



Marrickville Metro Shopping Centre

Project Approval MP09_0191
Assessment Report – Modification 2

19 November 2014

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1 Introduction

This report accompanies a request to modify the terms of the Project Approval MP 09_0191, made on behalf of AMP Capital (the Proponent), and which seeks to amend the construction program for the Marrickville Metro Shopping Centre redevelopment.

It is proposed to introduce an early stage of works as Stage 1A, to precede the works previously proposed as Stage 1 and which will now be Stage 1B. The rest of development proposed for the existing Shopping Centre will remain as Stage 2 as proposed. The request also provides for various matters included in the conditions of approval to be delivered at the appropriate stage of the three distinct stages of the proposed development.

This report includes:

- a description of the site and context,
- a summary of the approved project for this site, including details of the previous modification to the project approval, and
- details of the proposed modification to the terms of the Project Approval.

This report also outlines the relevant statutory requirements for requests to modify a project approved under the former Part 3A of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), and provides justification for the proposed modification, and an assessment of the potential impacts on the locality. Each condition proposed to be amended or deleted is identified in this report, with an explanation of the change requested and where relevant the proposed wording for the condition.

2 The Site and Context

Marrickville Metro Shopping Centre is a subregional shopping centre located at 34 Victoria Road, Marrickville. The site has an area of approximately 3.57 hectares and is located approximately seven kilometres from the Sydney CBD, and is labelled '1' in **Figure 1** below.

Figure 1 – Locality Map



The shopping centre consists of the major tenants of Kmart, Woolworths and Aldi and a range of speciality stores. 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.

The land which is the subject of the approved redevelopment includes the site of the existing shopping centre and the land at 13-55 Edinburgh Road, labelled '2' in **Figure 1**. This site has an area of approximately 8,800m², is located opposite the existing Shopping Centre on the southern side of Smidmore Street and is also bounded by Edinburgh Road and Murray Street. This site is currently occupied by a two storey factory/warehouse building that is built to the street frontages. An open grade car parking is located on the western half of this site.

The section of Smidmore Street running between the two parcels of land which are subject to the redevelopment and extension to the Shopping Centre will continue to operate as a public road for vehicular traffic, as well as providing a pedestrian connection between the two parts of the redevelopment.

3 The Project

3.1 THE APPROVED PROJECT

On 19 March 2012 the Planning Assessment Commission of New South Wales under delegation from the Minister for Planning approved a Concept Plan and Project Application MP09_0191 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.

Approval to the Concept Plan was sought to overcome a partial prohibition under the zoning of the Marrickville LEP 2008. There is only one set of conditions or terms of approval relevant to the Concept Plan and the Project approvals.

The Concept Plan and Project Applications were made on the basis of there being two distinct stages to the development and a number of the conditions of the approvals identify matters to be satisfied or requirements to apply to either Stage 1 or Stage 2.

3.2 MODIFICATION 1

A request to modify the terms of the Concept Plan and Project Approvals sought to amend the design of the new building at 13-55 Edinburgh Road (Stage 1), including a revised vehicle ramp; extension of the building to the western boundary; increased setback to Smidmore Street; altering the internal void space; and, revised design of the retail layout.

The approval of the request MP09_0191 MOD 1 dated 16 April 2013 resulted in changes to the conditions of approval that specified the approved plans, the required parking numbers and that referred to the removals of specified trees.

3.3 THE PROPOSED MODIFICATION

The proposed modification seeks to amend the construction program for the Marrickville Metro Shopping Centre redevelopment by introducing an early stage of works. The current staging is for the development of the Edinburgh Road site and the Victoria Road frontage works to occur as Stage 1 followed by the redevelopment of the existing shopping centre building as Stage 2, with the occupation of Stage 1 and Stage 2 separated by a 3 year 'hiatus' required under Condition E3 of the major project approval.

The proposed early stage of works or Stage 1A of the development would focus on the Victoria Road entrance and comprise:

- an upgrade to the portion of the existing building façade facing Victoria Road, which will include a minor increase in floor area which occurs with the new alignment of the external walls of the building,
- an upgrade to the main entry in the shopping centre,
- new paving and landscape treatment to ‘Civic Place’,
- archival recording of the Mill House as required by Condition C7 of the approval,
- preservation of the existing brick footpath required by Condition E7 of the approval, and
- traffic management works required by Conditions B15(f), B15(g) and B17, along with some associated stormwater management works.

Further geotechnical investigation works on the Edinburgh Road site will be undertaken, as these are required before works the subsequent stage of the development now referred to as Stage 1B can be progressed.

Stage 1B would comprise the new building on the Edinburgh Road site, which will become an extension of the existing Marrickville Metro Shopping Centre, and alterations to the portion of the existing building where it fronts Smidmore Street, as this area has a physical relationship and provides the pedestrian connection to the new extension.

Stage 2 would continue to be the balance of the work proposed for the redevelopment of the existing shopping centre building.

The proposed Construction Program Staging Plan is provided at **Appendix A**.

As a result of the proposed staging of the development it is necessary to amend the conditions of approval to enable the early works stage to proceed without being burdened with requirements applicable to the later stages of the approved development. Each condition proposed to be amended or deleted, and the new conditions required to be imposed is identified in the Schedule of Amended Conditions provided at **Appendix B**.

4 Statutory Context

4.1 MODIFICATION OF PART 3A APPROVALS

Schedule 6A of the EP&A Act came into effect on 1 October 2011 to provide for repealed provisions of Part 3A of the EP&A Act to continue to apply to certain projects that were approved or undetermined under Part 3A. These are all now known as “Transitional Part 3A Projects”.

