

# **RESPONSE TO SUBMISSIONS REPORT MARRICKVILLE METRO**

JUNE 2018  
PREPARED FOR AMP CAPITAL

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| Project Code      | SA7153          |
| Report Number     | Final           |

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# 1. INTRODUCTION

## 1.1. OVERVIEW

This Response to Submission Report has been prepared by Urbis on behalf of Marrickville Metro Pty Limited as trustee of the Marrickville Metro Trust (the Owner) and AMP Capital Investors (AMPC) in connection with the Section 75W Modification Application (the application) of the Major Project Approval MP09\_0191 MOD 6 for the expansion of the Marrickville Metro Shopping Centre (the Site).

The application was lodged with the NSW Department of Planning and Environment (DPE) on 7<sup>th</sup> November 2017 and was exhibited from 14<sup>th</sup> November 2017 to 13<sup>th</sup> December 2017.

On 22<sup>nd</sup> December 2017 DPE provided their Key Issues to AMPC, along with submissions received from Inner West Council (the Council), NSW Roads and Maritime Services (RMS), Transport for NSW (TfNSW), NSW Police and public submissions.

This Report seeks to address the matters raised within the Key Issues and the various submissions.

To assist with formulating this response, AMPC has undertaken a range of meetings with various parties to discuss matters raised and assist with providing this comprehensive response. Details of the meetings held are identified in Table 1 below.

Table 1 – Table of Meetings with Respondents

| Meeting                                       | Date                           | Matters Discussed   |
|---|--------------------------------|---|
| Meeting with NSW Police Crime Prevention Unit | 10 <sup>th</sup> January 2018  | The scheme design, CCTV, graffiti and emergency vehicle location.   |
| Meeting with Inner West Council               | 28 <sup>th</sup> February 2018 | Signage, hours of operation, paid parking, trees, public domain, loading dock, splay corners, swept paths, traffic and transport. |
| Meeting with Department of Planning           | 8 <sup>th</sup> March 2018     | Consultation with Council, trees, traffic, deliveries, paid parking, emergency vehicle location and potential acoustic condition. |
| Meeting with Council Urban Forest Unit        | 20 <sup>th</sup> March 2018    | Discussion around the Lemon Scented Gums and Narrow Leaf Peppermint trees on Smidmore Street.                                     |
| Meeting with Inner West Council               | 11 <sup>th</sup> April 2018    | Public domain, loading dock, swept paths and substation on Smidmore Street.   |

This Report is structured in the following manner:

- Section 1 – Introduction
- Section 2 – Response to Submissions
- Section 3 – Amendments to Plans
- Section 4 – Amendments to Conditions
- Section 5 – Summary and Conclusion

The Appendices cited in the Contents Page are attached accordingly and should be read in conjunction with the issues raised in this Report where cited.

## 1.2. ADDITIONAL AMENDMENTS TO MP09\_0191 MOD 6 AS A RESULT OF FURTHER DESIGN DEVELOPMENT AND RESPONSE TO SUBMISSIONS

As a result of further design development and in response to the submissions received, this RtS seeks to amend the section 75W modification (Mod 6) to MP09\_0191 to include the following:

- Several minor design amendments as detailed in **Section 3** of this RtS including:
  - Change in material
  - Amendments to openings in brick façade
  - New openings
  - Green wall
  - Painted pre-cast concrete panel
  - Removal of awnings
  - Extended bus shelter
  - Extended substation and new removable louver
  - New taxi shelter
  - Green paint behind kiosks
  - New awning
  - Amended entrances
  - Car park lighting on the rooftop
- Modification of the following conditions of MP09\_0191;
  - Condition A1 – Development Description
  - Condition A2- Development in Accordance with Plans
  - Condition A7- Mediation
  - Condition D28- Trees
  - Condition B44- NABERS
  - Condition D29- Trees
  - Condition E15- NABERS
  - Condition F5- Loading Dock
- Addition of the following conditions to MP09\_0191;
  - Condition D36- Lemon Scented Gums on Smidmore Street
  - Condition F18- Fitout of Tenancies on Smidmore Street

*Note: these amendments are sought in addition to those proposed under Section 6.4 of the Environmental Assessment Report.*

- A revised Statement of Commitments; and
- Proposed stratum subdivision of the pedestrian bridge across Smidmore Street.

Further detail and justification of these amendments is provided in **Section 3** and **Section 4** of this RtS.

### 1.3. SUMMARY OF PROPOSED MODIFICATIONS TO MP09\_0191 MOD 6

As detailed in the original MOD 6 Environmental Assessment and this RtS, the proposed modifications to the Major Project Approval are summarised as follows:

- A revised retail layout within the new shopping centre building proposed under Stage 1B (Edinburgh Road site), including amended traveller locations, new food and beverage uses at ground level, reconfigured shop units and alterations to the upper floor parking layout. Minor amendments to the existing shopping centre scheme (Stage 2) to ensure the total GFA across the site satisfies the approved DA conditions;
- Alterations to the building façade on Smidmore Street, amendments to materials and paint colour used in elevations, new and changes to openings in the brick facade, amended entrances, removal of awnings to entries long Edinburgh Road, new awning to the west of the Main entrance on Smidmore Street, car park lighting on the rooftop and minor variance in height of the new shopping centre building to facilitate upper floor parking, along with rooftop plant and equipment;
- Extending operating hours for a limited number of future tenants on the ground floor along Smidmore Street to encourage night time activation for the food and beverage tenancies.
- Erection of a new pedestrian bridge linking Level 1 of the new shopping centre building to the existing shopping centre and proposed stratum subdivision of the pedestrian bridge across Smidmore Street;
- An amended road alignment and modification to the vehicular route on Smidmore Street to implement a new one-way access off Murray Street, along with public domain and landscaping improvements to Smidmore Street;
- Introduction of a right-hand entry into the new building from Edinburgh Road;
- Redistribution of car space provisions across the development without increasing the overall permitted car parking numbers;
- Introduction of paid parking across the site;
- A limited redistribution of the GFA across the site without increasing the overall permitted GFA; and
- Introduction of signage / signage zones on the development along with potential art zones on the frontage.
- Modification of conditions **A1- Development Description**, **A2- Development in Accordance with Plans**, **A7- Mediation**, **B2- Design Modifications**, **B15- Local Area Traffic Committee Approval**, **B16- Shared Zone in Smidmore Street**, **B19- Number of Parking Spaces and Dimensions**, **B30- Site Contamination**, **B44- Environmental Sustainability**, **D28- Tree Protection**, **D29- Tree Protection**, **E15- 4 Star NABERS Rating**, **E22- Traffic Improvements Stage 1B**, **F4- Hours of Operation**, **F5- Loading Docks**;
- Deletion of Condition **B13-Roads and Maritime Serviced (RMS) Approval** and **E9- Splay Corners**;
- Insertion new conditions **B19A- Paid Parking**, **D36- Lemon Scented Gums on Smidmore Street** (if DPE consider the removal and replanting of these trees is a better outcome) and **F18- Fitout of Tenancies on Smidmore Street with Extended Hours**. The full details of the all the proposed revised, new and deleted conditions is provided in **Appendix O**.
- A revised Statement of Commitments as provided in **Appendix P**.

The built form modifications which are listed above are illustrated on the Architect's Plans attached at **Appendix H**.

The modifications to the Approval are needed to facilitate the implementation of the scheme. AMP Capital has undertaken extensive discussions with future operators, and this has led to a design response which includes amended floor layout and façade alterations for the new retail building, along with the requirement for the extended opening hours. This will ultimately lead to the delivery of the scheme, which was initially granted consent in 2012.



## 2. RESPONSE TO SUBMISSIONS

Submissions to the application were received from the following parties:

- DPE Key Issues;
- Inner West Council;
- TfNSW;
- RMS;
- NSW Police; and
- Public Submissions (14 of which were received).

Each of the above will be addressed in turn in the following section of this Report.

### 2.1. DPE KEY ISSUES

Table 2 below sets out the relevant Key Issue raised by DPE and AMPC's response to each matter.

Table 2 – DPE Key Issues Response

| Key Issue   | AMPC Response   |
|---|---|
| 1. Provide landowners consent from Inner West Council for lodgement of the application.   | This is provided at <b>Appendix A</b> . AMPC also request that the Department consider the creation of a stratum lot for the new pedestrian bridge as part of this application.   |
| 2. Provide additional information to demonstrate that the location of the proposed carpark access and the right turn access bay on Edinburgh Road can operate safely noting the concerns raised by Inner West Council and Roads and Maritime Services.                            | <p>This matter is addressed in detail within <b>Appendix B – The Transport Planning Partnership (TTPP) Response to Submissions</b>. TTPP note there are numerous examples of combined right turn arrangements where there are vehicles turning right into a street in the same lane as traffic turning right exclusively at a downstream intersection. Several examples in Sydney are provided.</p> <p>Analysis is also provided which demonstrates that the number and proportion of rear end crashes at exiting combined right turn lanes are not atypical of Sydney and NSW crash characteristic. As such, the combined right turn arrangement is not expected to result in an increase in rear end crashes. Overall, TTPP conclude that the junction arrangement will operate in a safe manner.</p> |
| 3. Provide additional information to demonstrate that the movement and interaction of vehicles and pedestrians in Smidmore Street can occur safely, having regard to the operation of the existing loading dock, the entry/exit ramp to the existing carpark and the roundabouts. | <p>This matter is addressed in detail within <b>Appendix C – Cardno Response to submissions</b>. Cardno have completed turn-path analyses for various vehicles, which are appended to their report. These demonstrate safe traffic flow around the existing entry/exit ramp and proposed roundabout on Smidmore Street.</p> <p>The turn-paths also demonstrate that vehicles under 7m total length, can access the existing loading dock on</p>   |

| Key Issue   | AMPC Response   |
|---|---|
|   | <p>Smidmore Street without encroaching other vehicle and pedestrian pathways.</p> <p>Vehicles exceeding 7m will require local pedestrian traffic control and retracting of the proposed removable bollards to access the existing Smidmore Street loading dock. This will be managed by the Dock 4 Delivery Management Plan at <b>Appendix D</b>.</p> <p>Further to discussions with Council, it was suggested to AMPC that there may be potential to amend the hours of operation of the dock, such that it opens 2 hours earlier in the morning at 5am and closes by 11am. This will provide sufficient time for deliveries to occur and given the location of the loading dock away from sensitive residential properties, it will not create undue harm to residential amenity. The earlier closing of the dock will also serve to limit the extent of any pedestrian/vehicle conflict during the busiest times of the day at the centre.</p> <p>Attached at <b>Appendix G</b> is an Acoustic Report for the Operation of Dock 4. This demonstrates that the earlier operation of the dock will comply with all relevant noise criteria.</p> <p>It is therefore proposed as part of this response to submissions to amend Condition F5 of the Project Approval. This is specified in more detail in Section 4 of this Report.</p> |
| <p>4. Clarify the use of reduction factors to the applied traffic generation rates in the calculation of future traffic generated by the proposed modified development.</p> | <p>This matter is addressed in detail within <b>Appendix B – TTPP Response to Submissions</b>. TTPP notes that prior to the Part 3A approval being granted, the application was referred to both RMS and the Council. The application went through an extensive and thorough review process including Council engaging a traffic consultant to conduct an independent review of traffic and parking aspects of the proposed development, as well as AMPC also commissioning a further independent review of the Traffic Report. Furthermore, RMS also provided their concurrence on the project.</p> <p>As such, it is considered that the adopted traffic generation rates identified by TTPP continue to provide a robust traffic assessment of the proposed development.</p>   |
| <p>5. Provide all electronic files used for both the SIDRA and VISSIM models for review by NSW Roads and Maritime Services.</p>   | <p>The electronic modelling files will be provided to Roads and Maritime Services under a separate cover.</p>   |

