

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, under delegation dated 16 February 2015, I approve the modification of the Concept Approval referred to in Schedule 1, subject to the conditions in Schedule 2.

Chris Wilson
Executive Director
Infrastructure and Industry Assessments

Sydney

2015

SCHEDULE 1

Concept Plan:	MP 09_0191
Proponent:	AMP Capital Investors Ltd
Approval Authority:	Minister for Planning
Land:	34 Victoria Road and 13-55 Edinburgh Road, Marrickville
For the following:	Authorise the 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.
Modification:	MP 09_0191 MOD 2: modification includes: • to introduce an early works stage (Stage 1A) to include: • upgrades to the façade of the existing building on Victoria Road at the main entry of the Shopping Centre; • other associated landscaping, stormwater and traffic management works; and • geotechnical investigation works on the Edinburgh Road site.

SCHEDULE 2 CONDITIONS

The Project Approval for MP 09_0191 is modified as follows:

- 1) Condition A1 is amended by the insertion of the **bold** and underlined words / numbers as deletion of the ~~struck-out~~ words / numbers as follows:

Development description

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 **surrender of development consents required under Condition B3 of this approval**, ~~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 (4,500m²), mini major (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 1606 car parking spaces comprising 1,100 existing spaces and 506 additional car parking spaces.

- 2) Condition A2.A is included by the insertion of the **bold** and underlined words / numbers as follows:

Development in accordance with staging plan

A2.A The development is to be undertaken in accordance with the three stages as shown on the Construction Staging Plan submitted with the modification request (MP 09 0191 MOD 2), and any reference in this approval to any Stage is a reference to the relevant stage as shown on this plan.

- 3) Condition B3 is amended by the insertion of the **bold** and underlined words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Surrender of Development Consents

B3. In accordance with Section 104A of the Environmental Planning & Assessment Act 1979, the proponent must issue a surrender notice to Marrickville Council under clause 97(3) of the Environmental Planning & Assessment Regulation 2000 in respect of all development consents applying to the land in existing as at the date of this approval. The proponent must issue the surrender notice prior to the issue of the ~~first~~ Construction Certificate for **Stage 1B of** the approved development. Any such surrender may be expressed conditionally to operate only upon issue of the first Construction Certificate.

- 4) Condition B4 is amended by the insertion of the **bold** and underlined words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Section 94 contributions

- B4. A total monetary contribution of **\$1,231,696.00** has been assessed as the contribution for the development under Section 94 of the Environmental Planning and Assessment Act 1979 and Marrickville Section 94 Contributions Plan 2004 (a copy of which may be inspected at the offices of the Council). The contribution is towards:-
- (a) \$1,202,828.10 for Traffic Management; and
 - (b) \$28,867.88 for Plan Administration.

The payment of the Section 94 contribution may be staged as follows:

- Stage 1A: \$ **14,448.00** ~~722,426.00~~
- **Stage 1B \$707,978.00**
- Stage 2: \$509,270.00

The monetary contributions above are the Council's adopted contributions under the current Fees and Charges Schedule. Under Marrickville Contributions Plan 2004, 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. The adjusted contribution payable will be the rate in the Council's adopted Fees and Charges Schedule for the financial year in which the contribution is paid.

The contribution (as adjusted) must be paid to the Council **in cash or by unendorsed bank cheque (from an Australian Bank only) or EFTPOS (Debit only)** before the issue of the relevant Construction Certificate. Under Marrickville Section 94 Contributions Plan 2004 payment of Section 94 contributions **CANNOT** be made by Personal Cheque, Company Cheque or Credit Card.

NB: The above Contributions apply to end of Financial Year 2011/2012 after which the Contributions will be indexed.

- 5) Condition B4.A is added by the insertion of the **bold** and underlined words / numbers as follows:

Voluntary Planning Agreement – Upgrade local shopping strips

B4.A The Proponent shall enter into a voluntary planning agreement with Marrickville Council for the purpose of upgrading local shopping strips within the Marrickville GA in accordance with Council's Urban Centres Program.

This agreement shall be based on the following parameters:

- 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 issuing Construction Certificate from the date of the issuing of the Construction Certificate for Stage 2 of the development; and**

- e). The contribution made pursuant to the VPA is over and above any other contribution payable pursuant to this consent.