In accordance with clause 3 of Schedule 6A of the EP&A Act all of the provisions of Part 3A as in force immediately before its repeal continue to apply to Transitional Part 3A Projects. The provisions of section 75W of Part 3A prior to its repeal and as modified by Schedule 6A, state that “the Proponent may request the Minister to modify the Minister’s approval of a project.”

Under s.75W(1) ‘modification of approval’ means “*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.”*

The approval MP09_0191 is a Transitional Part 3A Project to which Schedule 6A of the EP&A Act applies. The proposed change to the staging of the development and consequential amendments to the conditions of approval can therefore be considered under s.75W of the EP&A Act as in force immediately before the repeal of Part 3A.

4.2 ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Section 75(3) of the EP&A Act provides scope for the Secretary of the Department to issue Environmental Assessment Requirements (EARs) in relation to a request to modify the terms of the Minister's approval. Given that the modification requested is only for a change the staging of the different parts of the proposed development, it is considered that new or amended EARs should not be necessary.

In reviewing the EARs applying to the project application, given the administrative nature of the modification requested the only matters considered relevant would be the extent of any social or economic impacts that may result from any change, and any changes to the applicable planning controls under the Environmental Planning Instruments (EPIs) applying to the land.

Social and economic impacts were considered in detail by the PAC in determining the Concept Plan and Project Applications. The introduction of the early works stage is not considered to have a significant change on these impacts, however following discussions with Marrickville Council staff the Proponent has volunteered to bring forward the delivery of a number of matters specified in the conditions of approval which are considered to provide a broader public benefit sooner in the construction program of the redevelopment.

4.3 RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

At the time the Concept Plan and Project Applications were made the Marrickville Local Environmental Plan 2001 (MLEP 2001) was the principal Local Environmental Plan (LEP) governing development of the site, and was the LEP under which the development was determined. Subsequent to the applications being made but prior to them being determined the Marrickville LEP 2011 (MLEP 2011) came into force.

As MLEP 2011 had been made at the time the application was determined, the provisions of MLEP 2011 were considered in a general context as part of the determination of this Concept Plan and Project Applications. MLEP 2011 continues to zone the Edinburgh Road site as Industrial which continues to preclude the use of this site for the purposes of a shopping centre, i.e. continues the status quo from MLEP 2001.

4.4 CONSULTATION

4.1.1 DEPARTMENT OF PLANNING AND ENVIRONMENT

On 1 September 2014 representatives from the AMP Capital and Urbis met with Development Assessment staff of the Department of Planning and Environment (DP&E). At the meeting the proposal to provide for early works as a preliminary Stage to the overall development was discussed and an outline of the conditions which required amendment were provided along with the reason for the amendment to each condition.

As many of the conditions related to matters of direct interest to Marrickville Council it was agreed that it would be appropriate to meet with Marrickville Council to review the detail of the conditions proposed to be modified. In particular it was important to discuss with Council those conditions of approval which required various contributions and payments to be made to Council and seek agreement on the appropriate apportionment of the contributions and payments to be applied to each of the three stages proposed for the approval. The DP&E staff were of the view that it was appropriate for requirements relating to the surrender of existing development consents to apply to Stage 1B.

The DP&E also verbally confirmed that no new or amended Environmental Assessment Requirements would be necessary for this modification request.

4.1.2 MARRICKVILLE COUNCIL

Representatives from the Proponent and Urbis met with Marrickville Council Officers on 17 September 2014. The proposal to provide for early works as Stage 1A was outlined along with the details of the conditions proposed to be amended or deleted. The amended conditions including a range of requirements proposed to be brought forward and delivered earlier in the development that specified under the conditions.

At this meeting Council staff expressed as desire for contributions to be made as part of Stage 1A, including an appropriate amount under the Voluntary Planning Agreement (VPA) for the upgrade of local shopping strips as required by Condition E24 of the approval. In response the Proponent offered to bring forward payments under this VPA from the occupation certificate to the construction certificate stage, meaning that 3 instalments of \$100,000 would each be received by Council approximately 18 months earlier than specified under the current conditions. This offer was made despite the Stage 1A works not being of scale to necessarily warrant bringing such contributions forward.

Following the meeting, correspondence was sent to Marrickville Council formally providing details of the conditions proposed to be modified to enable the development to proceed in three stages. Council's response has confirmed acceptance of this proposal with the only request of Council staff being for a part payment of the VPA contribution to be made with Stage 1A. Negotiations with Council staff have continued and an agreement reached on an appropriate apportionment of the VPA payment for the Stage 1 works. This agreement is as detailed in Section 5.2.2 of this report.

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

5 Justification for the Modification

5.1 JUSTIFICATION FOR AN ADDITIONAL STAGE FOR EARLY WORKS

The Proponent has obtained approval for a substantial redevelopment of the existing Marrickville Metro Shopping Centre and subsequently further developed the design of the new building proposed for the Edinburgh Road site. Approval to a modification for the amended design of this building has also been obtained. Geotechnical and site contamination investigations have also occurred, indicating further detailed work will be required and this work is proposed to occur as part of the package of early works.

The original intent of the redevelopment of the existing Shopping Centre was in part to enhance both the internal and external design quality of the Shopping Centre and improve its relationship with the public domain. The proposed introduction of the early stage of works is motivated by this same desire, and the works proposed will improve the presentation of the existing Shopping Centre within the streetscape and its desirability as a destination.

These physical works will be delivered along with a number of benefits to the local community, which are required by the Project Approval but will now be delivered much earlier in the construction program than currently required. These include:

- traffic management works to improve current conditions on Victoria Road,
- providing car share facilities on site,
- implementing measures to better manage shopping trolleys, which is an issue of significant community concern, and
- payment of developer and VPA contributions much earlier to provide Council the funds to undertake works specified under the VPA and in their section 94 contributions plan.

