



Marrickville Metro

**Modification of
Concept Approval
(MP09_0191 MOD6)**



October 2018

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Cover photo

Perspective view looking west along Edinburgh Road towards the development (Source: Applicant's EA)

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Glossary

Abbreviation	Definition
Austrroads	Association of Australasian road transport and traffic agencies
Concept approval / concept plan	Approved concept plan for the redevelopment of the site (MP 09_0191)
Council	Inner West Council
CPTMP	Construction Pedestrian and Traffic Management Plan
CTMP	Construction Traffic Management Plan
Department	Department of Planning and Environment
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
ESD	Ecologically Sustainable Development
GFA	Gross floor area
ICNG	Interim Construction Noise Guideline 2009
LEP	Marrickville Local Area Plan 2011
MDCP 2012	Marrickville Development Control Plan 2012
Minister	Minister for Planning
Planning Secretary	Secretary of the Department of Planning and Environment
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
TfNSW	Transport for New South Wales



Executive Summary

AMP Capital Investors (the Proponent) seeks approval to modify the concept approval (MP09_0191) for the Marrickville Metro.

This 75W modification request seeks approval for internal and external amendments to the two buildings, a new pedestrian bridge across Smidmore Street linking both sites and realignment of Smidmore Street and public domain landscaping. The proposal also seeks approval for the extension of operating hours for several retail tenancies, redistribution of gross floor area (GFA) and parking spaces, introduction of paid parking, introduction of signage and art zones and the ability to undertake a range of minor works without further approval.

Engagement

The Department publicly exhibited the modification request between 14 November 2017 and 13 December 2017 (30 days) and received advice from three government agencies and submissions from Inner West Council (Council) and 14 members of the general public, including 9 objections.

Council did not object to the proposal but raised issues about trees, paid car parking and hours of operation. No government agencies objected but provided general comments about traffic, access and road safety.

Public submissions raised concerns about parking, traffic congestion, hours of operation and construction impacts.

Assessment

The modified design of the Edinburgh Road building presents a well-considered and contextually appropriate architectural response to the locality. The creation of the open colonnade within the retained brick façade will activate Smidmore Street and with the enlargement of the landscaped shared zone, contribute to an enhanced and more activated streetscape. The increased building height resulting from the additional car parking level is minimal and would not have an adverse impact on amenity in terms of overshadowing.

The principle of paid parking at the site is supported, however is subject to Council approval under section 68 of the *Local Government Act 1993* and is therefore not recommended to be approved as part of this modification.

The proposal would not result in harm to residential amenity. The proposed extended opening hours for Smidmore Street retail tenancies will be subject to a trial period of 24 months, with extension of hours for any future pubs, small bars or restaurants with over 50 seats, subject to further approval, which is secured through an appropriate condition.

The proposal would not result in adverse traffic or car parking impacts. The design of the shared zone and proposed Loading Dock Management Plan (DMP) are considered sufficient to mitigate potential conflict between vehicles and pedestrians on Smidmore Street. The Department is satisfied that traffic and access can be appropriately managed and supports the principal of the proposed right turn entry into the Edinburgh Road car park, subject to the submission of a road safety audit which is secured by condition.

The replacement of the Lemon Scented Gum Trees on Smidmore Street in accordance with the Marrickville Street Tree Master Plan 2014 (MSTMP) is supported and provides an opportunity to substitute more appropriate mature species in improved conditions in line with Council's adopted policy, enhancing biodiversity and uniformity of the streetscape. The Department does not support the proposed removal of trees C, D and E at this stage of the development, which will be subject to consideration by the Local Area Traffic committee as part of the separate application for upgrades to the roundabout at Edinburgh Road and Railway Parade.

The proposed schedule of minor works, which will be undertaken without the need for further approval is reasonable, as the works are wholly contained within the site, clearly defined and of minimal environmental impact.

The amendments to the concept approval conditions are administrative in nature and acceptable.

The Department has also considered other issues including signage and art zones, lighting and construction management and is satisfied the impacts are minor and have been satisfactorily addressed within the application and the Department's recommended conditions.

Summary

The Department considers the proposed modification to be appropriate as it seeks to improve retail floorspace in a central location well served by public transport, including the creation of a vibrant and walkable main street destination with significant public realm improvements. This is consistent with directions and actions in the Greater Sydney Region Plan and Eastern City District Plan which encourage protection and expansion of retail floorspace in existing centres and prioritise people-friendly public realm as a central design principle. The site has sufficient capacity to accommodate the use without causing adverse impacts on the immediate surrounding area.

The Department considers the proposal would result in benefits to the State of NSW and the local community and is therefore in the public interest and is approvable.



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1. Introduction

This report provides an assessment of proposed modifications to the concept plan for the expansion of the Marrickville Metro Shopping Centre at 34 Victoria Road and 13-55 Edinburgh Road, Marrickville (MP 09_0191), pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

This modification application seeks approval for internal and external amendments to the two buildings, a new pedestrian bridge across Smidmore Street linking both sites, and the realignment of Smidmore Street and public domain landscaping. The proposal also seeks approval for the extension of operating hours for several retail tenancies, redistribution of gross floor area (GFA) and parking spaces, introduction of paid parking and the introduction of signage and art zones.

The application has been lodged by Marrickville Metro Pty Ltd as trustee of the Marrickville Metro Trust (the Owner) and AMP Capital Investors (AMP Capital) (the Proponent). The site is located within the Inner West local government area (LGA).

1.1 Background

The site is the Marrickville Metro Shopping Centre and comprises two parcels of land being 34 Victoria Road and 13-55 Edinburgh Road. It is located approximately 8 km south-west of the Sydney Central Business District (CBD) and approximately 2.5 km from Marrickville Railway Station, 1.1 km south of St Peters Railway Station and 1.6 km north of Sydenham Railway Station.

Several bus routes pass along Victoria Road and Smidmore Street and connect to local centres, services and railway stations. (**Figure 1**).



Figure 1 | The concept approval site location (outlined in red) (Base source: Six Maps)

The Victoria Road site is approximately 3.5 hectares in size and fronts Victoria Road to the north, Murray Street to the east and Smidmore Street to the south and is adjacent to residential properties fronting

Bourne Street to the west (**Figure 2**). The Marrickville Metro Shopping Centre currently occupies the Victoria Road site and comprises 28,925 m² of retail GFA. Retail floor space is provided at ground level with rooftop car parking above (1,018 spaces). The site is accessed via Smidmore Street with loading facilities located at the south-western and north-western corners of the site.

The Edinburgh Road site is approximately 0.88 hectares, and fronts Edinburgh Road to the south, Murray Street to the east, and Smidmore Street to the north. An industrial warehouse building with ancillary structures and car parking currently occupies the site. Site access is principally via Smidmore Street and loading facilities are located on both the Smidmore Street and Murray Street frontages of the building.

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



Figure 2 | Aerial view of the site showing the 2 sites of the concept approval area (shaded blue), and the surrounding context (Base source: Nearmap)

1.2 Approval History

1.2.1 Concept plan approval (MP 09_0191)

On 19 March 2012, the former Planning Assessment Commission (the Commission) approved the concept plan (MP 09_0191) for the expansion of the Marrickville Metro Shopping Centre, including:

- demolition of existing warehouse buildings and associated structures on the Edinburgh Road site
- refurbishment and construction of a first-floor addition to the existing shopping centre building on the Victoria Road site and construction of a new building with two levels of retail on the Edinburgh Road site (total additional 21,780 m² GFA)

- 528 additional car parking spaces (total of 1,628 spaces) in two levels of roof top parking over both buildings
- staging of development, with Stage 1 being the Edinburgh Road site and the south-east corner of the Victoria Road site and Stage 2 being the remainder of the Victoria Road site.

The concept approval was approved at project detail, subject to conditions. No future environmental assessment requirements were imposed pursuant to Section 75P(1)(c) of the EP&A Act. This approval includes a condition requiring a minimum of three-years between the occupation of Stages 1 and 2.

1.2.2 Modifications to the concept approval

The concept approval has been previously modified on four occasions and a further modification (MOD 4) has not progressed (**Table 1**).

Table 1 | Summary of modifications to the concept approval

Modification no.	Description of Development	Approval Date
1	<ul style="list-style-type: none"> • Internal and external amendments to the Edinburgh Road site and reduction in car parking from 1,628 to 1,606 spaces across both sites. 	16 April 2013
2	<ul style="list-style-type: none"> • Modification to introduce an early works stage (Stage 1A) for works to the northern part of the Victoria Road Site (Figure 3). 	23 April 2015
3	<ul style="list-style-type: none"> • Modification to amend requirements for deliveries to the Victoria Road site. 	11 February 2016
4	<ul style="list-style-type: none"> • This modification did not proceed. 	Withdrawn
5	<ul style="list-style-type: none"> • Modification to defer the execution of the Voluntary Planning Agreement (VPA) with Council until Stage 1B. 	27 July 2017

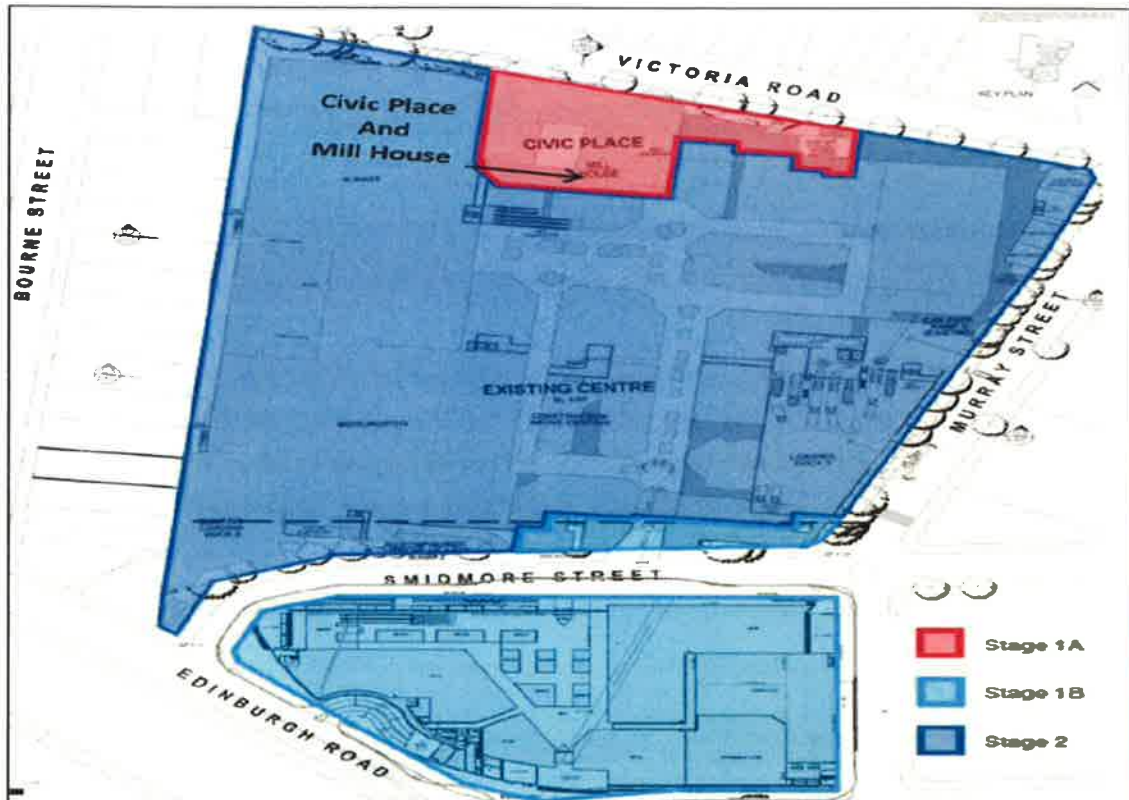


Figure 3 | Approved development stages: 1A (pink- completed) 1B (light blue) and 2 (dark blue) (Base source: Proponent's EA)



2. Proposed Modification

2.1 Description of proposed modification

On 7 November 2017, the Proponent lodged a request to modify the current approval under section 75W of the EP&A Act (MP 09_0191 MOD 6).

