



Planning & Environment

***MODIFICATION REQUEST:
Marrickville Metro Shopping Centre
Expansion – Concept Plan***

***34 Victoria Road and 13-55 Edinburgh Road,
Marrickville***

MP 09_0191 MOD 2



Secretary's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

April 2015

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1. BACKGROUND

The purpose of this report is to assess a modification request to the Major Project Approval MP 09_0191 for the redevelopment of the Marrickville Metro Shopping Centre, pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification seeks to amend the construction program and introduce an early works stage as Stage 1A.

1.1 The Site

The subject site comprises two parcels of land at 34 Victoria Road and 13-55 Edinburgh Road and is located within the Marrickville Local Government Area. These parcels are irregular in shape, relatively flat and separated by Smidmore Street, which is a public road. The site is located approximately 5 kilometres southwest of the Sydney CBD and approximately 1.5 kilometres northeast of the Marrickville Road town centre.

The Victoria Road site is approximately 3.5 hectares in size and has frontages of approximately 215 metres to Victoria Road, 160 metres to Murray Street, 165 metres to Smidmore Street and 12 metres to Bourne Street (**Figure 1**). The Marrickville Metro Shopping Centre currently occupies the Victoria Road site and comprises 28,925 m² of retail floor space (22,933 m² gross leasable floor space). Retail floor space is provided at ground floor level with roof top car parking above. The site is accessed via Smidmore Street and loading facilities are located at the south-western and north-eastern corners of the site.

The Edinburgh Road site is approximately 8,800m², with frontages of approximately 130 metres to Edinburgh Road, 73 metres to Murray Street and 155 metres to Smidmore Street. An industrial warehouse building with ancillary structures and car parking (at grade) currently occupies the site. Site access is principally via Smidmore Street and loading facilities are located within both the Smidmore and Murray Street frontages of the building.

The site is surrounded by low-density residential properties to the north and west and industrial properties to the east and south.

1.2 Previous Approval

On 19 March 2012, the Planning Assessment Commission (PAC) approved the Concept Plan (MP 09_0191) for the expansion of the Marrickville Metro Shopping Centre. The PAC approved the development at project detail, subject to conditions, without the need for any further environmental assessment.

The approved development includes:

- demolition of existing warehouse buildings and associated structures on the Edinburgh Road site;
- refurbishment and construction of a first floor addition to the existing retail building on the Victoria Road site and construction of a new building providing for two levels of retail on the Edinburgh Road site;
- 528 additional car parking spaces to provide a total of 1628 spaces in two levels of roof top parking over both buildings; and
- staging of development into two Stages: Stage 1 comprising the Edinburgh Road site, Stage 2 comprising the Victoria Road site. (**Figure 2**)

On 16 April 2013, the Department approved a modification to the Concept Approval (MP 09_0191 MOD 1) for the Stage 1 site at 13-55 Edinburgh Road for the following:

- internal and external amendments to the proposed buildings height, footprint and setbacks;
- a reduction in the car parking; and
- amendments to landscaping.

