbishment of the existing shopping centre building east of the existing car park ramp along the southern elevation fronting Smidmore Street.
- Reconfiguration and expansion of works to the centre fronting the 'Civic Place' at the Victoria Road frontage behind the remnant Vicars walls.
- Landscaping and public domain works to Civic Place & Smidmore Street.

Stage 2

- Construction of the first floor addition over part of the existing shopping centre to accommodate a discount department store, new back of house space and new specialty retail tenancies and internal circulation space.
- Reconfiguration of ground floor retail space within existing shopping centre building and alterations to internal circulation and access including new travelators and lift access.
- Consolidation and reconfiguration of loading docks on the eastern side of the existing shopping centre fronting Murray Street.
- Construction of 2 levels of parking above the new extension to the existing shopping centre building.
- Footpath upgrade and landscaping work along Murray Street (north of Smidmore Street) and Victoria Road.
- Relocation of the existing vehicle ramp at Smidmore Street (9 metres to the west) extending the activated retail edge along this frontage.

This Section 75W application proposes modifications to Stage 1 of the development only, noting that there is a requirement under Condition E3, that an Occupation Certificate for Stage 2 cannot be issued unless a minimum of 3 years has passed from the date of commencement of use of Stage 1.

4 Proposed Modifications

4.1 OVERVIEW

The modification application seeks approval to refine and enhance the approved project, without changing the more fundamental aspects of the development relating to overall retail floor space and traffic access arrangements. The modifications sought are intended to further improve the amenity and functionality of the building and the surrounding public domain through a range of design initiatives inspired by architects FJMT.

The design intent as described by FJMT is:

“A contemporary retail experience embracing the special character of Marrickville and bringing together the qualities of street activation and Marrickville Metro choice and convenience.”

While the design of the project (Stage 1) departs from that approved, the important aspects of the development remain consistent including:

- The overall form of the development, being two levels of retail with two levels of roof top parking;
- The overall quantum of retail floor space;
- The location of the access for the vehicle ramp leading to the roof top car park and the location and access arrangements for the loading dock fronting Murray Street.
- The location of the supermarket at first floor level;
- The location of the bus stop as approved to be relocated to the Edinburgh Road frontage.

It is considered that the proposed design refinements introduce a number of significant improvements compared to the approved project that will make a positive contribution to the local character without any detrimental impacts.

4.2 SUMMARY OF MODIFICATIONS

The proposed modifications relate to Stage 1 of the development only. The Stage 2 plans are not proposed to be amended as part of this application.

This intent is described in further detail in the design statement prepared by FJMT and includes the following

Drawing it's inspiration from the robust and varied built form of Marrickville and the rich and diverse culture of the community, the Edinburgh Building places emphasis on the development of Smidmore Street as an active destination street in Marrickville and introduces a market character and scale (and market opportunities) to the internal spaces of the centre.

The appeal of Marrickville to its inhabitants and visitors centres around a strong food culture, an honest use and adaption of the built fabric, and a strong creative spirit. The Edinburgh Building design seeks to integrate Marrickville Metro with, and become an important part of, this appeal making it much more than a shopping convenience.

Refer to the Design Statement by FJMT

In summary, the proposed modifications include:

- **A revised vehicle ramp design** for access to parking on the upper levels of the building. This replaces the approved circular ramp located on the western boundary at the corner of Edinburgh Road and Smidmore Street. The proposed new ramp design extends parallel to Edinburgh Road behind the building facade, utilising the same vehicle access location as previously proposed.
- **An extension of the building to the western boundary** replacing the circular ramp.
- **An increased building setback to Smidmore Street** at ground floor level to allow opportunities for outdoor seating and public domain embellishments, optimising this northern orientation.
- **Altering and extending the double height void space internally within the building**, providing improved internal amenity and natural light. The void space also runs east/west along the Smidmore Street frontage maximising northern sunlight penetration into the building.
- **A revised design of the retail layout** to accommodate changes to vehicle ramp, void area and public domain improvements to Smidmore Street, including increased retail activation along the Smidmore Street frontage.
- **An overall reduction in the scale of the approved development** with the exception of the Murray Street elevation. The proposed modified design will be reduced in height along the principal frontages by 220mm.
- **A new façade design and landscape treatment**, reflecting a new design approach by highly regarded and awarded architects FJMT, adopting a more contemporary and 'industrial' expression consistent with the local urban character.

The key design changes can be understood by reference to the plan extracts in figures 2 to 5 below, which illustrate the comparison between the approved and proposed designs in floor plan and elevation.