| Key Issue  | AMPC Response   |
|--|---|
| <p>6. Clarify the impacts of the proposed development on existing on-street parking surrounding the site.</p>  | <p>This matter is addressed in detail within <b>Appendix B – TTPP Response to Submissions</b>. AMP propose to introduce a paid parking structure with up to 3 hours free parking to cover most shopper's dwell time at the centre. Within this Appendix, there is also a Controlled Parking Management Plan attached which details how AMP will manage and operate the controlled parking system.</p> <p>A parking occupancy survey has been undertaken as part of the TTPP Report. The results indicate that there is a significant number of available on-street parking spaces within an easy walk to the centre.</p> <p>A survey of staff has also been undertaken which has identified that a significant proportion of employees would park in the centre even with paid parking being introduced. Some employees may choose to drive and park on the streets, however this number would be minimal and would therefore be unlikely to adversely affect parking availability on the nearby streets.</p> |
| <p>7. Provide details of the location and arrangements for managing staff parking.</p>   | <p>This matter is addressed in the Controlled Parking Management Plan, which forms an attachment to <b>Appendix B</b>.</p> <p>This identifies that retail staff/tenants will be offered concessions on the applicable parking fees, as is the case with many other centres in Sydney.</p>   |
| <p>8. Provide details of the proposed replacement planting to offset the proposed removal of Tree 82 as a result of the proposed pedestrian bridge.</p>  | <p>Tree 82 is now intended to be retained as part of a minor redesign of the proposed pedestrian bridge location. Tree 82 will require pruning and this is specified within the Revised Arboricultural Impact Assessment contained at <b>Appendix F</b>. Furthermore, it is also now proposed to retain Tree 79 on Smidmore Street which was previously consented for removal under the original Part 3A approval.</p>  |
| <p>9. In addition, further consideration should be given to the amount of pruning proposed to existing street trees to be retained along Smidmore Street, including impacts to the health, longevity and visual impacts to the streetscape. Options should be explored to either reduce the pruning required or alternatively consider whether replacement planting would be more appropriate.</p> | <p>This matter is addressed further in the Arboricultural Impact Assessment attached at <b>Appendix F</b>.</p> <p>This identifies the updated pruning specification of the Trees No. 75-82 &amp; 84, which is required to provide clearance to the new building and pedestrian footbridge.</p> <p>The pruning works will be undertaken in line with Australian Standards and the trees will remain viable following the works.</p> <p>Further, conditions B14 and B15, necessitate the removal of Trees C, D &amp; E (Lemon Scented Gum and</p>   |

| Key Issue  | AMPC Response   |
|--|---|
|  | <p>Blueberry Ash), as identified in <b>Appendix F</b>. This is because they are located within the landscape area at the junction of Edinburgh Road, Bedwin Road and Railway Parade to the east of the centre. This will require an amendment to Condition D29 on the Project Approval and this is outlined further in Section 4 of this Report.</p> <p>The need for the removal of trees C, D and E arises from the conditions B14 and B15 on the Project Approval which require an upgrade to the roundabout and associated road widening at the intersection of Edinburgh Road and Railway Parade, which affects the location of these trees.</p> <p>The Arboricultural Impact Assessment indicates that the removal of Tress C-E would have a low visual impact due to their relatively small size and location, whilst replacement planting could replace the loss of amenity within a short timeframe.</p>  |
| Additional Information   |   |
| <p>Clarify and provide any proposed design amendments to the existing shopping centre (Site 1), including any changes to the loading dock as shown on the Proposed Stage 2 Ground Floor Amendment drawing. An assessment the resultant impacts of any changes will also be required.</p> | <p>In order to assist, Plan EA018 has been updated (now Revision B) and is included at <b>Appendix H</b>. This identifies that a section of the existing centre at the north-eastern edge of the building is to be converted from a loading dock to an area for plant and equipment. This area extends to 1,201sqm.</p> <p>In addition, there is outdoor seating area which has been erected to the west of the plant area along Victoria Street (460sqm), which was previously proposed to be retail floor space, but was prohibited from being retail by Condition B2 on the original Project Approval.</p> <p>The total area of these two parts of the main centre accounts for 1,661sqm of GFA. This equates to the amount of additional GFA which is being transferred from Stage 2 of the development to the current Stage 1B.</p> <p>The proposed total gross floor space to be provided as part of Stage 1B is 14,595sqm, which has increased slightly from the original S75W lodgement proposal by 190sqm. This is as a result of a more accurate measurement of GFA at the Edinburgh Road extension site, which is a negligible increase of less than 1.5% in floor space.</p> <p>There are also proposed to be some minor amendments to the entrance of the existing centre as</p> |

| Key Issue   | AMPC Response   |
|---|---|
|   | part of these works. These are shown on Plan Ref EA011C Rev B (at <b>Appendix H</b> ). This now includes the introduction of a green wall and grey painted concrete, as well as the introduction of an outdoor seating area. These alterations will have a positive environmental impact and will serve to enhance the appearance of this part of the centre and the Smidmore street public domain.                                 |
| Provide an existing and proposed east elevation (Murray Street) for the existing shopping centre (Site 1 ). | The elevations of Murray Street were provided in the original lodgement package on Plan Reference EA011E Rev A. This shows the existing approved and proposed amendment to Site 2 (Edinburgh Road), as well as the proposed elevation of Site 1 which is not being altered as part of this modification application.  |
| Provide 3D Perspectives along Murray Street for both Sites 1 and 2.   | A revised perspective image is provided for Murray Street for Site 2 (Edinburgh Road) and this is attached at <b>Appendix I</b> . However, given that no works are taking place on the Murray Street elevation of the Site 1 (Victoria Road) it is not considered necessary to provide a 3D perspective of this part of the centre. Images of the centre and the Stage 2 works were provided with the original Part 3A application. |
| Plans are to be provided which include numbering of all car spaces  | <p>As part of the update to the Architectural Plans at <b>Appendix H</b>, each of the proposed car parking spaces for Stage 1B at the Edinburgh Road have been numbered (Plans Ref EA108/B, EA109/B, EA110/B).</p> <p>It is proposed to provide 167 spaces on Level 2, 188 spaces on Level 2A and 138 spaces on Level 2B. This makes an overall total of 493 parking spaces at the proposed Stage 1B Edinburgh Road site.</p>       |
| Plans are to be provided showing all areas included as GFA and GLFA and their area (in square metres).      | Further to this request a set of GFA and GFLA Plans have been prepared and these are attached at <b>Appendix J</b> .  |

## 2.2. INNER WEST COUNCIL

Table 3 below sets out the issues raised in the submission by Inner West Council and AMPC's response to each matter.

Table 3 – Council's Submission Response

| Council Issue   | AMPC Response   |
|---|---|
| The Acoustic Report submitted with the modification request acknowledges that there are factors associated with the future fit-out of these | Further to discussions with the DPE on this point, it is now proposed that an additional condition is introduced on the consent which serves to control the fit out and |

| Council Issue   | AMPC Response   |
|---|---|
| <p>spaces that can influence noise. Given the need for an assessment to occur as part of any future development application, it is not considered appropriate to approve the extension to hours as part of this Modification application.</p> | <p>operation of each tenancy to ensure they meet the stipulated noise standards for each part of the centre.</p> <p>The analysis of the acoustic controls and wording of the proposed condition is set out in the letter from Marshall Day dated 7<sup>th</sup> May 2018 contained at <b>Appendix K</b></p> <p>Compliance with these standards will need to be demonstrated to the certifying authority prior to the issue of a Construction Certificate for each tenancy fit-out.</p> <p>The wording of this proposed condition is also set out at Section 4 of this Report.</p>   |
| <p>The paid parking scheme is a matter which should be considered by Council as part of a Section 68 application under the Local Government Act 1993.</p>   | <p>Section 68 of the Local Government Act 1993 (LG Act) specifies a range of activities where approvals are required to be obtained from Council. A separate approval is required under s.68 the LG Act to operate a public car park. In this instance, it will be a paid public car park.</p> <p>Exemption from obtaining a s.68 approval can be made under cl66 of the LG Regulations if Council has already granted development consent to the public car park. However, an exemption cannot be made if the development consent is granted by the Minister. This is because Council is the only authority that can issue section 68 approvals.</p> <p>As such, a Section 68 application under the LG Act will be submitted in due course to operate a paid public car park. However, we request that DPE grant approval for the operational elements of the paid parking scheme, as identified in the Controlled Parking Management Plan. This can then facilitate a consistent Council approval under the LG Act for the operation of the car park.</p> |
| <p>The application has failed to provide details of the proposed scheme, including new barriers, signage, boom gates, pay stations etc.</p>   | <p>The details of the locations and specifications of the proposed pay stations and barriers for the ticketless controlled parking system are contained within the Controlled Parking Management Plan which forms an attachment to <b>Appendix B</b>.</p> <p>The proposed car park control system will involve ticketless entry control and exit control lanes and pay stations on each level of the car park, and will be accompanied by a licence plate recognition system.</p> <p>These details can now be formally assessed by DPE.</p>   |

| Council Issue   | AMPC Response   |
|---|---|
| <p>Concern is raised as to the impact that a paid parking scheme will have on on-site car parking for workers/ employees of the centre.</p>                             | <p>This matter is addressed in the Controlled Parking Management Plan, which forms an attachment to <b>Appendix B</b>. This is supported by an additional letter prepared by Point Parking (refer to <b>Appendix N</b>) which outlines how employee parking will be appropriately managed and why a managed car parking scheme is being promoted at Marrickville Metro.</p> <p>This identifies that retail staff/tenant will be offered concessions on the applicable parking fees, as it the case with many other centres in Sydney.</p> <p>The TTPP Report at <b>Appendix B</b> also indicates that there are up to 340 on-street parking spaces within an easy walk to the centre, if staff or members of the public feel the need to park in the nearby area.</p> <p>To conclude, the introduction of managed parking at Marrickville Metro is in line with shopping centres within the local and NSW market, including Ashfield Mall, just 7 km away and within the Inner West Council area. Furthermore, even after the introduction of the managed parking scheme, it is typical for over 96% of customers to continue to park for free.</p> |
| <p>The Council do not support the amendment of the wording of condition to allow the words "up to" to be inserted within Condition B19.</p>                             | <p>This amendment to the condition wording is proposed to provide additional flexibility for the operation of the centre, to bring the condition in line with the approach taken at other centres, and to encourage public transport usage.</p> <p>If this causes significant concern to DPE, AMPC are content for the wording of the condition to remain exactly as previously approved and remove the request to amend Condition B19 as part of this modification.</p>  |
| <p>The modification requests a redistribution of GFA across the site but no increase in overall GFA, but it is unclear from the documentation how this is achieved.</p> | <p>The total GFA for the Stage 1B Edinburgh Road site has been slightly revised within this response to key issues. It now totals 14,595sqm (which is 190sqm more than previously identified in the original S75W application). This GFA is indicated on the GFA Plans attached at <b>Appendix J</b>.</p> <p>As part of the Additional Information response to DPE above, it is advised that the GFA to be transferred from Stage 2 to the current Stage 1B equates to 1,661sqm, and results from the previous retail and loading dock areas at the north-eastern corner of the site, being converted to outdoor seating and plant/equipment area.</p>  |