The introduction of the early stage of works will therefore have significant positive impacts in that many improvements to the public domain will be brought forward in the staging of the development. No adverse environmental impacts are anticipated as a result of proceeding with the early stage of works. Any construction related impacts will continue to be adequately controlled through the conditions of approval.

The detailed design of the proposed Stage 1A works have yet to be finalised. However it is intended for these works to be within the parameters of the Project Approval and will include any relevant design modifications required by Condition B2 of the conditions of approval.

5.2 STAGING OF THE APPROVAL

The Concept Plan and Project Applications were made on the basis that the redevelopment of the shopping centre would occur in two distinct stages. Accordingly the conditions of approval reflect this objective with many conditions specifying the stage of the development at which the particular requirement is to be satisfied.

The introduction of an additional stage into the construction program requires amendments to the conditions of approval to account for the early works stage and to ensure that matters specified in the conditions occur at the appropriate stage of the redevelopment.

It is also necessary to review the conditions to ensure that an early stage of works is not unreasonably burdened by requirements which arise as a result of later stages of the development, or that obligations are appropriately apportioned to the respective stages of the approval.

5.3 REVIEW OF EXISTING CONDITIONS

A comprehensive review of the terms contained within every condition of approval has been undertaken to ensure that the conditions of approval allowed for requirements to be met as part of the appropriate stage of works. This review has identified a need for a range of amendments to the wording of the existing conditions of approval to be made to facilitate the development proceeding in the three stages as now proposed. Some of the amendments identified would in fact be required to provide the clarity and certainty necessary for the proposal to proceed in the two stages as originally proposed, as some of the wording is not clear and some conditions are ambiguous in their reference to construction certificates or occupation certificates.

Broadly the changes required under this modification request can be grouped together in the following categories:

- Where the existing conditions of approval specify matters to be completed as part of Stage 1 it is necessary to specify this as Stage 1A or Stage 1B as appropriate for the relevant works.
- Many existing conditions of approval simply make reference to a “construction certificate” and this is not always clear whether it is in relation to “any” construction certificate or a construction certificate in relation to a specific part of the development.
- In addition the review of the existing conditions has identified a number of conditions which contained errors, include duplicate requirements or have been included in the wrong ‘part’ of the approval.

Each condition proposed to be amended or deleted, and the new conditions required to be imposed are identified in the Schedule of Amended Conditions provided at **Appendix B**. The Schedule includes an explanation of the requirements of the condition and the reason for the amendment proposed to the condition.

5.3.1 SURRENDER OF CONSENTS

Condition A1 and Condition B3 require the surrender of existing development consents relating to the operation of the existing shopping centre, and upon surrender the conditions in Part F of the approval become applicable. It is proposed to amend the second bullet point of Condition A1 to more clearly state this and link it to the surrender of consents under Condition B3.

Ultimately the surrendering of consents would result in one set of conditions governing the operation of the expanded shopping centre. This would provide certainty as to the applicable operational conditions where there may be some conflict between previous conditions and the conditions of the most recent approval.

The surrender of consents should however be linked to a Stage 1B of the redevelopment where a substantial change in operations will occur, and where the operational or on-going conditions in Part F of the approval become relevant, rather than being linked to works that are more in the nature of a refurbishment of existing areas. The limited scope of works proposed for Stage 1A are not of a nature which warrants the surrender of consents to be linked with this Stage. As Stage 1A does not introduce any new use or activity the operational conditions in Part F of the approval need not apply and accordingly a new condition to this effect is requested to be included on the approval.

5.3.2 DEVELOPER CONTRIBUTIONS

Condition B4 requires the payment of development contributions under s.94 of the EP&A Act with amounts payable prior to the issue of a construction certificate for each of the two stages as originally proposed. In effect the Stage 1A works are being carved from Stage 1 and accordingly the value of the contribution specified for Stage 1 should be reduced and provided for as a contribution payable for the new Stage 1A.

The s.94 development contributions plan referenced in the conditions of approval is no longer in force but there are 'savings' provisions for the purposes of indexing contributions. It is noted that a recalculation of applicable s94 contributions is not an essential matter that is required to be undertaken as part of this modification request, as this is a matter that would be addressed at the time as part of or post the s75W amendment process as required. Accordingly the amendment requested to this condition is for an apportionment based on the amount specified in the existing condition.

Condition E24 requires a VPA for upgrading local shopping strips and specifies payments linked to the issue of an occupation certificates for Stage 1 and Stage 2. Although the works proposed under Stage 1A are not of a nature which justifies a VPA for this purpose, the Proponent has offered to amend Condition E24 such that the obligation for payment is made earlier at the construction certification stage.

This is a change to the current condition is likely to bring forward the progressive payments some 18 months (being the expected duration of Stage 1 construction). In addition it is now proposed to further amend Condition E24 such that:

- The VPA is entered into prior to the issue of construction certification for Stage 1A;
- The first contribution of \$30,000 is payable at the time of the Stage 1A construction certificate;
- The balance of the contributions for Stage 1 works (being \$270,000) are paid in 3 equal instalments from the time of the construction certification for Stage 1B.

The initial 10% contribution is well beyond a 'pro-rata' contribution for the Stage 1A works, and allows the VPA to be executed early in the process and provides a meaningful contribution at this early stage to allow council to develop options for use of the funds to upgrade local shopping strips as intended by the VPA.