Figures 2 and 3 highlight the key changes being the removal of the circular ramp design, the building setback from Smidmore Street and the enlarged two storey void within the building. The plans also highlight the maintenance of the through-site link extending from Smidmore Street through to Edinburgh Road.

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The site plan illustrates the proposed development at 100-102 West 10th Street. The plan shows a large building footprint with various sections labeled: MARKET, RETAIL, MALL, and SUPERMARKET STORE. A central area is designated as a LOADING DOCK. The plan also indicates the location of a BUS STOP and a SUBSTATION. Surrounding streets include SMIDMORE STREET, EDINBURGH ROAD, and MURRAY STREET. The plan includes notes on street frontage, landscaping, and a boundary line. The plan is dated 2010 and includes a north arrow.

Figures 4 and 5 highlight some of the key changes from an external design perspective. In particular:

- The extension of the activated retail edge to the full extent of the site frontage;
- The reduced height of the project to the Smidmore Street elevation;
- The changes in materiality of the building.

FIGURE 4 – EXTRACT FROM NORTHERN ELEVATION OF APPROVED PROJECT



FIGURE 5 – PROPOSED MODIFIED NORTHERN ELEVATION TO SMIDMORE STREET

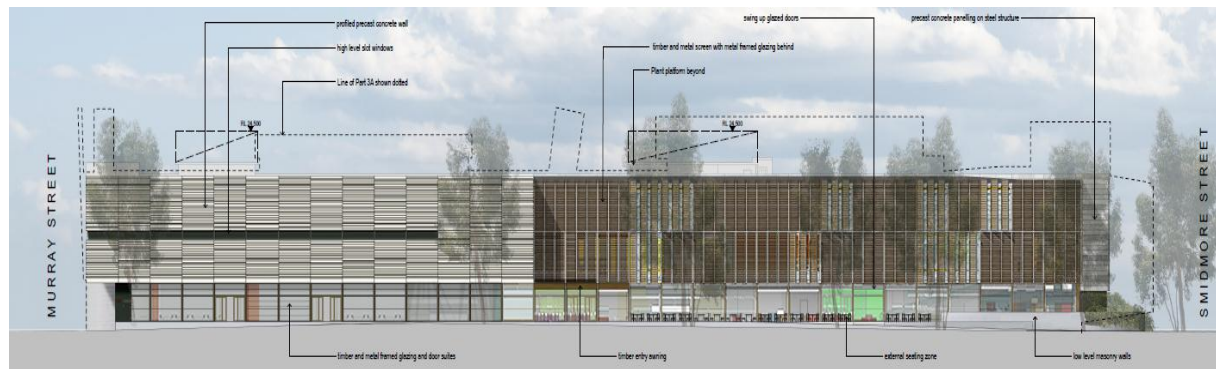


Table 1 below provides an assessment of the proposed modifications compared to the current approved scheme.

TABLE 1 – COMPARATIVE TABLE

	APPROVED SCHEME	PROPOSED MODIFICATION
GFA	50,705m ²	No change
Gross Leasable Floor Area	39,700m ²	No change
Building Height	14.5 metres	-220mm along primary elevations + 900mm along Murray Street
Storeys	Two levels of retail with 2 levels of parking above.	No change
Parking	Total: 1,628 vehicle spaces Stage 1: 433 vehicle spaces	Total: 1,606 (-22) Stage 1: 411 (-22)
Vehicle Access	For Stage 1 – one vehicle ingress/egress is provided from Edinburgh Road. Service vehicle access from Murray Street.	No change

5 Consultation

A number of key stakeholders have been consulted in the preparation of this application, the details of which is summarised below.

5.1 COMMUNITY CONSULTATION

AMP Capital has established a community reference group which has assisted FJMT in the review of the approved development, gaining understanding of the community values and shaping the new design direction.

This is discussed in further detail in the ***Design Statement prepared by FJMT***.

5.2 DEPARTMENT OF PLANNING AND INFRASTRUCTURE

On 30th October 2012, the proponent met with the Department of Planning and Infrastructure (DoPI) to discuss a preliminary design of the proposed modifications, the application process and lodgement requirements.

The DoPI advised that the existing Director General's Requirements would apply in this instance and that the proposed modifications should therefore be assessed against those where appropriate. The specific technical inputs required were also discussed which are included in this assessment report.

5.3 MARRICKVILLE COUNCIL

AMP Capital has presented the draft modifications to Council Officers (2nd November 2012) and to Marrickville Councillors and Officers (12th November 2012).