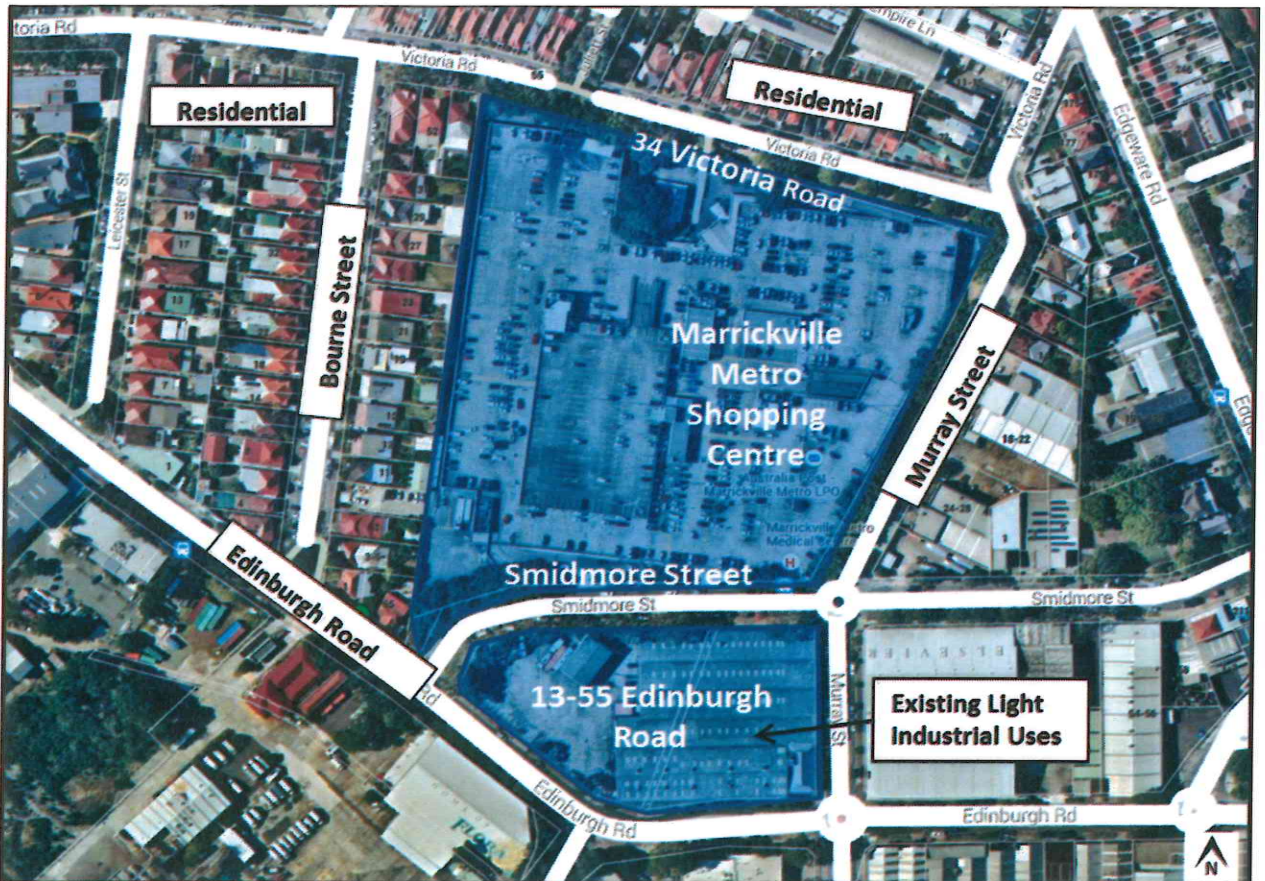


Figure 1: Aerial view of site.