The proposed modification predominantly relates to the Edinburgh Road site (Stage 1B), although it also proposes redistribution of GFA and car parking from the Victoria Road site (Stage 2). The key components and features of the modification as proposed in the Proponent's EA are shown in **Table 2**. **Appendix A** contains a link to the Applicant's modification request, application documents and response to submissions (RtS).

Both the approved and proposed elevations and layout are illustrated in **Figures 4-10**.

Table 2 | Main components of the modification to the concept approval

Key Modification Components

Component	Description
Internal and external changes	<ul style="list-style-type: none">Extension of the Edinburgh Road building footprint to the north and west (Figure 4).Erection of a new pedestrian bridge at first floor level linking both sites.Addition of a car parking level on the Edinburgh Road site.Conversion of the approved 'specialty retail' at the north-east corner of the site, to plant and equipment (reduction of 1,201 m² GFA).Redistribute 1,661 m² of approved GFA from the Victoria Road site to the Edinburgh Road site.Reconfigure the internal circulation, retail layout and extension of retail space at the western edge of the Edinburgh Road building at ground, first and second floor level (Figure 4).Revised elevational design, appearance and materials.
Hours of operation	<ul style="list-style-type: none">Extension of the approved trading hours for retail tenancies fronting Smidmore Street from 7 am to 10 pm, to 7 am to 12 midnight, 7 days per week.
Access and public domain	<ul style="list-style-type: none">Realign Smidmore Street to one-way, with associated public domain and landscaping changes (Figure 10).Introduce a right turn entry into the new building from Edinburgh Road (Figure 11).
Car Parking	<ul style="list-style-type: none">Increase parking at the Edinburgh Road site from 411 to 493 spaces (site approved car parking spaces remains 1,606).Introduce paid parking at the Edinburgh Road site.
Signage and Public Art	<ul style="list-style-type: none">Business identification signage zones to all elevations of the Edinburgh Road Building.Public art zones to the Smidmore Street, Murray Street and Edinburgh Road Elevations of the Edinburgh Road building.

Conditions

- Amend Condition E22 to remove the requirement for road upgrades to Bedwin Road, May Street, Campbell Street and Unwin's Bridge Road.
- Delete Condition E9 removing the requirement to splay the corners of the building at Smidmore/ Murray Streets and Murray Street/ Edinburgh Road
- Amend condition B19 to refer to a minimum, rather than maximum number of car parking spaces



Figure 4 | Smidmore Street: approved north elevation (top) proposed north elevation (bottom) (Source: Proponent's architectural plans)

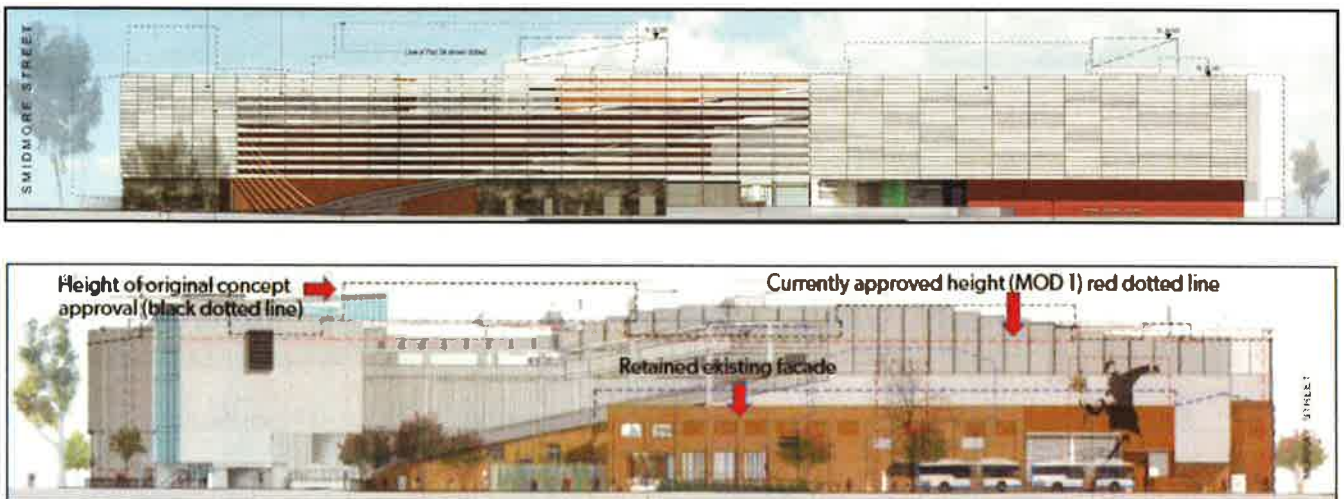


Figure 5 | Edinburgh Road approved south elevation (top) proposed south elevation (bottom) (Source: Proponent's architectural plans).

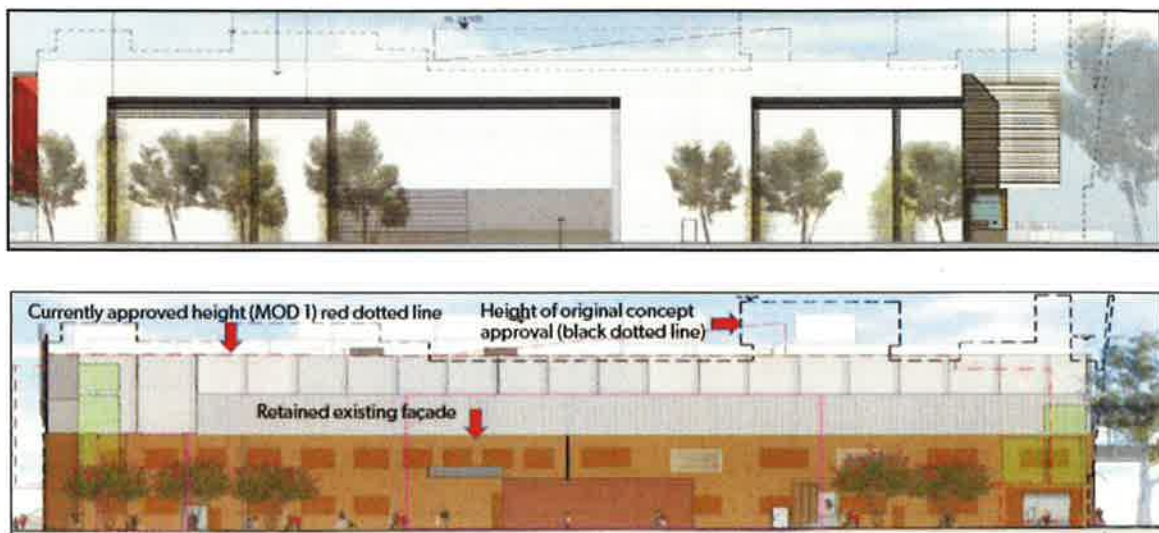


Figure 6 | Murray Street: approved east elevation (top) proposed east elevation (bottom) (Source: Proponent's architectural plans).

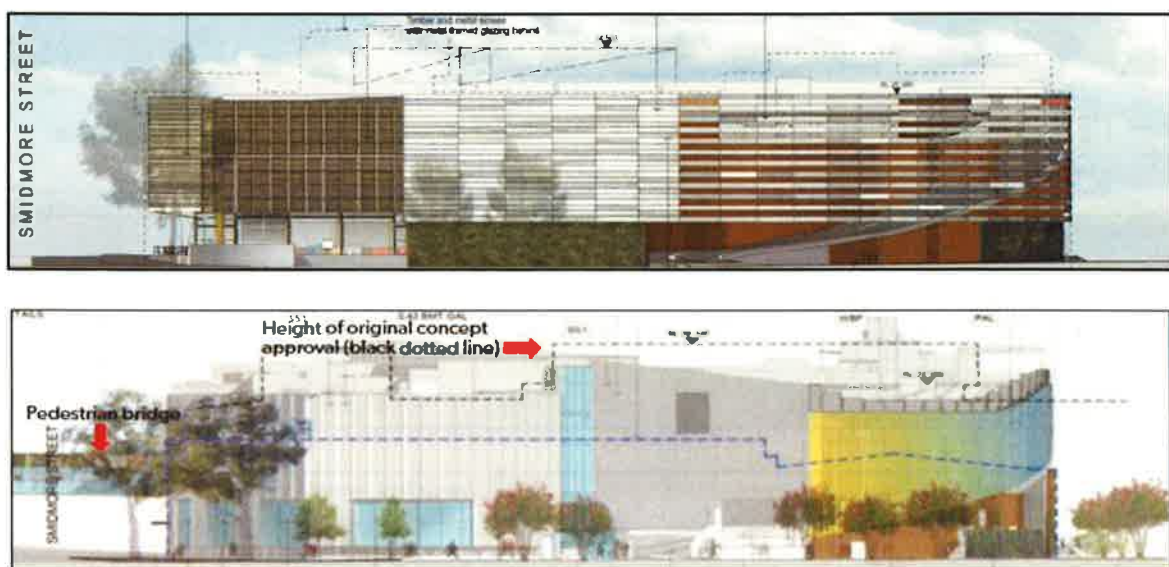
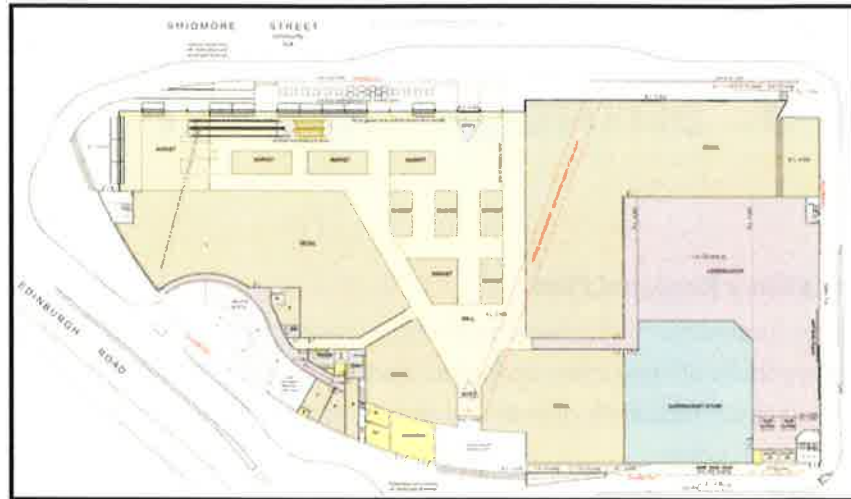


Figure 7 | Edinburgh Road: approved west elevation (top) proposed west elevation (bottom) (Source: Proponent's architectural plans).



Figures 8 | Approved ground floor layout (top) proposed ground floor layout (bottom)
(Source: Proponent's EA).



Figure 9 | Proposed Smidmore Street layout (Source: Proponent's architectural plans).