Condition E25 requires a VPA for contributing towards community facilities and specifies payments linked to the issue of the construction certificates for Stage 1 and Stage 2. The limited works for Stage 1A are not of a nature which justifies a VPA for this purpose and accordingly it is requested that the condition be amended to refer to Stage 1B and Stage 2. Marrickville Council have not requested any payment under this VPA to be linked with Stage 1A.

As both the amended Condition E24 and Condition E25 include requirements which are now to be met prior to the issue of a construction certificate for the relevant stages, it is also requested that these conditions be deleted from this part of the approval and reinserted into Part B of the conditions of approval.

5.3.3 ITEMS BROUGHT FORWARD IN THE CONSTRUCTION PROGRAM

In addition to the partial payment of the section 94 contribution and the entering into the VPA with an early payment under that agreement, the introduction of the Stage 1A early works into the construction program also provides an opportunity to bring forward the delivery of a number of items dealt with by the conditions or approval. These include:

- **Conditions B6** requires the payment of bonds to protect Council infrastructure and for road and drainage performance respectively. It is proposed to accept the payment of the bond under Condition B6 at the earliest stage of works being the proposed Stage 1A and this will be held by Council for the duration of the construction proposed across all three stages.

The payment of the bond for under **Condition B7** should however be linked to Stage 1B as the majority of the infrastructure works required under the approval occur in connection with that stage or Stage 2.

- **Condition B21** – although the scope of works under the proposed Stage 1A are not likely to affect the car parking requirements applying to this site, the provision of car share facilities can be delivered as part of an early stage of works, and will be proposed as this provides a broad community benefit.
- **Condition B42** – a draft shopping trolley management plan (STMP) in relation to the current premises has been completed and is able to be implemented now as this will be beneficial to the existing shopping centre operations. It is proposed that the condition be amended to remove the specific references to a 'coin operated facility' and to require an update of the STMP at the subsequent Stage 1B and Stage 2 of the development.

6 Conclusion

The request to modify the terms of approval is made pursuant to Schedule 6A of the EP&A Act and the provisions of s.75W as existing prior to the repeal of Part 3A. This request sets out the justification for proposing an early stage of works and details all changes required to the conditions of approval required to give effect to the proposed staging of the development.

Numerous minor administrative amendments are required throughout the conditions of approval, including the correction of several existing errors and providing clarity or certainty over the application of the conditions. Significantly the request to modify the consent proposed to bring forward a number of elements of the approved project which provide positives outcomes for the public domain and the broader shopping Marrickville shopping area. In particular the earlier payment of development contributions.

Consultation has been undertaken with senior staff of Marrickville Council who are supportive of the proposed early works stage as part of providing for three stages to the Project Approval. Further Council have been provide with an opportunity to have specific input into the modification request and negotiations have resulted in the VPA requirements to be brought forward and an initial instalment paid

Overall, the modification can be considered under s.75W of the EPA&A Act as it applied prior to the repeal of Part 3A for the following reasons:

- The modification is motivated by the desire to improve the design and character of the existing shopping centre and the relation it has with the public domain.
- The modification only affects the stage at which various elements of the approved development are delivered.
- The overall development will remains in accordance with the approved gross floor area, height, parking and vehicle access, with the same uses as originally proposed.
- The proposed introduction of the early stage of work will result in a positive environmental impact upon the surrounding area in improving the appearance of the existing shopping centre and it relationship with the public domain, as well as bringing forward other positives to be achieved by the proposed redevelopment to this early stage of works.

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 s.75W and accordingly it is requested that the terms of approval to MP09_0191 be modified in accordance with the Schedule of Amended Conditions provided at **Appendix B**.

Disclaimer

This report is dated 19 November 2014 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis' opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of the Proponent for the purpose of requesting a modification to the conditions of approval to enable the project to proceed in three stages (Purpose) and not for any other purpose or use. Urbis expressly disclaims any liability to the Instructing Party who relies or purports to rely on this report for any purpose other than the Purpose and to any party other than the Instructing Party who relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events including wars, civil unrest, economic disruption, financial market disruption, business cycles, industrial disputes, labour difficulties, political action and changes of government or law, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or made in relation to or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

Urbis has made all reasonable inquiries that it believes is necessary in preparing this report but it cannot be certain that all information material to the preparation of this report has been provided to it as there may be information that is not publicly available at the time of its inquiry.

In preparing this report, Urbis may rely on or refer to documents in a language other than English which Urbis will procure the translation of into English. Urbis is not responsible for the accuracy or completeness of such translations and to the extent that the inaccurate or incomplete translation of any document results in any statement or opinion made in this report being inaccurate or incomplete, Urbis expressly disclaims any liability for that inaccuracy or incompleteness.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the belief on reasonable grounds that such statements and opinions are correct and not misleading bearing in mind the necessary limitations noted in the previous paragraphs. Further, no responsibility is accepted by Urbis or any of its officers or employees for any errors, including errors in data which is either supplied by the Instructing Party, supplied by a third party to Urbis, or which Urbis is required to estimate, or omissions howsoever arising in the preparation of this report, provided that this will not absolve Urbis from liability arising from an opinion expressed recklessly or in bad faith.