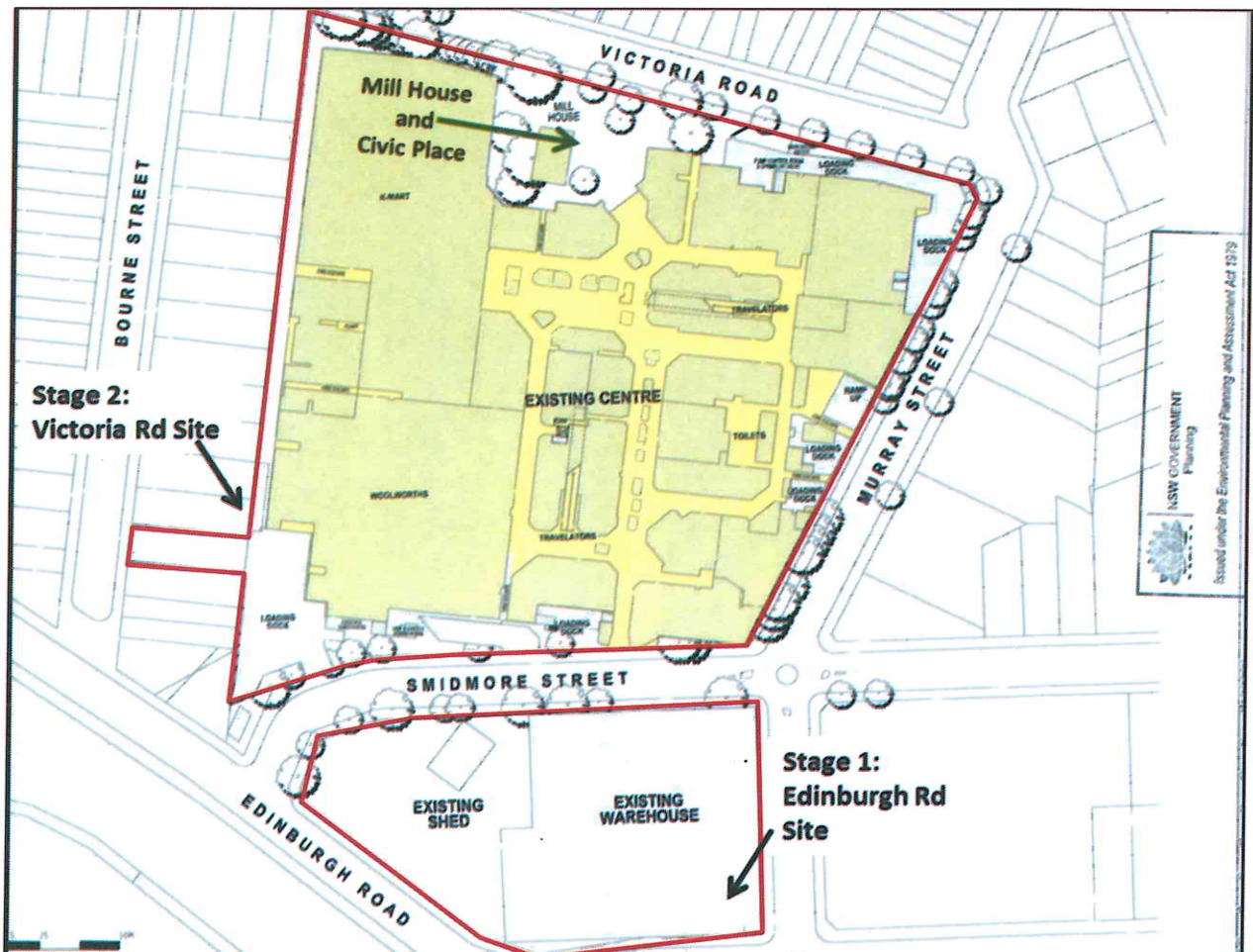


Figure 2: Approved Site layout and Construction Staging Plan

2. PROPOSED MODIFICATION

The proposal seeks to modify Stage 1 of the Concept Approval to allow Stage 1 to be split into two stages comprising:

- Stage 1A:
 - external works to the existing building façade at Victoria Road;
 - upgrades to the main entry in the Shopping Centre;
 - landscaping changes to 'Civic Place';
 - archival recording and treatment of the Mill House;
 - preservation of existing brick footpath;
 - traffic management works;
 - associated stormwater management works; and
 - further geotechnical works on the Edinburgh Road site.
- Stage 1B:
 - the new building on the Edinburgh Road site, which is to become the extension of the existing Shopping Centre; and
 - alterations to the portion of the existing building that fronts onto Smidmore Street.

The remainder of the development works are to remain as approved in Stage 2. The proposed construction staging plan is illustrated in **Figure 3** below. The Proponent has outlined the modification request is required as a result of further design and development changes, specifically regarding the proposed new building at the Edinburgh Road site. The proposed early works stage would allow physical works to be delivered earlier in the construction program that would result in a number of benefits to the local community.

It is also proposed to amend relevant conditions of the approval to facilitate the re-staging. The conditions relating to shopping trolley management are also proposed to be amended to remove reference to a coin-operated management system as part of the required Shopping Trolley Management Plan.