Evidence of the execution of the VPA between both parties shall be provided to the Department prior to issue of the Construction Certificate for Stage 1A of the development.

- 6) Condition B4.B is added by the insertion of the **bold** and **underlined** words / numbers as follows:

Voluntary Planning Agreement – Upgrade local shopping strips – Community facilities

B4.B 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:

- a). A total monetary contribution of \$600,000.
- 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.
- 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.
- 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.
- 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.
- f). The contribution made pursuant to the VPA is over and above any other contribution payable pursuant to this consent.

Evidence of the execution of the VPA between both parties shall be provided to the Department prior to issue of the Construction Certificate for Stage 1B of the development.

- 7) Condition B6 is amended by the insertion of the **bold** and **underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Protection of Council's Infrastructure

- B6. Payment to Council of **\$86,700.00** prior to the issue of the ~~relevant~~ Construction Certificate **for Stage 1A** as a Building Security Deposit (B.S.D.) to provide security against damage to Council's infrastructure. **The B.S.D. may be held by Council until all construction under this approval has been completed and** Council may utilise part or all of the B.S.D. to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

- 8) Condition B7 is amended by the insertion of the **bold** and underlined words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Performance bond for road and drainage works

- B7. Payment of a Bond, in the sum of **\$380,000.00** for the proper performance of road, drainage, traffic management and public utility adjustment works (public domain works) prior to the issue of the ~~relevant~~ Construction Certificate **for Stage 1B**. The security may be provided in one of the following methods:-
- (a) in full in the form of a cash bond supported by a legal agreement prepared by Council's Solicitors at the proponent's expense; or
 - (b) by provision of a Bank Guarantee by an Australian Bank in the following terms:
 - (i) the bank must unconditionally pay the guaranteed sum to the Council if the Council so demands in writing.
 - (ii) the bank must pay the guaranteed sum within seven (7) days of demand without reference to the proponent or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to consent or the carrying out of development in accordance with the consent;
 - (iii) the bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when the Council notifies the bank in writing that the guarantee is no longer required.

- 9) Condition B13 is amended by the insertion of the **bold** and underlined words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Roads and Maritime Services (RMS) Approval

- B13. The proposed modifications to the existing traffic signals and civil works on Unwins Bridge Road/Bedwin Road/May Street/Campbell Street shall be designed to meet RMS requirements and endorsed by a suitably qualified practitioner.

The design requirements shall be in accordance with the RMS Road Design Guide and other Australian Codes of Practice. The certified copies of the traffic signal design plans shall be submitted to RMS for consideration and approval prior to the issue of a Construction Certificate for the ~~first~~ Stage **1B** of the development.

The RTA fees for administration, plan checking, signal works, inspections and project management shall be paid by the proponent prior to commencement of works.

The proponent will be required to enter into a Works Authorisation Deed (WAD) for the works.

- 10) Condition B14 is amended by the insertion of the **bold** and underlined words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

State Transit Authority (STA) Approval

- B14. The proponent shall submit details/plans to STA for:
- (a) the bus terminal in Edinburgh Road; and
 - (b) the roundabouts at the intersections of Edinburgh Road/Sydney Steel Road and Edinburgh Road/Railway Terrace - demonstrating that low floor buses are able to u-turn at these locations.

The proponent shall provide evidence of STA's approval of the bus terminal and roundabout design to the Certifying Authority prior to issue of the ~~relevant~~ Construction Certificate **for Stage 1B**.

- 11) Condition B15 is amended by the insertion of the **bold** and **underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Local Traffic Committee Approval

B15. The proponent shall obtain Local Area Traffic Committee approval for the following works **as relevant to Stage 1B and Stage 2 respectively and** prior to issue of the relevant Construction Certificate:

