

RESPONSE TO INNER WEST COUNCIL COMMENTS MARRICKVILLE METRO

AUGUST 2018
PREPARED FOR AMP CAPITAL

URBIS

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1. INTRODUCTION

1.1. OVERVIEW

This 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) (the Applicant) 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 7th November 2017 and was exhibited from 14th November 2017 to 13th December 2017.

On 22nd 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.

On 22nd May 2018 the Applicant's Response to Submissions Report and Appendices was lodged with DPE.

On 27th July 2018, DPE shared with the Applicant the latest response from Council on the outstanding matters. Accordingly, this report provides a final response to these issues on behalf of the Applicant to assist with the assessment by DPE.

This Report outlines the outstanding matters from the Council and the relevant response from AMPC as listed in Table 1 below:

Table 1 – Response to Outstanding Matters

Issue	AMPC Response
<p>Acoustic condition for Smidmore Street tenancies proposed to operate to midnight:</p> <p>Council have suggested additional wording for Condition F18 to ensure the cumulative impact of the combined tenancies is considered, along with the acoustic requirements in the <i>Protection of the Environment Operations Act 1997</i> and the <i>NSW EPA Noise Policy for Industry 2017</i>.</p>	<p>The amended wording for Condition F18 is not considered to be appropriate by AMPC.</p> <p>Marshall Day acoustic consultants have reviewed the amended wording proposed by Council and provided a response letter which is attached at Appendix A. This letter confirms that the proposed condition provides sufficient control over the centre, and the amended wording proposed by Council would not be feasible.</p> <p>It is suggested that the originally proposed wording of the Condition F18 is retained, as set out within Section 2 of this Report</p>
<p>Paid Parking Scheme</p> <p>Council agree that the S68 Application under the <i>Local Government Act 1993</i> is the appropriate mechanism to provide an activity approval for the paid parking scheme, whilst DPE can grant approval for the operational elements such as the boom gates and pay stations etc.</p> <p>Council have requested a further condition be attached to any consent which requires the PCA to be satisfied that the activity approval from</p>	<p>There will be a requirement to lodge a S68 Application for the activity approval, which AMP will progress with Council following the grant of any consent for this modification. The wording of the proposed paid parking condition has been updated to reflect this in Section 2 of this Report.</p> <p>The Plan of Management will suitably control the operation of the car park. Staff will be able to access and discounted rate for parking, whilst AMPC are</p>

Issue	AMPC Response
<p>Council has been granted prior to the installation of the operational elements.</p> <p>Furthermore, this condition requires that the parking rates for staff and patrons are provided to Council as part of the S68 application, with the Plan of Management indicating that customer will have a minimum component of 3 hours free parking whilst staff will park for free.</p>	<p>content to agree to the provision of a 3-hour free parking period for customers.</p> <p>As identified in the letter from Point Parking (dated 21st May 2018) lodged with the Response to Submissions, this will facilitate over 96% of customers parking for free at the centre.</p> <p>The amount that AMPC charge for parking at the centre is a commercial decision and cannot be regulated by Council. This point has previously been considered by the Land and Environment Court.</p> <p>Staff will be charged an appropriate and discounted flat rate. This charge will be similar to that charged at Ashfield Mall which is another example of a shopping centre within the Inner West LGA which operates a paid parking system.</p> <p>As part of this response AMPC have provided updated plans which illustrate the location of the boom gates and pay stations as identified within the Controlled Parking Management Plan. These are attached at Appendix B to this Report.</p>
<p>Parking Condition B19</p> <p>The Council does not support the introduction of flexibility in this condition, where maximum parking standards can allow a maximum parking level to be stipulated – i.e. ‘up to 1606 spaces’.</p> <p>Trees on Smidmore Street</p> <p>Council remain unsupportive of what they view as ‘excessive’ pruning of the trees on Smidmore Street. In response, Council have suggested amended wording to proposed Condition 36.</p>	<p>AMPC view this as a logical approach which works appropriately at other shopping centres. Given there is a commercial requirement to provide sufficient parking to meet customer demands, shopping centre operators are unlikely to provide insufficient parking.</p> <p>However, as previously indicated, if DPE disagree with this approach, AMPC are content to leave the wording of Condition B19 as previously approved.</p> <p>This point is noted and despite AMPC’s desire to retain the trees on Smidmore Street; AMPC are willing to agree a suitable condition, provided it is consistent with the Marrickville Street Tree Masterplan.</p> <p>The suggested amendments to Council’s proposed wording are set out Section 2 below.</p> <p>The proposal by Council of a 1:2 ratio for tree replacement is not consistent with the Marrickville Street Tree Masterplan 2014.</p>