| Council Issue   | AMPC Response   |
|---|---|
|   | <p>The floor space to be transferred is identified on Plans Ref: EA006/B and EA018/B at <b>Appendix H</b>. However, to be clear, the overall GFA consented through the Project Approval is not proposed to be exceeded as part of this modification application.</p>  |
| <p>Signage zones are not supported and it is more appropriate for Council to consider the signage strategy</p>  | <p>This modification application is merely seeking consent for signage zones on the building. It is expected that development applications will be required to be submitted for individual signage. As such, Council will retain control over the proposed signage to be specified on the building.</p>   |
| <p>Council does not support the tree removal or excessive pruning.</p>  | <p>As AMPC now wish to retain and prune Tree 82 (Lemon Scented Gum), which was previously approved for removal under the Major Project Approval. MP09_0191.</p> <p>It is also now proposed to prune and retain Tree 79 (Eucalyptus) which was previously identified for removal. This demonstrates AMPC's desire to retain as many trees as possible in the vicinity of the site.</p> <p>The above matters are adequately addressed within the updated Arboricultural Impact Assessment at <b>Appendix F</b>.</p>   |
| <p>The seven trees proposed to remain are proposed for heavy pruning, with the extent of tree pruning will render the trees unviable.</p>   | <p>The pruning specifications are identified in the updated Arboricultural Impact Assessment at <b>Appendix F</b>.</p>  |
| <p>In the event the proposal is approved the applicant shall be required to review and modify the street tree retention and replacement strategy in conjunction with the Council's Urban Forest Unit.</p> | <p>As part of the process of preparing the response to issues, AMPC have met with the Council's Urban Forest Manager (on 20<sup>th</sup> March 2018) to discuss the matter of the trees on Smidmore Street.</p> <p>At this meeting, the Council Officer indicated to AMPC that their preference was to modify the building footprint to eliminate or significantly reduce the extent of pruning to retain trees. If this couldn't be achieved, then Council identified they would consider a proposal to remove all the trees (Lemon Scented Gums) along Smidmore Street and replace them with new agreed tree species.</p> <p>This is because several of the trees are less than 100% health and Council is concerned about the residual risk with regard to poor tree health. It is also noted that this replacement of the gum trees is also identified in the adopted Marrickville Street Tree Masterplan 2014 prepared by Inner West Council.</p> <p>Given that AMP already have Major Project Approval for the new shopping centre building and the</p> |



| Council Issue  | AMPC Response   |
|--|---|
|  | <p>removal/pruning of trees along Smidmore Street, they do not propose to modify the building footprint, as this would have major design implications both internally and externally for the building. Furthermore, AMP wish to retain as many of the trees as possible along Smidmore Street, as evidenced by their desire to now retain Tree 79 and 82 on Smidmore Street, which is part of their response to submissions. AMPC do not think it is necessary to remove all the trees along Smidmore Street and feel that their retention will contribute to the environment and amenity of the new 'main street' concept proposed as part of the centre expansion.</p> <p>However, if DPE consider that the better outcome would be for the removal and replanting of the trees, AMP would consider the option through agreeing to a suitably worded condition of consent. This would facilitate AMP and Council collaborating on the removal and replacement of the trees.</p> <p>A potential new condition is therefore suggested to cover this matter in Section 4 of this Report.</p> |
| Any trees removed shall be replaced at a 1:2 ration at a minimum container size of 400L and should be located in the dame or as close to the same location as they were removed. | The replacement planting of the street trees is already controlled through Condition 34 of the Project Approval. However, this is explained further within the Arboricultural Impact Assessment at <b>Appendix F</b> , which identifies that the replacement planting will occur in accordance with the <i>Marrickville Street Tree Masterplan 2014</i> and the relevant Australian Standards.  |
| Consider a speed reduction on the proposed one-way section of Smidmore Street.   | This point is addressed in the TTPP Response to Submissions at <b>Appendix B</b> . In summary, it is proposed that the one-way section of Smidmore Street will be a shared zone where vehicle and pedestrian traffic share the same road space. The legal speed limit will be 10kph and drivers will be required by law to give way to pedestrians.   |
| Council do not approve of the retention of the loading dock on Smidmore Street due to pedestrian vehicle conflict.   | <p>The Major Project Approval includes the construction of a large dock on Murray Street to service the existing centre as part of Stage 2. When this occurs, the existing dock (Dock No. 4) on Smidmore Street will be removed. However, DA condition E3 states that Stage 2 must occur at least 3 years after the occupation of Stage 1B. Hence, the existing dock no 4 in Smidmore Street must be retained in the interim.</p> <p>The existing loading dock (Dock No.4) on Smidmore Street has planning approval and is required to service</p>  |

| Council Issue   | AMPC Response  |
|---|--|
|   | <p>a number of the existing retailers at the southern part of the centre.</p> <p>However, as part of this S75W application a Dock Management Plan is provided at <b>Appendix D</b>, and it is also proposed to amend the hours of operation of the dock, such that it opens earlier in the morning and closes by 11am. This will serve to limit the extent of any pedestrian/vehicle conflict. This has been discussed with council at the meetings summarised in section 1.</p> <p>The proposed condition wording is set out in Section 4 of this Report.</p> |
| <p>Swept paths should be provided for Smidmore Street, with larger vehicles being able to manoeuvre around the roundabout without having to undertake a 3-point turn.</p>   | <p>Swept paths analyses is provided within the Cardno Response to Submission at <b>Appendix C</b>. This demonstrates that larger vehicles can manoeuvre around or over the roundabout on Smidmore Street.</p>  |
| <p>The entry to the car park on Edinburgh Road should be situated further to the east along Edinburgh Road, to avoid conflict with signalised junction of Smidmore St / Edinburgh Rd.</p>                                     | <p>The proposed entry/exit to the car park on Edinburgh Road is situated where it was previously approved under the Major Project Approval and is not proposed to be altered as part of the modification application. It is also generally in the same location as the existing access to the current industrial use. It is therefore considered that this access will operate safely and efficiently, as per the existing approval.</p>   |
| <p>Consideration should be given to a further vehicle entry to the new car park given the number of spaces it contains, or alternatively providing vehicle access from one car park to the other.</p>                         | <p>As above, the Major Project Approval includes a single access point located off Edinburgh Road and this will continue to be the case following the proposed modifications. The design of the centre extension is significantly well advanced and there is no opportunity to undertake such a substantial modification to this critical element of the proposed scheme. It is also not considered appropriate to link the two part of the centre through a vehicular bridge.</p>   |
| <p>The proposed entry to the new car on Edinburgh Road should be left in / left out and a median strip installed, otherwise a more comprehensive study to justify the right turn is needed, due to potential for queuing.</p> | <p>This matter is addressed in detail within <b>Appendix B</b>, however in summary, the traffic analysis indicates that the proposed right turn access on Edinburgh Road would not create any adverse traffic impacts to the operation of the local road network.</p>  |
| <p>A more comprehensive study into queueing into the new development is required.</p>   | <p>Again, this is addressed in detail within <b>Appendix B</b>, which identifies that the Traffic Assessment includes a queuing assessment. This demonstrates that the queue storage capacity of the scheme complies with Australia Standards, and the proposed ticketless car park system will reduce the likelihood of queueing into the car park.</p>   |

| Council Issue   | AMPC Response   |
|---|---|
| <p>3m x 3m splay corners are required on junctions of Smidmore St/ Murray St, Edinburgh Rd/ Murray St, Edinburgh Rd/ Smidmore St</p>  | <p>This matter is addressed within the Cardno Response to Submissions at <b>Appendix C</b>. As the proposed development does not include any road widening near these intersections, 3m x 3m splays are not considered necessary as the works do not negatively impact the sightlines or safety of the intersections.</p> <p>Furthermore, the proposal includes a 2.4m x 2.4m splay at the Edinburgh Rd / Murray St intersection, where the relevant sight lines and safe stopping distances are compliant with the Austroads Standards for the conservative classification of Edinburgh Road. This is therefore considered to be a sufficient splay corner for this part of the development.</p> <p>Further, a 3m x 3m splay would prevent the proposed retention of the exiting factory façade which is considered to be a positive aspect of the overall design.</p> |
| <p>Demonstration of parking provision should refer to the Council's DCP, along with details of how the paid parking scheme would impact on-street demand, where staff will park on site and how it will be managed.</p> | <p>This point is addressed in <b>Appendix B</b>, which identifies that parking provision will continue to be provided at a rate of 4.1 spaces per 100sqm GLFA as per the approval. An assessment of availability of on-street parking is also included in <b>Appendix B</b>, which identifies that there is a significant amount of available on street parking capacity within walking distance to the centre. This will be more than sufficient to cater for any visitors who wish to park on-street and visit the centre.</p> <p>Furthermore, a Controlled Parking Management Plan which forms an attachment to <b>Appendix B</b>, and sets out how AMPC will manage the paid parking scheme, including how staff parking will be operated and managed.</p>  |
| <p>Clarification is required as to whether any on-street parking spaces are lost as part of this development</p>  | <p><b>Appendix B</b> to this Report confirms that the existing consent already approves the loss of 42 kerbside parking spaces as part of the development. This modification application will result in the additional loss of 17 further kerbside parking spaces across Smidmore St, Edinburgh Rd and Edgeware Rd. TTPP conclude that this will not result in a significant impact, given the availability of on-street parking spaces in the vicinity of the centre.</p>  |
| <p>The design and materiality is supported. However, the photomontages show a deep colonnade whilst the plans show a shallow space</p>  | <p>It is confirmed that the perspectives provided with the S75W application illustrate a true and accurate depth of the colonnade proposed for the Smidmore St frontage.</p>  |
| <p>There is an area of concern over pedestrian/ cycle/vehicle movements. The issue relates to</p>   | <p>The treatment of the footpaths and shared zone is detailed on the Landscape Character Plan at <b>Appendix</b></p>  |