3. Strategic Context

3.1 Greater Sydney Regional Plan

The Greater Sydney Commission (GSC) has prepared The Greater Sydney Region Plan to provide a 40-year vision for a metropolis of three cities; an Eastern Harbour City, the Western Parkland City and the Central River City, that will rebalance growth and deliver its benefits more equally and equitably to residents across Greater Sydney.

The proposed modification is consistent with the Greater Sydney Region Plan as it supports productivity through the growth in jobs and retail floorspace within the Eastern Harbour City.

3.2 Eastern City District Plan

The GSC's role is to coordinate and align planning to shape the future of Metropolitan Sydney. The GSC has prepared District Plans to implement the Regional Plan through local council planning and influence decisions of state agencies. The aim of the District plans is to connect local planning with the longer-term metropolitan planning for Greater Sydney.

The site is located within the Eastern City District area. The proposed modification is consistent with the relevant priorities of the Eastern City District Plan as it seeks to protect and enhance retail floorspace in an existing local centre, and prioritises a people friendly public realm as a central design principle, in accordance with Planning Priorities E4: Fostering healthy, creative, culturally rich and socially connected communities and E6: Creating and renewing great places and local centres and respecting the district's heritage.



4. Statutory Context

4.1 Continuing operation of Part 3A to modify concept approvals

The concept plan was originally approved under Part 3A of the EP&A Act. The application is a transitional Part 3A project under Schedule 2 to the *Environmental Planning & Assessment (Savings, Transitional and Other Provisions) Regulation 2017* (ST&OP Regulation). The power to modify transitional Part 3A projects under section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011 is being wound up, but as the modification request was made before the 'cut off' 1 March 2018, the provisions of Schedule 2 (clause 3) continue to apply.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) can be satisfied that the concept plan may be modified under section 75W of the EP&A Act.

Section 75W of the EP&A Act provides that a Proponent may request the minister to modify the Minister's approval for a project.

4.2 Consent Authority

The Minister for Planning is the consent authority for the application under section 4.5 (a) of the Act.

Minister's delegate as consent authority

The Executive Director, Key Sites and Industry Assessments may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are less than 25 public submissions in the nature of objections.

4.3 Environmental Planning Instruments

The following Environmental Planning Instruments (EPIs) apply to the proposed modification:

- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)
- Draft State Environmental Planning Policy (Remediation of Land)
- Marrickville Local Environmental Plan 2011 (LEP).

The Department has considered the proposed modification against the relevant provisions of the instruments. Based on this assessment, the Department is satisfied the proposed modification can be carried out in a manner that is consistent with the aims, objectives and provisions of these instruments.

4.4 Ecologically sustainable development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires

the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle,
- inter-generational equity,
- conservation of biological diversity and ecological integrity,
- improved valuation, pricing and incentive mechanisms.

The Department considers the proposal represents a sustainable use of the site, as it proposes improvements and enhancements to the approved retail floorspace within an established urban area with good access to public transport.

4.5 Objects of the EP&A Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.



5. Engagement

5.1 Department's Engagement

The section 75W modification application was publicly notified in accordance with Section 75 x (2) (f) of the *Environmental Planning & Assessment Act 1978*. It was exhibited from 14 November 2017 until 13 December 2017 (30 days). The application was exhibited on the Department's website, at the NSW Service Centre and at the Inner West Council's office.

The Department placed a public exhibition notice in the Inner West Courier on 14 November 2017 and notified adjoining landholders and relevant State and local government authorities in writing.

5.2 Summary of Submissions

The Department received 18 submissions, including one from Council, advice from three government agencies and 14 submissions from the public. A summary of the issues raised in the submissions is provided below. Copies of the submissions may be viewed at **Appendix B**.

Table 3 | Summary of submissions

Submitters	Number	Position
Government Agency	3	
• Transport for NSW (TfNSW)	✓	
• Road and Maritime Services (RMS)	✓	Comment
• NSW Police	✓	
Council	1	Comment
Community	14	9 Object 3 Support 2 Comment
TOTAL	18	

5.3 Key issues - Government agencies

Table 4 | Government agency advice

TfNSW

TfNSW did not object to the modification and provided comments in relation to:

- Smidmore Street design should delineate the vehicle pathway within the public domain shared zone
- the Proponent should provide swept path analysis demonstrating the proposed road configuration on Smidmore Street can accommodate the community bus service
- require information on the proposed operation and access of the loading dock from Smidmore Street
- require a signage and road marking plan to notify pedestrians of the shared nature of the public domain
- require a Construction Pedestrian and Traffic Management Plan (CPTMP) addressing demolition and construction impacts.

RMS

RMS did not object to the modification and provided comments in relation to:

- separate right-turn bays should be provided for each movement for the new right turn access on Edinburgh Road subject to satisfactory analysis demonstrating safety of the right turn
- the proponent should provide traffic modelling for Thursday and Saturday peak hours, for review by RMS.

NSW Police

NSW Police did not object to the modification and provided comments in relation to:

- CCTV coverage of entry and exits of car park need to be further considered, with number plate recognition
- recommend graffiti resistant paint on external walls and CCTV coverage of the perimeter of the building
- a dedicated 'Emergency Services' parking spot situated in Smidmore Street would be advantageous

5.4 Key issues – Council

Council did not object to the concept modification and provided comments on design, opening hours, public realm, access and pedestrian safety. A summary of Council comments is provided in **Table 5**.

Table 5 | Council submissions to the exhibition of the modification

Council comments

Council does not object to the modification and has provided the following comments:

- support for the improved design and materiality of the building
- extended opening hours, signage and paid parking should be considered by Council in future development applications
- removal and pruning of trees and tree retention/replacement strategy
- safety of the right turn into the Edinburgh Road car park entrance (including impacts of queuing)
- deletion of the 'splay' corners

- concern about the inclusion of the words “up to” before the parking numbers in the relevant condition
- safety of revised Smidmore Street design and layout and conflict between pedestrians and loading vehicles
- impact arising from relocation of the bus and taxi rank to Edinburgh Road
- space for emergency vehicle parking
- signage/indicators for people with disabilities on Smidmore Street
- provision of seating and shade to Smidmore Street bus stop.

5.5 Key issues – Community

A total of 14 public submissions were received in response to the exhibition comprised of nine objections, two comments and three supporting the proposal. The key issues raised in submissions are summarised in **Table 6**.

Table 6 | Public submissions to the exhibition of the modification

Public Submission	Percentage
Objections and Comments	
Parking and road congestion	44.4%
Cumulative traffic impacts from surrounding construction	33.3%
Safety of surrounding intersections for pedestrians and vehicles	33.3%
Impacts of extended opening hours including noise, vehicle movements and crime	11.1%
Consideration of cyclists and pedestrians	11.1%
More public transport should be made available	11.1%
Application should be determined by Council	11.1%
Support	
Will activate and improve streetscape and precinct	66.6%
Centre needs a makeover	33.3%

5.6 Response to Submissions

Following the exhibition of the application the Department placed copies of all submissions received on its website and requested the Proponent provide a response to the issues raised in submissions.

On 21 June 2018, the Proponent provided a Response to Submissions (RtS) (**Appendix A**) which provided additional information and justification on the issues raised during the exhibition, including in relation to traffic and pedestrian safety, car parking and noise impacts. The proposal was also amended as follows:

- materials changed (from perforated metal to vertical seam cladding) at upper levels on the Murray Street elevation

- removal of brick piers and extended openings in brickwork and introduction of green wall to Smidmore Street south elevation, introduction of green wall to Smidmore Street north elevation.
- additional awning to the west of the main entrance on Smidmore Street and removal of awnings on the Edinburgh Road frontage
- extended bus shelter to Edinburgh Road frontage and new taxi shelter to Smidmore Street
- introduction of rooftop car park lighting
- emergency vehicle space provided on Smidmore Street
- removal of dog parking area from footpath
- stratum subdivision of the pedestrian bridge across Smidmore Street
- change the requirement to achieve 4-star NABERS Energy and Water rating to not include the fit out of individual units (Condition B44)
- Loading Dock Management Plan (DMP).

The RtS was made publicly available on the Department's website and referred to Council and relevant government agencies. A submission was received from Council, and further advice was received from TfNSW and RMS. A summary of the issues raised in the submissions is provided at **Table 7** and copies of the submissions may be viewed at **Appendix C**. No public submissions were received.

Table 7 | Summary of submissions to the RtS

Council

Council provided comments in relation to:

- concern over safety of single access to Edinburgh Road carpark and the right turn from Edinburgh Road
- impacts of paid car parking on centre employees and on-street parking pressure
- tree pruning due to impact on existing trees
- concern over removal of splay corners condition

Council raised the following new issues:

- onsite car parking should be increased to compensate for the loss of on-street car parking spaces
- details of bus shelter shade provision should be provided
- landscaping design detail, including seating location and bollard design should be submitted

Council also provided conditions relating to paid car parking, noise mitigation for extended opening hours, and tree replacement.

TfNSW

TfNSW considered the RtS and confirmed it had no further comments to make.

RMS

RMS recommended a road safety audit of the Edinburgh Road car park access be secured by condition.

5.7 Supplementary information and amendments

On 21 August 2018, the Proponent provided supplementary information (**Appendix A**) including additional information in relation to opening hours and noise, tree replacement and car parking, and proposed a new minor works condition to enable a range of minor works to be undertaken to the building without the need for further approval. The Department placed copies of the supplementary information on its website. No submissions were received in response to this.



6. Assessment

6.1 Key assessment issues

The Department considers the key assessment issues are:

- internal and external changes
- traffic access and parking
- impact to trees
- hours of operation.

Each of these issues is discussed in the following sections of this report. Other issues were taken into consideration during the assessment of the application and are discussed at **Section 7**.

6.2 Internal and external changes

Built form was a key component of the Department's original assessment, with the proposed height, massing, layout and detailed design considered to be appropriate for the location and context.

No change is proposed to the approved overall GFA however the proposal seeks to redistribute 1,661m² GFA from the Victoria Road site to the Edinburgh Road site. This results from the conversion of retail floorspace to outdoor seating adjacent to the Victoria Road entrance; and to plant and equipment on the corner of Victoria Road and Murray Street. These changes accord with the requirements of the original concept approval which precludes street facing shopfronts in these locations due to their proximity to neighbouring residential uses.

With respect to floorspace layout, the modification proposes the following reconfiguration and expansion:

Table 8 | Internal and external changes

Edinburgh Road Site

- reconfiguration of the approved 'market hall' and large retail tenancy at the eastern end of Smidmore Street, to a series of smaller tenancy units opening out onto a new colonnade
- reconfiguration and extension of retail space at first floor level
- additional retail space at the western edge of the building and reconfiguration of the car park at second floor level
- insertion of a new car parking level above Level 2
- erection of a pedestrian bridge spanning Smidmore Street linking both sites at first floor level
- realignment of the Smidmore Street façade to the site boundary and extension of the building westwards an additional 10 metres on the corner of Smidmore Street and Edinburgh Road
- minor amendments to the existing shopping centre entrance on the northern side of Smidmore Street including new outdoor seating and façade alterations.

Victoria Road site

- Conversion of approved 'specialty retail' at ground floor to the north-east corner of the existing centre on Victoria Road to plant and equipment rooms
- Minor amendments to the Smidmore Street frontage to create an outdoor seating area adjacent to the existing entrance.

The Department considers the key issues relate to:

- Building footprint and internal layout
- Height
- Building design /appearance

These are considered separately below.