Issue	AMPC Response
	<p>Further, it will not be physically possible to plant double the number of existing trees along Smidmore Street and Murray/Edinburgh Roads.</p> <p>The proposal from Council for all new trees to have a 30m³ vault system is will not be feasible at every location given the likely presence of underground services. Accordingly, it is proposed to add flexibility into this requirement as set out in the proposed condition.</p>
<p>Smidmore Street Loading Dock</p> <p>Council have agreed to AMPC's proposed amended wording of F5.</p>	<p>Noted</p>
<p>Additional Vehicle Entry to New Building</p> <p>Council still consider it necessary for a second vehicle entry to be provided to the Stage 1B building or a vehicular bridge to be provided to the existing centre.</p>	<p>AMPC maintains the position that a second vehicular entry is not required and the extension site will operate safely and conveniently with the single access/egress onto Edinburgh Road. This arrangement is the previously approved position and is not proposed to be altered as part of this modification application.</p>
<p>Vehicle Right Turn into New Building</p> <p>Council are still opposed to the additional vehicular right turn movement into the Stage 1B site.</p>	<p>AMPC have provided sufficient information in the response to submissions that the new right turn access will operate in a safe and convenient manner.</p> <p>Council have suggested that the site on the opposite side of Edinburgh Road may be redeveloped. There are no firm details of this development in the public domain and there is no certainty that it will progress.</p> <p>It is suggested that any redevelopment of that site will need to consider the proposed operation of the approved Stage 1B site.</p>
<p>Splay Corners</p> <p>Council maintain the position that 3m x 3m splay corners are required on the corners of Smidmore St/Murray St, Edinburgh Rd/Murray St and Edinburgh Rd/Smidmore St.</p>	<p>AMPC maintain the position that although the DCP may require these splays, the proposed development works do not widen the roads near Smidmore St/ Murray St and Edinburgh Rd/ Smidmore St intersections, splays are not required.</p> <p>With the Edinburgh Rd/ Murray St intersection a 2.4m x 2.4m splay is the maximum that can be provided which enables the retention of the existing building, and it facilitates the safe operation of the intersection.</p>

Issue	AMPC Response
	Given the above, it is not considered necessary to meet this DCP requirement for the intersection design.
<p>Additional Parking Spaces</p> <p>Council have suggested that the overall number of parking spaces for the centre is increased from 1606 to 1623 as a result of the loss of 17 on-street parking spaces as part of this modification.</p>	AMPC agree to this request and therefore an update to Conditions A1 and B19.
<p>Seats and Bollards on Smidmore Street and Edinburgh Road</p> <p>Council have made two suggestions for additional information relating to the design of bollards and seats on Smidmore Street and the design of the bus stop seating on Edinburgh Road.</p>	It is considered that these matters can be appropriately addressed and controlled through a suitably worded condition.
<p>Staging of Construction Certificates</p> <p>It is noted that there is an inconsistent approach to the wording of several of the Conditions in Part B of the Major Project Approval, regarding the issue of Construction Certificates.</p>	To ensure consistency, Conditions B1, B9, B12 and B14 have the word “the relevant” added before the Construction Certificate. This ensures that the staging of construction certificates can be progressed in an appropriate manner.

2. UPDATED CONDITIONS

This section of the Report specifies the conditions on Major Project Approval MP09_0191 which are proposed to be amended. This provides a consolidated list that captures the original Environmental Assessment, the Response to Submissions and the latest updates following the recent comments from Council.

2.1. 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 (5,000m²), 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 ~~4606~~ **1623** car parking spaces ~~comprising, 1100 existing spaces and 506 additional car parking spaces.~~

2.2. CONDITION A2 – DEVELOPMENT IN ACCORDANCE WITH PLANS

This condition is to be modified as follows:

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:

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

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
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
EA011B	B	Overall Elevations Sheet 2	04.04.18
EA011C	03 C	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	01 B	Proposed Ground Floor Plan	21.12.2012 04.04.18
EA107	01 B	Proposed Level 1 Floor Plan	21.12.2012 04.04.18
EA108	01 B	Proposed Level 2 Floor Plan	21.12.2012 04.04.18
EA109	01 B	Proposed Level 2A Floor Plan	21.12.2012 04.04.18
EA110	01 B	Proposed Roof Plan	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
EA111	B	Proposed Signage North and South Elevations	21.12.2012 04.04.18
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
EA124	A	Existing Level 1 – Proposed Parking Infrastructure	10.08.18

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
0 000	B E	Coversheet	13.12.2012 09.05.2018
4 001	C E	Landscape Design Statement	17.12.2012 09.05.2018
2 002	E	Landscape Character Plan	13.12.2012 09.05.2018
40 010	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

2.3. CONDITION A7 – MEDIATION

This condition is to be modified 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.