The proponent has undertaken to provide Council with a copy of the application documentation as soon as practicable following formal submission to the Department.

6 Statutory Context

6.1 PART 3A OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT

The Minister declared the project to be one to which Part 3A of the Act applies on 19 January 2010. While the NSW Government has recently repealed Part 3A of the EP&A Act, it has enacted transitional provisions for projects already lodged under the previous Part 3A.

Transitional provisions are in place for the project confirming that Part 3A still applies to the project. The Minister will delegate his Part 3A determination role for applications made on behalf of private proponents to the Planning Assessment Commission (PAC) or senior officers of the Department of Planning and Infrastructure.

Therefore, while Part 3A projects have been repealed, it remains in force for this application.

6.2 SECTION 75W MODIFICATION OF PROJECT APPROVAL

Section 75W of the EP&A Act relates to the process of seeking the Minister's approval for modifying an approved Part 3A Major Project.

Section 75W (2) states:

"The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part."

Within the meaning of the act, "modification of approval" refers to changing the terms of a Minister's approval, including:

"(a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and

(b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval."

In accordance with Section 75W the proponent seeks approval for the modification of Major Project MP09_0191.

6.3 PROPOSAL REMAINS CONSISTENT WITH THE OBJECTIVES FOR APPROVED SCHEME

While not a specific legislative requirement, it is important to note that the proposed modification remains consistent with the stated objectives of the approved project being:

- *To expand and revitalise Marrickville Metro Shopping Centre to accommodate additional retail floor area.*
- *To positively contribute to the public domain by creating new pedestrian plaza along Smidmore Street, upgrade and improvements to existing civic spaces, safe and secure shopping centre entrances and more desirable street presentation along Victoria Road, Murray Street and Edinburgh Road.*
- *To improve pedestrian, transport and vehicle access to, from and within the shopping centre including improved public transport access and from the site, enhanced vehicle entrance points and rationalise and consolidate loading docks and upgraded pedestrian links within and around the site.*

- *To provide sufficient on site car parking to accommodate the demands of customers, and minimise traffic impacts on the surrounding road network through upgrades to Edinburgh and Murray Street.*
- *To conserve and better integrate the historically significant Mill House within the existing civic space and heritage wall fronting Victoria Road.*

Overall, the modification can be considered as an application to which 75W applies for the following reasons:

- The principal use of the building remains the same.
- The modification is motivated by the desire to improve the design and character of the approved development.
- The building remains generally in accordance with the approved gross floor area, height, parking and vehicle access.
- The proposal will result in a positive environmental impact upon the surrounding area.

In summary, we conclude that the proposed modification includes changes to the terms and conditions of the existing approval and that it can comfortably be considered as modification under 75W of the Environmental Planning and Assessment Act 1979.

7 Assessment of Environmental Impacts

7.1 OVERVIEW

The key implications of the proposed modifications are assessed in the following section of the report. Each of these impacts has been identified through assessment of specific matters addressed within the technical consultant reports.

In summary, the proposal results in a number of positive impacts that will benefit the built environment and character of the area.

7.2 URBAN DESIGN IMPLICATIONS

The proposed modifications seek to refine the approved design, enhancing its design quality both internally and externally and its relationship with the public domain. There is no proposed increase in floor area arising from the proposed modifications and vehicle egress locations will remain unaltered.

7.2.1 BUILDING HEIGHT

While the building design and façade composition will be amended, the overall height of the approved development will generally be marginally reduced in scale. For the principal frontages of Smidmore Street and Edinburgh Road, the parapet height of the development will be marginally reduced from RL20.60 to RL20.38, a reduction of 220mm. However, as the building returns around into Murray Street, the parapet level has been marginally increased in order to conceal fire stairs and establish a clean parapet line along the length of this façade as illustrated below.

