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21 August 2019

Mr David Glasgow
Department of Planning, Industry and Environment
320 Pitt Street,
Sydney NSW 2000

Dear David,

MARRICKVILLE METRO SHOPPING CENTRE - MODIFICATION APPLICATION (MP09_0191 MOD8)

1. INTRODUCTION

This letter seeks a Section 75W modification request pursuant to Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* (Savings and Transitional Regulation), made on behalf of AMP Capital Investors (AMP) to modify the Major Project Approval MP09_0190 for Marrickville Metro Shopping Centre, at 34 Victoria Road and 13-55 Edinburgh Avenue, Marrickville.

Under the Savings and Transitional Regulation, a concept plan may continue to be modified under Section 75W in certain circumstances.

Clause 3BA (5) of Schedule 2 provides that:

A concept plan may continue to be modified under section 75W pursuant to a request lodged on or after the cut-off date (whether or not the project is or has ceased to be a transitional Part 3A project), but only if the Minister is satisfied that:

- (a) the proposed modification is to correct a minor error, misdescription or miscalculation, or*
- (b) the proposed modification is of minimal environmental impact, or*
- (c) the project to which the concept plan as modified relates is substantially the same as the project to which the concept plan currently relates (including any modifications previously made under section 75W).*

In this case, it is considered that the proposed modification is of minimal environmental impact and constitutes substantially the same development as previously approved. The modification will be MOD8 to MP09_0191 and seeks to amend the following conditions:

- Condition A1 - to remove the reference to a 'mini major' floorspace and specify this as 'retail and business premises';
- Condition A2 - to make minor amendments to the approved external design, to introduce a new pedestrian access on Smidmore Street and amend a small section of the approved facade; and

- Condition 15 - to formalise the removal of kerbside parking on the eastern side of Murray Street opposite the approved loading dock that is to be constructed.

2. SITE AND SURROUNDING CONTEXT

Marrickville Metro is a sub-regional shopping centre, located approximately 7km south west of the Sydney Central Business District, some 2.5km from Marrickville Railway Station, 1km from St Peters Railway Station and 1.5km north of Sydenham Railway Station. Several bus routes pass along Victoria Road and Smidmore Street close by the centre, which connect to other local centres, services and railway stations.

The Marrickville Metro site comprises two parcels of land being 34 Victoria Road (the existing Marrickville Metro shopping Centre site) and 13-55 Edinburgh Road (the shopping centre expansion site). The existing shopping centre at 34 Victoria Road accommodates major tenants including Kmart, Woolworths and Aldi, along with a range of speciality stores and roof-top car parking. The site was formerly occupied by a two-storey brick factory/warehouse building.

This former warehouse building at the expansion site at 13-55 Edinburgh Road has now largely been demolished, apart from the facades that are due to be retained in accordance with the Major Project Approval (MP09_0191). AMPC will construct the new building at 13-55 Edinburgh Road in accordance with the Major Project Approval. This will form the expansion to the Marrickville Metro and will incorporate a pedestrian bridge that will link into the existing shopping centre. Construction is due to be completed in 2020.

To the North of the site are residential properties and Enmore Park. To the West of the site is an electrical substation, with residential properties located on Bourne Street on the other side of the substation. To the South and East of the site are primarily industrial and warehouse uses, with a distribution centre on the southern side of Edinburgh Road.

The subject site is legally described as Lot 100 in DP 715231, Lot 1 in DP 635310, Lot 1 in DP6122551 and Lot 91 in DP4991.

An aerial view of the site is contained in Figure 1 overleaf.

Figure 1 – Aerial view of the site (outlined in red)



Source: Urbis

3. DEVELOPMENT BACKGROUND

The existing shopping centre and expansion site are subject to a Major Project Approval (MP09_0191), which was granted on 19th March 2012.

This was a concept plan approval which approved the expansion of the Marrickville Metro Shopping Centre. The concept approval was approved at project detail, subject to conditions. As such, no further environmental assessment requirements were imposed pursuant to the former Section 75P(1)(c) of the *Environmental Planning and Assessment Act 1979*.

The Major Project Approval has been modified several times. The most recent modification (MOD 7) was granted in July 2019. A summary of the primary consent and subsequent modifications are set out in Table 1 below.