- (a) concrete median in Smidmore Street to prevent right turns into and out of the proposed car park access ramp;
- (b) design of the roundabout at the intersection of Edinburgh Road and Sydney Steel Road;
- (c) redesign of the roundabout at the intersection of Edinburgh Road and Railway Terrace;
- (d) detailed design of the bus terminal in Smidmore Street;
- (e) prohibition of right turn movements from Victoria Road to Edgeware Road during the afternoon peak and Saturday morning peak;
- (f) ~~traffic management 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;~~
- (g) the installation of pedestrian traffic signals and crossing on Smidmore Street between the pedestrian entrances of the two shopping centre buildings, and the provision of proposed signage, line marking, speed zones and other traffic management in the proposed Smidmore Street Shared zone ~~and Victoria Road~~ in accordance with Conditions B16 ~~and B17~~
- (h) no parking restrictions to cover the afternoon peak and Saturday morning peak at the following locations:
 - i. northbound approach of Edgeware Road to the intersection with Alice Street and Llewellyn Street (distance of 100 metres);
 - ii. southbound approach of Edgeware Road to the intersection with Alice Street and Llewellyn Street (distance of 50 metres); and
 - iii. westbound approach Alice Street to the intersection with Edgeware Road and Llewellyn Street (distance of 50 metres); and

- 12) Condition B17 is amended by the insertion of the **bold** and **underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Traffic Calming in Victoria Road

~~B17. The proponent shall submit detailed plans and specifications for traffic calming measures including 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). Traffic calming measures shall be approved by Council prior to issue of a Construction Certificate for Stage 2 of the development. The works shall be at no cost to Council~~

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:

- (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.

- 13) Condition B19 is amended by the insertion of the **bold** and **underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Number of Parking Spaces and Dimensions

B19. In total, 1606 car parking spaces **(inclusive of any car share spaces required by this approval)** and 42 motorcycle spaces shall be provided on-site for the development. For Stage **1B** of the development, not less than 411 new car parking spaces and 9 motorcycle spaces shall be provided on-site for that part of the development.

- 14) Condition B21 is amended by the insertion of the **bold** and **underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

B21. A minimum of 5 car share spaces shall be provided **and identified on a plan to be submitted with the construction certificate for the Stage 1A works.**

- 15) Condition B22 is amended by the insertion of the **bold** and **underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

B22. A minimum of 142 secure bicycle parking spaces for staff and customers are to be provided at ground level. For Stage **1B** of the development, not less than a total of 80 bicycle spaces shall be provided for staff and customers.

Details of the layout, design and security of bicycle facilities off-street are to be provided to the Certifying Authority prior to the issue of a relevant Construction Certificate. The parking must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 *Parking Facilities Part 3: Bicycle Parking*.

The plan shall also include details of the location and number of showers (with change area) and personal lockers available for staff.

- 16) Condition B25 is amended by the insertion of **bold** and **underlined** words / numbers as follows:

Construction Management Plan (CMP) and Construction Traffic Management Plan (CTMP)

B25. The proponent shall submit, for approval by the Certifying Authority, a detailed Construction Management Plan (CMP) **incorporating a Construction Traffic Management Plan (CTMP)** prior to issue of the Construction Certificate for each stage of works (each Construction Certificate). The CMP **and CTMP** shall address:

- a) construction vehicles access to and egress from the site, **truck in and routes and number of trucks** plan in accordance with the ~~TMP~~ during construction;
- b) parking for construction vehicles **and construction zones**;
- c) locations of **the** site office, accommodation and the storage of major materials related to the project;
- d) protection of adjoining properties, pedestrians, vehicles and public assets;
- e) location and extent of proposed builder's hoarding, **scaffolding** and Work Zones;
- f) tree protection management measures for all protected and retained trees;
- g) noise management requirements for plant and equipment;
- h) any request for adjustment to the approved construction working hours and its justification, duration and purpose; **and**
- i) **crane usage.**

A copy of the CMP and **CTMP** shall be submitted to Council.

- 17) Condition B28 is amended by the insertion of the **bold** and underlined words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Garbage and Recycling Facilities

B28. All garbage bins and recycling containers and all waste and recyclable material generated by these premises must be stored in a designate wholly enclosed waste storage area, which satisfies the following requirements:

- a) internal walls that area smooth and impervious;
- b) floors which are finished with impervious materials;
- c) provision of a hose tap connected to a water supply;
- d) graded and drained to a waste disposal system in accordance with Sydney Water's requirements; and
- e) adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the *Protection of the Environment Operations Act 1997*.