FIGURE 6 – APPROVED MURRAY STREET ELEVATION

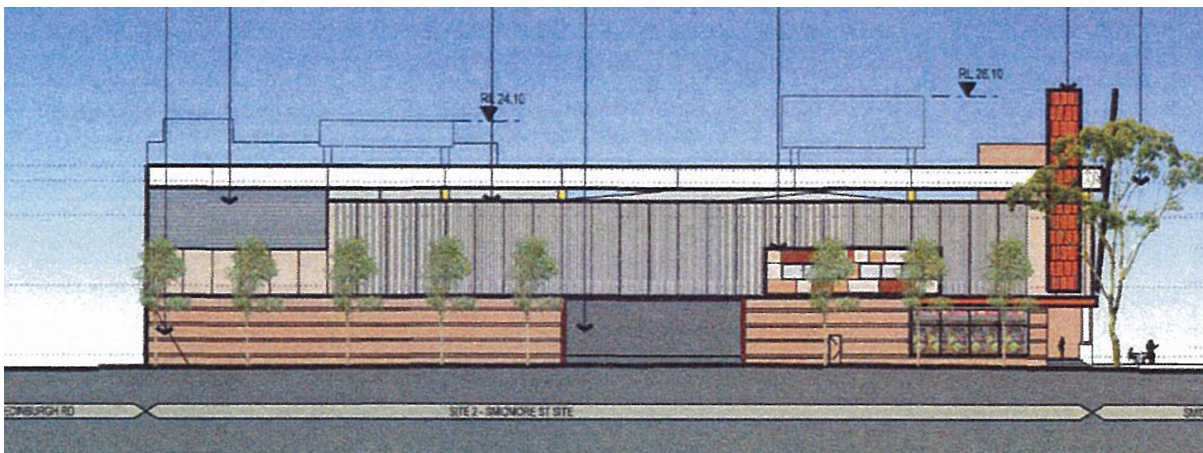


FIGURE 7 – PROPOSED MURRAY STREET ELEVATION



The proposed Murray Street parapet level of RL21.50 is 900mm above the current approved parapet (excluding the fire egress stairs) of RL20.60, a difference of 900mm. Given the adjacent industrial context, this minor increase in height is not considered to result in any adverse impact and achieves a streamlined building façade, which is a superior design outcome.

A number of important urban design improvements will be achieved as described in the Design Statement by FJMT and are summarised as follows:

7.2.2 IMPROVING THE PUBLIC REALM

The amended design has been set back significantly along Smidmore Street to take advantage of the significant existing street trees and to create valuable north oriented public open space. Setback and landscaped zones are also provided to the west. This is enhanced by the openness and operability of the facade which allows the frontage to blend with the outdoor space.

The western edge of the building which is highly visible from Edinburgh Road is proposed to be treated with much greater sensitivity providing active frontage balanced with the shading required to address heat load.



Source: FJMT – Artist perspective of Smidmore Street frontage near the corner with Edinburgh Road

7.2.3 IMPROVING SUNLIGHT ACCESS

The amended northern facade provides transparency, natural daylight, shading and operability, bringing a much improved environment to the new centre. Daylight will penetrate deeply into the centre via the double height atrium and market place, while circulation will be re-oriented to take advantage of the northern orientation rather than being overshadowed and internalised.

7.2.4 IMPROVING PEDESTRIAN CIRCULATION AND AMENITY

It is proposed to create a dynamic and vibrant frontage to Smidmore St and with significant natural daylight and outlook will improve the experience of visiting the new development. The experience of walking through the atrium space and market place will be enhanced given the increased internal volume of the building.



Source: FJMT – Artist perspective of interior of the proposed centre

7.2.5 MATERIALITY

The construction methods and materiality of the amended design are intended to reflect the industrial context of the site avoiding the typical suburban mall vernacular.

The timber and concrete structure will reflect the simplicity of surrounding industrial buildings and recycled and sustainable materials will be used wherever possible. A finer grain and warmer materials are proposed for the Smidmore Street elevation, with a pattern of operability within the facade allowing shading and openings for natural ventilation and pedestrian permeability.

To the south, the precast cladding will reflect the texture of the northern timber shading. The weave will vary from solid to a feathered screen concealing the ramp access to rooftop parking.

7.2.6 SUSTAINABILITY

The proposed amendments will further promote sustainable design outcomes noting the following:

- Improved natural day-lighting through a double height transparent façade to the north and internal voids and atria;
- Improved passive solar design through careful detailing of the northern façade;
- Sustainable material selection wherever possible – with low embodied energy, self-finished, minimal maintenance and minimal refinishing requirement.
- Mixed Mode Air Conditioning – the double height void to the north will provide an excellent form for natural ventilation in the temperate months and spill air conditioning during more extreme periods. The façade and roof will be designed to accommodate openings to allow for natural ventilation.
- Improved landscaping and deep soil planting as well as designing to encourage existing tree planting to thrive through setbacks.
- Improved public domain which encourages outdoor use and visits on foot or by bicycle.