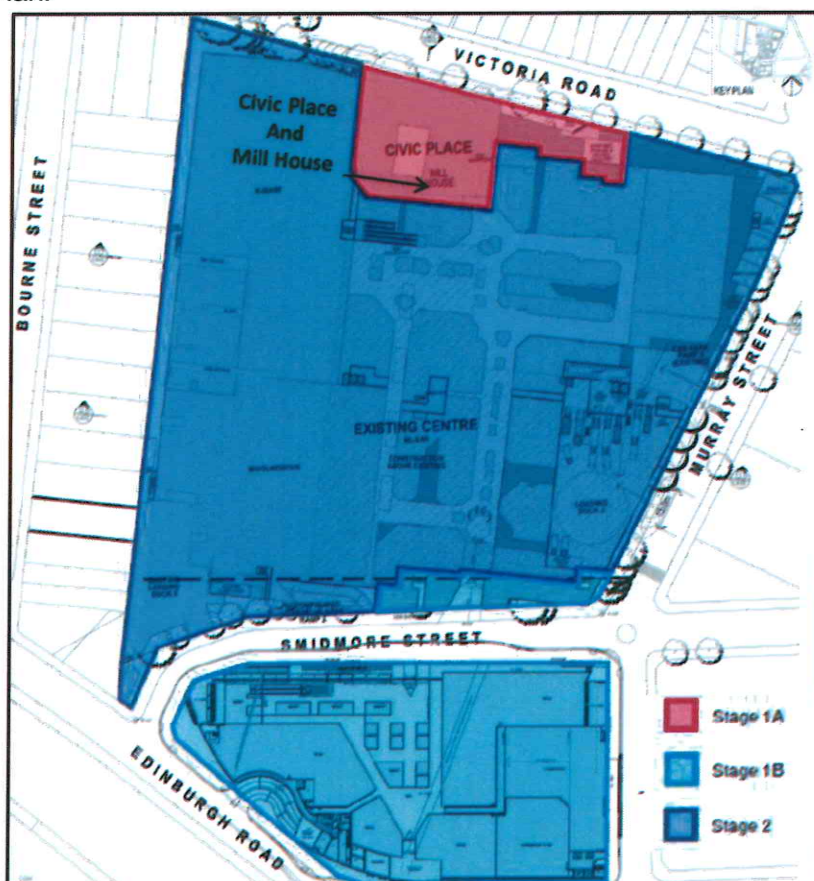


Figure 3: Proposed Construction Staging Plan

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify Approvals

In accordance with clause 3 of Schedule 6A of the EP&A Act, Section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A, continues to apply to transitional Part 3A projects. Consequently this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or delegate) may approve or disapprove the modification to the project under Section 75W of the EP&A Act.

3.2 Modification of the Minister's Approval

Section 75W (2) of the EP&A Act provides that a Proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is not required if the approval of the project as modified would be consistent with the original approval. As the proposal seeks to modify the terms and conditions of the existing Concept Approval, the application will therefore require the Minister's approval.

3.3 Secretary's Environmental Assessment Requirements

In this instance, it was not considered necessary to notify the Proponent of the Secretary's Environmental Assessment Requirements pursuant to Section 75W (3) of the EP&A Act, as sufficient information was provided to assess the modification application.

3.4 Delegated Authority

In accordance with the Minister's delegation of 16 February 2015, the Executive Director, Infrastructure and Industry Assessments may determine the application as:

- the relevant local Council has not made an objection;
- a political donation disclosure statement has not been made in relation to this or any previous application; and
- there are less than 25 public submissions in the nature of objections.

4. CONSULTATION AND SUBMISSIONS

4.1 Notification

In accordance with Section 75X(2)(f) of the EP&A Act, the Department is required to make the modification request publically available. The modification request was made available on the Department's website and was referred to Marrickville Council (Council). Adjoining residents and landowners were also notified of the application by mail.

4.2 Marrickville Council

Council supports the proposed modifications.

4.3 Public Submissions

The seven public submissions received provided comments on the proposal. None of the submissions objected to the proposal. The comments provided in submissions are summarised in **Table 1**.

Issue	% of Submissions
Consultation on traffic calming measures	85
Need for effective truck management	85
Need for effective trolley management	71
Need for effective litter management	71
Consultation on Victoria Road / Civic Place works	71
Preference for the physical address of the Shopping Centre to be changed to Smidmore Street	71
Need to encourage on-site parking to prevent on-street parking	14

The Department has considered the issues in submissions in its assessment of the application in **Section 5** below.

4.4 Proponent's Response to Submissions

The Proponent provided a response to the issues raised in submissions (**Appendix A**). The Department is satisfied that the issues raised in all submissions have been addressed through the Response to Submissions, this report and the recommended conditions.