2.4. CONDITION B1 – DETAILED DRAWINGS

This condition is to be modified as follows:

Condition B1

Detailed construction drawings, specifications, and other supporting documentation required for **a the relevant** Construction Certificate are to be in accordance with the terms of this Project approval and comply with the requirements of the Building Code of Australia.

2.5. CONDITION B2 – DESIGN MODIFICATIONS

This condition is to be modified as follows:

Condition B2

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~~ **Secretary of the Department of Planning and Environment** for approval prior to issue of the relevant Construction Certificate **for Stage 2 of the development.**

2.6. CONDITION B9 – DRAINAGE

This condition is to be modified as follows:

Condition B9

The proposed stormwater management, including on-site detention, must be designed in accordance with the requirements of Sydney Water and Council. The Certifying Authority must ensure that the plans and specifications submitted by the proponent, referenced on and accompanying the **relevant** issued Construction Certificate, fully satisfy the requirements of this condition.

2.7. CONDITION B12 – FLOODING

This condition is to be modified as follows:

Condition B12

The proponent shall prepare a flood risk management plan including a flood emergency response plan in accordance with Council's and Sydney Water's requirements prior to issue of a **the relevant** Construction Certificate.

2.8. CONDITION B13 – RMS APPROVAL

This condition is proposed to be deleted as identified in the original Environmental Assessment.

2.9. CONDITION B14 – STATE TRANSIT AUTHORITY APPROVAL

This condition is to be modified as follows:

Condition B14

The proponent shall submit details/plans to STA for:

- (a) The bus terminal in Edinburgh Road; and
- (b) The roundabouts at the intersections of Edinburgh Road/Sydney Steel Road and Edinburgh Road/Railway Terrace- demonstrating that low floor buses are able to U-turn at these locations.

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

2.10. CONDITION B15 – LOCAL AREA TRAFFIC COMMITTEE APPROVAL

This condition is to be modified as follows:

Condition B15

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

- (a) ~~concrete median in Smidmore Street to prevent right turns into and out of the proposed car park access ramp;~~
- (b) design of the roundabout at the intersection of Edinburgh Road and Sydney Steel Road;
- (c) redesign of the roundabout at the intersection of Edinburgh Road and Railway Terrace;
- (d) detailed design of the bus terminal in Smidmore Street;
- (e) prohibition of right turn movements from Victoria Road to Edgeware Road during the afternoon peak and Saturday morning peak;
- (f) ~~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
 - iv. eastern side of Edgeware Road between Alice Street and Llewellyn Street (distance of 50 metres); and**
- (h) removal of kerbside parking from Smidmore Road and Edinburgh Road as shown on Figure 8 of Responses to Submissions Report prepared by TTPP dated 15 May 2018**

- (i) the amended vehicular route on Smidmore Street, introducing a new one-way access from Murray Street.

2.11. CONDITION B16 – SHARED ZONE ON SMIDMORE STREET

This condition is to be modified as follows:

Condition B16

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.

2.12. CONDITION B19 - PARKING SPACES

This condition is to be modified as follows:

Condition B19

In total, ~~up to 4606~~ **up to 1623** car parking spaces (inclusive of any car share spaces required by this approval) and 42 motorcycle spaces shall be provided on-site for the development. For Stage 1B of the development, not less than 411 new car parking spaces and 9 motorcycle spaces shall be provided on-site for that part of the development.

2.13. CONDITION B30 – CONTAMINATION

This condition is to be modified as follows:

Condition B30

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.

2.14. CONDITION D28 – TREE PROTECTION

This condition is to be modified as follows:

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)**.

2.15. CONDITION D29 – TREE PROTECTION

This condition is to be modified as follows:

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/ME/AIARTPS/E dated 2 November 2010) **and the Arboricultural Impact Assessment Tree Protection Specification (prepared by Tree IQ dated 11th October 2017)**:

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
75,76,77,78,80,81,82,84	<i>Corymbia citriodora</i> (Lemon-scented Gum)	Canopy Pruning
79,83	<i>Eucalyptus sp.</i> (Gum Tree)	Removal
82 , 88-108 (inclusive)	<i>Various</i>	Removal

2.16. PROPOSED CONDITION D36 – TREES ON SMIDMORE STREET

This proposed Condition is suggested in circumstances where DPE prefer the Council's recommendation for the removal and replanting of trees on Smidmore Street, rather than the pruning of the Lemon Scented Gums on Smidmore Street as identified in Condition D29 above.