Table 1 – Major Project Approval and Subsequent Modifications

| Approval Date | Reference | Description of Works |
|--------------------|----------------|---|
| 19th March 2012 | MP09_0191 | Extension to the existing Marrickville Metro Shopping Centre to include an additional level of retail floor space with an additional level of parking above. The construction of a new building comprising two levels of retail with two levels of parking above, at site of 13-55 Edinburgh Road. |
| 16th April 2013 | MP09_0191_MOD1 | Internal and external amendments to the Stage 1 site at 13-55 Edinburgh Road and a reduction in car parking numbers. |
| 23rd April 2015 | MP09_0191_MOD2 | Proposal to split Stage 1 into two stages (Stage 1A and Stage 1 B). Stage 1A comprises works to the main entry of the Shopping Centre at Victoria Road, traffic management works and geotechnical works on the Edinburgh Road site. Stage 1B comprises the new Shopping Centre building on the 13-55 Edinburgh Road site |
| 11th February 2016 | MP09_0191_MOD3 | Amend Conditions B17 and E22.A relating to traffic requirements and Condition D28 relating to tree management. |
| N/A | MP09_0191_MOD4 | MOD4 did not proceed. |
| 27th July 2016 | MP09_0191_MOD5 | Changes to Condition B4. A by deferring the timing of execution of a Voluntary Planning Agreement with Inner West Council. |
| 31st October 2018 | MP09_0191_MOD6 | Design amendments including retention of the brick façade, a new pedestrian bridge linking the two parts of the centre, amended road alignment for Smidmore Street, clarification that the expansion site contains retail premises and business premises, and redistribution of GFA across the site without increasing overall GFA. |

| | | |
|----------------------------|----------------|---|
| 18 th July 2019 | MP09_0191_MOD7 | This sought to amend three conditions of the consent relating to the staging of the payment for bonds and deposits for the protection of Council's infrastructure during development, along with permitting the developer to apply to Council to amend hours of construction where necessary. |
|----------------------------|----------------|---|

4. PROPOSED MODIFICATIONS

This proposed modifications to the Major Project Approval that are part of this S75W application are as follows:

- Removal of the reference to a 'mini major' floorspace and to instead specify this as 'retail and business premises' within Condition A1;
- Minor amendments to the approved external design to introduce a new pedestrian access on Smidmore Street and amend a small section of the approved façade which will to amend the plans condition (Condition A2); and
- To formalise the removal of kerbside parking on the eastern side of Murray Street within Condition 15.

The proposed modifications are explained in more detail in the following sections of this letter.

4.1. MINI MAJOR DEFINITION

The Major Project Approval contains the development description within Condition A1, which includes reference to the following (our emphasis added):

"A1 *Development approval is granted only to carrying out the development described in detail below: ...*

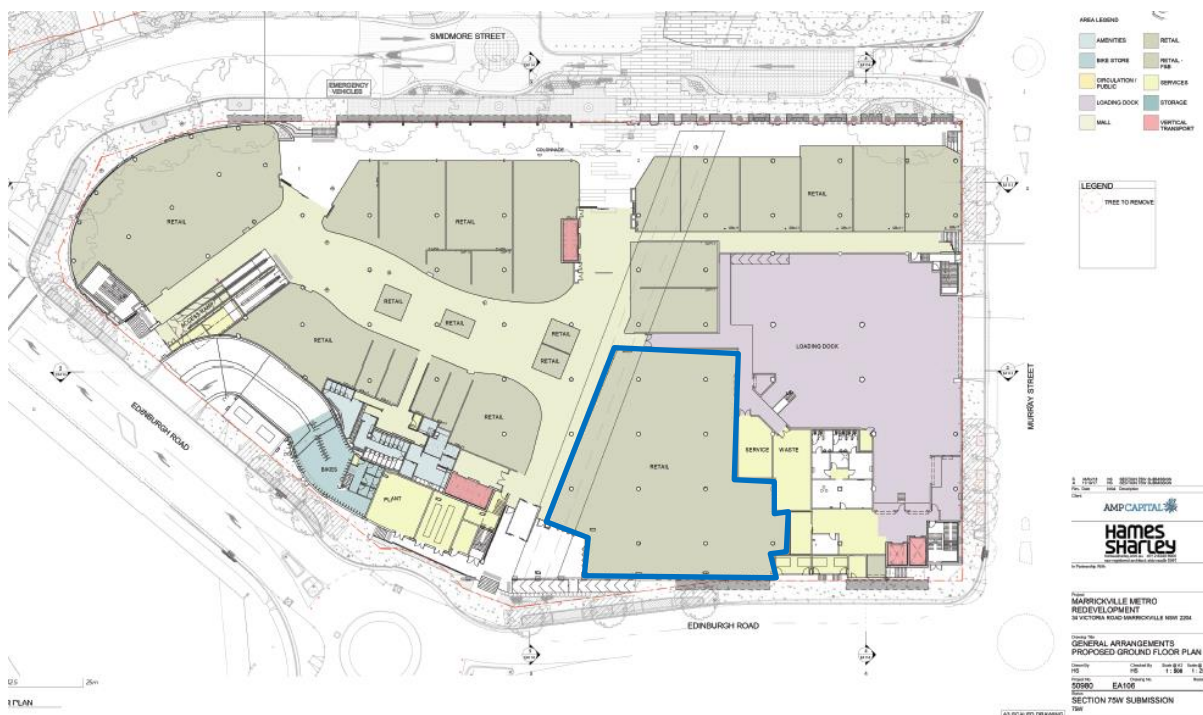
- *Refurbishment and construction of a first-floor addition to the existing retail building on the Victoria Road site and a construction new building with two main levels of retail with car parking above on the Edinburgh Road site comprising:*
 - *a discount department store (5,000m²), supermarket (4,449m²), **mini-major (1,000m²)** and retail premises and business premises (6,318m²);*
 - *an additional 21,780m² GFA (16,767m² GLFA) to provide a total of 50,705m² GFA (39,700m² GLFA);*