5. ASSESSMENT

The key issues associated with the proposed modification are:

- staged construction of the development; and
- impacts on surrounding residents.

5.1 Staged construction of development

The existing approval provides for the development to be constructed in two stages. Stage 1 works are primarily associated with the Edinburgh Road site and Stage 2 works relate to the existing Shopping Centre site at Victoria Road.

The proposal seeks to modify conditions of the approval to amend the construction program from two to three stages, where the current Stage 1 is split into an early works stage (Stage 1A) and Stage 1B as outlined in **Section 2** of this report. Works included at Stage 2 of the development will remain unchanged.

Council does not object to the proposed amendment to the construction program and the works proposed for each of the three stages.

The Department has reviewed the proposed staging and concludes that this will result in benefits to the local community by bringing forward a number of works to the first stage of the development including:

- the upgrade of the Victoria Road facade;
- new paving and landscaping in 'Civic Place';
- upgrade of the main entry to the existing Shopping Centre;
- traffic calming works and measures to prevent trucks in Victoria Road; and
- earlier payment of bonds and contributions to traffic management and the upgrade of local shopping strips.

The Department has considered the modifications to the conditions of the approval in **Appendix B** and supports the revised construction staging program.

5.2 Impacts on surrounding residents

As the introduction of an early works construction stage will alter the construction timing and delivery of the development, the Department advised surrounding residents of the proposal in writing.

The Department received seven public submissions providing comments on the proposed modification (refer to **Section 4.3**). The key issues raised relate to:

- traffic management;
- truck delivery management;
- trolley management;
- litter management;
- the Victoria Road façade / entry and 'Civic Place' upgrade;
- the physical address of the Shopping Centre; and
- on-street parking.

5.2.1 Traffic Management

Residents requested to be consulted on traffic calming measures to ensure the best outcome on surrounding roads. The traffic calming measures in Victoria Road were exhibited and carefully considered in the assessment of the original application. Condition B17 requires detailed plans and specifications for traffic management works to be submitted to and approved by Council prior to a Construction Certificate (CC) for Stage 2. These traffic management works include:

- works and signage that prevent vehicles over 6 metres in length from accessing or exiting the Shopping Centre via the intersection of Victoria and Murray Street; and
- two thresholds in Victoria Road, at the entry (intersection with Murray Street) and in the middle of the block that is west of 37 Victoria Road.

The proposal seeks to bring forward the traffic calming measures to Stage 1A. The Department is of the view that implementing this condition and the required works as part of Stage 1A of the development will provide an earlier benefit to the surrounding residents.

As the required traffic management works were considered in detail prior to determination of the original approval, the Department does not consider that additional consultation is necessary.

5.2.2 Truck delivery management

Residents raised the issue of the need to manage truck movements to and around the site. Condition C16 requires an operational delivery management plan prior to commencement of construction of Stage 1.

As Stage 1A involves limited works to the Shopping Centre and will not result in any changes to deliveries, the Department supports the proposed amendments to provide this plan prior to commencement of construction of Stage 1B on the Edinburgh Road site.

The Department is further satisfied that the implementation of traffic calming measures in Victoria Road as part of Stage 1A will also assist in managing truck movements for the existing Shopping Centre at an earlier stage.

5.2.3 Trolley Management

Residents requested an effective shopping trolley management system to prevent trolley abandonment on local streets and negative impacts associated with the collection of trolleys including noise disturbance and road congestion.

Condition B42 requires the proponent to submit a Shopping Trolley Management Plan to Council prior to issuing the first CC which may include a coin operated trolley locking system (unless otherwise agreed by Council) as part of each stage of the development.

The proponent has confirmed that the Shopping Trolley Management Plan has been submitted to and endorsed by Council. The endorsed plan provides:

- existing coin operated system for Aldi trolleys; and
- a new cart control system for Woolworths, Kmart and the fruit and vegetable tenants.

The Department considers an effective trolley management system has been included in the management plan (as endorsed by Council) which adequately addresses the issue raised by residents.