6.2.1 Building footprint and internal layout

The approved Edinburgh Road building footprint is set back 3.5 m from the site boundary along the eastern end of Smidmore Street, 5 m along the western end of Smidmore Street, and between 5m and 9 m on the corner of Smidmore Street and Edinburgh Road.

As a result of retaining the brick façade of the existing industrial building and extending the new colonnade through the remainder of the Smidmore Street frontage, the proposed modification extends the approved footprint to the boundary on Smidmore Street and Edinburgh Road (**Figure 8**). This approach retains the dominant building edge along Smidmore Street which is considered an appropriate design response to the industrial context of the site.

The Department considers the retention of the existing façade and creation of the colonnade served by smaller retail tenancies, to be a significant enhancement to the proposed building design which will facilitate the improved activation of Smidmore Street. Furthermore, the proposed internal reconfiguration would improve circulation within the building, enhancing north/south permeability between Edinburgh Road and Smidmore Street and strengthen connections to the Victoria Road site.

The Department notes that Council is supportive of the proposed changes to the building layout and internal changes, however raised concerns about the impact of the extended building footprint upon the appearance and viability of trees 75 – 84 on Smidmore Street.

As discussed in **Section 6.4** below, the replacement of the existing street trees on the southern side of Smidmore Street in accordance with the Marrickville Street Tree Masterplan 2014 is considered acceptable. For this reason and given the positive urban design outcomes from retaining and reinforcing the dominant building edge, the Department considers that the setting back of the building to accommodate the existing trees is not warranted.

Splay Corners

Condition E9 of the concept approval requires the creation of 3x3 m splay corners at the north-east and south-east corners of the site (Smidmore Street and Murray Street and Murray Street and Edinburgh Road). The condition was recommended by Council and is based on the Marrickville Development Control Plan 2011 (MDCP) requirement to provide splays for road widening purposes, and to improve

sight lines at intersections for vehicles, pedestrians and cyclists. The modification proposes removal of this condition to allow for the retention of the façade of the existing industrial building on these corners.

Neither RMS nor TfNSW raised issues with the removal of this condition, however Council considers that the requirement to provide splay corners should be retained to improve sightlines and provide additional footpath width.

The Proponent contends that retention of the existing building facade precludes the creation of splays on these corners. Furthermore, the Proponent considers that the existing splay on the corner of Edinburgh Road/Murray Street is compliant with Austroads standards and that the conversion of Smidmore Street to one-way and increased footpath width on the corner of Smidmore/Murray Street would ensure sufficient visibility for pedestrians on this corner.

With respect to the Edinburgh Road/Murray Street corner, the Department notes the existing building setback provides for a 2.4 m x 2.4 m splay which allows for vehicle and pedestrian sightlines in compliance with Austroads standards. The proposal also includes the removal of existing electrical infrastructure, signage and fencing on this corner which would result in improved sightlines compared with the current arrangement.

The change to single lane one-way traffic on Smidmore Street results in the narrowing of the road at the corner with Murray Street, with a corresponding increase in footpath width. The Department notes that the widening of the footpath and the proposed colonnade openings to the existing solid brick façade would also improve sightlines when compared with the current arrangement on site.

The Department has carefully considered the Proponent's justification and the Council's comments and supports the proposal as:

- the retention of the existing industrial facade is considered a significant positive element of the proposed scheme
- the proposal includes the widening of footpaths and the removal of redundant street furniture improving sightlines compared to the existing situation
- the proposal provides a 2.4 m x 2.4 m viewing splay on the corner of Edinburgh Road and Murray Street which allows for vehicle and pedestrian sightlines in compliance with Austroads standards
- the proposal includes the opening of the existing facades on the corner of Smidmore Street and Murray Street creating additional visual permeability on this corner and improving existing sightlines.

The Department therefore considers the requirement to provide 3m x 3m splay corners in locations where the existing building footprint is retained, is unreasonable and supports the deletion of this condition.

6.2.2 Height

The concept approval allows for a new building with a maximum parapet height of 15.6 m (RL 21.5) and a total height of 21.2 m (RL 24.5) including roof structures/plant enclosures. The modification proposes variations in height, ranging between 14.8m (RL 20.7) to the parapet on Smidmore Street, up to 16.09m (RL 20.7) where the slight slopes away to Murray Street, and up to 16.7m (RL 21.3) to the parapet on

Edinburgh Road. The proposed height variations also include reductions compared with the approved scheme as shown in **Figures 10 - 12**. A comparison of the approved and proposed building height is shown at **Table 9**.

Table 9 | Approved and proposed building heights

Elevation	Concept approval		Approved (MOD 1)		Proposed (Mod 6)			Change from approved
	Parapet height	Roof /plant Structures	Parapet Height	Roof / Plant structures	Parapet height	Car parking	Roof Structures	
Smidmore Street (north)	RL 20.6		RL 20.3		RL 20.7			+0.4
Edinburgh Road (south-west)	RL 20.6	RL26.4	RL 20.3	RL24.5	RL 21.3	RL 22.3	RL 26.7	+2.2
Murray Street (east)	RI 20.6		RL 21.5		RL 20.7			-0.8



Figure 10 | Proposed north elevation (Smidmore Street) showing the height of the original concept approval (black dotted line) and the current approved height (MOD 1) (red dotted line) (Source: Proponent's EA)

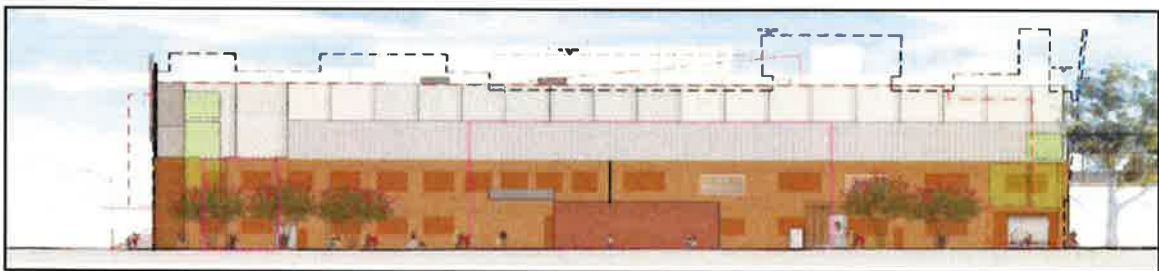


Figure 11 | Proposed south elevation (Murray Street) showing the height of the original concept approval (black dotted line) and the current approved height (MOD 1) (red dotted line) (Source: Proponent's EA)

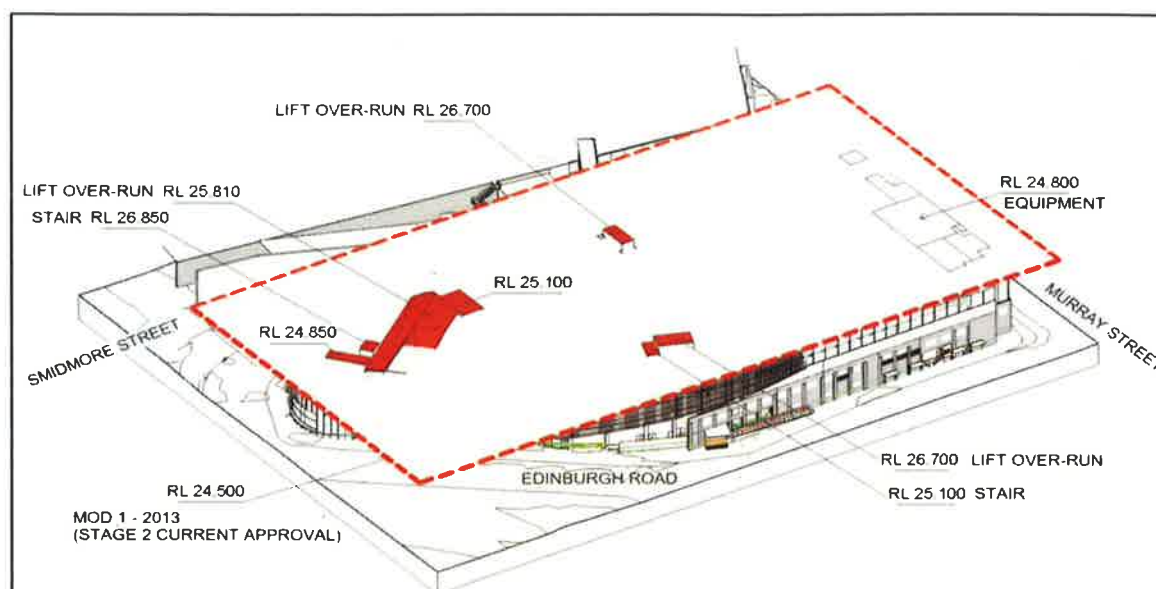


Figure 12 | Roof Structures height comparison illustrating maximum height of the original concept approval (red dotted line) and proposed height (red) (Source: Proponent's EA)

The Department notes that the Marrickville Local Environmental Plan 2011 (MLEP) does not impose height restrictions on the Edinburgh Road site and the Council raises no objection to the change in building height. The Department considers that the proposed alterations to the approved building height are minor in nature when compared to the approved scheme noting that:

- height increases largely result from the introduction of the new car park level which is setback from all frontages and will not be readily visible in views from street level
- the site is not surrounded by sensitive land uses and faces onto the existing shopping centre and/or surrounding industrial uses
- the increased height will have no additional overshadowing impact to residential properties
- the revised building design and façade treatment is an improvement on the approved design.

The Department therefore considers that the proposed height variations are acceptable.

6.2.3 Building design/appearance

The modification proposes to revise the overall design and appearance of the Edinburgh Road building (refer to **Figures 4 to 7**). The redesigned building seeks to acknowledge its immediate industrial context and references this character to better integrate with the existing urban fabric. Key changes include:

- retention of the brick façade of the existing industrial building on Smidmore Street, Murray Street and Edinburgh Road elevations with new openings cut into the Smidmore Street façade, creating an open colonnade
- use of steel cladding with varying degrees of opacity and articulation at upper levels above the existing brickwork with standing seam panels to the western end of the building
- a lightweight concealed truss suspending the new pedestrian bridge, incorporating light coloured paneling and mirrored surfaces to reflect surrounding street trees

- incorporation of public art zones to Smidmore Street, Murray Street and Edinburgh Road elevations.

The Council have raised no objection to the revised design/appearance of the building façade.

The Department considers the revised design of the building presents as a more contextual and historically respectful integration of the proposal into its surroundings. By incorporating the existing brickwork into the colonnade design, this element retains an established character which contributes to an enhanced sense of place and streetscape atmosphere on Smidmore Street. The proposed use of steel with its variety of form and articulation will also complement the established form and patina of the brickwork, and together these materials are considered to offer a richer and more characterful architectural response than the approved concept plan.

The Department considers the proposed facade design and the appearance of the building represents an improvement on the approved scheme and is therefore acceptable.

6.3 Traffic access and parking

6.3.1 Traffic

The impact of traffic generated by the development was a key consideration of the Department's original assessment of the concept plan. The site is located within a residential and industrial area and is accessed from local and collector streets, rather than regional or sub-arterial higher order roads. The road and intersection capacity of the local road network is therefore limited.

The concept approval allows a total of 1,606 car parking spaces and includes conditions to manage traffic impacts through road infrastructure upgrades, including:

- the intersection of Edinburgh Road and Railway Parade
- prohibiting right turns from Victoria Road into Edgeware Road
- parking restrictions at key intersections surrounding the site during peak periods.