Detailed plans and specifications for the construction of the waste storage area are to be submitted to the Certifying Authority with the Construction Certificate **for Stage 1B of the development** fully satisfying the requirements of this condition.

- 18) Condition B40 is amended by the insertion of the **bold** and underlined words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

B40. An operational security management plan shall be prepared prior to issue of a Construction Certificate **for Stage 1B of the development** incorporating measures to maintain safety and security in and around the site to the satisfaction of the Certifying Authority.

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.

- 19) Condition B41 is amended by the insertion of the **bold** and underlined words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Litter

B41. The proponent shall develop an effective strategy for preventing litter emanating from the site and collecting litter that has emanated from the site from surrounding area. Such strategy is to be developed in consultation with Council and be submitted to Council for approval within 6 months of the date of this approval.

The Proponent must implement the approved strategy to the satisfaction of Council prior to the issue of an Occupation Certificate for Stage 1**A of the development**.

- 20) Condition B42 is amended by the insertion of the **bold** and underlined words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Shopping Trolley Management Plan

B42. The Proponent shall prepare a Shopping Trolley Management Plan applying to the existing and expanded shopping centre, to be approved by the Council prior to issue of the first Construction Certificate.

The objective of the plan is to contain trolleys within the site boundary of the shopping centre and on-site carparks, and the area of Smidmore Street between the two halves of the centre, in order to minimise trolley abandonment and negative impacts associated with collection including noise, disturbance and road congestion.

The Plan shall demonstrate how the objective will be met and address, at a minimum, the following:

- i. The proposed method of retaining trolleys on site (~~which may include a coin-operated trolley locking system~~);
- ii. Trolley tracking;
- iii. Management measures for trolley recovery from the site perimeter and surrounding streets (including any specific geographical boundary);
- iv. Provision of an online and telephone based reporting system for local residents to report abandoned trolleys;
- v. Maintenance of a register of reported trolley abandonment.

The Shopping Trolley Management Plan shall be reviewed 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.

Unless otherwise approved by the Council, ~~a coin-operated trolley locking system~~ **the shopping trolley control mechanism, as outlined in the approved Shopping Trolley Management Plan** for the existing Victoria Road shopping centre tenants shall be implemented prior to issue of the first Construction Certificate for Stage 1A or the end of 2014, whichever is the later. Unless modified requirements are implemented pursuant to ~~Condition E22~~ **Condition F17**, the system approved under this condition shall be maintained for the life of project.

~~Unless otherwise approved by the Council, a coin-operated trolley locking system for the tenancies within Stage 1 of the development shall be implemented upon issue of the Stage 1 (Edinburgh Road site). Unless modified requirements are implemented pursuant to Condition E22, the system approved under this condition shall be maintained for the life of project.~~

~~Unless otherwise approved by the Council, a coin-operated trolley locking system for the tenancies within Stage 2 of the development shall be implemented upon issue of the relevant Stage 2 Occupation Certificate (Victoria Road site). Unless modified requirements are implemented pursuant to Condition E22, the system approved under this condition shall be maintained for the life of project.~~

- 21) Condition C7 is amended by the insertion of **bold** and **underlined** words/numbers and deletion of ~~struck-out~~ words / numbers as follows:

Heritage Archival

- C7. The proponent shall prepare an archival photographic record of the Mill House, in its context, documenting the Victoria Road streetscape, the remnant Vicars Walls and the brick paving. The archival photographic record shall be submitted to Council in duplicate prior to commencement of **Stage 1A** works on the Victoria Road site, and prepared in accordance with the Marrickville Council Guide to Archival Photographic Records 2012.

