

DRAFT REVISED CONDITIONS OF CONSENT FOR MOD 6

CONDITION A1 – DEVELOPMENT DESCRIPTION

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 (5,000m²), supermarket (4,500m²), mini major (1,791m²) and retail **premises/business** premises (4,464m²).
- an additional 21,780m² GFA (16,767m² GLFA) to provide a total of 50,705m² GFA (39,700m² GLFA).

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

CONDITION A2 – DEVELOPMENT IN ACCORDANCE WITH PLANS

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 1 – Architectural Plans

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
EA006	04 B	Proposed Ground Floor Plan Part 3A (2012)	21.12.12 04.04.18
EA007	04 A	Proposed Level 1 Plan Part 3A (2012)	21.12.12 11.10.17
EA008	04 A	Proposed Level 02 Plan Part 3A (2012)	21.12.12 11.10.17
EA009	04 A	Proposed Rooftop Car Park Level 2A Part 3A (2012)	21.12.12 11.10.17
EA010	04 A	Proposed Roof Plan Part 3A (2012)	21.12.12 11.10.17
EA011A	03 A	Overall Elevations Sheet 1	29.10.2010 11.10.17

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
EA011B	B	Overall Elevations Sheet 2	04.04.18
EA011C	03 B	Overall Elevations Sheet 3	29.10.2010 04.04.18
EA011D	04	Overall Elevations Sheet 4	21.12.12
EA011E	04 B	Overall Elevations Sheet 5	21.12.12 04.04.18
EA011F	B	Overall Elevations Sheet 6	04.04.18
EA011G	04 A	Overall Elevations Sheet 7	21.12.12 11.10.17
EA011H	04 B	Overall Elevations Sheet 8	21.12.12 04.04.18
EA012	04	Overall Elevations	21.12.12
EA013	04 A	Overall Sections	21.12.12 11.10.17
EA013A	04 A	Overall Sections Sheet 1	21.12.12 11.10.17
EA013B	04 A	Overall Sections Sheet 2	21.12.12 11.10.17
EA018	04 B	Proposed Ground Floor Plan Stage 1 Stage 2 Ground Floor Amendment	21.12.12 04.04.18
EA019	04	Proposed Level 1 Plan Stage 1	21.12.12
EA020	04	Proposed Stage 1 Level 2 Plan (Smidmore Street Open)	21.12.12
EA021	04	Proposed Level 2A plan Stage 1	21.12.12

Architectural Drawings prepared by Francis-Jones Morehan Thorp Hames Sharley for the S75W Application (MOD1 MOD6)

Drawing Number	Revision	Name of Plan	Date
EA106	04 B	Proposed Ground Floor Plan	21.12.2012 04.04.18
EA107	04 B	Proposed Level 1 Floor Plan	21.12.2012 04.04.18
EA108	04 B	Proposed Level 2 Floor Plan	21.12.2012 04.04.18
EA109	04 B	Proposed Level 2A Floor Plan	21.12.2012 04.04.18
EA110	04 B	Proposed Roof Plan	21.12.2012 04.04.18
EA111	B	Proposed Signage North and South Elevations	21.12.2012 04.04.18

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
EA112	B	Proposed Signage East and West Elevations	21.12.2012 04.04.18
EA113	A	Proposed Long Sections	21.12.2012 11.10.17
EA114	A	Proposed Short Sections	21.12.2012 11.10.17
EA119	B	Proposed Public Domain Plan	04.04.18
EA120	B	Proposed Bridge Plan, Section and Elevation	04.04.18
EA122	A	Proposed External Finishes	11.10.17
EA123	A	Ground Floor Plan Shops with Extended Trading Hours	11.10.07

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 (~~MOD1~~ MOD6) (Project Number SS16-3593)

Drawing Number	Revision	Name of Plan	Date
0 000	B E	Coversheet	13.12.2012 09.05.2018
1 001	C E	Landscape Design Statement	17.12.2012 09.05.2018
2 002	E	Landscape Character Plan	13.12.2012 09.05.2018
10 010	B E	Tree Removal Plan	13.12.2012 09.05.2018
100	B E	Landscape Masterplan	13.12.2012 09.05.2018
C100	B	Colour Landscape Masterplan	13.12.2012
101	B E	Landscape Plan	13.12.2012 09.05.2018
102	B E	Landscape Plan	13.12.2012 09.05.2018

CONDITION A7- MEDIATION

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.