The proposed modification is supported by a Transport Assessment (TA) which considers the potential traffic and car parking impacts of the modified proposal on the surrounding area. The TA confirms that the modified development would continue to generate 2,422 vehicle trips per hour consistent with the approved scheme, as the overall GFA, on site-car parking provision and traffic generation of the proposal does not change.

6.3.2 Access

The modification proposes a new right turn access to the Edinburgh Road carpark. Whilst it is not proposed to alter vehicular access to the Victoria Road site, with the existing Smidmore Street car parking ramp and loading dock remaining in situ until the commencement of Stage 2 of the development, the proposed modifications to Smidmore Street, the new Edinburgh Road access and changes to local traffic conditions have the potential to result in additional impacts.

The Department considers the key issues with respect to traffic access, to be:

- access to the existing loading dock on Smidmore Street and shared space
- access to the Edinburgh Road car park

These are considered separately below.

Access to Smidmore Street loading dock and shared space

The modification proposes to reduce the road width at the eastern end of Smidmore Street to a one-way west bound lane, with the creation of an enlarged pedestrian shared-zone featuring varied paving, planter boxes, outdoor seating and sculptural bollards. The western end of Smidmore Street will remain two-way, linking to the shopping centre car park via a new mini roundabout in front of the existing entry/exit ramp. (**Figure 13**).

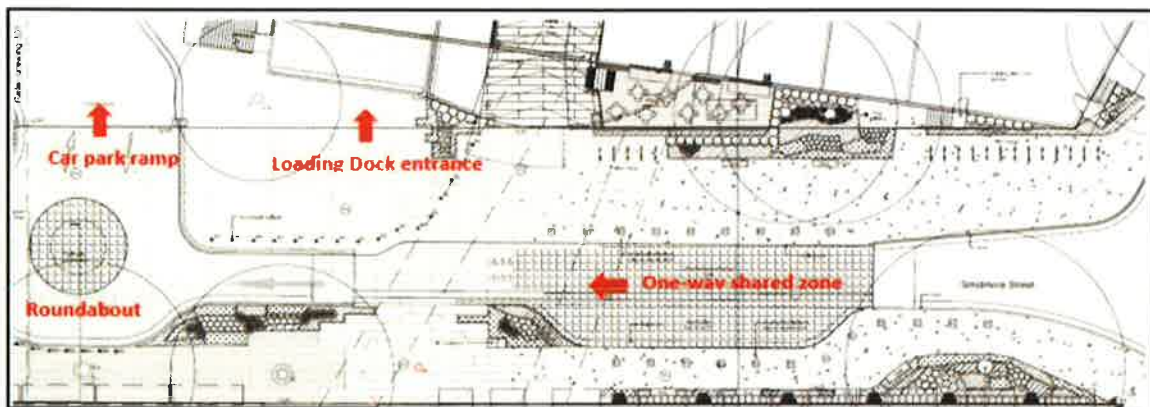


Figure 13 | Proposed Smidmore Street shared zone.

The existing loading dock to the Victoria Road site is located to the east of the proposed mini roundabout and adjacent to the pedestrian shared zone (**Figure 13**). Whilst the concept approval includes the realignment of the car park access ramp and the relocation of the Smidmore Street loading dock to Murray Street, Condition E3 states that Stage 2 works must occur at least three years after the occupation of Stage 1B. As such, the existing loading dock on Smidmore Street is required to service the existing centre in this interim period.

In their submissions both the Council and RMS raised concerns about potential conflicts between pedestrians and service vehicles using the loading dock prior to its relocation.

To mitigate potential conflicts, the modification proposes chain linked bollards and varied pavement specifications around the loading dock entrance. The Proponent's swept path analysis for the loading dock entrance demonstrates that sufficient turning space is available for vehicles up to 7m within this separated space. However, vehicles over 8.8m will require the retraction of bollards to cross into the pedestrian shared zone (**Figure 14**).

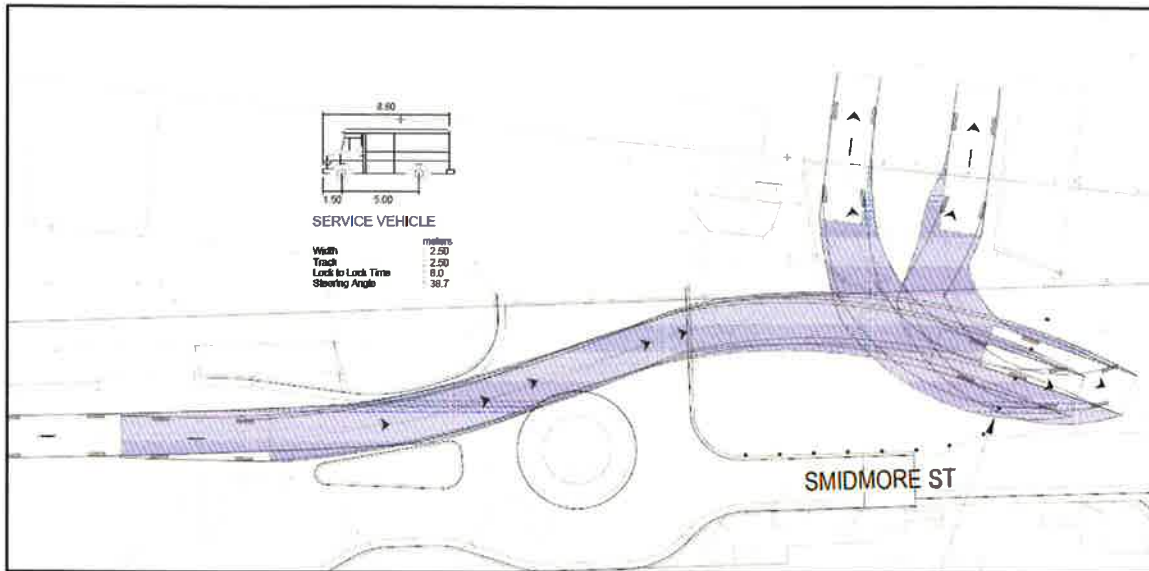


Figure 14 | Swept Path for large vehicle (8.8m) entry and egress of Smidmore Street loading dock illustrating encroachment into pedestrian shared space (source Proponent's RtS)

In response to Council's and RMS's concerns about pedestrian safety, the Proponent provided a Dock Management Plan (DMP) to regulate use of the loading dock until its relocation. The DMP proposes the following measures to minimise pedestrian interaction with delivery vehicles:

- restrict the currently permitted hours of operation of 7:00 am - 7:00 pm to 5:00 am -11:00 am
- schedule larger truck deliveries (over 8.8m) to before 9:00 am (when the Victoria Road centre opens)
- use chain linked bollards separating the dock access from the main pedestrian thoroughfare from 9:00am with deliveries requiring removal of bollards after this time to be supervised by centre security
- restrict all delivery vehicles to approach from Edinburgh Road travelling east along Smidmore Street

The Department acknowledges the need to temporarily retain the Smidmore Street loading dock to service the existing centre prior to its relocation during Stage 2. The Department supports the proposal in this regard noting it is a temporary arrangement, and considers the measures proposed within the DMP reasonable to mitigate potential conflict between vehicles and pedestrians.

Noting the above, the Department supports the enlargement of a shared zone on Smidmore Street and notes that Condition B16 of the original concept approval requires details of the proposed line marking, pedestrian crossing and shared zone for Smidmore Street, be submitted for approval by the Local Area Traffic Committee. The Department considers the appropriate design of the shared space and DMP, will ensure the safety of pedestrians and customers using Smidmore Street until the loading dock is relocated.

Edinburgh Road car park access

The proposal includes changes to the approved vehicular entry from Edinburgh Road to facilitate a right turn access for vehicles travelling west along Edinburgh Road (**Figure 15**). The Proponent contends that

this would reduce traffic using the pedestrian shared zone, on Smidmore Street to access the car park from the west.

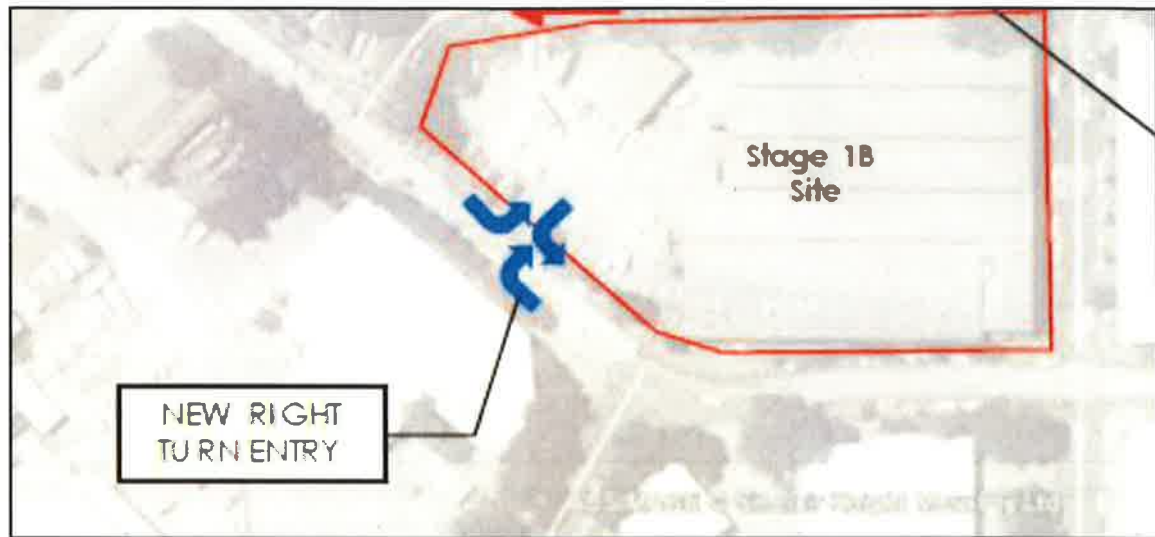


Figure 15 | New right turn into the parking ramp on Edinburgh Road (Source: Proponent's EA)

Both RMS and Council raised concerns about potential road safety impacts, due to the proximity of the proposed right turn to the signalised junction of Edinburgh Road and Smidmore Street.

The TA provided in support of the proposed modification includes traffic modelling indicating that the proposed right turn access would not result in additional queuing on the local road network. In the RtS, the Proponent provided information comparing RMS crash statistics for the period from 2012 to 2016 at sites in Sydney with similar right turn arrangements as that proposed. This crash data illustrates that the recorded rear end crashes at similar right turn arrangements to the proposal, are typical of Sydney and NSW general rear-end crash statistics. The Proponent contends that the right turn access is therefore safe and will not result in increased risk of accidents.

Notwithstanding, Council considers that the right turn access will unnecessarily complicate traffic movements and may lead to confusion and accidents. Council are also in discussions regarding development of the site directly to the south on Edinburgh Road, which may involve changes to Edinburgh Road and Smidmore Street in the future.

RMS recommended that approval of the right turn access be subject to a condition requiring the submission of a road safety audit.

Whilst noting the concerns of Council and RMS and the conclusions and analysis in the TA, the Department is not entirely convinced the submitted crash data is sufficiently conclusive or representative of onsite conditions. The Department considers that while a right turn from Edinburgh Road may be possible in the future, further justification is required before it can be approved. Consistent with the advice of RMS the Department therefore recommends a condition requiring a detailed road safety audit which demonstrates that the access can operate safely. The audit should also include analysis of movements at adjacent intersections including the signalised junction of Smidmore Street and Edinburgh Road.