- 22) Condition C15 is deleted as shown by the by the ~~struck-out~~ words / numbers as follows:

~~Construction Traffic Management Plan~~

~~C15. A detailed Construction Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include proposed truck parking areas, construction zones, proposed hoarding or scaffolding to protect the public, crane usage, truck routes, number of trucks and access arrangements etc. All demolition and construction vehicles are to be wholly contained within the site and vehicles must enter the site before stopping.~~

- 23) Condition C16 is amended by the insertion of the **bold** and **underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Operational Delivery Management

C16. Prior to the commencement of ~~Stage 1~~ **construction of works which are a part of Stage 1B**, the proponent shall prepare and obtain Council approval for an Operational Delivery Management Plan for the existing and proposed loading docks. The Plan shall be prepared in consultation with the Council and, as a minimum, address the following:

- Predicted delivery and servicing traffic volumes, times, types and routes.
- Access arrangements and traffic control for delivery and service vehicles including those over 6m in length.
- Traffic management 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. This requirement is also set out in Condition B15(f) and requires Local Area Traffic Committee approval.
- Driver education to ensure that drivers are advised of loading dock operating times; directed to the correct loading dock for their deliveries; and directed via a route that does not involve access to or from the shopping centre via the intersection of Victoria Road and Murray Street.
- Timing of implementation of the Plan for the existing and proposed loading docks across both Stages **1B** and 2.

Six months and again at 18 months after commencement of operations of Stage 2 the proponent shall investigate and report to the Council the effectiveness of the Plan, and undertake any reasonable improvements required by the Council to give full effect to the required outcome at no cost to the Council.

- 24) Condition D7.A is added by the insertion of the **bold** and **underlined** words as follows:

Access to the Site

D7.A All demolition and construction vehicles are to be located entirely within the site while unloading and loading, except as otherwise approved in the Construction Traffic Management Plan (CTMP). The proponent is to consult with Council to ensure all demolition and construction vehicles are appropriately managed during all stages of the development.

- 25) Condition E3 is amended by the insertion of the **bold** and underlined words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Minimum Period between Development Stages

- E3. An Occupation Certificate for Stage 2 of the development must not be granted unless evidence is provided to demonstrate that a minimum of 3 years has passed from the commencement of operations of Stage 1B of the approved development.
- 26) Condition E5 is amended by the insertion of the **bold** and underlined words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Development in accordance with conditions of approval

- E5. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of the relevant Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
- 27) Condition E6 is amended by the insertion of the **bold** and underlined words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Adjustments to Utility Services

- E6. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of the relevant Occupation Certificate.
- 28) Condition E7 is amended by the insertion of the **bold** and underlined words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Heritage listing paving

- E7. The existing footpath adjacent to the site is of heritage significance identified in the Marrickville Heritage Study. The footpath is to be preserved, with the surface being made level by resetting individual bricks to ensure a maximum level difference of 2mm between bricks, at no cost to Council **prior to issue of an Occupation Certificate for Stage 1A.**
- 29) Condition E8 is amended by the insertion of the **bold** and underlined words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Works within the road reserve

- E8. All works required to be undertaken on public roads shall be constructed in accordance with Council's standard crossing and footpath specifications, AUS-SPEC#2-"Roadworks Specifications" and Council's Stormwater and On Site Detention Code. The works shall be supervised and certified by a qualified civil engineer who is listed under the Institution of Engineers, Australia "National Professional Engineers Register" (NPER) and shall state that the works have been constructed in accordance with the above requirements **prior to issue of the relevant occupation certificate** ~~before occupation of the site~~. In addition, full works-as-executed plans in both PDF and CAD format (dwg or dxf files), prepared and signed by a registered surveyor, shall be submitted to Council upon completion of the works.

- 30) Condition E9 is amended by the insertion of the **bold** and underlined words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Splay Corners

- E9. Splay corners shall be created at property corners of the new site, and dedicated to the public for road widening purposes before the issue of an the relevant Occupation Certificate. The size and location of the splay corners shall be as follows;
- Corner of Smidmore and Murray Streets - 3m x 3m splay; and
 - Corner of Murray Street and Edinburgh Road - 3m x 3m splay.
- 31) Condition E10 is amended by the insertion of the **bold** and underlined words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Vehicle crossings

- E10. Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" shall be constructed at the vehicular access locations before the issue of the relevant Occupation Certificate and at no cost to Council.
- 32) Condition E11 is amended by the insertion of the **bold** and underlined words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Vehicle crossings

- E11. All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the relevant Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.
- 33) Condition E12 is amended by the insertion of the **bold** and underlined words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Works as Executed - drainage works and ground floor slab

- E12. Before the issue of the relevant Occupation Certificate written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work, and the suspended concrete ground floor slab have been designed and constructed in accordance with the approved plans. In addition, full works -as -executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground levels and pavement surface levels.
- 34) Condition E13 is amended by the insertion of the **bold** and underlined words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Damage to Adjoining Properties

- E13. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

On completion of the works and prior to the issue of a final Occupation Certificate, a certificate is to be prepared to the effect that no damage has resulted to adjoining premises, and is to be provided to Council and the Principal Certifying Authority.