Accordingly, this condition refers to the Edinburgh Road building containing a 'mini-major' which would extend to some 1,000sqm floorspace. However, a mini-major is not a standard planning term and is not defined within the dictionary of the *Standard Instrument – Principal Local Environmental Plan*.

A mini-major is a term generally used by retailers to define any store that is over 400sqm in size but is not one of the usual named 'major' stores such as Target or Kmart.

The location of the mini-major is not identified on the approved plans. However, from a review of the approved plans, there is only one tenancy of circa 1,000sqm in floorspace as indicated by the unit outlined in blue (on the approved plan Ref: EA106 / Rev B) in Figure 2 below:

Figure 2 – Approved Ground Floor Plan



Source: Hames Sharley

The approved plan indicates that this area is to accommodate a “retail” use. It is therefore considered that the definition of this floor space in the description of development should be updated to reflect this, whilst also facilitating flexibility in the future for development at the centre, including potential for business premises uses that are commonly found in modern shopping centres.

The amendment to this wording does not introduce any issues in terms of retail or floor space assessment, as the original Part 3A application for the extension to the shopping centre in 2010 did not undertake a specific assessment based on all the types of shop defined at that stage (e.g. mini-major, speciality retail etc), rather the assessment was undertaken on the usual food and non-food split, utilising a market share approach. As such, there is no requirement to update the economic analysis for the centre which was lodged with the original Part 3A application in 2010.

Although it is likely that the specific operator/store which ultimately occupies the unit will be considered as a ‘mini-major’, it is preferable for the floor space to be categorised using a standard planning definition. Accordingly, we recommend that the wording of Condition A1 should be amended to include

this floorspace within the 'retail premises and business premises' floorspace, similar to the way a large proportion of the centre is currently defined in the condition.

This amendment to the wording follows the removal of the term 'speciality retail' within the MOD6 approval, where this also was reclassified as 'retail and business premises' and will serve to regularise the consent to include contemporary planning definitions.

This will also allow the flexibility to potentially establish other standard non-retail uses in the future that are commonly found in shopping centres, such as travel agents, hairdressers and optometrists. These uses would otherwise be prohibited, given the zoning of the site as IN1 General Industrial.

Therefore, it is proposed to amend Condition A1 to contain the wording:

"A1 *Development approval is granted only to carrying out the development described in detail below:*

- *Demolition of existing warehouse buildings and associated structures on the Edinburgh Road site*
- *Upon the surrender of development consents required under Condition B3 of this approval, use of the Victoria Road site for retail premises and business premises.*
- *Refurbishment and construction of a first-floor addition to the existing retail building on the Victoria Road site and a construction new building with two main levels of retail with car parking above on the Edinburgh Road site comprising:*
 - *a discount department store (5,000m²), supermarket (4,449m²), ~~mini-major (1,000m²)~~ and retail premises and business premises ~~(6,318m²)~~ **7,318sqm**;*
 - *an additional 21,780m² GFA (16,767m² GLFA) to provide a total of 50,705m² GFA (39,700m² GLFA);*
- *Authorise the use of 1623 car parking spaces, comprising 1018 existing spaces and 605 additional car parking spaces."*

4.2. DESIGN AMENDMENTS

The proposal seeks to make minor amendment to the approved external design of the proposed new building at Edinburgh Road, in response to detailed design development and pre-construction requirements.