| Council Issue   | AMPC Response  |
|---|--|
| <p>maintaining pedestrian safety and amenity. Also, to investigate the introduction of a bike route travelling in the opposite direction to the one-way street.</p>   | <p><b>E.</b> This clearly delineates the pedestrian areas through use of different colours and materials for the zone. Additional bike parking is also provided on the northern side of Smidmore Street.</p> <p>It is also proposed to remove the existing footpath on the northern side of Smidmore Street, which will serve to direct pedestrian traffic to the footpath on the southern side of Smidmore Street. This will remove the potential for pedestrian conflict with the access/egress ramp and loading Dock 4. This approach was discussed with Council at the meetings summarised in Section 1 of this Report, and there was support for this as a solution.</p> <p>The provision of a bike lane is not recommended through the shared zone as this is intended to be a pedestrian friendly location, however cyclist can readily access all parts of the centre.</p> |
| <p>The dog parking zone would restrict pedestrian access, this should be removed or indented into the property.</p>   | <p>The dog parking area has now been removed from the public footpath and relocated into the site boundary on the northern side of Smidmore St to the east of the existing access. This is identified on the updated Landscape Plan at <b>Appendix E</b>.</p>  |
| Community Services  |  |
| <p>Moving the Sydney buses and taxi rank to Edinburgh Road will entail more walking for frailer clients, concern is raised over whether this location is appropriate for older or mobility impaired shoppers.</p> | <p>The re-location of the bus stop on Edinburgh Road and taxi rank to the southern side of Smidmore Street was consented as part of the Major Project Approval. It is considered that these are suitable and convenient locations, and as part of the modification they are both being enhanced with weather protection.</p> <p>There is also proposed to be a community bus drop-off point on Smidmore Street, which will facilitate easier access to the centre for customers using that service.</p>  |
| <p>Community services recommend signage and traffic light to identify to visual and hearing impaired customers as to when it would be safe to cross Smidmore St.</p>  | <p>AMPC consider that the public domain treatment allows for sufficient clarity with pedestrian priority at the shared zone. Appropriate signage indicating the existence of the proposed shared zone is also to be erected, as identified in the signage plan at <b>Appendix C</b>.</p>   |
| <p>Proponent should consider the WHO Age Friendly Checklist.</p>  | <p>This has been considered and the requirements are established in the design of the proposed development.</p>  |
| <p>There must be sufficient seating in the shade at the Edinburgh Road bus stop.</p>  | <p>AMPC has taken this point on board and proposed an amendment to the submitted scheme to extend the seating at the Edinburgh Road bus stop.</p>  |

| <b>Council Issue</b>  | <b>AMPC Response</b>  |
|---|---|
| It is suggested to increase mobility impaired / parent & pram / Seniors / wide parking spaces.  | The requisite amount of mobility impaired and parent & toddler car parking spaces for are provided at the site and identified on the updated Architectural Plans as <b>Appendix H</b> .   |
| Community services wish to understand if there are any measures in place for workers to get home from the premises which are proposed to be extended to midnight. | At present the No. 352 bus service runs late into the evenings and links Marrickville Metro to Bondi Junction, via Oxford At, Crown St and King St.<br><br>AMPC are considering further the approach to this matter. However, it is ultimately for the bus operators to provide or extend services to meet the demand, once the development is complete and the centre extension is operational.  |
| Consideration should be given to ambulance access at the site.  | There is proposed to be an emergency vehicle space provided on the southern side of Smidmore Street to the west of the new mini-roundabout, which will be sufficient to accommodate an ambulance.   |
| More centralised and easily accessible toilets should be provided.  | There are conveniently located and accessible facilities provided within the existing centre, and new facilities are also proposed within the new expansion building.   |
| Community Services would like to see a 'community square' incorporated into the scheme.   | There is already a community space provided at the existing centre which has recently been upgraded as part of Stage 1A. This provides an appropriate focal point for members of the public to dwell and interact.<br><br>Furthermore, the design of shared zone at the eastern end of Smidmore Street allows for Council to have the ability to temporarily close access from Murray Street if required and use the road for public or Council events. |
| Natural light, plants and passive solar design should be incorporated into the design.  | The scheme design maximises northern light to the ground floor retail units, and planting will be included as part of the landscaping scheme. It is considered that the amended design is a major improvement to the currently approved scheme.   |

## 2.3. TRANSPORT FOR NSW

Table 4 below sets out the issues raised in the submission by TfNSW and AMPC's response to each matter.

Table 4 – Transport for NSW Submission Response

| <b>TfNSW Issue</b>  | <b>AMPC Response</b>   |
|---|--|
| Swept path analysis should be prepared to demonstrate the proposed road configuration on Smidmore Street is adequate to accommodate | As identified above, several swept path analyses are provided in the Cardno Response to Submission at <b>Appendix C</b> . This identifies how the community bus will |

| <b>TfNSW Issue</b>  | <b>AMPC Response</b>   |
|---|--|
| the manoeuvring of the proposed community bus service.  | successfully navigate Smidmore Street after the implementation of the scheme.  |
| The proposed Smidmore Street design should clearly delineate the vehicle pathway by using pavers of different colour texture for vehicle pathway to those around it to alert pedestrians in relation vehicle movements within the public domain shared zone.  | Various colours, textures and materiality are proposed for the construction of the shared zone which will clearly identify the zone and delineate the pedestrian routes. This is illustrated on the Landscape Character Plan at <b>Appendix E</b> to this report. Cardno has confirmed that these will meet the Australian Standard requirements.                                |
| A signage and road marking plan should be provided to appropriately notify pedestrians of the shared nature of the public domain.   | A signage and road marking plan is included with <b>Appendix C</b> to address this point.  |
| The applicant should provide further information on how the existing loading dock will be operated and accessed from Smidmore Street. Swept path analysis should be prepared to demonstrate the adequacy for truck access having regards to the proposed roundabout and one-way access off Murray Street. | As also identified above, swept path analyses of various size delivery vehicles are provided at <b>Appendix C</b> .<br><br>Furthermore, a Management Plan to control the operation of Dock 4 on Smidmore Street has been prepared by AMPC, which will suitably control the management of deliveries to this loading dock.  |
| The applicant should be conditioned to prepare a detailed Construction Pedestrian and Traffic Management Plan (CPTMP) for approval prior to carrying out any activities on-site.  | A Preliminary Construction Traffic Management Plan was provided as part of the original S75W lodgement documentation ( <b>Appendix O</b> of that package). Once a contractor is appointed to undertake the works, this Construction Management Plan can be reviewed and updated by the party who will undertake the works. If required, this matter can be suitably conditioned. |
| The detailed CPTMP needs to address the impact during demolition and construction phases, particularly outlining the proposed staging of works and associated arrangement on Smidmore Street when the current bus stop will be unavailable for use  | As above, this matter can be appropriately addressed when the contractor is appointed to undertake the works.  |
| The relevant Conditions of Consent, notably items B14, B15 and B25 as stipulated in the Concept Approval of the proposed development must be retained.  | It is not proposed to amend these conditions, other than to require the applicant to obtain Local Traffic Committee Approval for the amended vehicular route on Smidmore Street, which introduces a new one-way access off Murray Street.  |

## 2.4. ROADS AND MARITIME SERVICES

Table 5 below sets out the issues raised in the submission by RMS and AMPC's response to each matter.

Table 5 – RMS Submission Response

| RMS Issue  | AMPC Response  |
|--|--|
| With the new right turn access on Edinburgh Road, it is advised that separate right-turn bays should be provided for each movement subject to satisfactory analysis demonstrating that the resultant right-turn bays would be adequate for estimated vehicle queues. This would also require the restriction of right-out egress movements to Edinburgh Road (as proposed). Should the analysis demonstrate that the above not be considered suitable, the access from Edinburgh Road should be maintained as left-in/left-out as per the approved development | <p>This matter has been addressed in detail by TTPP at <b>Appendix B</b>. Further to a review of several examples of a combined right turn arrangements and analysis of accident data, it is concluded that the proposed right turn arrangement is not expected to result in an increase in crashes at this location. There is also sufficient storage area within the right turn lanes to accommodate vehicles queuing without overflowing into the adjacent lane.</p> <p>Furthermore, details of the signage proposed on Edinburgh Road to identify the location of the turn facilities has also been provided.</p> <p>It should be confirmed that approval is not sought for a right turn egress from the proposed development onto Edinburgh Road.</p> |
| There is potential that the traffic assessment has underestimated the future traffic generated by the additional floor area. Therefore, an assessment should be undertaken based on the relevant traffic generation rate of 4.6 trips and 6.1 per 100 sqm GLFA for the respective Thursday and Saturday peak hours, which are the standard guideline rates.  | <p>In response to this point, TTPP have provided a detailed response at <b>Appendix B</b>. This reviews the history of the traffic analysis at the site, including the previous concurrence from RMS to the traffic generation methodology utilised in the Major Project Application.</p> <p>This concludes that the adopted traffic generation rates continue to provide a robust assessment of the proposed development.</p>   |
| The Applicant submit all electronic files used for both the SIDRA and VISSIM models, which has been utilised to derive the current findings and any further findings, for review by Roads and Maritime. This information will be used to verify that the modelling has been undertaken in accordance with standard Roads and Maritime practices and guidelines.  | The electronic modelling files will be provided to Roads and Maritime Services under a separate cover.   |

## 2.5. NSW POLICE

Table 6 below sets out the issues raised in the submission by NSW Police and AMPC's response to each matter.

Table 6 – NSW Submission Response

| NSW Police Issue  | AMPC Response   |
|---|---|
| CCTV coverage of entry and exits of the car park should be considered in more detail. NSW Police consider the existing CCTV system and location of the cameras to be ineffective, grainy and vehicle headlights distort the | A modern CCTV system will be introduced at the expansion site. This requirement already forms part of Condition 39 on the Major Project Approval. |



| NSW Police Issue  | AMPC Response   |
|---|---|
| vision. Consideration is to be given to the inclusion of a number plate recognition system.   | In addition, the proposed paid parking system includes number plate recognition.  |
| Consideration is to be given to the use of graffiti resistant paint on external walls and inclusion of CCTV coverage of the perimeter of the building for detection and prevention. | <p>Graffiti will be managed by the shopping centre management. The scheme seeks to activate the areas which presently inactive, which will promote passive surveillance.</p> <p>There will also be a managed art installation as part of this process, which will be situated within the art zones on the building which consent is sought for and will be a collaborative process with Council, the community and local artists.</p> |
| Consideration is to be given to providing a dedicated 'Emergency Services' parking spot situated in Smidmore Street.  | An emergency vehicle space is to be provided on Smidmore Street.  |

## 2.6. PUBLIC SUBMISSIONS

Table 7 below sets out the issues raised in the public submissions AMPC's response to each matter. There were 14 submissions received of which 3 were supportive of the proposal and have not been responded to as part of this process.