As a further point of clarification the Proponent proposes to delete the reference regarding the optional provision of a coin operated trolley management system, as Council has already approved the above alternative management strategy. The Department supports the management of trolleys as outlined in the approved Shopping Trolley Management Plan and the proposed deletion of the reference to a specific coin operated system. This will provide flexibility for the use of alternate control mechanisms for managing trolleys subject to Council's approval.

Consistent with the original approval requirement, the Department recommends that the Shopping Trolley Management Plan be reviewed (to Council's satisfaction) and implemented at each relevant development stage. The Department is satisfied that the concerns related to shopping trolley management have been appropriately addressed by the relevant conditions of consent as recommended.

5.2.4 Litter Management

Residents raised issues with litter management around the Shopping Centre and recommended that a daily monitoring litter patrol system should be implemented by the Marrickville Metro Shopping Centre.

Litter management was carefully considered in the original assessment and approval of the development. Condition B41 requires a litter management strategy to prevent litter emanating from the site and surrounding area. The condition required the strategy to be submitted to and approved by Council within six months from the date of the approval and required it to be implemented and functional prior to the issue of the Occupation Certificate (OC) for Stage 1.

The proponent has confirmed that the strategy has been submitted to and approved by Council and that the implementation of the strategy will be brought forward in the Staging program to Stage 1A. The Department supports the proposed change to staging and considers that the existing condition adequately addresses the concerns raised by residents.

5.2.5 Victoria Road façade / entry and Civic Place upgrade

Surrounding residents requested to be consulted on any changes made to the Victoria Road façade, any new retail space and landscaping in Civic Place. The proposal does not seek to make any changes to the approved upgrade works but rather bring the works forward to the first stage, rather than the last (as approved in Stage 2).

Condition B2(d) requires that the Department approve amended plans for the shop fronts facing Victoria Road prior to issue of a CC, including providing a solid wall or fixed glass to the facade. The proponent has indicated that it will consult with residents through the established community reference group on the revised façade treatment.

All other works including the upgrade to the Shopping Centre entry and Civic Place landscaping remain consistent with the approval and are considered acceptable. The Department is satisfied that the existing conditions of approval include adequate measures to minimise construction impacts for all stages of the development, including the proposed Stage 1A.

5.2.6 Physical address of Shopping Centre

Residents requested that the official address of the Marrickville Metro Shopping Centre to be changed from Victoria Road to Smidmore Street to ensure that the correct delivery routes and the entrance to the loading areas of the site are used.

This issue was considered in the original approval and Condition E22 was imposed by the PAC to change the street address of the Shopping Centre from Victoria Street to Smidmore Street prior to the issue of an OC for Stage 1.

The Proponent has proposed that the street address be amended prior to the issue of an OC for Stage 1B. This is on the basis that the principal frontage and main public entry remains at Victoria Road until such time as the extension of the Shopping Centre onto the Edinburgh Road site is constructed as part of Stage 1B. The Department supports this timing.

5.2.7 Impacts of On-street Parking

Residents advised that their local streets become congested as a result of on-street parking and noted that people using the Shopping Centre should be parking on-site in the Shopping Centre Car Park.

The approval provides existing conditions relating to traffic improvements, traffic calming and shopping trolley management. The proponent seeks to implement these conditions earlier in the construction program (Stage 1A) than originally approved (Stages 1 and 2). The Department is satisfied that the revised staging and earlier delivery of these works will minimise the impact of on-street car parking from the outset.

5.2.8 Conclusion

On the basis that the proposal does not seek approval for any new works outside of the existing approval, the Department is satisfied that the impacts of the development have been adequately addressed in the Department's assessment of the original application and the conditions of approval, as modified.

6. CONCLUSION

The Department's assessment concludes that the modifications to conditions of the approval provide adequate measures to facilitate and manage the impacts of the implementation of an early works stage. As a result of Stage 1A, a number of works will be delivered earlier on in the construction program that will result in benefits to the local community and overall redevelopment of the site including:

- traffic calming works in Victoria Road;
- the provision of car share facilities and spaces within the existing car park; and
- payment of contributions for traffic management and upgrading of local shopping strips.

The Department supports the proposed modifications as outlined within this report and it is therefore recommended that the application be approved subject to the modified conditions.