To address Council's concerns, it is recommended that the road safety audit also consider the cumulative impacts of surrounding development and any planned future road upgrades, so as not to prejudice development at adjoining sites or the operation of the surrounding road network.

The Department supports the enhancement of the shared zone on Smidmore Street and the principle of the right turn access to the Edinburgh Road carpark, on the basis that it would significantly reduce through traffic on Smidmore Street and maintain the integrity of the shared zone. The Department has carefully considered the Proponent's submissions, and the concerns of the Council and RMS and on balance, is satisfied that the principle of the proposed right turn entry is acceptable for the following reasons:

- the access will enhance pedestrian safety and amenity within Smidmore Street by diverting a significant amount of centre traffic away from the one-way shared zone.
- approval will be subject to submission of a road safety audit demonstrating that the access can operate safely without impacting on the surrounding road network, taking account of cumulative effects of surrounding development.

Single entrance/exit point

Council also raised concerns that the single entry/exit point to the Edinburgh Road car park could raise safety issues if evacuation of the site were required, recommending a second entry/exit point or an upper link be provided to the car park on the Victoria Road site.

The Department notes that neither RMS or TfNSW raised an objection to the approved single entrance.

The single entry/exit to the car park was considered as part of the original concept application and considered to be acceptable subject to Condition E24 requiring the installation of electronic message boards at the entrance, identifying the capacity of the car park. Whilst the modification proposes an additional 60 spaces at the Edinburgh Road site compared to the original concept approval (an increase of approximately 12%), the Department considers the increase to be minor and that the display of car park capacity information at the car park entrance will ensure the efficient and safe movement of vehicles.

6.3.3 Parking

Car parking provision

Condition B19 of the concept approval requires a total of 1,606 car parking spaces, be provided, across both sites with a minimum of 411 spaces to be provided at the Edinburgh Road site.

The Proponent proposed to reallocate 82 spaces from the Victoria Road site to the Edinburgh Road site (resulting in 493 spaces at the Edinburgh Road site) and to change the wording of the condition to include the words "up to", to refer to a maximum, rather than minimum number of spaces across both sites. The Proponent contends that it requires flexibility to vary the parking provision and layout during the operational lifespan of the development.

Council did not object to the reallocation of car parking spaces, but it did not support the proposed change to a maximum car parking requirement for the centre, on the basis that it would not adequately secure sufficient car parking. In response, the Proponent proposed to retain the minimum car parking requirement, but to change the condition wording to allow a range between 455 spaces (complying

with RMS minimum car parking standards) and 493 (the number of spaces proposed on plan) at the Edinburgh Road site.

The Department notes that the proposed 493 spaces at the Edinburgh Road site, exceeds both the MDCP and RMS minimum car parking requirements, which based on the ratio of 4.1 spaces per 100m² GFA, would equate to 455 car parking spaces. The Department considers that changing the condition wording to require a minimum of 455 spaces for the Edinburgh Road site whilst retaining the overall requirement across both sites, would providing flexibility for the Proponent to vary maximum parking allocation during operation of the centre, whilst securing adequate parking provision at the site.

As such, the Department recommends condition B19 be amended to specify provision of a minimum of 455 and maximum of 493 car parking spaces at the Edinburgh Road site.

On street car parking provision

As a result of the proposed modification there would be a reduction of 17 on-street car parking spaces as follows:

- twelve kerbside parking spaces on Smidmore Street and Edinburgh Road
- five kerbside spaces on Edgeware Road (via introduction of no-parking restrictions on Saturdays) due to the increased volume in eastbound traffic since approval of the concept plan.

Concerns were raised in public submissions that the development would contribute to pressure on existing on-street car parking spaces. RMS, TfNSW and Council did not object to the loss of on street parking, however the Council recommended a condition requiring the lost spaces be re-provided on site.

The Proponent submitted a parking occupancy survey as part of the RtS, which indicates spare on-street parking capacity of approximately 304 spaces within 800 m of the centre. The Proponent also agreed to provide 17 additional parking spaces on site.

While 17 on-street spaces will be lost as a result of the modification, the loss of parking on Smidmore Street and Edinburgh Road is minimal and will enable the reconfiguration of Smidmore Street, the enlargement of the pedestrian shared space and public realm improvements. The Department notes that 'no-parking' restrictions already exist on Edgeware Road at this location during the week, and the proposal for additional Saturday restrictions are unlikely to significantly affect the availability of on street parking in the area.

Overall the Department concludes that the proposed loss of on street parking is acceptable, as the same number of lost spaces will be re-provided on site and there is existing additional on-street parking capacity within the local area. Furthermore, within Smidmore Street in particular, the removal of on street parking will also enable significant public realm and pedestrian improvements.

Paid parking

The modification proposes to introduce paid car parking to the Edinburgh Road site. The proposal will maintain free parking for three hours with an incremental tariff increase for vehicles that remain longer than the initial free period. It is also proposed that parking would be provided free of charge after 6 pm

and a discounted parking rate provided for employees. The Proponent contends that this arrangement is commensurate with paid parking arrangements at similar sites, including Ashfield Shopping Mall, within the Inner West LGA boundary.

Several public submissions raised concerns that the introduction of paid parking would impact upon customers and employees of the centre and displace parking onto surrounding streets. Council also raised concerns regarding the impact of paid parking on employees of the centre and the resulting impact on on-street parking.

As noted previously, the Proponent's parking occupancy survey indicates spare on-street parking capacity of approximately 304 spaces within 800 m of the centre. The Proponent contends therefore, that there is sufficient on street capacity to accommodate employee parking.

The Department supports the principle of paid parking at the site and considers that the proposed three-hour free parking period is appropriate to enable most users to conduct a typical visit without incurring parking fees consistent with other similar shopping centres. However, the Department considers that charging employees for on-site parking may contribute to on street parking stress in the local area. 800m is at the outer extent of being walkable and therefore may be very attractive to employees wishing to avoid paying for parking. The Department considers that it would be unreasonable that employees of the centre use up spare parking capacity in the local area and that sufficient and affordable on-site parking for employees should be provided in any paid parking scheme.

The Department notes that the introduction of paid parking on the site requires separate approval from Council under section 68 of the *Local Government Act 1993*. Given this statutory requirement, the Department considers it more appropriate that Council considers the planning merits of the proposed paid parking at the same time as considering the application. Condition C5 of the concept approval requires the Proponent to apply for approvals as required under s68 of that Act and the Department considers that this process will give Council the opportunity to resolve specific details of the proposed paid parking arrangements when the Proponent seeks the necessary approval.

Conclusion

The Department concludes that subject to the abovementioned conditions, the proposed access and car parking provision is acceptable and would not result in adverse impacts on traffic, road safety or congestion in the locality.

6.4 Trees

There are currently 108 trees surrounding both the Victoria Road and Edinburgh Road sites, with 77 surrounding the Vitoria Road site and 31 surrounding the Edinburgh Road site. The concept approval allows for the removal of 15 trees surrounding the Victoria Road site and 23 trees from the Edinburgh Road site (21 from Edinburgh Road and 2 from Smidmore Street).

The approved landscape strategy remains largely unchanged with respect to tree removal/retention and the wider site. Around the Edinburgh Road site, the proposed landscape strategy includes the provision of 13 replacement trees (**Figure 16**) as follows:

- eight Eumundi Quandong trees to Edinburgh Road
- five Eumundi Quandong trees to Murray Street.



Figure 16 | Landscaping Plan (Source: Proponent's Response to Submissions)

The proposed changes to the building footprint, being brought forward to the Smidmore Street site boundary and west to the Edinburgh Road site boundary, require pruning of eight Lemon Scented Gum trees and one Narrow Leafed Peppermint tree (No's 75 to 82 and 84) on Smidmore Street (**Figure 17**).

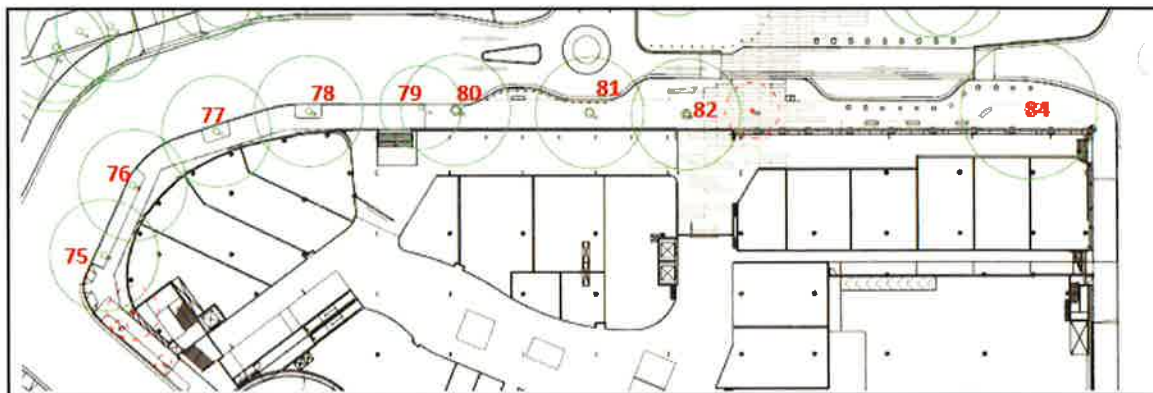


Figure 17 | Trees subject to additional pruning as part of the modification (Source: Proponent's Environmental assessment)

The Proponent's arboricultural report indicates that the proposed pruning will reduce the crown density, form and symmetry of the Lemon Scented Gum trees on Smidmore Street, which may in turn reduce the useful life expectancy of three trees (76, 78 and 80) which are suffering existing physiological stress. The impact on the affected trees is summarised in **Table 10** Below:

Table 10 | Trees requiring pruning

Trees to be pruned	Name	Landscape Significance	Value for retention	Useful life expectancy	Impact
75 & 77	Lemon Scented Gum	High	Priority	15-40 years	Reduced crown densities, form and symmetry
76 & 78	Lemon Scented Gum	High	Consider	5-15 years	Reduced crown densities, form & symmetry, potential reduced life expectancy
79	Narrow-leaved Peppermint	Moderate	Consider	5- 15 years	Reduced crown density, form and symmetry
80	Lemon Scented Gum	High	Consider	5-15 years	Reduced crown densities, form & symmetry potential reduced life expectancy
81, 82 & 84	Lemon Scented Gum	High	Priority	15-40 years	Reduced crown density, form and symmetry

In its submission, Council raised concerns about the impact of the proposed pruning on the long-term viability of all nine trees on Smidmore Street and does not support the retention of heavily impacted or unviable trees. Council's preference being for the building to be appropriately set further back to reduce the pruning required or replaced with appropriate species.

The Department notes the existing Lemon Scented Gums on Smidmore Street contribute to the visual amenity of the streetscape and that the proposed pruning would reduce their useful life expectancy. The Department also notes that five of the nine trees already have a limited life expectancy and that all Lemon Scented Gum trees on Smidmore Street are identified by Council for replacement (within the adopted Marrickville Street Tree Masterplan 2014). The plan identifies these trees for replacement with smaller species.

The modified building design, which retains the existing industrial facade and established hard building edge, is considered to be a significant enhancement compared to the approved building and an improved overall design outcome. As Council policy also requires the eventual replacement of all Lemon Scented Gumtrees on Smidmore Street, the Department does not consider it preferable to insist on additional building setbacks in these circumstances.