Table 7 – Public Submissions Response

| Public Submission  | AMPC Response   |
|--|---|
| Alana Wulff – Raised points of noise, congestion, parking on surrounding streets, pollution and disruption from construction and increased visitors to the area. | <ul style="list-style-type: none"> <li>Construction noise and traffic will be managed appropriately in accordance with a Construction Management Plan.</li> <li>It is not anticipated that the proposal will give rise to pollution. Construction will be undertaken to Australian and BCA standards.</li> <li>The existing shopping centre is to be expanded to provide an enhanced retail offer to local residents and visitors.</li> </ul>   |
| Dolores Dunn – Disagree with paid parking, as it will make it hard for shoppers to visit the centre.   | <ul style="list-style-type: none"> <li>The controlled parking system will provide a period of free parking for all customers. This is generally sufficient to allow the majority of visitors to undertake their shopping without incurring a charge.</li> </ul>   |
| Jacqueline Keenan – Raised points on parking, extension not required, loss of jobs, concern over night time activation.  | <ul style="list-style-type: none"> <li>Sufficient parking will be provided to support the centre and the Traffic Assessment has identified the local road network can accommodate the development.</li> <li>Additional jobs will be created as part of the proposal, which already benefits from a planning approval.</li> <li>The evening time activation will occur on Smidmore Street away from local residencies. It will also be controlled through a proposed noise condition as</li> </ul> |



| Public Submission  | AMPC Response   |
|--|---|
|  | mentioned within this Report, and the wider centre management plan.   |
| Nigel Cadogan - Raised points on transport impacts and noise from operations.  | <ul style="list-style-type: none"> <li>The response to the points raised by this resident on the transport impact of the proposal are directly addressed in Section 6 of the TTPP Report at <b>Appendix B</b>.</li> <li>The noise from the operation of the centre will be adequately controlled by planning conditions.</li> </ul>   |
| Marrickville Resident – Raised points on paid parking increase parking on nearby streets. The application should be determined by the Council.   | <ul style="list-style-type: none"> <li>It is demonstrated in the TTPP Report that there is sufficient on-street parking in the street surrounding the centre.</li> <li>This modification application is to be determined by the NSW Department of Planning and Environment.</li> </ul>  |
| Lewisham Resident – Raised points about providing plenty of bike racks and equipment and to consider access for bicyclists.  | <ul style="list-style-type: none"> <li>There are plenty of bike racks provided across the centre and AMPC are considering options to include air pumps and water bubblers.</li> </ul>   |
| Petersham Resident – More public transport is needed to the centre.  | <ul style="list-style-type: none"> <li>The provision of public transport is not controlled by AMPC. However, the scheme was previously approved with the level of provision which exists currently. At present the centre is within close proximity to frequent bus and train services.</li> <li>It is also noted that there is a draft proposal to increase the length of the Sydenham Station platforms which will make the station even closer to the Marrickville Metro, further improving public transport accessibility.</li> </ul> |
| St Peters Resident – Opposed to extension of opening hours.  | <ul style="list-style-type: none"> <li>This is noted; however, the proposed extended operating hours are only relevant to a small portion of the centre and it is demonstrated in the S75W package that the centre can operate appropriately with the extended hours.</li> </ul>  |
| Marrickville Resident – Raised points on a need to review public transport, shopping trolleys, traffic modelling, construction traffic and provision of public space at the development. | <ul style="list-style-type: none"> <li>The centre is close to bus and train services.</li> <li>The traffic modelling issues raised by their resident are addressed further in <b>Appendix B</b>.</li> <li>A preliminary Construction Traffic Management Plan was lodged with the S75W application.</li> <li>Public space is already provided at the existing centre on Victoria Street.</li> </ul>  |
| Newtown Resident – Concern over safety of local intersections.   | <ul style="list-style-type: none"> <li>The response to the points raised on the transport impact of the are directly addressed in Section 6 of the TTPP Report at <b>Appendix B</b>.</li> </ul>   |

### 3. AMENDMENTS TO PLANS

As part of the response to matters raised in the Key issues and submissions, there has been further design development undertaken with the scheme design. Some of this is to address matters raised within the submissions and others brought forward as part of the natural design progression and further discussions with potential operators and tenants.

Therefore, to confirm the following list of minor amendments have been introduced on the updated plans, however none of these amendments substantially affect the overall design or intent of the scheme, and would therefore not prejudice any interested party.

The proposed amendments are as follows:

- **Change in Material** – This involves a change from perforated metal to standing seam. The standing seam is shown on external finishes plan, this is now the preferred finish. This is annotated on Plans EA011B / EA011F / EA011H
- **Amendments to openings in brick façade** – This involves the removal of brick piers to allow greater visual connection to colonnade, this is annotated on Plan EA011B.
- **New openings** – This seeks extended openings in the brickwork to allow movement on foot through to the centre. This is annotated a on Plan EA011B. & EA106
- **Green wall** – This has been introduced to soften the appearance of this part of the shopping centre frontage. This is annotated on Plan EA011C.
- **Painted pre-cast concrete panel** – This is painted to match existing, it was previously proposed at terracotta. This is also annotated on Plan EA011C.
- **Painted grey** – This is now proposed to be painted grey, as previously APMC were to remove the existing green paint to expose brick to match Smidmore St, however the paint was found to include traces of lead and it was deemed preferable for health and safety, to seal the existing paint under a further layer of paint rather than remove. This is annotated on EA011E.
- **Removal of awnings** – This is on Edinburgh Road on the entries and is to be removed as unnecessary due to existing building overhang above the external covered pedestrian area. This is annotated on Plan EA011F/ EA011H / EA106
- **Extended bus shelter** – This came from submission response seeking additional bus shelter space. It is annotated on Plan EA011F.
- **Extended substation and new removable louver** – This is on the Edinburgh Road façade and is due to a requirement to extend substation further to co-ordination with Ausgrid. It is annotated on Plan EA011F.
- **New taxi shelter** – This came as a recommendation in the submissions. It is annotated as on Plans EA011B & EA106.
- **Green paint behind kiosks** – Previously this was a green wall, however this is situated behind the substation where access for maintenance and pruning is restricted. This is annotated on Plans EA011F & EA 011H.
- **New awning** – Proposed to the west of the main entrance on Smidmore St to provide additional protection for diners. This is annotated on Plans EA011B & EA106.
- **Amended entrances** – This is to provide some additional double height seat steps, adjacent to traditional steps at the entrances on Murray St and Western end of Smidmore St, to facilitate a location for shoppers to sit and dwell. This is shown on Plan EA106.
- **Car park lighting on the rooftop** – These are introduced to ensure that the upper levels of the car park are appropriately illuminated in the evenings. The lighting is directed away from neighbouring properties and public roadways, and incorporate shielding to minimise light spillage. The light pole locations are illustrated on Plan EA0111A / Rev B and specifications are provided at **Appendix L – Cundall Consultant's Advice Note.**

These amendments have required the updating of various of the plans. As such, 'Condition A2 – Development in Accordance with Plans' has been updated to reflect the correct revisions of the plans and is detailed further in Section 4 of this Report.

## 4. MODIFICATION TO TERMS OF APPROVAL

This section of the Report specifies the conditions on Major Project Approval MP09\_0191 which are proposed to be amended as part of the response to issues on the this MOD6 application. This section of the Report should therefore be read in conjunction with Section 6.4 of the Environmental Assessment that was originally lodged, which contains the current proposed modifications to the existing conditions. A full list of modified conditions is provided at **Appendix O** and the full list of Revised Statement of Commitments is provided at **Appendix P**.

The text which is to be removed is identified as ~~strike through~~ whereas the text to be added is illustrated in **red** text

### 4.1. CONDITION A1 – DEVELOPMENT DESCRIPTION

This condition is to be modified as follows:

#### Condition A1

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

- demolition of existing warehouse buildings and associated structures on the Edinburgh Road site
- upon the surrender of development consents required under Condition B3 of this approval, 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 construction of a new building with two **main** levels of retail **with parking above** on the Edinburgh Road site comprising:
- a discount department store (5,000m<sup>2</sup>), supermarket (4,500m<sup>2</sup>), mini major (1,791m<sup>2</sup>) and retail **premises/business** premises (4,464m<sup>2</sup>).
- an additional 21,780m<sup>2</sup> GFA (16,767m<sup>2</sup> GLFA) to provide a total of 50,705m<sup>2</sup> GFA (39,700m<sup>2</sup> GLFA).

authorise the use of 1606 car parking spaces comprising, 1100 existing spaces and 506 additional car parking spaces.

These amendments will clarify the approved uses in the new building will be for the purposes of retail premises and business premises are more aligned with the relevant land use definitions in MLEP 2011 rather than the non-planning term “speciality retail”. This will be entirely consistent with the approved uses in the existing shopping centre and will clarify “speciality retail” uses such as hairdressers, travel agencies and the like are specifically permitted in the newer part of the shopping centre and not just “*retail premises*” such as “*shops*” and “*food and drink premises*”.

### 4.2. CONDITION A2 – DEVELOPMENT IN ACCORDANCE WITH PLANS

Due to AMPC’s responses to the Key Issues and submission, along with some minor amendments to the scheme, there has been a requirement to update the plans. This is therefore reflected in Condition A2 and supersedes the proposed condition wording which was suggested in the Environmental Assessment lodged in November 2017.

#### Condition A2

The development shall be undertaken generally in accordance with:

- The Environmental Assessment dated 15 July 2010 prepared by Urbis Pty Ltd, except where amended by the Preferred Project Report received by the department on 23 December 2010, **and subsequent modifications**, including all associated documents and reports;
- The Revised Statement of Commitments prepared by Urbis Pty Ltd; and
- The following drawings:

Table 8 – Architectural Plans

| Architectural Drawings prepared for the Preferred Project Report by Lend Lease Design (Project Number 160496) <b>Hames Sharley (Project Number 50980)</b> |             |   |                                       |
|---|-------------|---|---------------------------------------|
| Drawing Number  | Revision    | Name of Plan  | Date                                  |
| EA006   | 04 <b>B</b> | <del>Proposed</del> Ground Floor Plan <b>Part 3A (2012)</b>                         | <del>21.12.12</del> <b>04.04.18</b>   |
| EA007   | 04 <b>A</b> | <del>Proposed</del> Level 1 Plan <b>Part 3A (2012)</b>                              | <del>21.12.12</del> <b>11.10.17</b>   |
| EA008   | 04 <b>A</b> | <del>Proposed</del> Level 02 Plan <b>Part 3A (2012)</b>                             | <del>21.12.12</del> <b>11.10.17</b>   |
| EA009   | 04 <b>A</b> | <del>Proposed</del> Rooftop Car Park Level 2A <b>Part 3A (2012)</b>                 | <del>21.12.12</del> <b>11.10.17</b>   |
| EA010   | 04 <b>A</b> | <del>Proposed</del> Roof Plan <b>Part 3A (2012)</b>                                 | <del>21.12.12</del> <b>11.10.17</b>   |
| EA011A  | 03 <b>A</b> | Overall Elevations Sheet 1  | <del>29.10.2010</del> <b>11.10.17</b> |
| <b>EA011B</b>   | <b>B</b>    | <b>Overall Elevations Sheet 2</b>   | <b>04.04.18</b>                       |
| EA011C  | 03 <b>B</b> | Overall Elevations Sheet 3  | <del>29.10.2010</del> <b>04.04.18</b> |
| <del>EA011D</del>   | 04          | <del>Overall Elevations Sheet 4</del>   | <del>21.12.12</del>                   |
| EA011E  | 04 <b>B</b> | Overall Elevations Sheet 5  | <del>21.12.12</del> <b>04.04.18</b>   |
| <b>EA011F</b>   | <b>B</b>    | <b>Overall Elevations Sheet 6</b>   | <b>04.04.18</b>                       |
| EA011G  | 04 <b>A</b> | Overall Elevations Sheet 7  | <del>21.12.12</del> <b>11.10.17</b>   |
| EA011H  | 04 <b>B</b> | Overall Elevations Sheet 8  | <del>21.12.12</del> <b>04.04.18</b>   |
| <del>EA012</del>  | 04          | <del>Overall Elevations</del>   | <del>21.12.12</del>                   |
| EA013   | 04 <b>A</b> | Overall Sections  | <del>21.12.12</del> <b>11.10.17</b>   |
| EA013A  | 04 <b>A</b> | Overall Sections Sheet 1  | <del>21.12.12</del> <b>11.10.17</b>   |
| EA013B  | 04 <b>A</b> | Overall Sections Sheet 2  | <del>21.12.12</del> <b>11.10.17</b>   |
| EA018   | 04 <b>B</b> | <del>Proposed Ground Floor Plan Stage 1</del> <b>Stage 2 Ground Floor Amendment</b> | <del>21.12.12</del> <b>04.04.18</b>   |
| <del>EA019</del>  | 04          | <del>Proposed Level 1 Plan Stage 1</del>  | <del>21.12.12</del>                   |
| <del>EA020</del>  | 04          | <del>Proposed Stage 1 Level 2 Plan (Smidmore Street Open)</del>                     | <del>21.12.12</del>                   |
| <del>EA021</del>  | 04          | <del>Proposed Level 2A plan Stage 1</del>   | <del>21.12.12</del>                   |
| Architectural Drawings prepared by <del>Francis Jones Morehan Thorp</del> <b>Hames Sharley</b> for the S75W Application ( <del>MOD1</del> <b>MOD6</b> )   |             |   |                                       |

**Architectural Drawings prepared for the Preferred Project Report by Lend Lease Design (Project Number 160496) ~~Hames Sharley~~ (Project Number 50980)**

| Drawing Number | Revision        | Name of Plan   | Date                                  |
|----------------|-----------------|--|---------------------------------------|
| Drawing Number | Revision        | Name of Plan   | Date                                  |
| EA106          | <del>01</del> B | <b>Proposed</b> Ground Floor Plan                          | <del>21.12.2012</del> <b>04.04.18</b> |
| EA107          | <del>01</del> B | <b>Proposed</b> Level 1 Floor Plan                         | <del>21.12.2012</del> <b>04.04.18</b> |
| EA108          | <del>01</del> B | <b>Proposed</b> Level 2 Floor Plan                         | <del>21.12.2012</del> <b>04.04.18</b> |
| EA109          | <del>01</del> B | <b>Proposed</b> Level 2A Floor Plan                        | <del>21.12.2012</del> <b>04.04.18</b> |
| EA110          | <del>01</del> B | <b>Proposed</b> Roof Plan                                  | <del>21.12.2012</del> <b>04.04.18</b> |
| EA111          | B               | <b>Proposed Signage</b> North and South Elevations         | <del>21.12.2012</del> <b>04.04.18</b> |
| EA112          | B               | <b>Proposed Signage</b> East and West Elevations           | <del>21.12.2012</del> <b>04.04.18</b> |
| EA113          | A               | <b>Proposed</b> Long Sections                              | <del>21.12.2012</del> <b>11.10.17</b> |
| EA114          | A               | <b>Proposed</b> Short Sections                             | <del>21.12.2012</del> <b>11.10.17</b> |
| <b>EA119</b>   | B               | <b>Proposed Public Domain Plan</b>                         | <b>04.04.18</b>                       |
| <b>EA120</b>   | B               | <b>Proposed Bridge Plan, Section and Elevation</b>         | <b>04.04.18</b>                       |
| <b>EA122</b>   | A               | <b>Proposed External Finishes</b>                          | <b>11.10.17</b>                       |
| <b>EA123</b>   | A               | <b>Ground Floor Plan Shops with Extended Trading Hours</b> | <b>11.10.07</b>                       |

The landscape plans are also updated as part of this modification application. The Plan C100 is to be deleted as all the Landscape Plans are now provided in colour and this is no longer necessary.

**Landscape Plans prepared by Site Image for S75W Application (~~MOD4~~ MOD6) (Project Number SS16-3593)**

| Drawing Number           | Revision              | Name of Plan               | Date                                    |
|--------------------------|-----------------------|----------------------------|---|
| <del>0</del> <b>000</b>  | <del>B</del> <b>E</b> | Coversheet                 | <del>13.12.2012</del> <b>09.05.2018</b> |
| <del>1</del> <b>001</b>  | <del>C</del> <b>E</b> | Landscape Design Statement | <del>17.12.2012</del> <b>09.05.2018</b> |
| <del>2</del> <b>002</b>  | <b>E</b>              | Landscape Character Plan   | <del>13.12.2012</del> <b>09.05.2018</b> |
| <del>10</del> <b>010</b> | <del>B</del> <b>E</b> | Tree Removal Plan          | <del>13.12.2012</del> <b>09.05.2018</b> |
| <b>100</b>               | <del>B</del> <b>E</b> | Landscape Masterplan       | <del>13.12.2012</del> <b>09.05.2018</b> |

| Landscape Plans prepared by Site Image for S75W Application ( <del>MOD4</del> <b>MOD6</b> )<br>(Project Number <b>SS16-3593</b> ) |            |  |  |
|---|------------|--|--|
| Drawing Number  | Revision   | Name of Plan                           | Date                                       |
| C400  | B          | <del>Colour Landscape Masterplan</del> | <del>13.12.2012</del>                      |
| 101   | B <b>E</b> | Landscape Plan                         | <del>13.12.2012</del><br><b>09.05.2018</b> |
| 102   | B <b>E</b> | Landscape Plan                         | <del>13.12.2012</del><br><b>09.05.2018</b> |

### 4.3. CONDITION A7- MEDIATION

There are a number of subsequent Council and State authority approvals required under MP09\_0191. It is proposed to amend Condition A7 to further clarify the mediation process, timeframe and relevant referral body for matters requiring remediation.

Under the current wording of Condition A7, it is difficult to establish when the '2 month' timeframe commences, and this may complicate/unnecessarily extend the mediation process. It is proposed that the 2-month timeframe commences from the initial lodgement of information, as this is understood to be the original intent of the condition.

It is also proposed to replace 'Director General' to the 'Secretary of the Department of Planning and Environment' to reflect the relevant role at DPE.

The proposed wording of Condition A7 is as follows:

#### Condition A7:

Where this approval requires further approval from Council or State Authorities, the parties shall not act unreasonably in preventing an agreement from being reached. In the event that an agreement is unable to be reached within 2 months **of initial lodgement of supporting information by the Applicant to seek further approval**, or a timeframe otherwise agreed by the ~~Director General~~ **Secretary of the Department of Planning and Environment**, the matter is to be referred to the ~~Director General~~ **Secretary of the Department of Planning and Environment** for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution.

## 4.4. CONDITION D28 – TREES

Given the amendments to the scheme, the new Arboricultural Impact Assessment and Tree Protection Specification Report (Revision B) prepared by Tree IQ dated 10<sup>th</sup> April 2018 need to be referenced in this condition. It superseded the previous Tree IQ Report from 2012.

#### Condition D28

All trees to be retained shall be protected in accordance with the Tree Protection Specifications outlined in Appendix 6 of the Arboricultural Impact Assessment Report prepared by Integrated Vegetation Management (Report No. MA/ME/AIARTPS/E dated 2 November 2010) and ~~Report No: MAR/ME/AIA/B Rev B by Tree IQ dated 17th December 2012)~~ and **the Arboricultural Impact Assessment Report prepared by Tree IQ (Report No: MAR/MET75W/AIA/B dated 10th April 2018).**

## 4.5. CONDITION B44 – NABERS

Further to a review of the conditions on the Project Approval, it is requested that the conditions relating to the requirement for NABERS Retail Energy and Water Ratings are amended slightly. This is as a result of the NABERS energy rating only relating to the base building, but the NABERS water rating including both the base building and tenant fit-outs.

With regard to the second matter concerning the water rating, it is considered unrealistic for AMPC to control this given each tenant is responsible for the design and operation of the individual shop. Furthermore, the NABERS ratings are intended to capture buildings of above 15,000sqm (GLFA) whereas the Stage 1B extension site on Edinburgh Road is only in the order of 11,500sqm (GLFA). Furthermore, it is proposed to have a proportionally more significant convenience food / food and beverage offer for the extension site.

Additional detail of this is provided at **Appendix L** in the Cundall Consultant's Advice Note, however it is proposed to reword this condition such that it captures the NABERS rating of the base building.

#### Condition B44

The proponent shall prepare a detailed Environmental Sustainability report for the development including specific measures which will be implemented during construction and operation to achieve a design **equivalent** 4 star NABERS Retail Energy and Water rating **for the base building**. The measures identified in this report are to be implemented in the plans and details submitted with the relevant Construction Certificate to the satisfaction of the Certifying Authority.

## 4.6. CONDITION D29 - TREES

There is now a requirement to remove Trees C, D & E in accordance with the Arboricultural Impact Assessment and Tree Protection Specification Revision B prepared by Tree IQ dated 10<sup>th</sup> April 2018.

The need for this additional tree removal arises from the requirements of Conditions B14 and B15 on the Project Approval which require an upgrade to the roundabout and associated road widening at the intersection of Edinburgh Road and Railway Parade, which affects the location of these trees.

The amended condition also picks up the proposed retention of Tree 79.

This Condition therefore updates and supersedes the wording of the amended Condition proposed within the Environmental Assessment lodged in November 2017.

#### Condition D29



Approval is given for the following works to be undertaken to trees on the site, as identified in 'Appendix 3 - Site Survey' in the Arboricultural Impact Assessment Report prepared by Integrated Vegetation Management (Report No. MA/MEIAIARTPS/E dated 2 November 2010) **and the Arboricultural Impact Assessment Tree Protection Specification (prepared by Tree IQ dated 10<sup>th</sup> April 2018):**

Table 9 – Tree Pruning and Removal Condition

| Tree No.                                  | Name   | Approved Works           |
|---|--|--------------------------|
| 37  | <i>Celtis sinensis</i> (Nettle Tree)   | Removal                  |
| 48, 56, 57, 58, 59, 60, 67                | <i>Ficus microcarpa</i> var. 'Hillii' (Hills Weeping Fig)  | Removal                  |
| 68  | <i>Acacia</i> spp (Wattle) – Group of 7  | Removal                  |
| 2,3,4,5,6,7,8,10,11,12, 13,14,15,16,17,18 | <i>Ficus microcarpa</i> var. 'Hillii' (Hills Weeping Fig)  | Selective Branch Pruning |
| 75,76,77,78, <b>79</b> , 80,81,82,84      | <i>Corymbia citriodora</i> (Lemon-scented Gum)   | Canopy Pruning           |
| <b>79</b> ,83                             | <i>Eucalyptus</i> sp. (Gum Tree)   | Removal                  |
| 88-108 (inclusive)                        | Various  | Removal                  |
| <b>C, D &amp; E</b>                       | <b><i>Corymbia citriodora</i> (Lemon-scented Gum) and <i>Elaeocarpus reticulatus</i> (Blueberry Ash)</b> | <b>Removal</b>           |

## 4.7. PROPOSED CONDITION D36 – LEMON SCENTED GUMS ON SMIDMORE STREET

As outlined in Section 2.2 of this Report, the Council's Urban Forest Manager has suggested a preference to remove all the Lemon Scented Gums Trees and narrow leaf peppermint trees along Smidmore Street and replace them with new agreed tree species. This is because several of the trees are less than 100% health and Council is concerned about the residual risk with regard to poor tree health. This replacement of the gum trees is also identified in the adopted Marrickville Street Tree Masterplan 2014.