CONDITION B2 – DESIGN MODIFICATIONS

The following design modifications shall be incorporated into the Construction Certificate drawings:

- (a) the travelator core on the northern façade of the building on the Victoria Street site shall be relocated to a more central location on the roof;
- (b) the rooftop plant on the eastern façade of the building on the Victoria Street site shall be no higher than the parapet and designed to integrate into the facade. If the plant is higher than the parapet it shall be relocated to a more central location within the site on the roof; and
- (c) all roof top plant shall be provided with screening and finishes to integrate with the building facades.
- (d) The new shopfronts fronting Victoria Road to the immediate east of Civic Place are to be removed and replaced with a solid wall treatment and/or fixed glass display windows.

Revised floor plans and section drawings shall be submitted demonstrating an improved visual impact of roof top structures shall be submitted to the Director General for approval prior to issue of the relevant Construction Certificate **for Stage 2 of the development.**

CONDITION B13 – RMS APPROVAL

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

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

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

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

CONDITION B15 – LOCAL AREA TRAFFIC COMMITTEE APPROVAL

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

- (a) ~~concrete median in Smidmore Street to prevent right turns into and out of the proposed car park access ramp;~~
- (b) design of the roundabout at the intersection of Edinburgh Road and Sydney Steel Road;
- (c) redesign of the roundabout at the intersection of Edinburgh Road and Railway Terrace;
- (d) detailed design of the bus terminal in ~~Smidmore Street~~ **Edinburgh Road**;
- (e) prohibition of right turn movements from Victoria Road to Edgeware Road during the afternoon peak and Saturday morning peak;

- (f) the installation of pedestrian ~~traffic signals and a crossing~~ on Smidmore Street between the pedestrian entrances of the two shopping centre buildings, and the provision of proposed signage, line marking, speed zones and other traffic management in the proposed Smidmore Street Shared zone in accordance with Condition B16;
- (g) no parking restrictions to cover the afternoon peak and Saturday morning peak at the following locations:
 - i. northbound approach of Edgeware Road to the intersection with Alice Street and Llewellyn Street (distance of 100 metres);
 - ii. southbound approach of Edgeware Road to the intersection with Alice Street and Llewellyn Street (distance of 50 metres); and
 - iii. westbound approach Alice Street to the intersection with Edgeware Road and Llewellyn Street (distance of 50 metres); and
- (h) the amended vehicular route on Smidmore Street, introducing a new one-way access from Murray Street.**

CONDITION B16 – SHARED ZONE ON SMIDMORE STREET

Detailed plans shall be submitted to and approved by Council for the construction of a proposed "Shared Zone" for that portion of Smidmore Street between Murray Street and ~~the new relocated carpark ramp~~ **Edinburgh Road** prior to the issue of the relevant Construction Certificate. Details shall include proposed line marking and Shared Zone/40kph speed limit signage and the provision of pedestrian crossing lights at no cost to Council.

CONDITION B19 – NUMBER OF PARKING SPACES AND DIMENSIONS

In total, **up to** 1606 car parking spaces (inclusive of any car share spaces required by this approval) and 42 motorcycle spaces shall be provided on-site for the development. For Stage 1B of the development, ~~not less than 444~~ **up to 493** new car parking spaces and 9 motorcycle spaces shall be provided on-site for that part of the development.

PROPOSED CONDITION B19A- PAID PARKING

Plans shall be submitted to Council identifying the location on site of any new barriers, signage, pay stations or other supporting infrastructure which is to be installed to facilitate the operation of paid parking at the Marrickville Metro Shopping Centre. This information, along with a Plan of Management for the operation of the paid parking scheme, shall be submitted to Council, prior to the commencement of paid parking at the site.

CONDITION B30 – SITE CONTAMINATION

Site investigation works shall be carried out for the site in accordance with the recommendations of the Limited Stage 2 Contamination Assessment prepared by Douglas Partners (Project No. 71654 Revision 1) dated November 2010, **and the updated Contamination Synthesis Report prepared by Douglas Partners dated October 2017**. Once these works have been carried out a validation report is to be submitted to Council prepared in accordance with the requirements of the NSW EPA's Guidelines for Consultants Reporting on Contaminated Sites to Council's satisfaction.

CONDITION B44 – ENVIRONMENTAL SUSTAINABILITY

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.