Appendix A Construction Staging Plan

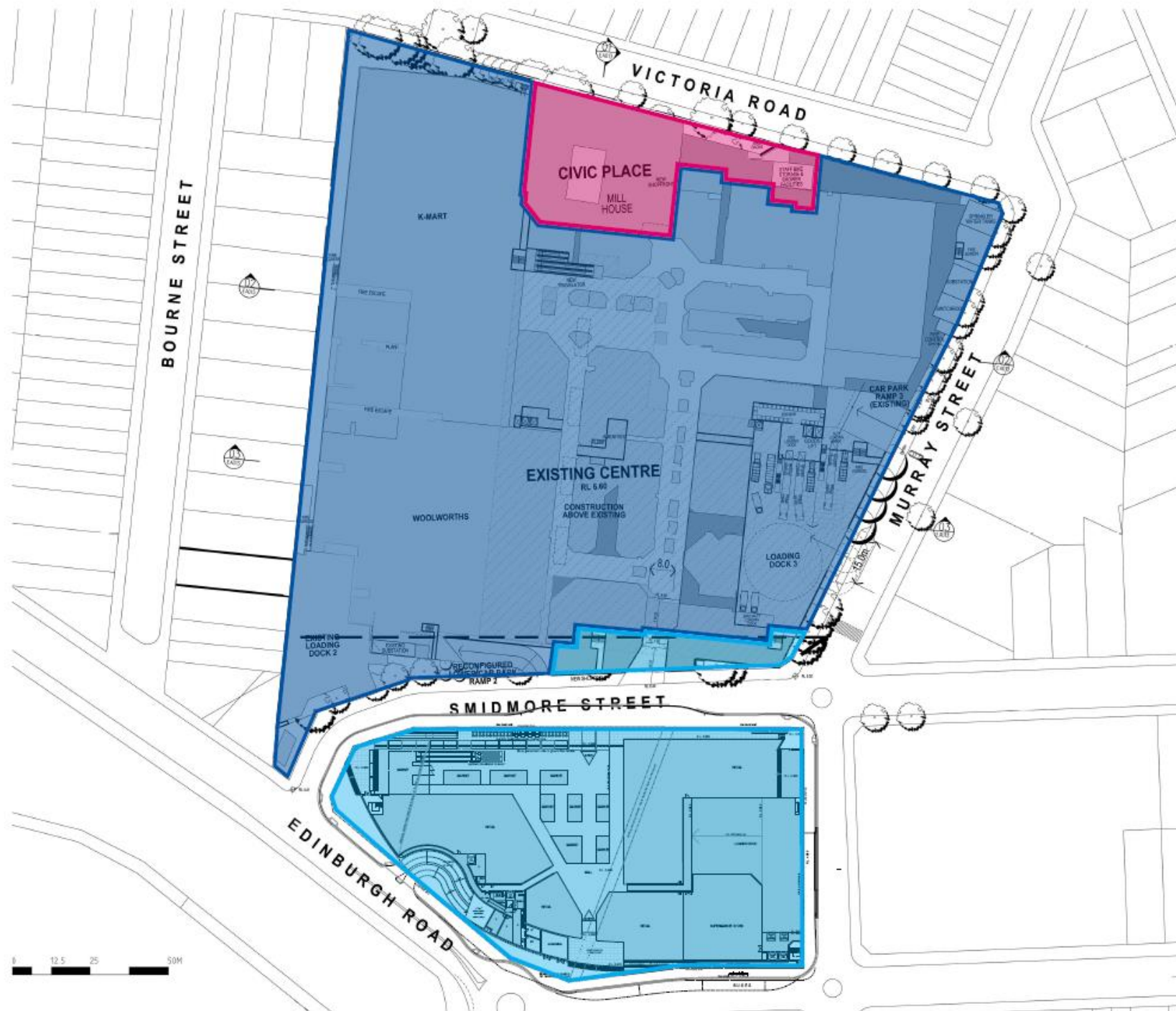


AMP Capital Investments
 Marrickville Metro
 Shopping Centre
 34 Victoria Road & 13-55
 Edinburgh Street, Marrickville

Concept Plan
 and Project Approval
 MP08_0191

Construction Staging Plan

- Stage 1A
- Stage 1B
- Stage 2



Appendix B

Schedule of Amended Conditions

Condition N ^o . & Purpose	Implications on the staging of construction	Requested change to the condition
Part A – Administrative Conditions		
A1 Development description	<p>Bullet point 2 provides development consent for the use of the Victoria Road site, which is necessary as a result of the requirement to surrender development consents under Condition B3.</p> <p>A simpler approach for this condition would be for the requirement to become applicable upon the surrender of the development consents.</p>	<p>Omit point 2 of the condition and instead insert:</p> <p>“upon the surrender of development consents required under Condition B3 of this approval, use of the Victoria Road site for retail premises.”</p>
New Condition A2A Development in accordance with staging plan	<p>This request includes the provision of a ‘Construction Staging Plan’ identifying Stage 1A, Stage 1B and Stage 2.</p>	<p>Insert the following as a new condition of approval:</p> <p>“A2A Development in accordance with staging plan</p> <p>The development is to be undertaken in accordance with the three stages as shown on the Construction Staging Plan submitted with the modification request (MP09_0191 MOD 2), and any reference in this approval to any Stage is a reference to the relevant stage as shown on this plan.”</p>
Part B – Prior to issue of construction certificate		
B3 Surrender of Development Consent	<p>The requirement of this condition for the surrender of existing development consents is linked to the issue of the first construction certificate, ie currently Stage 1 which includes the new building and use on the Edinburgh Road site.</p> <p>As Stage 1A of the proposed works does not introduce any new use over any part of the site the condition should be amended to reference Stage 1B which now includes the new building and use on the Edinburgh Road site.</p>	<p>Omit the words “first construction certificate for” and instead insert “construction certificate for Stage 1B of”</p>
B4 Section 94 contributions	<p>The condition specifies a total amount to be paid and amounts to paid at Stage 1 (\$722,426) and Stage 2 (\$509,270). The increase in floor area for Stage 1A represents approximately 2% of the floor area approved as Stage 1 and this provide an appropriate split for the contributions into these stages.</p>	<p>Omit the words “Stage 1: \$722,426.00” and insert instead:</p> <p>“Stage1A: \$14,448.00</p> <ul style="list-style-type: none"> • Stage 1B: \$707,978.00”