7.2.7 NO INCREASE IN OVERSHADOWING

The proposed design modifications do not result in any significant additional overshadowing. The shadow diagrams prepared by FJMT (see **Application Plans**) illustrate where shadows will occur during winter and summer solstice and demonstrate that there will be no detrimental impact to surrounding properties.

7.3 LANDSCAPE DESIGN IMPLICATIONS

As a result of the revised architectural design, Site Image has been engaged to amend the proposed landscape design of the Stage 1 project. Given that the building occupies the majority of the subject site, the landscaping is limited to the frontages of the site and the public domain.

7.3.1 AMENDED LANDSCAPE DESIGN

Site Image has prepared a modified landscape design reflecting the amended architectural design and this is supported by a landscape design statement. The amended plans and statement are included in the amended plan set accompanying this submission. It is to be noted that the landscape plans in part supersede the previously approved drawings. Where practical, these drawings replaced those previously approved, although where the plans cover both Stages 1 and 2, in the event of any inconsistency the plans accompanying this modification apply.



Source: Site Image

The proposal retains the key elements of the approved design including:

- Retention of the mature Lemon Scented Gums within the Smidmore Street road reserve.
- Removal of a number of trees along the Edinburgh Road frontage. It is to be noted that these trees were not previously assessed in the Concept Plan application.

- A new feature planting area near the corner of Edinburgh Road and Smidmore Street.
- New landscape design to Edinburgh Road and Murray Street.

This design is also supported by an arboricultural Impact assessment prepared by Tree iQ (refer to **Appendix A**).

The report includes an assessment of a number of additional existing trees not previously assessed along the Edinburgh Road frontage. The report supports the removal of 21 trees along this frontage, the vast majority of which are of low significance and value (Trees 88 to 108 inclusive). In particular they have been assessed as being immature, generally poor specimens or inconsistent with the proposed treatment of the street.

It is also proposed to remove trees 79 and 83 (*Small Leaf Peppermint*) located along the Smidmore Street frontage. These trees were previously approved for canopy pruning only. Both trees are assessed as having only moderate significance and it is proposed to replace these with new landscape treatments as part of the revised design.

As a consequence, it will be necessary to amend condition **D29** to reflect the removal of these additional trees.

7.4 TRANSPORT AND ACCESSIBILITY

The proposed modification seeks to retain the key aspects of the approved design in respect to the transport and access. The main changes include:

- A revised vehicle access ramp;
- A modified car parking layout design to the two upper level car parks;
- A slight reduction in the number of car spaces to be provided for the Stage 1 development.

The proposed bus stop located on Edinburgh Road for public bus services is to remain located as previously approved.

7.4.1 REVISED VEHICLE ACCESS RAMP

Access to the southern car park is via a combined entry/exit point from Edinburgh Road as previously proposed, and therefore does not result in new impacts regarding the location of vehicle access.

This application seeks to replace the approved circular access ramp located on the western portion of the site to a vehicle ramp that extends around the southern elevation of the development fronting Edinburgh Road.

This revision results in a more efficient and visually appealing design that is less dominant. It also locates the ramp further from the proposed outdoor seating area and public domain of Smidmore Street, which results in greater amenity for visitors to the centre and the surrounding area.

A civil engineering report by Cardno is included as **Appendix B**. This analysis confirms that vehicle access arrangements into and around the site meet the required Australian Standards.

7.4.2 CAR PARKING

Parking for the Stage 1 development remains on Levels 2 & 2A, above the retail tenancies levels, albeit in a different layout reflecting the changes in the building design and layout. The layout will comply with the requirements of AS2890.1 2004, as confirmed by GTA Consultants. Refer to **Appendix C – Car Parking Statement** by GTA consultants.

The redesign of the vehicle access ramp and void space has resulted in a loss of 22 car spaces, with a total of 411 spaces including 8 accessible parking spaces and 3 car share spaces. The provision of

parking will still achieve a rate approximating 4.1 spaces/100sqm of floor area. This provision is considered appropriate, as confirmed by GTA consultants and is also consistent with the Marrickville DCP, which requires the provision of parking at a rate of 3.3 spaces per 100sqm.

The minor reduction in parking supply is therefore consistent with Council's DCP and will not impact upon the function of the centre.

The proposal will provide a higher number of motorcycle parking spaces to the minimum required under condition B19 and accordingly is appropriate.

It is also to be noted that the provision of bicycle parking is under further design review. Condition B22 requires a minimum provision of 142 secure bicycle parking spaces of which 80 are required to be located in the Stage 1 development. It will not be possible to accommodate 80 spaces within the proposed amended Edinburgh Road building, but the opportunity may exist in the balance of the Stage 1 project which includes the Smidmore Street frontage of the existing centre. This is a matter that will be further investigated in due course.