CONDITION D28 – TREE PROTECTION

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).**

CONDITION D29 – TREE PROTECTION

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/ME/AIARTPS/E dated 2 November 2010) **and the Arboricultural Impact Assessment Tree Protection Specification (prepared by Tree IQ dated 10th April 2018):**

Table 2 – Tree Pruning and Removal Condition

Tree No.	Name	Approved Works
37	<i>Celtis sinsesis</i> (Nettle Tree)	Removal
48, 56, 57, 58, 59, 60, 67	<i>Ficus microcarpa</i> var. 'Hillii' (Hills Weeping Fig)	Removal
68	<i>Acacia spp</i> (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, 79 , 80,81,82,84	<i>Corymbia citriodora</i> (Lemon-scented Gum)	Canopy Pruning
79 ,83	<i>Eucalyptus sp.</i> (Gum Tree)	Removal
88-108 (inclusive)	Various	Removal
C, D & E	<i>Corymbia citriodora</i> (Lemon-scented Gum) and <i>Elaeocarpus reticulatus</i> (Blueberry Ash)	Removal

PROPOSED CONDITION D36 – LEMON SCENTED GUMS ON SMIDMORE STREET

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.

CONDITION E9 – SPLAY CORNERS

~~Splay corners shall be created at property corners of the new site, and dedicated to the public for road widening purposes before the issue of the relevant Occupation Certificate. The size and location of the splay corners shall be as follows;~~

- ~~• Corner of Smidmore and Murray Streets – 3m x 3m splay; and~~
- ~~• Corner of Murray Street and Edinburgh Road – 3m x 3m splay.~~

CONDITION E15 – 4 STAR NABERS RATING

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

CONDITION E22- TRAFFIC IMPROVEMENTS STAGE 1B

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

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

CONDITION F4- HOURS OF OPERATIONS

Trading hours of the shopping centre shall be restricted to between the hours of 7.00am and 10.00pm daily, **apart from the tenancies identified on plan EA123/A which form the street activation part of Stage 1B, which will be permitted to operate until 12.00 midnight daily.**

Notwithstanding the above, the existing Kmart Tenancy may operate until 12 midnight until the end of 2017 or by no later than the commencement of works for Stage 2 of the Project, whichever is the earlier.

CONDITION F5 – LOADING DOCK

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.**

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

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^{-12} W per Tenancy L_{Aeq} (15 minutes)	Allowable L_{Amax} (sleep disturbance)
Daytime 0700-1800hrs Monday to Saturday 0800 -1800hrs Sunday	90	-
Evening 1800-2200hrs Monday to Sunday	87	-
Night 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

	Allowable Total Sound Power Level dB re 10^{-12} W per Tenancy L_{Aeq} (15 minutes)									
	1/1 Octave Band – Hz									
	31.5	63	125	250	500	1000	2000	4000	8000	A
Night 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.

	Allowable Sound Pressure Level dB re 2x10⁻⁵ Pa at 1m from external mall entry doors or tenancy facade LAeq (15 minutes)	Maximum Sound Pressure Level dB re 2x10⁻⁵ Pa at 1m from external mall entry doors or tenancy facade LAmax
Daytime 0700-1800hrs Monday to Saturday 0800 -1800hrs Sunday	42	-
Evening 1800-2200hrs Monday to Sunday	39	-
Night 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

	Maximum Sound Pressure Level dB re 2x10⁻⁵ Pa at 1m from external entry doors or tenancy facade LAeq (15 minutes)									
	1/1 Octave Band – Hz									
	31.5	63	125	250	500	1000	2000	4000	8000	A
Night 2200-2400hrs	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

	Maximum Sound Pressure Level dB re 2x10⁻⁵ Pa at 1m outside mall entry doors LAeq (15 minutes)	Maximum Sound Pressure Level dB re 2x10⁻⁵ Pa at 1m outside mall entry doors LAmax
Daytime 0700-1800 Monday to Saturday 0800 -1800 Sunday	42	-
Evening 1800-2200 Monday to Sunday	39	-
Night 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

	Maximum Sound Pressure Level dB re 2x10⁻⁵ Pa at 1m outside mall entry doors LAeq (15 minutes)									
	1/1 Octave Band – Hz									
	31.5	63	125	250	500	1000	2000	4000	8000	A
Night 2200-2400hrs	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.