Condition N ^o & Purpose	Implications on the staging of construction	Requested change to the condition
B4A Voluntary Planning Agreement - Upgrade local shopping strips	<p>New Condition to be inserted</p> <p>This condition is similar to the previous requirements specified in Condition E24 and it is being reinserted into this Part of the Approval as its amended requirements are to be satisfied prior to the issue of a construction certificate. Other change as agreed to with Marrickville Council staff have been incorporated into the amended condition.</p>	<p>Insert the following as a new condition of approval:</p> <p>“B4A Voluntary Planning Agreement - Upgrade local shopping strips</p> <p>The proponent shall enter into a voluntary planning agreement with Marrickville Council for the purpose of upgrading local shopping strips within the Marrickville LGA in accordance with Council's Urban Centres Program.</p> <p>This agreement shall be based on the following parameters:</p> <ul style="list-style-type: none"> (a) A total monetary contribution of \$600,000. (b) The first contribution of \$30,000 is to be paid prior to the issue of the Construction Certificate for Stage 1A of the development. (c) A \$270,000 contribution to be paid in three equal instalments over three consecutive years commencing from the date of the issuing of the Construction Certificate for Stage 1B of the development. (d) The second \$300,000 contribution to be paid in equal instalments over three consecutive years commencing from the date of the issuing of the Construction Certificate from the date of the issuing of the Construction Certificate for Stage 2 of the development. (e) The contribution made pursuant to the VPA is over and above any other contribution payable pursuant to this consent. <p>Evidence of the execution of the VPA between both parties shall be provided to the Director General prior to issue of the Construction Certificate for Stage 1A of the development.”</p>
B4A Voluntary Planning Agreement - Upgrade local shopping strips - Community facilities	<p>New Condition to be inserted</p> <p>This condition is essentially identical to existing Condition E25 and it is being reinserted into this Part of the Approval as its requirements are to be satisfied prior to the issue of a construction certificate. Sub-clause (c) of the condition is amended by replacing the reference to Stage 1 with a reference to Stage 1B.</p>	<p>Insert the following as a new condition of approval:</p> <p>“B4A Voluntary Planning Agreement - Upgrade local shopping strips - Community facilities</p> <p>The proponent shall enter into a voluntary planning agreement with Marrickville Council to contribute towards community facilities within the Marrickville LGA. This agreement is to be based on the following parameters:</p>

Condition N ^o & Purpose	Implications on the staging of construction	Requested change to the condition
		<p>(a) A total monetary contribution of \$600,000.</p> <p>(b) The monetary contribution to be directed to a Council capital works fund or program to be used for the development of new community facilities or extensions to existing facilities within the Marrickville LGA</p> <p>(c) The contribution is to be paid in two equal instalments, being \$300,000 to be paid prior to the issue of the Construction Certificate for Stage 1B and Stage 2 respectively.</p> <p>(d) The contributions will be adjusted at the time of payment in line with any change in the Consumer Price Index: All Groups Index Number for Sydney provided by the Australian Bureau of Statistics.</p> <p>(e) With the agreement of the proponent and Marrickville Council, the community facilities may be provided in-kind within the development at an equivalent value.</p> <p>(f) The contribution made pursuant to the VPA is over and above any other contribution payable pursuant to this consent.</p> <p>Evidence of the execution of the VPA between both parties shall be provided to the Director General prior to issue of the Construction Certificate for Stage 1B of the development.</p>
B6 Bond for Protection of Council Infrastructure	Requires payment of \$86,700 bond prior to the issue of the "relevant CC" and it is unclear what stage this maybe referring to. The bond is to cover potential damage which may be caused during the range of construction activity across the three stages. Although the potential for damage to occur is different for each of the stages now proposed, the Proponent has agreed to pay the full amount of the bond with the construction certificate for Stage 1A and this will remain in place until the conclusion of the construction for Stage 3.	<p>Omit the words "relevant construction certificate" and instead insert "construction certificate for Stage 1A".</p> <p>After the end of the first sentence of the condition insert the following:</p> <p>"The B.S.D. may be held by Council until all construction under this approval has been completed and"</p>
B7 Performance bond for road and drainage works	This condition requires a payment of \$380,000 prior to the issue of the "relevant Construction certificate". The works and the bond for the works are not relevant to Stage 1A and similar to the approach with Condition B6 the Proponent is agreeable to paying the full amount of this bond with the construction certificate for Stage 1B. The period for the bond to remain in place is already adequately dealt with in the condition of approval.	Omit the words "relevant construction certificate" and instead insert "construction certificate for Stage 1B".