Alternatively, if damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to the issue of a final the Occupation Certificate for Stage 2.

- 35) Condition E19 is amended by the insertion of the **bold** and **underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Noise from Plant

E19. Prior to issue of the final Occupation Certificate **for Stage 1B and the Occupation Certificate for Stage 2**, a certificate from an Acoustic Engineer is to be submitted to the Certifying Authority certifying that the garbage compacting system, air-conditioning, lift motors, pumps and plant rooms have been installed so as not to exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm to 6.00 am) when measured at the boundary of the property, and will comply with the DECC Industrial Noise Policy.

- 36) Condition E20 is amended by the insertion of the **bold** and **underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Operation Management Plan

E20. Prior to issue of the first Occupation Certificate, an Operational Management Plan shall be prepared for the ~~existing and proposed~~ shopping centre **and made available on the Marrickville Metro website with an email address and telephone number provided to receive any complaints.**

The Operational Management Plan is to address measures to minimise adverse impacts on the surrounding residential area in respect of noise.

The Operational Management Plan is to include the permitted hours of operation for the specific activities identified in conditions F4, F5, F8 and F9 of this consent and otherwise comprise an amalgamation to the satisfaction of the Council. This Plan shall amalgamate of the specific management plans required by the following conditions of this consent: in relation to deliveries; litter; safer by design; and trolley management and it is intended to address measures to minimise adverse impacts on the surrounding residential area in respect of:

- (a). noise **B27 Operational Waste Management;**
- (b). litter **B41 Litter Management;**
- (c). graffiti/vandalism **B40 Operational Security Management;**
- (d). trolleys **B42 Shopping Trolley Management; and**
- (e). crime prevention **C16 Operational Delivery Management.**
- (f). ~~complaints handling; and~~
- (g). ~~management of deliveries.~~

From the first occupation of Stage 1 an initial The Operational Management Plan is to be updated prior to the issue of an Occupation Certificate for Stage 1B and Stage 2, and at any other time where the management measures identified in the above conditions modify the operation of the Shopping Centre. shall be available on the Marrickville Metro website An email address and telephone number shall be

~~supplied to receive any complaints.~~ A Complaints Register shall be maintained for the life of this project.

- 37) Condition E21 is deleted as shown by the by the ~~struck out~~ words / numbers as follows:

Shopping Trolley Management Review

~~E21. Independent monitoring reports shall review the effectiveness of the approval and implemented Shopping Trolley Management Plan against the Plan objectives, measuring, and considering reported instances of trolley abandonment.~~

~~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 two occasions, being:~~

- ~~vi. Prior to the issue of the first Occupation Certificate for Stage 1;~~
- ~~vii. Between 6 and 12 months of the first occupation of Stage 1.~~

~~Should the implemented system (including a 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.~~

- 38) Condition E22 is amended by the insertion of the **bold** and underlined words / numbers and deletion of the ~~struck out~~ words / numbers as follows:

Traffic Improvements Stage 1B

E22. The following works shall be completed to the satisfaction of the Certifying Authority prior to issue of an Occupation Certificate for Stage **1B** of the development, and shall be at no cost to Council:

- Roundabout construction at the intersection of Edinburgh Road/ Sydney Steel Road and Edinburgh Road/Railway Terrace;
- Modification to the intersection of Unwins Bridge Road/Bedwin Road/May Street/Campbell Street in accordance with RMS specifications;
- Construction of the new bus terminal in Edinburgh Road;
- Smidmore Street upgrade works including pedestrian lights and crossing, community bus and taxi zones; **and**
- ~~traffic management 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;~~
- Amend the street address of Marrickville Metro Shopping Centre to have a Smidmore Street address.

The above measures shall be implemented in accordance with the approval of the Local Area Traffic Committee and to the satisfaction of Marrickville Council.