In the response to submissions, the Proponent agreed to replace nine trees on Smidmore Street (No's 75 to 82 and 84) in accordance with the Marrickville Street Tree Masterplan. Notwithstanding its preference for a revised building setback and reduced tree pruning, Council indicated its preference for

any tree replacement to be coordinated with the proposed landscaping and public domain works to optimise planting conditions.

The Department has carefully considered the arboricultural report and Council's submissions, and considers replacement of the nine trees on Smidmore Street is acceptable for the following reasons:

- the trees are identified for replacement with smaller species in the adopted Marrickville Street Tree Masterplan 2014
- five of the nine trees have an existing limited life expectancy of between 5- 15 years
- coordinating tree replacement with the landscaping and public domain works provides an opportunity to plant mature replacement trees with improved soil depth and structure which would not be available post development
- the proposed building design is considered a positive urban design outcome.

The Department notes that matters relating to tree protection on the wider site, including monitoring, soil moisture, tree pit design and building footings are addressed and conditioned as part of the original approval (Conditions D17, D28 and D31). These conditions will be updated to include the recommendations from the latest Arboricultural Report and Council's requirements for tree replacement in line with the Marrickville Street Tree Masterplan 2014.

Subject to the above conditions, the Department considers the proposal is acceptable in relation to tree impacts.

6.5 Hours of operation

The original concept approval regulates the opening hours of the centre between 7 am to 10 pm daily. The modification proposes to extend opening hours for a number of retail tenancies within the Edinburgh Road building fronting Smidmore Street, from 7 am to 12 midnight (**Figure 18**).

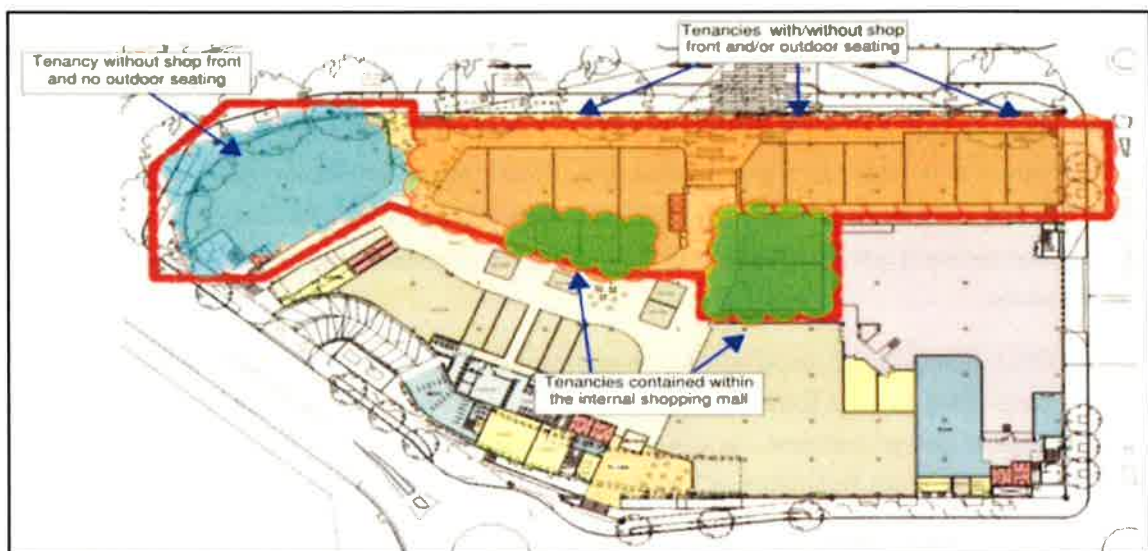


Figure 18 | Retail tenancies proposed for extended opening hours to midnight (Source Proponent's Environmental Assessment)

In order to demonstrate that the potential noise generated during the extended opening hours could comply with the noise conditions of the concept approval and the EPA Industrial Noise Criteria (INC), the Proponent has proposed maximum allowable noise levels for individual tenancies (measured 1 m outside the premises).

Maximum sound levels are proposed for three different scenarios:

- Scenario 1: tenancies with shopfronts and outdoor seating facing Smidmore Street
- Scenario 2: tenancies without external shopfronts and /or outdoor seating to Smidmore Street
- Scenario 3: tenancies located entirely within the centre.

Concerns were raised in public submissions that the extended opening hours on Smidmore Street would have an adverse impact on residential amenity. Council considered that the Proponent's proposed noise limits could adequately achieve compliance with the relevant noise criteria, however considered that cumulative noise impacts from multiple tenancies should also be considered.

The Department supports the activation of Smidmore Street and considers that the extended opening hours would provide additional choice for local, walkable restaurant and bar options. The Department notes that the identified tenancies are relatively self-contained and centrally located, with activity generally focussed within the centre and around Smidmore Street. As such, it is considered that only tenancies with shopfronts or outdoor seating facing Smidmore Street would have the potential to impact on residential amenity.

As the first use of individual tenancies (for potential use as a pub, small bar, or restaurant with more than 50 seats) will be subject to separate future development applications, the Department considers it appropriate for the hours of operation of any pub or small bar to be considered at detailed application stage, due to the potential amenity impacts of these uses.

With respect to other retail uses, including restaurants, the Department supports the principle of extended hours. However, as the precise mix of uses and potential noise impacts are not yet known, the Department recommends the extended hours (10pm to midnight) for the outdoor areas of these tenancies, be subject to a trial period of 24 months. This will allow further consideration of the impacts of the extended hours in the context of the mix of uses, including any cumulative impacts, specific management arrangements and the night-time character of Smidmore Street as it evolves.

The Department notes that matters relating to operational noise, including transmission of vibration, and permissible noise levels at sensitive receptors are addressed through Conditions F1, F2 and F3 of the original approval.

6.6 Other issues

Table 11 | Department's assessment of other issues

Issue	Consideration	Recommended Condition
ESD	<ul style="list-style-type: none"> • The concept plan includes conditions (B44 and E15) which require the proposal achieve a 4-star NABERS rating for water and energy. The NABERS water 	The Department recommends existing Conditions B44 and E15 are

	<p>rating applies to both the base building and the operation of the shopping centre.</p> <ul style="list-style-type: none"> • The Proponent wishes to amend the conditions to refer to the base building only with respect to water, contending that: <ul style="list-style-type: none"> ○ NABERS ratings are only relevant for shopping centres with a Gross Net Lettable Retail Area (GLRA) of above 15,000m². The stage 1B extension has a GLRA of 11,100m² and hence the NABERS rating is not relevant ○ Given the high proportion of food and drink uses and that each tenant is responsible for the design and operation of their own premises, it would be unrealistic for the proponent to control water use to meet the NABERS water use benchmarks for the shopping centre overall. • The Department accepts the principal of amending the condition as the Edinburgh Road building does not meet the minimum requirements for NABERS ratings. • The Department notes further that the high proportion of food and drink premises proposed as part of the 'eat-street', differentiate the proposal from a typical shopping centre. As individual food and drink premises do not receive the dispensation provided to food courts within the NABERS criteria for shopping centres, the Department accepts that even if applicable, the 4-star NABERS water rating would be unachievable for the proposal. • In light of the above, the Department considers the Proponents commitment to achieve an equivalent 4-star NABERS water rating for the base building is acceptable and recommends that the condition be amended accordingly. 	<p>amended to refer to an Equivalent 4-star NABERS Water rating for the base building only.</p>
Signage and Art Zones	<ul style="list-style-type: none"> • The modification proposes signage zones as follows: <ul style="list-style-type: none"> ○ 19x business identification signs to the northern elevation ○ 4x business Identification and 1x car park entrance sign to the south elevation ○ 2x business identification signs and 1x car park entrance sign to the southwest elevation ○ 2x business identification signs and 1x car park entrance sign to the east elevation. 	<p>The Department recommends a condition for a public art strategy to be developed in consultation with Council prior to issue of a Construction Certificate for Stage 1B.</p>

- An assessment of the proposed signage zones against SEPP 64 is included at Appendix B.
- The size, location and number of signage zones is considered appropriate for the locality and use of the building as a shopping centre. Detailed signage in terms of design, content and any illumination would be subject to separate future development applications.
- The modification also seeks approval for zones to be allocated for future public art installations to the Smidmore Street, Murray Street and Edinburgh Road Elevations of the Edinburgh Road building.
- The Department notes that Council does not object to the proposed art zones and considers the size, number and location of the zones appropriate for the building and location, subject to a condition requiring submission of a public art strategy for the approval of Council.
- The Department therefore considers the proposed signage and art zones are acceptable.

Lighting

- The modification proposes external security lighting to the rooftop car park to improve customer safety.
- The Proponent has advised that the lighting design will comply with the relevant Australian Standards for outdoor lighting and measures such as light shields are proposed to be utilised to prevent glare, light spill and other obtrusive impacts to surrounding properties.
- Condition B43 of the original concept approval requires that the lighting design is further assessed prior to the issue of a Construction Certificate and that appropriate measures are implemented to protect residential amenity.
- The Department considers this condition sufficient to ensure the final lighting design will not impact on residential amenity.

No additional conditions or amendments to existing conditions necessary.

Off-site road works

- Based on the predicted impacts of the proposal on the local traffic network, the concept approval includes conditions (B13 and E22) requiring modifications to the intersection of Unwin's Bridge Road/Bedwin Road/May Street/Campbell Street in accordance with RMS specifications.
- The Proponent states that due to intersection upgrades associated with the WestConnex

The Department recommends existing Condition E22 be amended and Condition B13 be deleted to remove reference to these works.

development, the requirement for these works is no longer necessary.

- The Department notes that the upgrade of this intersection is being undertaken by Sydney Motorway Corporation in association with the WestConnex development.
- RMS raised no objection to the modification of the conditions and the Department therefore considers the removal of this requirement to be acceptable.

Offsite trees	<ul style="list-style-type: none"> • Conditions B14 and B15 of the original concept approval require the upgrade of the roundabout and road widening at the intersection of Edinburgh Road and Railway Parade. The works are subject to the approval of the Local Area Traffic Committee. • The Proponent's proposed design for the roundabout upgrade would result in the loss of three trees (identified as trees C, D and E in the Arboriculture report). • Noting that the works to the roundabout are not yet approved and that any loss of trees would be considered as part of the application to the Local Area Traffic Committee, the Department considers it would be premature to approve removal of these trees at this stage. 	The Department recommends the removal of these trees is not approved.
Construction impacts	<ul style="list-style-type: none"> • Concerns were raised in public submissions regarding cumulative construction and traffic impacts. • TfNSW considered that a detailed Construction and Pedestrian Traffic Management Plan (CPTMP) should be conditioned outlining the proposed staging of works and associated arrangements on Smidmore Street when the current bus stop will be unavailable for use. • A preliminary Construction Traffic Management Plan was submitted as part of the application and submission of a detailed Construction Management Plan and Construction Traffic Management Plan is already secured as part of the concept approval (Condition B25). • The Department considers this condition sufficient to manage construction traffic and pedestrian impacts of the development subject to being updated to address: <ul style="list-style-type: none"> ◦ consultation with relevant stakeholders 	The Department recommends existing Condition B25 be amended

- cumulative impacts and co-ordination with other developments in the area
- safe movement of traffic cyclists and pedestrians
- impacts on public transport operations near the site.