Condition N ^o & Purpose	Implications on the staging of construction	Requested change to the condition
B13 Roads and Maritime Services (RMS) Approval	The condition requires RMS approval for specific works associated with what was Stage 1, ie the new building on the Edinburgh Road site. The condition should now refer to Stage 1B as this will be the stage that includes works which generate the need for the matters specified in the condition to be complied with.	Omit the words “the first stage” and instead insert “Stage 1B”
B14 State Transit Authority Approval	Requires approval prior to the issue of the “relevant CC” but it is preferable to specify the stage to avoid doubt, and this should be Stage 1B as it is the stage that includes works associated with the bus terminal.	Omit the words “relevant construction certificate” and instead insert “construction certificate for Stage 1B”
B15 Local Area Traffic Committee Approval	The condition refers to the “relevant construction certificate”, but the specifics of the conditions refer to works on all frontages and therefore the condition will need to require referral to the traffic committee for both Stage 1B and Stage 2. The traffic management measures relevant to Stage 1A are generally as specified in Condition in B17 and Condition B15(f) should be reinserted and Condition B15(g) amended accordingly.	After the words “approval for the following works” insert the following: “as relevant to Stage 1B and Stage 2 respectively and” Omit Condition B15(f) In Condition B15(g), omit the words “and Victoria Road” and the words “and B17”.
B17 Traffic Calming in Victoria Road	The condition requires Council approval for the specified works as part of Stage 2. These works and the works currently included in Condition B15(f) are to the Victoria Road frontage of the site and therefore will be delivered as part of Stage 1A of the development.	Omit Condition B17 and instead insert: B17 Traffic Calming in Victoria Road Prior to issue of a Construction Certificate for Stage 1A of the development the Proponent shall submit detailed plans and specifications for traffic management works to Council for approval, which are to include: <ul style="list-style-type: none"> (a) works and signage to prevent vehicles over 6 metres in length from accessing or leaving the shopping centre via the intersection of Victoria Road and Murray Street; and (b) two thresholds in Victoria Road, at the entry (at the intersection with Murray Street) and in the middle of the block (indicative location west of 37 Victoria Road). The works shall be at no cost to Council
B19 Number of Parking Spaces and Dimensions	The condition specifically refers to Stage 1 and should refer to Stage 1B as this will be the stage that includes works which generate the need to provide additional parking.	After the words “1628 car parking spaces” insert “, inclusive of any car share spaces required by this approval” And Omit the words “Stage 1” and insert instead “Stage 1B”.

Condition N ^o & Purpose	Implications on the staging of construction	Requested change to the condition
	The condition should also acknowledge that on-site car share spaces should be included in the counting of the overall car parking numbers on site.	
B21 Car share spaces	Has no timing requirements and this requirement could apply to Stage 1A provided this is recognised in the total parking numbers to be provided on site.	At the end of the condition insert the following “and identified on a plan to be submitted with the construction certificate for the Stage 1A works.”
B22 Bicycle parking spaces	Specifically refers to Stage 1 and should refer to Stage 1B as this will be the stage that includes works which generate the need to provide additional parking.	Omit the words “Stage 1” and insert instead “Stage 1B”
B28 Garage and Recycling Facilities	This condition currently has no timing requirements specified. This requirement is not relevant to the Stage 1A early works, but should instead refer to Stage 1B.	In the last sentence of the condition after the words “with the construction certificate” insert the words “for Stage 1B of the development”
B40 Operational security management plan	The condition requires approval to the plan “prior to the issue of a construction certificate”. The condition should not need to apply to the Stage 1A works, but does need to specify that it applies to both Stage 1B and Stage 2, i.e. it needs to be updated at the time a construction certificate for Stage 2 is issued.	After the words “a construction certificate” insert the words “for Stage 1B of the development” At the end of the condition insert the following additional requirement “A revised operation security management plan shall be prepared prior to the issue of a construction certificate for Stage 2 of the development, to address these same matters to the satisfaction of the certifying authority.”
B42 Shopping Trolley Management Plan	The condition refers to the first construction certificate and the Proponent has agreed to implement this at the time the construction certificate for Stage 1A is issued. The three paragraphs at the end of the condition can be deleted and replaced with a simple requirement for the STMP to be reviewed consistent at the required stages. The on-going requirement to adhere to the plan is now included as Condition F17.	Omit the three paragraphs at the end of the condition and instead insert the following: “The Shopping Trolley Management Plan shall be reviewed prior and resubmitted to Council for approval prior to the issue of a construction certificate for Stage 1A, and again prior to the issue of the construction certificates for Stage 1B and Stage 2. The management measures identified in the approved and current Shopping Trolley Management Plan are to be implemented and maintained for the life of the project as required under Condition F17 of this approval.”
Part C – Prior to construction		
C15 Construction Traffic Management Plan	The condition requires council approval to a Construction Traffic Management Plan before commencement of works. However the same requirements of this condition are addressed by a number of conditions in Part B of the	Omit the condition

Condition N ^o & Purpose	Implications on the staging of construction	Requested change to the condition
	Approval, including Condition B25 which already requires approval of a Construction Management Plan prior to the issue of each Construction Certificate.	
C16 Operational Delivery Management	<p>The condition requires an Operational Delivery Management Plan to be approved by council “prior to the commencement of Stage 1”.</p> <p>This should now be Stage 1B as the works proposed for Stage 1A do not generate the need for such a Plan to be implemented for the existing operation.</p>	Omit the words “Stage 1” and instead insert “construction of works which are a part of Stage 1B”
Part E – Prior to the issue of occupation certificate/ prior to operations		
E3 Minimum period between development stages	<p>Specifies that the Occupation Certificate for Stage 2 must not be granted within 3 years of the operation of Stage 1 commencing, which is currently the new building on the Edinburgh Road site.</p> <p>The intent of the condition is to provide a hiatus in construction activity associated with the two major components of the approval which are new Stage 1B and Stage 2.</p>	Omit the words “Stage 1” and instead insert “Stage 1B”
E5 Development in accordance with conditions or approval	This condition refers to “before the issue of the occupation certificate”	Omit the words “the occupation certificate” instead insert “the relevant occupation certificate”
E6 Adjustments to Utility Services	This condition refers to “before the issue of the occupation certificate”	Omit the words “the occupation certificate” instead insert “the relevant occupation certificate”
E8 Works within the road reserve	This condition refers to “before occupation of the site”	Omit the words “before occupation of the site” instead insert “the relevant occupation certificate”
E9 Splay Corners	This condition refers to “before the issue of an occupation certificate”	Omit the words “an occupation certificate” instead insert “the relevant occupation certificate”
E10 Vehicle crossings	This condition refers to “before the issue of the occupation certificate”	Omit the words “the occupation certificate” instead insert “the relevant occupation certificate”
E11 Vehicle crossings	This condition refers to “before the issue of the occupation certificate”	Omit the words “the occupation certificate” instead insert “the relevant occupation certificate”
E12 Works as Executed – drainage works	This condition refers to “before the issue of the occupation certificate”	Omit the words “the occupation certificate” instead insert “the relevant occupation certificate”