7. RECOMMENDATION

It is recommended that the Executive Director, Infrastructure and Industry Assessments as delegate for the Minister for Planning:


- (a) **consider** the findings and recommendations of this report;
- (b) **approve** the modification request under delegated authority, subject to the modified conditions; and
- (c) **sign** the attached Instrument of Modification for MP 09_0191(**Appendix E**).

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Approved by:


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23.4.16

APPENDIX A MODIFICATION REQUEST

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6827

APPENDIX B AMENDED CONDITIONS

Condition		Proposed amendment	Justification	Department's comment
B3	Surrender of Development Consent	CC for Stage 1B	Not relevant to Stage 1A.	Accepted
B4	Section 94 Contributions	Stage 1A \$14 448.00 Stage 1B \$ 707, 978.00	Split the amount for Stage 1 into each relevant for Stage 1A and Stage 1B	Accepted
B4A	New condition Voluntary Planning Agreement – Upgrade local shopping strips	(a) total contribution of \$600,000 (b) \$30,000 to paid prior to CC for Stage 1A (c) \$270,000 to be paid in three instalments over three years from the date of issue of the CC for Stage 1B (d) \$300,000 for Stage 2 Evidence of execution of VPA between both parties is provided to Director-General prior to issue of CC for Stage 1A	Requirements of Condition E24 are proposed to be brought forward to prior to issue of a CC, rather than OC and confirms staging of payments for Stages 1A, 1B and 2.	Accepted
B4A	New condition Voluntary Planning Agreement – Upgrade local shopping strips – Community Facilities	Total \$600,000 to be paid in two equal instalments prior to issue of the CC for Stage 1B and Stage 2 respectively	Requirements of Condition E25 are proposed to be brought forward to prior to issue of CC for Stage 1B and Stage2.	Accepted
B6	Bond for Protection of Council Infrastructure	CC for Stage 1A. The B.S.D is held by Council until all constructions under approval has been completed	To specify the relevant stage. Requirement of Bond payment proposed to be brought forward prior to CC for Stage 1A	Accepted.
B7	Performance bond for road and drainage works	CC for Stage 1B	Works and the bond for works are not relevant to Stage 1A.	Accepted
B13	Roads and Maritime Services (RMS) Approval	Reference to Stage 1B	Not relevant to Stage 1A works	Accepted
B14	State Transit Authority	CC for Stage 1B	Not relevant to Stage 1A works.	Accepted

B15	Local Area Traffic Committee Approval	Relevant to Stage 1B and Stage 2	Traffic management measures relevant to Stage 1A are provided in Condition B17.	Accepted
B17	Traffic Calming in Victoria Road	Prior to CC for Stage 1A	Bring forward the works to Stage 1A	Accepted
B19	Number of Parking Spaces and Dimensions	Relevant to Stage 1B	Not required for Stage 1A.	Accepted
B21	Car Share Spaces	Prior to CC for Stage 1A works	Brings forward the works to Stage 1A.	Accepted
B22	Bicycle Parking Spaces	Relevant to Stage 1B	Not required for Stage 1A.	Accepted
B25	Construction Management Plan (CMP)	Relevant to each stage of development. Condition C15 includes Construction Traffic Management Plan (CTMP)	To ensure appropriate construction and construction traffic management prior to issue of CC for each relevant stage.	Accepted,
B28	Garage and Recycling Facilities	Prior to CC for Stage 1B	Not required for Stage 1A.	Accepted
B40	Operational and Security Management Plan	Prior to CC for Stage 1B A revised operation security management plan is to be prepared prior to issue of CC for Stage 2	Not required for Stage 1A.	Accepted
B41	Litter	CC for Stage 1A	Brings forward the works to Stage 1A.	Accepted
B42	Shopping Trolley Management Plan	Prior to CC for Stage 1A; Stage 1B and Stage 2. Delete specific requirements for a coin operated locking system	Required to be prepared for all stages and to provide flexibility in the technology used to manage trolleys	Accepted
C7	Heritage Archival	Prior to construction of Stage 1A	Brings forward the works to Stage 1A.	Accepted
C15	Construction Traffic Management Plan	Delete the condition	Condition B25 already requires approval of Construction Management Plan prior to issue of each CC.	Accepted, subject to incorporation of requirements in B25
C16	Operational Delivery Management	Construction of works which are now part of Stage 1B.	Not relevant to Stage 1A, need to specify plan is to be prepared prior to Stage 1B and implementation of plan for the existing and proposed loading docks are across both Stage 1B and Stage 2.	Accepted
D7.A	New condition Access to Site	To ensure that all vehicles load and unload within the site during construction	Confirm the requirements of Condition C15 which is deleted	Accepted
E3	Minimum period between	Relevant to Stage 1B	To specify the 3 year hiatus is now	Accepted