Mediation	<ul style="list-style-type: none"> ● Condition A7 of the concept approval provides for a mediation process in circumstances where additional approvals are required from Council or State Authorities. The condition provides that if agreement cannot be reached between parties within 2 months or a timeframe otherwise agreed by the Director General, the matter is to be referred to the Director General for resolution. ● The proponent seeks to amend the condition to specify a referral period of 2 months from initial lodgment of supporting information by the applicant to seek further approval. The Proponent contends that this will ensure that the staging of Construction Certificates can be progressed in an appropriate manner. ● The Department considers that the condition as currently worded gives sufficient clarity and flexibility for the Secretary to consider such referrals for resolution. As such, amendments to this condition are not supported. 	The Department recommends the condition is not amended.
Construction Certificates	<ul style="list-style-type: none"> ● The Proponent seeks to amend the wording of Conditions B1 (detailed drawings), B9 (drainage) B12 (flooding) and B14 (State Transit Authority approval) to refer to "the relevant" Construction Certificate. The proponent contends that this will ensure that the staging of construction certificates can be progressed in an appropriate manner. ● As Condition E3 requires Stage 2 works to occur at least three years after the occupation of Stage 1B, the Department acknowledges the need in some instances to refer to separate Construction Certificates within the conditions of approval. ● The Department considers the proposed change to refer to the relevant construction certificates for conditions B9, B12 and B14 is acceptable. ● Condition B1 however, is a standard condition relevant to detailed drawings for all construction certificates. As such, the proposed amendment to this condition is not supported. 	The Department recommends that existing Conditions, B9, B12 and B14 are amended to refer to the relevant construction certificate.

Minor Works
Schedule

- The Edinburgh Road site is zoned Industrial under the MLEP which precludes the Proponent from undertaking minor works, usually considered exempt or complying development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- The Proponent therefore seeks to insert a condition (and accompany Schedule of Development Standards) to allow a range of minor works to be undertaken as "Exempt" or "Complying" development without further modifying the concept approval, including:
 - o Exempt development:
 - access ramps
 - aerials antennae and communication dishes
 - air-conditioning units
 - automatic teller machines
 - blinds
 - bollards
 - change of use between Retail premises and business premises
 - earthworks retaining walls and structural support
 - emergency work and temporary repairs
 - use of footpaths for outdoor dining
 - hot water systems
 - minor internal and external alterations
 - mobile food and drink outlets
 - demolition.
 - Signage
 - Temporary uses and structures:
 - tents marquees and booths and stages for community events.
 - o Complying Development:
 - building alterations (internal)
 - first use of premises.
 - Mechanical ventilation systems
 - Shopfronts and awnings
 - Skylights and roof windows
 - Projecting wall signs
 - Freestanding pylon and directory board signs
 - Ancillary development
 - Earthworks retaining walls and structural supports
 - Driveways hard stand spaces, pathways and paving

The Department
recommends the inclusion of
Condition A9

- Council raised no objection to the proposed minor works condition.
- The Department accepts the principle of a minor works condition, however considers that the proposed schedule of permitted works is too broad and would enable changes of use which could have greater than minimal impacts and goes beyond the provisions of the Exempt and Complying Codes SEPP.
- The Department therefore recommends approval of the minor works condition with amendments to the proposed schedule consistent with the Exempt and Complying Codes SEPP, including:
 - restricting "Exempt" changes of use to between: Business Premises, Office Premises, Shop, Garden Centre, Landscaping Material Supplies, Hardware and Building Supplies and Plant Nursery.
 - restricting "Complying" changes of use to between: Specialised Retail Premises, Vehicle Sales or Hire Premises, Food and Drink Premises (less than 50 seats) Plant Nurseries, and Kiosks.
 - specifying the first use of premises be restricted to exclude pubs, small bars, and restaurants with more than 50 seats.
- The Department notes that a Complying Development Certificate will need to be issued for any complying development, and that all works must be consistent with the development standards in the Schedule of Minor Works, the relevant conditions of the concept approval and the Building Code of Australia.
- With the above parameters in place, the Department considers the proposed Minor Works Schedule will only allow works that result in minimal impacts, and that can be undertaken in accordance with the conditions of the concept approval.

Development description

- It is proposed to amend the development description of the Edinburgh Road building within Condition A1 from "*specialty retail*" to "*retail premises and business premises*"
- The Proponent's intention is to align the development description with the land use definitions of the Marrickville LEP 2011, and to be

The Department recommends existing Condition A1 be amended to reflect the revised description

consistent with the approved uses in the existing shopping centre.

- The amendment would clarify that "*specialty retail*" such as hairdressers, banks, post offices, travel agencies etc. are specifically permitted in the new building as well as "*retail premises*" which include shops and food and drink premises.
- The Department considers the revised description aligns with the definition within the Marrickville LEP 2011 and that "*Business premises*" uses are consistent with the approved uses for the existing shopping centre and are appropriate for the Edinburgh Road building.
- As noted above, the proposed minor works condition will restrict certain uses within retail and business premises without further approval. The Department is therefore satisfied that the permitted uses within the definitions of retail premises and business premises would have only minimal impacts.

Landscape design

- Council raised concerns that the proposed seating on the southern side of Smidmore Street is not sufficiently setback to avoid obstructing the footpath.
- Council also requested that further details of proposed bollards and shade provision for the Edinburgh Road bus shelter be submitted.
- In order to address Council's concerns, the Department recommends condition B2 (Design modifications) be amended to require details of the proposed seating and bollards on Smidmore Street, and shade structure for the bus shelter on Edinburgh Road, be submitted to Council for approval prior to issue of the Construction Certificate for Stage 1B.

The Department recommends amending Condition B2 to include details to be approved by Council.



7. Evaluation

The Department has assessed the merits of the proposal taking into account the issues raised in submissions and the Proponent's response to these issues and is satisfied the impacts have been satisfactorily addressed by the proposal and through the Department's recommended conditions.

The Department considers that the proposal has strategic merit. The modification seeks to expand and improve retail floorspace in an existing centre well served by public transport including the creation of a vibrant and walkable main street destination with significant public realm improvements. This is consistent with directions and actions in the Greater Sydney Region Plan and Eastern District Plan which encourage protection and expansion of retail floorspace.

The modified design of the Edinburgh Road building is considered a contextually appropriate architectural response to its inner urban location. The creation of the open colonnade within the retained brick façade with an increased number of smaller retail tenancies will activate Smidmore Street, and with the creation of the landscaped shared zone, contribute to a significantly enhanced and more activated streetscape. The increased building height resulting from the additional car parking level is minimal and would not have an adverse impact on amenity in terms of overshadowing.

The proposal would not result in adverse traffic, access or car parking impacts. The design of the shared zone and proposed Loading Dock Management Plan are considered sufficient to mitigate potential conflict between vehicles and pedestrians on Smidmore Street. The introduction of a new right turn access to the Edinburgh Road car park is subject to the submission of a road safety audit to demonstrate the access can operate safely and without impacting the surrounding road network.

The principle of paid parking at the site is supported, however is subject to Council approval under section 68 of the *Local Government Act 1993* and is therefore not recommended to be approved as part of this modification.

The the proposed extended opening hours will be subject to a trial period of 24 months, with extension of hours for any future pubs, small bars or restaurants with over 50 seats subject to further approval, which is secured through an appropriate condition.

The deletion of condition E9 requiring splay corners on Smidmore Street/Murray Street and Murray Street/Edinburgh Road is considered acceptable as the footpath layout and proposed public domain improvements provide a high level of accessibility and visual permeability, resulting in improved sightlines compared to the existing situation.

The replacement of the existing Lemon Scented Gum trees and Narrow Leafed Peppermint tree on Smidmore Street presents an opportunity to substitute more appropriate mature species in improved conditions in line with Council's adopted policy. It is considered together with the proposed landscaping, the replacement trees will enhance biodiversity and streetscape character.

The Department supports the proposed minor works condition and subject to recommended changes is satisfied that it will enable only works that result in minimal environmental impacts without impacts on the surrounding area.

Overall the modified proposal is considered to be in the public interest and will continue to provide:

- additional retail floorspace, meeting the needs of the local community
- significant improvements to the streetscape and connections to the public domain, particularly on Smidmore Street
- improved public transport, pedestrian and cycle access and improved traffic conditions in the surrounding locality.

The Department is satisfied the impacts of the proposal can be adequately addressed through the exiting conditions of the concept approval and the additional conditions as identified in the report.

Consequently, it is recommended that the modification be approved, subject to the recommended conditions.

Endorsed by:



Brendon Roberts

Team Leader

Key Sites Assessments

Endorsed by:



Anthea Sargeant

31/10/18

Executive Director

Key Sites and Industry Assessments



Appendices

Appendix A – Relevant Supporting Information

Appendix B - State Environmental Planning Policy No. 64 – Advertising and Signage

Appendix C – Recommended Instrument of Modification

Appendix A – Relevant Supporting Information

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows.

1. Modification Application
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8678
2. Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8678
3. Proponent's Response to Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8678
4. Supplementary Information and amendments.
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8678

Appendix B – State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of SEPP 64 and with the assessment criteria which are contained in Schedule 1. **Table 14** below demonstrates the Department's assessment of the consistency of the proposed signage zone with this assessment criteria. Further, pursuant to clause 13(2) of SEPP 64, prior to granting development consent, the Minister must ensure the proposed signage is consistent with the objectives of SEPP 64, the detailed assessment criteria in Schedule 1 of SEPP 64, and the SEPP 64 Guidelines.

Table 14 | SEPP 64 Compliance assessment

Assessment Criteria	Comments	Compliance
1. Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage zones are considered compatible with the character of the locality, and the character of a major shopping centre.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	This modification proposes only signage zones, the location of which is considered appropriate for the locality. Detailed signage would be subject to further development applications.	N/A
2. Special Areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The site is not located in the vicinity of any sensitive areas. Signage applications would be subject to separate development applications.	Yes
3. Views and Vistas		
Does the proposal:		Yes
- obscure or compromise important views?	All signage zones are located on the proposed building and do not obscure important views or dominate the skyline.	
- dominate the skyline and reduce the quality of vistas?		
- respect the viewing rights of other advertisers		

4. Streetscape, setting or landscape

Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage zones are considered to be of an appropriate scale, proportion and form.	Yes
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Does the proposal:

<ul style="list-style-type: none"> - contribute to the visual interest of the streetscape, setting or landscape? - reduce clutter by rationalizing and simplifying existing advertising? - screen unsightliness? - protrude above buildings, structures or tree canopies in the area or locality? - require ongoing vegetation management? 	<p>The proposed signage zones are consistent with the character of business identification signage located on a major shopping centre.</p> <p>The signage zones are located on the proposed building facades, are not located near any vegetation and would not protrude beyond the building envelope. Details of the signage would be subject to separate development applications.</p>	Yes
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5. Site and Building

<ul style="list-style-type: none"> • Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? • Does the proposal respect important features of the site or building, or both? • Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<p>The proposed signage zones are considered to be at an appropriate scale and respect the architectural features of the building. The signage zones are designed to accommodate business identification signage for the future tenants of the shopping centre with detail to be subject to separate future development applications.</p>	Yes
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6. Associated devices and logos with advertisements and advertising structures

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No	N/A
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7. Illumination

N/A

8. Safety

Would the proposal reduce safety for?	The proposed signage zones are located at a high level and will not obscure any sightlines from the public domain.	Yes
<ul style="list-style-type: none">• pedestrians, particularly children, by obscuring sightlines from public areas?• any public road?		

Appendix C – Recommended Instrument of Modification

The recommended conditions of consent for MP 06_0101 MOD 2 and MP 11_0093 MOD 1 can be found on the Department's website as follows.

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8678