Condition N ^o & Purpose	Implications on the staging of construction	Requested change to the condition
E13 Damage to adjoining Properties	This condition refers to “prior to issue of a final occupation certificate” and should refer to the very last occupation certificate which would be for the works in Stage 2	Omit the words “a final occupation certificate” instead insert “the occupation certificate for Stage 2”
E19 Noise from Plant	This condition refers to “Prior to the issue of the final Occupation Certificate”	Omit the words “the final occupation certificate” instead insert the “the occupation certificate for Stage 1B and the occupation certificate for Stage 2”
E22 Shopping Trolley Management Review	Requires a review to be undertaken of the Shopping Trolley Management Plan (approved under Condition B42) and as such is an on-going condition. Accordingly the condition should be reinserted into Part F with a review requirement applying at an appropriate time.	Omit the condition (To be reinserted with amendments as Condition F17 with amendments)
E24 Voluntary Planning Agreements - upgrading local shopping strips	The condition requires a VPA to be entered into for a total amount of \$600,000 and it is proposed to change the periods at which the payments are to be made. All payments will now be made at times relating to the issuing of a construction certificate and therefore this condition should be deleted and a new condition inserted in to Part B of the approval.	Omit the condition (To be reinserted with amendments as Condition B4A with amendments)
E25 Voluntary Planning Agreements - contributing towards community facilities	The condition requires a VPA to be entered into for a total amount of \$600,000 with both instalments payable prior to the issue of construction certificates for the respective stages. This condition should be deleted and inserted in to Part B of the approval and amended to refer to the construction certificate for Stage 1B as the limited works for Stage 1A are not of a nature which justifies a VPA for this purpose.	Omit the condition (To be reinserted with amendments as Condition B4B with amendments)
E30 Signage	The conditions requires directional signage to be provided “prior to the issue of an Occupation Certificate” and this should be amended to relate to the new parking areas provided with Stage 1A and Stage 2	After the words “occupation certificate” insert the words “for Stage 1B and Stage 2 of the development”
E31 Signage	This condition currently has no timing requirements and should be specified as relating to Stage 1B.	Omit the words “The proponent” and instead insert “Prior to the issue of an occupation certificate for Stage 1B the Proponent”
F1 Noise Impact	The same requirement to control noise impacts is specified under Condition F3.	Omit the condition

Condition N ^o & Purpose	Implications on the staging of construction	Requested change to the condition
F1A Operational conditions do not apply to Stage 1A	<p>New Condition</p> <p>The works provided for as Stage 1A do not include the introduction of any new use or activity such that new or additional conditions should applying during 'the operation of Stage 1A' or after the relevant works have been completed. Accordingly the conditions specified in Part F of the approvals should not apply to the Stage 1A works. This is consistent with the approach proposed for Condition A1 and Condition B3.</p>	<p>Insert the following as a new condition of approval:</p> <p>"F1A Operational conditions not applicable to Stage 1A</p> <p>All other conditions specified in Part F of this approval do not apply in respect of the works identified as being part of Stage 1A of the approved development."</p>
F17 Shopping Trolley Management Review	<p>New Condition previously included as Condition E22</p> <p>As the approval of the STMP is to occur with stage 1A and as a result of the development being split into three stages an additional period for review of the SMTP has been included.</p>	<p>Insert the following as a new condition of approval:</p> <p>"F17 Shopping Trolley Management Review</p> <p>Independent monitoring reports shall review the Shopping Trolley Management Plan required by Condition B42 of this approval and the effectiveness of its implementation against the Plan objectives, measures, and considering reported instances of trolley abandonment.</p> <p>These reviews shall be carried out by an independent consultant commissioned by the Council, with all costs to be borne by the Proponent. The reviews shall be reported to both the Council and Proponent on the following occasions, being:</p> <ul style="list-style-type: none"> (a) Prior to the issue of the occupation certificate for Stage 1A; (b) Between 6 and 12 months after the issuing of an occupation certificate for Stage 1B; and (c) Between 6 and 12 months after the issuing of an occupation certificate for Stage 2. <p>Should the implemented system (including any coin operated system) not be satisfactory to the Council, then a trolley disabling system restricting any trolley access beyond the shopping centre entry doors and Smidmore Street shall be implemented within 12 months of the date of receipt of the second independent report, and maintained in perpetuity for the entire shopping centre."</p>
Advisory Notes		
AN1 Compliance certificate, Water Supply Authority Act, 2000	The advisory note provides information on statutory requirements however it is worded as a condition with specific requirements to be met at specific stages.	Omit the advisory note.

Condition N ^o & Purpose	Implications on the staging of construction	Requested change to the condition
	The same matters are more appropriately addressed by the information included in Advisory Note 6 and this Advisory Note is therefore not necessary.	
AN3 Compliance with BCA	The advisory note provides information on statutory requirements which are checked as part of any construction certificate. This requirement is included in Condition A5 and it is not necessary to specify again.	Omit the advisory note.

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