This is contrary to AMPC's approach, which has sought to update the Arborist Report and Landscaping Plans to reduce the extent of pruning where possible, whilst complying with Australian Standards, and to respond to Council's initial feedback in their letter to DPE of 21<sup>st</sup> December 2017 by updating the scheme to retain Trees 79 and 82.

However, if DPE consider that the better outcome would be for the removal and replanting of the trees, AMP would consider agreeing to a suitably worded condition of consent. This would facilitate a future stage where AMP works collaboratively with Council to determine an appropriate replacement strategy.

The suggested wording of the Condition is as follows:

### Condition D36

**The proponent shall provide details/plans for the removal and appropriate replacement of trees 75 to 84 (Lemon Scented Gums and Narrow Leaf Peppermint trees) along Smidmore Street, in accordance with the Marrickville Street Tree Masterplan 2014 for council consideration and approval. The details/plan shall identify the planting details, specification and location of the replacement trees and shall be agreed in writing by the Council, prior to the removal of any trees on Smidmore Street.**

If this approach is agreed, then Condition D29 will also need to be concurrently amended as follows:

### Condition D29

|                         |   |                               |
|-------------------------|---|-------------------------------|
| 75,76,77,78,80,81,82,84 | <i>Corymbia citriodora</i><br>(Lemon-scented Gum) | Canopy Pruning <b>Removal</b> |
|-------------------------|---|-------------------------------|

## 4.8. CONDITION E15 – NABERS

Similar to the amended wording to Condition B44 above, it is requested that the wording of this condition is amended slightly such that the NABERS rating only relates to the base building, given the matter raised in **Appendix J** to this report.

### Condition E15

The development shall include appropriate ESD measures to achieve a design **equivalent** 4 star NABERS Retail Energy and Water rating **for the base building** with appropriate Certification to be provided in this respect prior to the issue of any Occupation Certificate for the relevant part of the building.

## 4.9. CONDITION F5 – LOADING DOCK

It is now proposed to amend the hours of operation of the Loading Dock No.4. This is to allow the dock to open two hours earlier at 5am, but close by 11am to avoid any potential for conflict between delivery trucks and pedestrians/ customers using the proposed shared zone.

It is therefore proposed to amend Condition F5 as follows:

### Condition F5

No loading or unloading at any new or existing loading dock shall occur between the hours of 7.00pm and 7.00am on any day, **apart from Loading Dock No.4 on Smidmore Street where loading and unloading shall only occur between 5am and 11am.**

## 4.10. PROPOSED CONDITION F18 – FITOUT OF TENANCIES ON SMIDMORE STREET WITH EXTENDED HOURS

### Condition F18

#### Noise Allowance Criteria for Tenancies with DA Approval to Trade until 12 Midnight

Prior to a construction certificate being issued for the fitout of these tenancies, the tenant must provide an acoustic analysis prepared by a qualified acoustic engineer to demonstrate the design of the fitout and operation of tenancy will not exceed the following maximum sound power or pressure levels (depending on location and use) to the satisfaction of the certifying authority. The maximum sound power or pressure levels are to include the cumulative combination of all sources associated with the tenancy including (but not limited to): patrons, staff, music (background or entertainment) mechanical plant and general operations.

#### For Tenancies with DA Approval to Trade until 12 Midnight with Shopfronts and Outdoor Seating Fronting Smidmore Street

The table below outlines total allowable sound power level for tenancies with DA approval to trade until midnight and have external shop fronts and outdoor seating areas to Smidmore Street.

|         | Allowable Total Sound Power Level dB re 10 <sup>-12</sup> W per Tenancy <i>L<sub>Aeq</sub></i> (15 minutes) | Allowable <i>L<sub>Amax</sub></i> (sleep disturbance) |
|---------|---|---|
| Daytime | 90  | -   |

|   |    |    |
|---|----|----|
| 0700-1800hrs Monday to Saturday<br>0800 -1800hrs Sunday |    |    |
| Evening<br>1800-2200hrs Monday to Sunday                | 87 | -  |
| Night<br>2200-2400hrs midnight Monday to Sunday         | 84 | 97 |

The following 1/1 octave band criteria has been included for licenced premises only with DA approval to trade until 2400hrs midnight with external shop fronts and outdoor seating areas to Smidmore Street that will need to comply with NSW Liquor & Gaming 1/1 octave band noise criteria

|                       | <b>Allowable Total Sound Power Level dB re 10<sup>-12</sup> W per Tenancy LAeq (15 minutes)</b> |    |     |     |     |      |      |      |      |    |
|-----------------------|---|----|-----|-----|-----|------|------|------|------|----|
|                       | 1/1 Octave Band – Hz  |    |     |     |     |      |      |      |      |    |
|                       | 31.5  | 63 | 125 | 250 | 500 | 1000 | 2000 | 4000 | 8000 | A  |
| Night<br>2200-2400hrs | 92  | 92 | 89  | 86  | 81  | 79   | 72   | 62   | 53   | 84 |

**For Tenancies with DA Approval to Trade until 12 Midnight and tenancies without main external shop front and/or outdoor seating to Smidmore Street**

Prior to a construction certificate being issued for the fitout of the tenancy, the tenant must provide an acoustic analysis prepared by an acoustic engineer to demonstrate the design of the fitout and operation of tenancy will satisfy the following acoustic requirements to the satisfaction of the certifying authority.

The table below outlines total allowable sound pressure levels for tenancies with DA approval to trade until midnight without main external shop front and/or outdoor seating areas to Smidmore Street.

|  | <b>Allowable Sound Pressure Level<br/>dB re 2x10<sup>-5</sup> Pa at 1m from<br/>external mall entry doors or<br/>tenancy facade</b><br><br>LAeq (15 minutes) | <b>Maximum Sound Pressure Level<br/>dB re 2x10<sup>-5</sup> Pa at 1m from<br/>external mall entry doors or<br/>tenancy facade</b><br><br>LAmax |
|--|--|--|
| Daytime<br>0700-1800hrs Monday to Saturday<br>0800 -1800hrs Sunday | 42   | -  |
| Evening<br>1800-2200hrs Monday to Sunday                           | 39   | -  |
| Night<br>2200-2400hrs midnight Monday to Sunday                    | 35   | 45   |

Note: The maximum sound pressure levels are to be met at 1 m from outside:

- (i) any point of the tenancy external façade.
- (ii) any tenancy mechanical plant openings such as exhausts and air inlets.
- (iii) the nearest the mall entry doors. The same criteria apply whether the doors are open or closed.

The following 1/1 octave band criteria has been included for licenced premises only with DA approval to trade until 2400hrs midnight without main shopfront and/or outdoor seating to Smidmore St, that will need to comply with NSW Liquor & Gaming 1/1 octave band noise criteria

|                           | <b>Maximum Sound Pressure Level dB re <math>2 \times 10^{-5}</math> Pa at 1m from external entry doors or tenancy facade <math>L_{Aeq}</math> (15 minutes)</b> |    |     |     |     |      |      |      |      |    |
|---------------------------|--|----|-----|-----|-----|------|------|------|------|----|
|                           | 1/1 Octave Band – Hz   |    |     |     |     |      |      |      |      |    |
|                           | 31.5   | 63 | 125 | 250 | 500 | 1000 | 2000 | 4000 | 8000 | A  |
| Night<br>2200-<br>2400hrs | 43   | 43 | 40  | 37  | 32  | 30   | 23   | 13   | 13   | 35 |

Note: The maximum sound pressure levels are to be met at 1 m from outside:

- (i) any point of the tenancy external façade.
- (ii) any tenancy mechanical plant openings such as exhausts and air inlets.
- (iii) the nearest the mall entry doors. The same criteria apply whether the doors are open or closed.

### **For Tenancies with DA Approval to Trade until 12 Midnight for Tenancies Contained Wholly within The Internal Shopping Mall**

Prior to a construction certificate being issued for the fitout of the tenancy, the tenant must provide an acoustic analysis prepared by an acoustic engineer to demonstrate the design of the fitout and operation of tenancy will satisfy the following acoustic requirements to the satisfaction of the certifying authority. Tenancies within the shopping centre will need to co-exist with adjacent tenancies within the shopping centre under centre management. In this instance noise compliance with the EPA noise criteria should be measured at 1 metre outside the nearest shopping centre entry door.

The table below outlines total allowable sound pressure levels for tenancies with DA approval to trade until midnight for tenancies contained wholly within the internal shopping mall

|  | <b>Maximum Sound Pressure Level dB re <math>2 \times 10^{-5}</math> Pa at 1m outside mall entry doors <math>L_{Aeq}</math> (15 minutes)</b> | <b>Maximum Sound Pressure Level dB re <math>2 \times 10^{-5}</math> Pa at 1m outside mall entry doors <math>L_{Amax}</math></b> |
|--|---|---|
| Daytime<br>0700-1800 Monday to Saturday<br>0800 -1800 Sunday | 42  | -   |
| Evening<br>1800-2200 Monday to Sunday                        | 39  | -   |
| Night<br>2200-2400 midnight Monday to Sunday                 | 35  | -   |

Note: The maximum sound pressure levels are to be met at 1 m from outside:

- (i) any tenancy mechanical plant openings such as exhausts and air inlets.
- (ii) the nearest the mall entry doors. The same criteria apply whether the doors are open or closed.

The following 1/1 octave band criteria has been included for licenced premises only with DA approval to trade until 2400hrs midnight for tenancies located wholly within the internal shopping mall, that will need to comply with NSW Liquor & Gaming 1/1 octave band noise criteria

|  | <b>Maximum Sound Pressure Level dB re <math>2 \times 10^{-5}</math> Pa at 1m outside mall entry doors <math>L_{Aeq}</math> (15 minutes)</b> |
|--|---|
|  | 1/1 Octave Band – Hz  |

|                           |      |    |     |     |     |      |      |      |      |    |
|---------------------------|------|----|-----|-----|-----|------|------|------|------|----|
|                           | 31.5 | 63 | 125 | 250 | 500 | 1000 | 2000 | 4000 | 8000 | A  |
| Night<br>2200-<br>2400hrs | 43   | 43 | 40  | 37  | 32  | 30   | 23   | 13   | 13   | 35 |

Note: The maximum sound pressure levels are to be met at 1 m from outside:

- (i) any tenancy mechanical plant openings such as exhausts and air inlets.
- (ii) the nearest the mall entry doors. The same criteria apply whether the doors are open or closed.