The proposal seeks to:

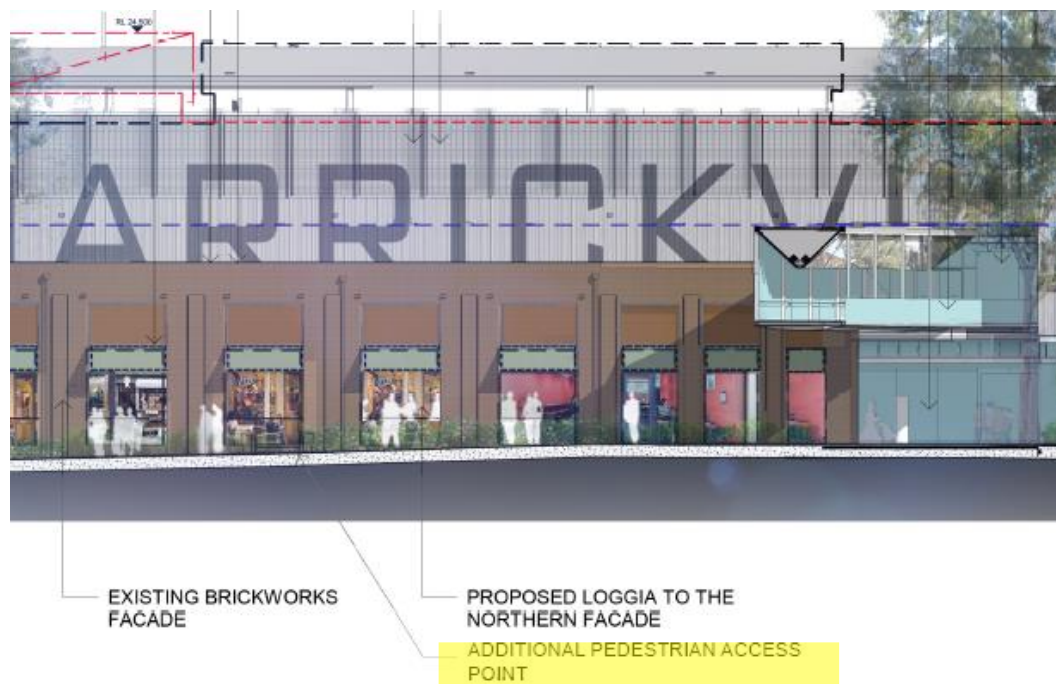
- Introduce a new pedestrian access from Smidmore Street into the expansion building; and
- Make a minor amendment to the approved façade of the new building.

New Entrance

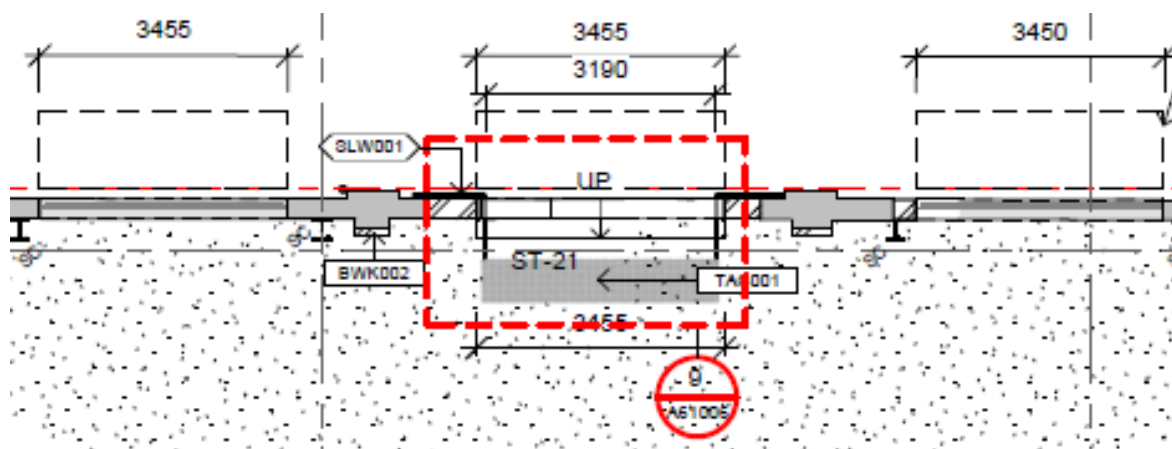
A new pedestrian access is being incorporated into the design to enhance permeability and connectivity with Smidmore Street. This is in response to operator feedback and will help to attract new tenants to the building.