- 39) Condition E22.A is added by the insertion of **bold** and underlined words / numbers as follows:

Traffic Improvements Stage 1A

E22.A The following works shall be completed to the satisfaction of the Certifying Authority prior to issue of an Occupation Certificate for Stage 1A of the development, and shall be at no cost to Council:

- (a) traffic management 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).

40) Condition E24 is deleted as shown by the by the struck-out words / numbers as follows:

Voluntary Planning Agreements

~~E24. 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. This agreement shall be based on the following parameters:~~

- ~~(a) A total monetary contribution of \$600,000;~~
- ~~(b) The first \$300,000 contribution to be paid in equal instalments over three consecutive years from the date of the first issue of an Occupation Certificate for Stage 1 of the Project;~~
- ~~(c) The second \$300,000 contribution to be paid in equal instalments over three consecutive years from the date of the first issue of an Occupation Certificate for Stage 2 of the Project;~~
- ~~(d) The contribution made pursuant to the VPA is over and above any other contribution payable pursuant to this consent.~~

~~Evidence of the execution of the VPA between both parties shall be provided to the Director General prior to issue of a final Occupation Certificate for Stage 1 of the development.~~

41) Condition E25 is deleted as shown by the by the struck-out words / numbers as follows:

~~E25. 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 base on the following parameters:~~

- ~~(a) A total monetary contribution of \$600,000.~~
- ~~(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.~~
- ~~(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 1 and Stage 2 respectively.~~
- ~~(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.~~
- ~~(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.~~
- ~~(f) The contribution made pursuant to the VPA is over and above any other contribution payable pursuant to this consent.~~

- 42) Condition E27 is amended by the insertion of the **bold** and **underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Bus Services

- E27. The proponent is to consult with the Department of Transport / State Transit Authority in relation to increased demand for bus services as a result of the development and potential provision of additional bus services to the Marrickville Metro Shopping Centre. Consultation is to occur prior to commencement of operations of Stage 1B and Stage 2 of the development.

Evidence of this consultation shall be provided to the Certifying Authority prior to issue of the relevant Occupation Certificate.

- 43) Condition E30 is amended by the insertion of the **bold** and **underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

Signage

- E30. Prior to the issue of an Occupation Certificate **for Stage 1B and Stage 2 of the development**, appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to ensure all vehicles stop before proceeding onto the public way.

- 44) Condition E31 is amended by the insertion of the **bold** and **underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

- E31. **Prior to the issue of an Occupation Certificate for Stage 1B** the proponent shall install directional signposting to/from Sydenham and St Peters railway stations in consultation with RailCorp and with the approval of Council (if on Council's land).

- 45) Condition F1.A is added by the insertion of the **bold** and **underlined** words / numbers as follows:

Operation conditions not applicable to Stage 1A

F1.A 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.

- 46) In Part F Condition F17 is added by the insertion of the **bold** and **underlined** words / numbers as follows:

Shopping Trolley Management Review

F17. Independent monitoring reports shall review the Shopping Trolley Management Plan required by Condition B42 of the approval and the effectiveness of its implementation against the Plan objectives, measures, and considering reported instances of trolley abandonment.

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:

- 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.

Should any reviews (required by this Approval) of the Shopping Trolley Management Plan demonstrate that the implemented shopping trolley management system is not operating effectively (to Council's satisfaction), 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.

- 47) Advisory Note AN1 is deleted as shown by the by the ~~struck-out~~ words / numbers as follows:

~~Compliance certificate Water Supply Authority Act, 2000~~

~~AN1. Prior to issuing a subdivision certificate, a Compliance Certificate shall be provided to the approval authority showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.~~

~~The developer shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:~~

- ~~(a) the certifying authority before release of the Construction Certificate;~~
- ~~(b) the approval authority before the release of the subdivision certificate; and~~
- ~~(c) the certifying authority prior to occupation.~~

- 48) Advisory Note AN3 is deleted as shown by the by the ~~struck-out~~ words / numbers as follows:

~~Compliance with Building Code of Australia~~

~~AN3. The proponent is advised to consult with the Certifying Authority about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.~~

End of Modifications to MP 09_0191 MOD 2