## 4.11. AMENDMENT TO STATEMENT OF COMMITMENTS

As part of the changes to the scheme brought forward within this response to submissions, a couple of the Statement of Commitments will also need to be updated. These are to reference the updated Arboricultural Impact Assessment and the Acoustic Report for Dock 4 as detailed in Table 10.

A consolidated update of the Statement of Commitments, inclusive of the amendments proposed in Table 10 and those proposed under *Appendix R- Updated Draft Statement of Commitments for MODG* of the original MOD 6 Environment Assessment is provided at **Appendix O** of this RtS.

Table 10 – Amendment to Statement of Commitments

| Subject                                 | Commitments   | Timing  |
|---|---|---|
| <b>4. Landscaping and Public Domain</b> | <p>With the agreement of Marrickville <b>Inner West</b> Council, the proponent agrees to the following:</p> <ul style="list-style-type: none"> <li>The planting of new street trees and pavement works along Edinburgh Road and Murray Street south of Smidmore Street in accordance with the plans prepared by Site Image dated November 2010 <b>and 9<sup>th</sup> May 2018</b>, subject to no major existing services encumbrances within the road reserve.</li> <li>Retention of a total of 80 trees within and around the site subject to arborist recommendations.</li> <li>The proponent agrees that final street tree species selection and specification be undertaken in consultation and agreement with Council.</li> <li>The retention of existing heritage paving and planting of new street trees and 'rain gardens' along the frontage of Victoria Road in accordance with the plans prepared by Site Image dated November 2010.</li> <li>The proponent agrees to maintain the rain gardens established within the road reserve in a tidy and working order at no cost to Council.</li> <li>The proponent agrees to undertake a services survey before the preparation of a final landscape plan for the public domain. The final landscape plan will be prepared and agreed by Council.</li> </ul> <p>In respect to the existing fig trees (<i>Ficus carica</i>) planted adjacent to the existing shopping centre on the Murray Street frontage north of Smidmore Street, the proponent agrees to the landscaping works as indicated on plan prepared by Site Image dated November 2010 <b>and 9<sup>th</sup> May 2018</b>, including:</p> <ul style="list-style-type: none"> <li>Retention of trees 17 trees (identified as trees 43-55 and 61-64 in Arborist Report dated October 2010),</li> <li>Replacement planting of 4 trees identified for removal in revised Arborist Report dated October 2010 (being trees nos.</li> </ul> | <p>Prior to Occupation Certificate or as specified.</p> <p>Prior to the issue of the relevant Construction Certificate.</p> |

| Subject | Commitments  | Timing  |
|---------|--|---|
|         | <p>57-60). Replacement trees to be located immediately north of the proposed car park access point,</p> <ul style="list-style-type: none"> <li>Removal and replacement of one tree identified for removal in revised in Arborist Report, dated October 2010 (No. 56).</li> </ul> <p>With the agreement of Marrickville <b>Inner West</b> Council, the proponent agrees to undertake the following works along Smidmore Street:</p> <ul style="list-style-type: none"> <li>New planting along northern side of Smidmore Street and new pavement works along the north and south side the street in accordance with plans prepared by Site Image dated November 2010 <b>and 9<sup>th</sup> May 2018.</b></li> <li>Pavement widening at shop front entrances along north and south side of Smidmore Street.</li> <li>Retain existing Lemon Scented Gums on the southern side</li> <li>Creation of a pedestrian crossing between two shopping centre entrances.</li> </ul> <p>With the agreement of Marrickville <b>Inner West</b> Council, the proponent also agrees to further public domain works to traffic calm and reduce the carriage way width of Smidmore Street, including:</p> <ul style="list-style-type: none"> <li>Pavement extension on the southern side of Smidmore Street at eastern to enclose parallel parking bay,</li> <li>New paving to the Smidmore Street carriageway between Murray Street and the relocated car park ramp.</li> </ul> <p>The proponent agrees to undertake the measures as recommended in the revised Arborist report prepared by Integrated Vegetated Management, dated October 2010 <b>and the Arboricultural Impact Assessment prepared by Tree IQ dated 10<sup>th</sup> April 2018,</b> including:</p> <ul style="list-style-type: none"> <li>Retention of Trees 1-36, 38-55, 61-66, 68-<b>78, 80, 81, 84-87.</b></li> <li>All works within the TPZs will be in accordance with arborist recommendations.</li> <li>Further investigation in the form of exploratory root trenching should be undertaken to determine the extent of root spread and the impact of the proposed development on Trees 20-36, 38-55, 61-66, 69-74 (47 trees).</li> <li>All pruning work should be undertaken in accordance with AS4373: Pruning of Amenity Trees (2007), the Workcover Code of Practice for the Amenity Tree Industry (1998).</li> <li>Trees 48 and 57 have structural defects and are to be removed.</li> <li>The trees to be retained are to be protected in accordance with the Tree Protection Specifications outlined in Appendix 6</li> </ul> | <p>Prior to the issue of the relevant Construction Certificate.</p> <p>Prior to the issue of the relevant Construction Certificate.</p> <p>Prior to the issue of the relevant Construction Certificate.</p> |

| Subject                                | Commitments   | Timing   |
|--|---|--|
|  | of the IVM report dated October 2010 <b>and Tree IQ Arboricultural Impact Assessment dated 10<sup>th</sup> April 2018.</b>  |  |
| <b>7. Environmental Sustainability</b> | <p>The proponent agrees to the following:</p> <ul style="list-style-type: none"> <li>The new development (Stage 1) will be designed and constructed to achieve Australian 'Best Practice' in environmentally sustainable design and construction for retail centres.</li> <li>A report will be prepared by a Green Star Accredited Professional prior to the issue of the Construction Certificate which confirms that the new development works will be capable of achieving an equivalent minimum best practice rating for the design of the development under the Green Building Council of Australia's (GBCA) Retail v1 tool (or equivalent).</li> <li>The proponent also aims to achieve a <b>design equivalent 4 Star NABERS Retail Energy and Water rating for the base building</b> post the refurbishment and expansion of the existing shopping centre.</li> </ul>  | To be prepared prior to the issued of the relevant Construction Certificate. |
| <b>16. Acoustic Privacy</b>            | <p>The proponent agrees to the following measures in accordance with the recommendations of Acoustic Logic in the report dated 4 November 2010 <b>and the Marshall Day Acoustic Report dated 10<sup>th</sup> October 2017 and the Loading Dock 4 Revised Operating Hours Report dated 20<sup>th</sup> April 2018:</b></p> <p><b>Restrictions on Hours of Operation &amp; Frequency of Loading Access</b></p> <ul style="list-style-type: none"> <li>Loading hours will be limited to between 7am and 10pm daily, <b>apart from Loading Dock 4 on Smidmore Street which will be limited to 5am to 11am.</b></li> </ul> <p><b>Heavy Vehicle Access</b></p> <p>The proponent will direct that heavy vehicles access the loading docks via Edinburgh Road and this will be incorporated as part of an Operational Management Plan.</p> <p><b>Design Measures for Modified Loading Dock fronting Murray Street</b></p> <p>The proponent agrees to line the underside of the slab over the Loading Dock with noise absorptive material (Anticon building blanket or Tontine Acoustisorb 2 insulation with perforated foil lining).</p> <p><b>Design of Car Park Ramps</b></p> <p>A minimum 1.2m high screen around the perimeter to the new ramp on Edinburgh Road and modified ramp on Smidmore Street to provide a line of sight screen between the ramp deck and any nearby residential development. The screen may consist of a masonry wall or other imperforate material.</p> |  |

| Subject | Commitments  | Timing |
|---------|--|--------|
|         | <p><b>Mechanical Plant</b></p> <p>A detailed assessment of mechanical plant will be conducted at Construction Certificate stage to determine acoustic treatments (if any) necessary to ensure compliance with acoustic criteria set out in the report.</p> |        |



## 5. SUMMARY AND CONCLUSION

In summary, this Response to Submission Report has been prepared by Urbis on behalf of the Owners and AMPC to address the various Key Issues and submissions which were raised as part of the exhibition of the Section 75W Modification Application (MP09\_0191 MOD 6) which occurred between 14<sup>th</sup> November 2017 to 13<sup>th</sup> December 2017.

DPE provided their Key Issues to AMPC on 22<sup>nd</sup> December 2017, along with submissions received from Inner West Council (the Council), NSW Roads and Maritime Services (RMS), Transport for NSW (TfNSW), NSW Police and public submissions. This Report seeks to address the matters raised within the Key Issues and the various submissions.

As set out in the original Environmental Assessment Report lodged in November 2017, the modifications to the Major Project Approval are needed to facilitate the implementation of the scheme. AMPC has undertaken extensive discussions with future operators, and this has led to a design response which necessitates these modifications and will ultimately lead to the delivery of the scheme, which was initially granted consent in 2012.

The extensive discussions with key stakeholders and additional work on the project design which has been undertaken this year serves to fully address all the issues which have been raised by various parties.

Having considered all the relevant matters, we conclude that the proposed development has significant merit, is a superior scheme to the original proposal and should now be approved.



# DISCLAIMER

This report is dated 20 June 2018 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 Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of AMP (**Instructing Party**) for the purpose of Response to Submissions (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which 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, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in 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, and upon which Urbis relied. 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.

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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 reasonable belief that they are correct and not misleading, subject to the limitations above.



## **APPENDIX A UPDATED LANDOWNERS CONSENT LETTER**

APPENDIX B

TTPP RESPONSE TO SUBMISSIONS

APPENDIX C

CARDNO RESPONSE TO SUBMISSIONS

**APPENDIX D      DOCK 4 MANAGEMENT PLAN**



# APPENDIX E      LANDSCAPE PLANS UPDATE

# **APPENDIX F REVISED ARBORICULTURAL IMPACT ASSESSMENT**

APPENDIX G

DOCK 4 OPERATION ACOUSTIC REPORT

## **APPENDIX H**

## **REVISED ARCHITECTURAL PLANS**

# APPENDIX I      REVISED PERSPECTIVES

# APPENDIX J      GFA AND GLFA PLANS

# **APPENDIX K      LETTER FROM MARSHALL DAY DATED 7<sup>TH</sup> MAY 2018**

# **APPENDIX L      CUNDALL CONSULTANT'S ADVICE NOTE**



**APPENDIX M      STRATUM SUBDIVISION PLAN**

# **APPENDIX N      POINT PARKING LETTER**

# **APPENDIX O      DRAFT REVISED CONDITIONS OF CONSENT FOR MOD 6**

# **APPENDIX P      DRAFT REVISED STATEMENT OF COMMITMENTS FOR MOD 6**





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