The new access will be designed to comply with Building Code of Australian (BCA) standards and will be sited such that it utilises one of the pre-existing apertures within the retained Smidmore Street brick frontage. This is demonstrated within Figure 3. **Error! Reference source not found.** below which illustrates the location of the new access on the elevation and also within plan detail.

Figure 3 – New Access on Smidmore Street



Source: Hames Sharley

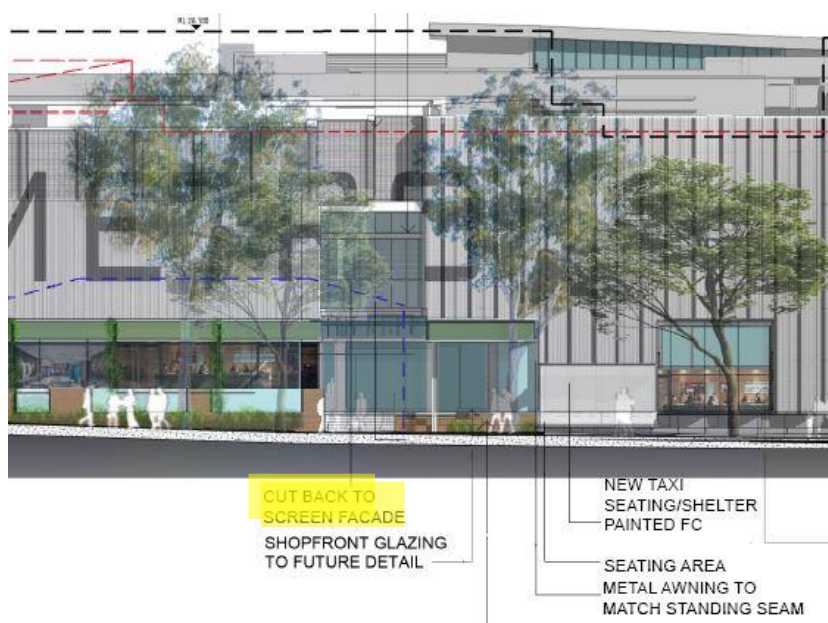


Source: Hames Sharley

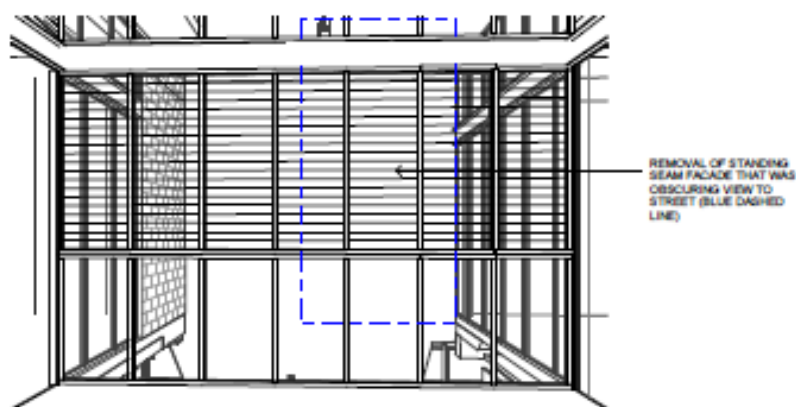
Façade Amendment

The requirement for the minor amendment to the façade has arisen from an oversight on the original plans. This relates to the approved pedestrian entrance to the new building at the western end of Smidmore Street. Above the entrance is void area and the original plans have the façade materials covering this void area. It is now proposed to 'open-up' this void such that it provides greater articulation of the frontage and allows a greater level of natural light to enter the building, through the approved motorised glass louvres in the void, as illustrated in Figure 4 below.

