

18 December 2015

Ben Lusher  
Manager of Assessments  
Department of Planning & Environment  
23-33 Bridge Street  
SYDNEY NSW 2000

Dear Ben,

### **Request for Amendment to Project Approval 09\_0191 Marrickville Metro Shopping Centre**

This is a request to make minor modifications of the conditions of the Project Approval MP 09\_0191, made on behalf of AMP Capital (the Proponent).

The proposed modification seeks to amend conditions:

- **B17 and E22** relating to traffic management works and an amendment to the size of vehicles allowed to access or leave the site via Victoria Road, This amendment is being sought at the specific request of Marrickville Council.
- **D28** by referencing an additional tree assessment report prepared in December 2012 which supported Modification No.1.

### **Background**

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.

Two modifications have been approved to the original approval, the most recent MOD allowing an early stage of works (referred to as Stage 1A) which is for works on the Victoria Road frontage and Civic Place.

## Proposed Modifications

### 1 Change to Size of Vehicles Allowed to Access Victoria Road.

Conditions B17 and E22 were imposed by the PAC to ensure that only small vehicles could enter the shopping centre precinct via Victoria Road, the specific intention being to ensure that larger service vehicles only use the loading facilities located on Murray and Smidmore Streets. Both conditions require that the vehicles over 6 metres are prevented from accessing Victoria Road.

In recent discussions with Council Officers to satisfy the consent condition concerning the design of the two thresholds in Victoria Road (part (b) of the condition B17), Council has requested that the vehicle size limitation be increased to 8.8m in length in order to allow for Council's garbage trucks who need to service residential properties in Victoria Road. A copy of this correspondence is attached.

It is therefore requested to amend the conditions as follows:

#### **B17**

*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~~ **8.8** 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.*

#### **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~~ **8.8** 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).*

### 2 Minor Amendment Relating to Condition D28

The conditions of consent allow for the removal and pruning of specific trees within the site as per Condition D28. It is noted that this condition was not updated to reference a further supplementary report that was prepared in support of Mod 1 to the development consent. Mod 1 updated the specific trees referenced for removal, but did not reference the arborist report submitted in support of that amendment. For completeness and consistency, it proposed to reference this additional report, noting that this change does not in itself change those trees already approved for removal.

The proposed amended wording is as follows:

*Approval is given for the following works to be undertaken to trees on the site, as identified in 'Appendix 3 - Site Survey' in the Arboricultural Impact Assessment Report prepared by Integrated Vegetation Management (Report No. MA/MEIAIARTPS/E dated 2*

November 2010) **and Report No: MAR/ME/AIA/B Rev B by Tree IQ dated 17th December 2012.**

### 3 Legislative Context

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 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 The Impacts of the Proposed Amendments

The proposed amendments are considered minor and are predominately a specific response to Council's request to amend conditions B17 and E22. Given the need to allow garbage truck access to service Victoria Road properties, this amendment is appropriate.

The amendment to the condition relating to trees is a minor housekeeping change that does not materially impact on the trees to be retained or removed as part of the project approval (as previously modified).

### 5 Conclusion

Having regard to the above, we submit that the proposed modifications are of a minor nature and will not have any adverse environmental impact.

Yours sincerely,



Tim Blythe  
Director

Enc: Letter from Council dated 10<sup>th</sup> December 2015