



**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

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17 June 2019

Mr David Glasgow
Principal Planning Officer
Department of Planning
320 Pitt Street
GPO Box 390
Sydney
NSW 2001

Dear David ,

MARRICKVILLE METRO MP09_0191 (MOD7) - RESPONSE TO SUBMISSIONS

I write in regard to the above modification application, which was lodged on 26th March 2019 and relates to the proposal at 34 Victoria Road an 113-55 Edinburgh Road in Marrickville. Further to our recent discussions, I can provide the Department with this Response to Submissions.

It has been confirmed by the Department that the only submission that requires a response from AMP Capital (AMPC) is the letter which was received from Inner West Council on 10th May 2019. The matters raised by Inner West Council are addressed in the Table 1 below.

Table 1 – Response to Submissions

Matter Raised	Response from AMP
<p>Conditions B6 & B7 – Protection of Council’s Infrastructure</p> <p>Council do not object in principle to the consent being modified to allow for a more flexible and convenient arrangement for the provision of building security deposits.</p> <p>However, given the proposed wording of the conditions and the uncertainty of the actual overlap between the stages of development, there remains an unresolved potential for Council to be unsecured for a period during which the site may be ‘live’.</p>	<p>The proposed wording of Conditions B6 and B7 has been amended to meet the requirements of the Council and to include the industry standard wording that the securities are not simply returned to the applicant at the end of the construction phase, but their return is subject to a check by a Council officer within a reasonable timeframe that there is no building damage, along with the provision that Council can draw on securities to rectify building damage if it is identified and the applicant does not repair it within a reasonable timeframe.</p> <p>The revised wording of the updated Conditions is attached at Annex A to this letter.</p>

Matter Raised	Response from AMP
<p>Council's support of any changes to Conditions B6 and B7 would be subject to suitable rewording of the condition.</p> <p>Condition D1 – Hours of Work</p> <p>Council does not object in principle to the consent being modified to allow for additional flexibility in the construction hours for occasional 'one-off' project specific matters such as large concrete pours or crane deliveries.</p> <p>However, Council wish to ensure that impacts on nearby residents, businesses and surrounding road network are minimised.</p> <p>Council commented that if flexibility is sought on construction hours, the adjoining residential neighbours should be properly notified. Concern was also expressed that Council may not have the resources to guarantee that requests for extended hours could be processed within a reasonable timeframe.</p> <p>As an alternative, Council indicated that increased hours of construction could be sought for a specific period of time and limited to a maximum number of occasions where it relates to certain key points during construction. Council suggested wording that they considered to be appropriate.</p>	<p>AMPC have noted Council's suggested approach to the revised wording of this Condition and whilst they acknowledge the suggested approach will allow greater flexibility in construction hours on the project, the process/timeframes to achieve an approval for this do not align with the construction program. This is detailed below.</p> <p>AMPC provided amended wording to Condition D1 to the Department which proposed to specify the hours, types of work and frequency of work beyond the approved construction hours, as suggested by Council. However, the Department has since advised that those proposed amendments to the wording of the Condition would require a fresh Modification application.</p> <p>That Modification would need to be accompanied by an Acoustic Report which would be required to assess the impacts of relevant noise criteria and background noise levels, establish the nearest sensitive receivers, undertake an impact assessment of the proposed extended hours of construction and makes recommendations as to the management of any noise impacts.</p> <p>The Acoustic Report and New Modification would take 2-4 weeks to be prepared. It would then be advertised for a minimum period of 14 days and would take a minimum of 2 months for determination (most likely longer – noting a similar Modification for proposed extended hours of construction for the IMAX at Darling Park took 3.5</p>

Matter Raised	Response from AMP
	<p>months to be approved). In total, this could be a timeframe of 4-4.5 months.</p> <p>AMP are under significant time pressure to progress this application as construction of the Marrickville Metro expansion site is well underway.</p> <p>Accordingly, amended wording to D1 is now proposed that is similar in nature to the changes originally proposed but more aligned to the wording of a Standard Condition.</p> <p>The proposed amendment to Condition D1 <u>would give Council the power to consider and amend the hours of construction in circumstances where the developer is seeking temporary out of hours construction works, and Council is of the opinion that the extended hours of construction are acceptable.</u> This new Condition wording does not actually approve any extended hours of construction for any specific work or frequency of work.</p> <p>It is standard practice across NSW, that in special circumstances, developers and contractors can seek approval from Council to work outside normal construction hours. Currently, Council does not have the power to do this.</p> <p>It is not unreasonable that these same circumstances apply to the Marrickville Metro expansion site. Indeed, Inner West Council have a standard form to apply to carry out development works outside standard permitted hours. As detailed in this form, it is a rigorous process that a proponent must go through to demonstrate and justify that there is a need to operate outside the approved standard construction hours.</p>



Matter Raised	Response from AMP
	The addition to the wording of Condition D1 is set out at Annex A .

I trust that the above information is self-explanatory, and this modification application can now proceed to determination as swiftly as possible.

If you would like to discuss this matter further, please feel free to contact me either by e-mail at nwheeler@urbis.com.au or on my mobile 0412 585 525.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Nik Wheeler", with a long, sweeping horizontal line extending to the right.

Nik Wheeler
Associate Director

Enc.

Annex A – Revised Condition Wording