Figure 4 – Smidmore Street Façade Amendment



Source: Hames Sharley



Source: Hames Sharley

4.3. MURRAY STREET PARKING

This proposed modification relates to a section of Murray Street to the east of the proposed building on Edinburgh Road. The Major Project Approval includes a new loading dock in the new building with vehicular access provided approximately midway along Murray Street (between Edinburgh Road and Smidmore Street).

The approved design of the proposed Murray Street dock including the location of the vehicular access, as approved in MOD6 in October 2018 (the latest MOD to amend the design), has generally remained consistent since the MOD 1 approval in 2013.

Swept path analysis of the approved loading dock design indicates that the vehicle path of a 19m semi-trailer would encroach into the kerbside parking on Murray Street. This has been the case in the previous modification approvals, however there is no formal approval or recognition with the conditions for the kerbside parking to be removed, to permit access by a 19m semi-trailer.

Therefore, this S75W application seeks to formalise the kerbside parking loss on the eastern side of Murray Street to safely and efficiently accommodate the swept path of all service vehicles accessing the proposed Murray Street loading dock. The kerbside parking spaces (approximately 4 spaces) that are affected are illustrated in Figure 5 below.

Figure 5 – Murray Street Parking Spaces



Source: TTPP

This matter is discussed in more detail within the attached letter from TTPP (dated 8th May 2019) that is attached at Appendix A. This contains a parking review and concludes that the loss of these parking spaces can be readily accommodated, given the availability of other kerbside spaces in the locality.

It is proposed to formalise the restrictions on these kerbside parking spaces by amending Condition 15 of the Major Project Approval, which refers to the requirement for Local Area Traffic Committee approval. This means that the proposal will also need to be endorsed by Council's Traffic Committee.

It is proposed to amend Condition 15 as follows:

B15 The proponent shall obtain Local Area Traffic Committee approval for the following works as relevant to Stage 1B and Stage 2 respectively and prior to issue of the relevant Construction Certificate:

- (b) design of the roundabout at the intersection of Edinburgh Road and Sydney Steel Road;*
- (c) redesign of the roundabout at the intersection of Edinburgh Road and Railway Terrace;*
- (d) detailed design of the bus terminal in Smidmore Street;*
- (e) prohibition of right turn movements from Victoria Road to Edgeware Road during the afternoon peak and Saturday morning peak;*
- (f) the installation of pedestrian crossing on Smidmore Street between the pedestrian entrances of the two shopping centre buildings, and the provision of proposed signage, line marking, speed zones and other traffic management in the proposed Smidmore Street Shared zone in accordance with Condition B16;*
- (g) no parking restrictions to cover the afternoon peak and Saturday morning peak at the following locations:*
 - i. northbound approach of Edgeware Road to the intersection with Alice Street and Llewellyn Street (distance of 100 metres);*
 - ii. southbound approach of Edgeware Road to the intersection with Alice Street and Llewellyn Street (distance of 50 metres); and*
 - iii. westbound approach Alice Street to the intersection with Edgeware Road and Llewellyn Street (distance of 50 metres); and*
 - iv. eastern side of Edgeware Road between Alice Street and Llewellyn Street (distance of 50 metres)*
 - v. From Smidmore Road and Edinburgh Road as identified in Figure 8. of the Response to Submissions Report prepared by TTPP dated 15 May 2018;*
- (h) Detailed design of the right turn access from Edinburgh Road to the Edinburgh road car park.*
- (i) "NO STOPPING" parking restriction to be implemented on the eastern side of Murray Street between Edinburgh Road and the proposed access location to Stage 1B loading dock as shown in 16065CAD42 Figure 1 in Attachment Three of TTPP's letter dated 8th May 2019 that accompanied the MOD 8 application**

5. ENVIRONMENTAL PLANNING ASSESSMENT

The following environmental assessment addresses the relevant matters pursuant to Section 4.55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 3BA (5) of Schedule 2 of the Savings and Transitional Regulation.

The proposed amendments relate to:

- An amendment to the description of the development;
- A minor design change to the Smidmore Street façade; and
- The regularisation of the kerbside restrictions to allow unimpeded access into the proposed loading dock.

It is considered that given the nature of the proposed modifications described above, the proposal involves minimal environmental impact and is substantially the same as the project to which the concept plan currently relates, which includes the previous modifications made under S75W.

5.1. MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011

The Marrickville Local Environmental Plan 2011 (MLEP) is the principal environmental planning instrument that applies to the site. The proposed amendments do not change the approved use, which was granted consent through a Major Project Approval, and only has a minimal impact on the design of the scheme.