7.5 FLOOD IMPACTS

As the site and surrounding area is partly flood prone, a Hydrology Report has been prepared by Hydrostorm and is attached at **Appendix D**. The most pertinent aspect of the proposed modified design is the increased building footprint to the western extent of the site and the potential for this to impact flood behaviour.

Following assessment of the hydrological impact of the proposed modified design, the report concludes:

- The hydraulic modelling results indicate that the proposed development has an insignificant impact on the existing flood levels.
- There is no change in the existing flood hazard due to the proposed development.
- The current culvert under the new building on Edinburgh Road can carry flow for approximately a 5 yr ARI event. Any augmentation of this culvert is likely to provide only a minor benefit due to the impact of other hydraulic controls (flat slope and backwater effect) in the drainage system.
- The proposed levels for the docking area within the new Stage 1 building would allow floodwaters to enter the dock in a 100 yr ARI event. However the hazard within the dock would be low. In addition, refuge areas would be available within the dock for employees working in this managed area.
- An OSD for the proposed new Stage 1 development would be provided as per Sydney Water recommendations. It has been assumed that the site drainage from this development would be connected directly to the Sydney Water culvert and therefore the Marrickville Council's requirements for provision of an OSD are not relevant.
- The landscaped areas provide opportunity to improve the stormwater quality runoff generated from the site.

In addition, the report makes the following recommendations:

- The recommended floor level for the new Stage 1 building is 5.9 m AHD. This level provides a freeboard of 500 mm above the 100 yr ARI event.
- The recommended floor level for the loading dock in the Stage 1 building 5.75 m AHD.

The proposed amended development achieves compliance with these requirements, noting that part of the tenancy on the corner of Murray and Smidmore Street has a reduced floor level of RL4.950.

7.6 CODE COMPLIANCE ISSUES

7.6.1 BCA

A BCA report has been prepared by Steve Watson & Partners to provide an assessment of the design documentation for the proposed development against the current requirements of the BCA, primarily relating to fire resistance, access and egress and health and amenity.

A copy of this report is included as **Appendix E**.

The report concludes that the proposed alterations and additions associated with the development are capable of complying with the relevant requirements of the BCA and Environmental Planning and Assessment Regulation 2000 via alternate solutions where required.

7.6.2 FIRE SAFETY

A Concept Fire Safety Strategy has been prepared by Defire in relation to the proposed amended development which provides high level fire safety strategy regarding the project in relation to fire safety during construction and fire safety systems and processes.

The proposal involves a performance based fire safety engineering approach to achieve compliance with the requirements of the BCA.

The proposed new shopping building will be designed to comply with the deemed to satisfy (DTS) provisions of the BCA unless specifically addressed in an alternative solution.

A copy of the DeFire report is included as **Appendix F**.

7.6.3 ACCESSIBILITY

Accessibility Solutions has undertaken a review of the modified design. The assessment concludes that the proposal is consistent with the objectives of the Disability Discrimination Act and will facilitate appropriate access for people with disabilities to all areas consistent with:

- AS1428.1 (2009) and related standards to readily comply with Parts D3, E3.6, F2.4 of the BCA 2012;
- The DDA Premises Standards;
- Section 2.5 of Council's DCP 2012 regarding "accessibility";

Refer to Appendix G – Accessibility Assessment

8 Modifications to Instrument of Approval

8.1 OVERVIEW

A comprehensive update of the Concept Plan approval, including the plans and documentation that facilitate the delivery of the approved development, has been undertaken to achieve each of the modifications listed within **Section 4**.

The following section of the report lists each of the proposed modifications, including the approved plans and conditions that will be replaced or supplemented by way of this Section 75W application.

8.2 CONDITION A1 – DEVELOPMENT DESCRIPTION

It is proposed to amend Condition A1 to reflect the proposed change in the number of vehicle spaces in Stage 1 as follows:

Condition A1

Development approval is granted only to carrying out the development described in detail below:

- *demolition of existing warehouse buildings and associated structures on the Edinburgh Road site*
- *upon the issue of the first Construction Certificate, use of the Victoria Road site for retail premises and business premises.*
- *refurbishment and construction of a first floor addition to the existing retail building on the Victoria Road site and a construction new building with two levels of retail on the Edinburgh Road site comprising:*
 - *a discount department store (5,000m²), supermarket (~~4,300m²~~ 4,500m²), mini major (~~1,991m²~~ 1,791m²) and specialty retail (4,464m²)*
 - *an additional 21,780m² GFA (16,767m² GLFA) to provide a total of 50,705m² GFA (39,700m² GLFA)*
- ***Authorise the use of ~~4628~~ 1606 car parking spaces comprising, 1100 existing spaces and ~~528~~ 506 additional car parking spaces.***

8.3 CONDITION A2 – DEVELOPMENT IN ACCORDANCE WITH PLANS

The modifications sought in this Section 75W Application relate solely to Stage 1 of the development.