	development stages		associated with Stage 1B and Stage 2.	
E5	Development in accordance with conditions of Approval	Relevant OC.	To provide reference to the relevant part of the development.	Accepted
E6	Adjustments to Utility Services	Relevant OC	To provide reference to the relevant part of the development.	Accepted
E7	Heritage Listing Paving	Relevant to OC for Stage 1A	To ensure certainty about the completion of works proposed to be included in Stage 1A.	Accepted
E8	Works within the road reserve	Relevant OC	To provide reference to the relevant part of the development.	Accepted
E9	Splay Corners	Relevant OC	To provide reference to the relevant part of the development.	Accepted
E10	Vehicle Crossings	Relevant OC	To provide reference to the relevant part of the development.	Accepted
E11	Vehicle Crossings	Relevant OC	To provide reference to the relevant part of the development.	Accepted
E12	Works as Executed – drainage works	Relevant OC	To provide reference to the relevant part of the development.	Accepted
E13	Damage to adjoining Properties	OC for Stage 2	Not relevant to Stage 1A.	Accepted
E19	Noise from Plant	OC for Stage 1B and Stage 2	Not relevant to Stage 1A.	Accepted
E20	Operational Management Plan	To ensure conditions is satisfied for each relevant stage of the development	Relevant to Stage 1A as well as an on-going condition for Stage 1B and Stage 2.	Accepted
E21	Shopping Trolley Management Review	Delete condition and relocate with amendments as Condition F17	Relevant to Part F as an on-going requirement of the approval.	Accepted
E22	Traffic Improvements	Prior to issue of OC for Stage 1B	To specify relevant stage.	Accepted
E22. A	New Condition Traffic Improvements	Prior to issue of OC for Stage 1A	To ensure that traffic calming works are provided at Stage 1A	Accepted
E24	Voluntary Planning Agreements-upgrading local shopping strips	Delete Condition and relocate with amendments as B4.A.	Timing brought forward to CC, rather than OC.	Accepted
E25	Voluntary Planning Agreements – contributing towards community facilities	Delete Condition and relocate with amendments as B4.B.	Timing brought forward to CC, rather than OC.	Accepted
E27	Bus Services	To outline relevant stage	Not relevant to Stage	Accepted

		of the development	1A, amended to reference Stage 1B.	
E30	Signage	OC for Stage 1B and Stage 2	Not relevant to Stage 1A.	Accepted
E31	Signage	Prior to OC for Stage 1B	Not relevant to Stage 1A.	Accepted
F1	Noise Impact	Delete Condition	Covered in Condition F3.	Retained, Condition F1 relates to noise impacts for the operation of the development and Condition F3 only refers to noise impacts from any plant & equipment.
F1A	Operational conditions not applicable to Stage 1A	Include a new condition	Stage 1A does not introduce any new use or activity to the operational conditions.	Accepted
F17	Shopping Trolley Management Review	Independent monitoring reports to review the plan required by condition B42 and reviews to be reported to Council and Proponent at the following times: (a) Prior to issue of OC for Stage 1A; (b) between 6 and 12 mths after issue of OC for Stage 1B; and (c) between 6 and 12 mths after issue of OC for Stage 2	Replaces Condition E21	Accepted
AN1	Compliance Certificate Water Supply Authority Act, 2000	Delete advisory note	Information is addressed by Advisory Note 6.	Accepted
AN3	Compliance with BCA	Delete advisory note	Requirement is included in Condition A5.	Accepted

APPENDIX C SUBMISSIONS

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6827

APPENDIX E RECOMMENDED MODIFYING INSTRUMENT