As such the proposal does not conflict with any of the policies contained within MLEP 2011.

5.2. MARRICKVILLE DEVELOPMENT CONTROL PLAN 2013

The Marrickville Development Control Plan 2013 (MDCP) contains comprehensive controls for the subject site.

The MDCP refers to various types of commercial development and this modification proposal can be categorised as an external alteration which includes a minor superficial external alteration (with no additional floor area), as defined under Part 5 Section 5.1.3 of MDCP. The proposal does not conflict with any of the policies in the MDCP which relate to alterations or additions to buildings.

Part 9 of the MDCP refers to the Marrickville Metro Precinct and contains a range of policies which relate to the desired future character of the area. It is considered that the proposal will accord with these policies as the scheme will ensure the future redevelopment of the centre will maintain the amenity of the surrounding residential streets, whilst also facilitating efficient loading for delivery vehicles.

5.3. OTHER MATTERS

Section 4.15 of the EP&A Act also requires the application to be notified in accordance with the regulations and any DCP. We have been advised that this S75W will be notified by the Department of Planning, Industry and Environment (DPIE) and there is no further specific requirement under the MDCP which relates to this matter.

Furthermore, any submissions to the S75W application will be considered in due course by DPIE and through the response to submission process by the applicant.

6. KEY ISSUES

The proposal is considered to have a minimal environmental impact, as it relates to a minor external design change and does not change the approved use of the subject site. The two main issues to be considered are therefore limited to design and parking impact.

6.1. DESIGN

The impact of the proposal on the Smidmore Street façade of the proposed development is very limited. The introduction of a new pedestrian access will serve to enhance permeability and will be consistent with other entrances on the Smidmore Street frontage.

Further, the design alteration to the facade of the void area above the proposed western access on Smidmore Street is minor and will improve the aesthetic of the façade, whilst also allowing additional natural light into the building.

The Amended Architectural Plans that have been lodged with this application illustrate the proposed design amendments, which are:

- EA011B / Rev C – Overall Elevation Sheet 2 (dated 17/07/19)
- EA106 / Rev C – Proposed Ground Floor Plan (dated 01/04/19)
- EA107 / Rev C – Proposed Level 1 Floor Plan (dated 01/04/19)
- EA119 / Rev C – Proposed Public Domain Plan (dated 17/07/19)

It should be noted that the elevation plan also includes a new taxi shelter on Smidmore Street which is being negotiated with Council as part of the discharge of Condition E26 on the consent.

As such, the proposed modifications to the external façade are considered minor and do not cause any adverse impacts to the site or surrounding area.

6.2. PARKING

The proposal will result in a loss of four kerbside parking spaces on Murray Street outside the frontage of an industrial/ warehouse building. The parking loss is not expected to create any noticeable adverse parking issues in the local road network, as the number of spaces lost is not significant.

Furthermore, TTPP have analysed parking survey data of nearby kerbside parking to determine if the parking loss can be accommodated with existing kerbside parking provisions, as included at Appendix A. To summarise, the survey results indicate that within 200m walking distance there is a minimum of 14 vacant unrestricted kerbside parking spaces during Thursday and Saturdays. Therefore, there is sufficient vacant spaces to accommodate the loss of four kerbside parking spaces at this location.

Accordingly, the loss of these car parking spaces will allow efficient loading and servicing of the new building and will not create any significant adverse parking issues in the locality.

7. CONCLUSION

This S75W application can be progressed under the Savings and Transitional Regulation, as a concept plan may continue to be modified under section 75W application where the proposal is of minimal environmental impact.

The minor external changes, loss of 4 parking spaces and amendments to the wording of the conditions will create minimal environmental impacts and will result in a 'substantially the same' development as approved under the latest modification of the Major Project Approval MP09_0191.

The proposal is fully justified and will enable the efficient development and operation of Marrickville Metro Shopping Centre. It is therefore requested that consent is granted for this modification to Major Project Approval MP09_0191.

I would also like to request that the Department issue the invoice for the application fee in relation to this matter to myself at the offices listed above.

If you have any questions, please don't hesitate to contact me on 8233 9900.

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

Encs.

Appendix A - TTPP Traffic Review Letter dated 8th May 2019

Appendix B – Amended Architectural Plans

Appendix C – BCA Assessment