In order for the architectural plans to reflect the proposed changes to Stage 1, without changing Stage 2, the original approved plans submitted have been retained but now show the Stage 1 area as superseded, and refer to the new plans for Stage 1, as prepared by FJMT and Site Image. It is to be noted in the case of the landscape plans where there is overlap between stages 1 and 2 on the plans, in the event of any inconsistency, the plans accompanying the modification apply.

The following amendments to Condition A2 will reflect the proposed modifications to the architectural and landscape plans:

Condition A2

The development shall be undertaken generally in accordance with:

- *the Environmental Assessment dated 15 July 2010 prepared by Urbis Pty Ltd, except where amended by the Preferred Project Report received by the department on 23 December 2010, including all associated documents and reports;*

- the Revised Statement of Commitments prepared by Urbis Pty Ltd; and
- the Environmental Assessment supporting Modification No.1 dated December 2012 prepared by Urbis Pty Ltd
- the following drawings:

TABLE 2 – DEVELOPMENT IN ACCORDANCE WITH PLANS

Architectural Drawings prepared for the Preferred Project Report by Lend Lease Design (Project Number 160496)			
Drawing No.	Revision	Name of Plan	Date
EA006	03-04	Proposed Ground Floor Plan	29.10.2010-21.12.12
EA007	03-04	Proposed Level 1 Plan	29.10.2010-21.12.12
EA008	03-04	Proposed Level 2	29.10.2010-21.12.12
EA009	03-04	Proposed Rooftop car park Level 2A	29.10.2010-21.12.12
EA010	03-04	Proposed Roof Plan	29.10.2010-21.12.12
EA011A	03	Overall Elevations Sheet 1	29.10.2010
EA011B	03	Overall Elevations Sheet 2	29.10.2010
EA011C	03	Overall Elevations Sheet 3	29.10.2010
EA011D	03-04	Overall Elevations Sheet 4	29.10.2010-21.12.12
EA011E	03-04	Overall Elevations Sheet 5	29.10.2010-21.12.12
EA011F	03	Overall Elevations Sheet 6	29.10.2010
EA011G	03-04	Overall Elevations Sheet 7	29.10.2010-21.12.12
EA011H	03-04	Overall Elevations Sheet 8	29.10.2010-21.12.12
EA012	03-04	Overall Elevations Proposed	29.10.2010-21.12.12
EA013	03-04	Overall Sections	29.10.2010-21.12.12
EA013A	03-04	Overall Sections Sheet 1	29.10.2010-21.12.12
EA013B	03-04	Overall Sections Sheet 2	29.10.2010-21.12.12
EA018	03-04	Proposed Ground Floor Plan Stage 1	29.10.2010-21.12.12
EA019	03-04	Proposed Level 1 Plan Stage 1	29.10.2010-21.12.12
EA020	03-04	Proposed Stage 1 Level 2 Plan (Smidmore Street Open)	29.10.2010-21.12.12
EA0021	03-04	Proposed Level 2A plan Stage 1	29.10.2010-21.12.12

Landscape Plans prepared for the Preferred Project Report by Site Image (Job Number: SS10-2128)			
Drawing No.	Revision	Name of Plan	Date
000	D	Title Page	9.11.2010
100	D	Landscape Master Plan	9.11.2010
100	D	Landscape Master Plan – Vision Smidmore Street Treatment	9.11.2010
101	D	Landscape Detail Plan	9.11.2010
102	D	Landscape Detail Plan	9.11.2010

Landscape Plans prepared for the Preferred Project Report by Site Image (Job Number: SS10-2128)