Proposed 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.

The requirements for the new street trees are as follows:

- The removed trees shall be replaced at 4:2 **1:1** ratio at a minimum container size of 400L.
- Planting detail and specifications shall incorporate vault style structural soil systems allowing all new trees to have a minimum of 30m³ of soil volume per tree **where feasible in consideration of existing underground infrastructure. However, if evidence identifies that this volume cannot be achieved due to services and other infrastructure, the Applicant shall agree an appropriate alternative outcome with Council.**
- The planting stock shall comply with Australian Standard Tree stock for landscape use AS 2303—2015.
- The new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3.
- The new street trees shall be maintained in a healthy and vigorous condition during an establishment period of 24 months.
- If any tree dies or is removed during the establishment period it shall be replaced with the same species tree in accordance with these conditions at the expense of the applicant.
- Upon completion of planting the applicant shall arrange an inspection by Council's Urban Forest Manager to approve the installation. If the trees or planting method are unsatisfactory and not in accordance with conditions they will be rejected and replaced at the expense of the applicant.

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> (Lemon-scented Gum)	Canopy Pruning Removal
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2.17. CONDITION E9 – SPLAY CORNERS

This condition is proposed to be deleted as identified in the original Environmental Assessment.

2.18. CONDITION E15 – NABERS

This condition is to be modified as follows:

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.

2.19. CONDITION E22 – TRAFFIC IMPROVEMENTS STAGE 1B

This condition is to be modified as follows:

Condition E22

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

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

2.20. CONDITION F4 – HOURS OF OPERATION

This condition is to be modified as follows:

Condition F4

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.

2.21. CONDITION F5 – LOADING DOCKS

This condition is to be modified 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.**

2.22. 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 ⁻¹² W per Tenancy LAeq (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 LAeq (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 2×10^{-5} Pa at 1m outside mall entry doors L_{Aeq} (15 minutes)	Maximum Sound Pressure Level dB re 2×10^{-5} Pa at 1m outside mall entry doors L_{Amax}
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 2×10^{-5} Pa at 1m outside mall entry doors L_{Aeq} (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.

2.23. PROPOSED CONDITION FOR THE BRIDGE LEASE

The response from Council suggested that additional some additional conditions would be required. The Applicant seeks to make some minor amendments to these Conditions.

New Condition for the Bridge

The applicant shall enter in to a suitable lease with Council for the **new stratum lot** airspace above Smidmore Street under Section 149 of the Roads Act, 1993 to allow for the overhead bridge structure(s) over Smidmore Street. The lease must be in place before the issue of the Occupation Certificate for Stage 1B of the development.

2.24. PROPOSED PAID PARKING CONDITION

Prior to the installation operation of the paid parking scheme infrastructure the Principal Certifying Authority ~~must be satisfied that approval~~ **must be** ~~has been~~ obtained from Inner West Council for the operation of paid parking scheme **under Section 68 of the Local Government Act 1993**. ~~If approval has not been obtained, the infrastructure such as boom gates, ticketing and payment machines etc.~~

2.25. PROPOSED RMS CONDITION

The consultation response letter from NSW RMS dated 20th July 2018 suggests that the Applicant should be required to prepare a road safety audit of the proposed access on Edinburgh Road.

The Applicant wishes to make a slight amendment to this to such that the timing refers to the Construction Certificate for the roadworks, given that is the stage to which this requirement relates.

Road Safety Audit Condition

Subject to any approval provided by DP&E, the Applicant should be required to prepare a road safety audit (detailed design stage) of the proposed access on Edinburgh Road (between Smidmore Road and Sydney Steel Road), the permissible movements and its interactions with movements at adjacent intersections (Edinburgh Road with Smidmore Road and Edinburgh Road with Sydney Steel Road).

The findings should be presented to Council for review. Any unacceptable road safety deficiencies, particularly relating to movements to/from the mentioned access point, should be addressed via a corrective action program, to the satisfaction of Council, prior to construction.

The abovementioned requirements must be satisfied prior to issue of **the relevant** Construction Certificate **for the roadworks**.

3. SUMMARY AND CONCLUSION

In summary, this Report has been prepared by Urbis on behalf of the Applicant to provide a final response to the matters raised by Council, and to update the proposed conditions into a consolidated list for assessment by the Department of Planning and Environment.

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.

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.

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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

LETTER FROM MARSHALL DAY

APPENDIX B UPDATED ARCHITECTS PLANS



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