103	D	Landscape Detail Plan	9.11.2010
104	D	Landscape Detail Plan	9.11.2010
105	D	Landscape Detail Plan	9.11.2010
106	D	Landscape Detail Plan	9.11.2010
107	D	Landscape Detail Plan	9.11.2010
107	D	Landscape Detail Plan - Vision Smidmore Street Treatment	9.11.2010
108	D	Landscape Detail Plan	9.11.2010
108	D	Landscape Detail Plan - Vision Smidmore Street Treatment	9.11.2010
501	B	Landscape Details	1.11.2010
601	B	Landscape Sections & Specific Notes	1.11.2010
602	N	Landscape Sections & Specific Notes	1.11.2010

Architectural Plans prepared by Francis-Jones Morehen Thorp for the S75W Application (MOD1)

Drawing No.	Revision	Name of Plan	Date
EA106	01	Ground Floor Plan	21.12.2012
EA107	01	Level 1 Floor Plan	21.12.2012
EA108	01	Level 2 Floor Plan	21.12.2012
EA109	01	Level 2A Floor Plan	21.12.2012
EA110	01	Roof Plan	21.12.2012
EA111		South and North Elevations	21.12.2012
EA112		West and East Elevations	21.12.2012
EA113		Long Sections	21.12.2012
EA114		Short Sections	21.12.2012

Landscape Plans prepared by Site Image for (MOD1)

Drawing No.	Revision	Name of Plan	Date
000	B	Coversheet	13.12.2012
001	C	Landscape Design Statement	17.12.2012
002	B	Landscape Character Plan	13.12.2012
010	B	Tree Removal Plan	13.12.2012
100	B	Landscape Masterplan	13.12.2012
C100	B	Colour Landscape Masterplan	13.12.2012
101	B	Landscape Plan	13.12.2012
102	B	Landscape Plan	13.12.2012

8.4 CONDITION B19 – NUMBER OF PARKING SPACES AND DIMENSIONS

It is proposed to amend Condition A1 to reflect the proposed change in vehicle spaces in Stage 1 as follows:

Condition B19

In total, ~~1628~~ 1606 car parking spaces and ~~32-42~~ motorcycle spaces shall be provided on-site for the development. For Stage 1 of the development, not less than ~~433~~ 411 new car parking spaces and 9 motorcycle spaces shall be provided on-site for that part of the development.

8.5 CONDITION D29 – TREE PROTECTION

It is proposed to amend Condition D29 to reflect proposed changes to the retention of trees principally along Edinburgh Road which were not previously assessed.

Condition D29

Approval is given for the following works to be undertaken to trees on the site, as identified in 'Appendix 3 – Site Survey' in the *Arboricultural Impact Assessment Report* prepared by Integrated Vegetation Management (Report No. MA/ME/AIARTPS/E dated 2 November 2010 and the report *Arboricultural Impact Assessment Report Tree Specification* by Tree iQ dated 17 December 2012:

TREE NO.	NAME	APPROVED WORKS
37	<i>Celtis sinsesis</i> (Nettle Tree)	Removal
48, 56, 57, 58, 59, 60, 67	<i>Ficus macrocarpa</i> var. 'Hillii' (Hills Weeping Fig)	Removal
68	<i>Acacia spp</i> (Wattle) – Group of 7	Removal
2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18	<i>Ficus macrocarpa</i> var. 'Hillii' (Hills Weeping Fig)	Selective Branch Pruning
76, 76, 77, 78, 80, 81, 82, 84	<i>Corymbia citridora</i> (Lemon-scented Gum)	Canopy Pruning
79, 83	<i>Eucalyptus sp.</i> (Gum Tree)	Canopy Pruning Removal
<u>88-108 (inclusive)</u>	<u>various</u>	<u>Removal</u>

Removal or pruning of any other tree on the site shall be the subject of approval by Council.

9 Summary and Conclusion

This application has been prepared on behalf of AMP Capital Investors and seeks to modify the Concept Plan approval (MP09_0191) under Section 75W of the *Environmental Planning and Assessment Act 1979*.

The proposed modification has been assessed in detail within both this report and within the specialist reports submitted as part of this application. The modifications have been assessed against the relevant planning provisions under Section 75W and it is concluded that:

- The proposed modifications include a number of clear improvements upon the existing approved scheme including enhanced design and landscaping to allow improved street activation, greater natural light and cross ventilation, and improved vehicle access design to the above parking levels.
- The modifications result in immaterial changes or no change to gross floor area, height, parking spaces and vehicular access. The modifications are consistent with the relevant strategic planning policies originally assessed as part of the Director General's Requirements.
- The proposed design has resulted from additional market research and community consultation and is therefore considered to be in the public interest.

Overall, the proposal is considered to result in improved outcomes for the approved development and is recommended for approval.



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