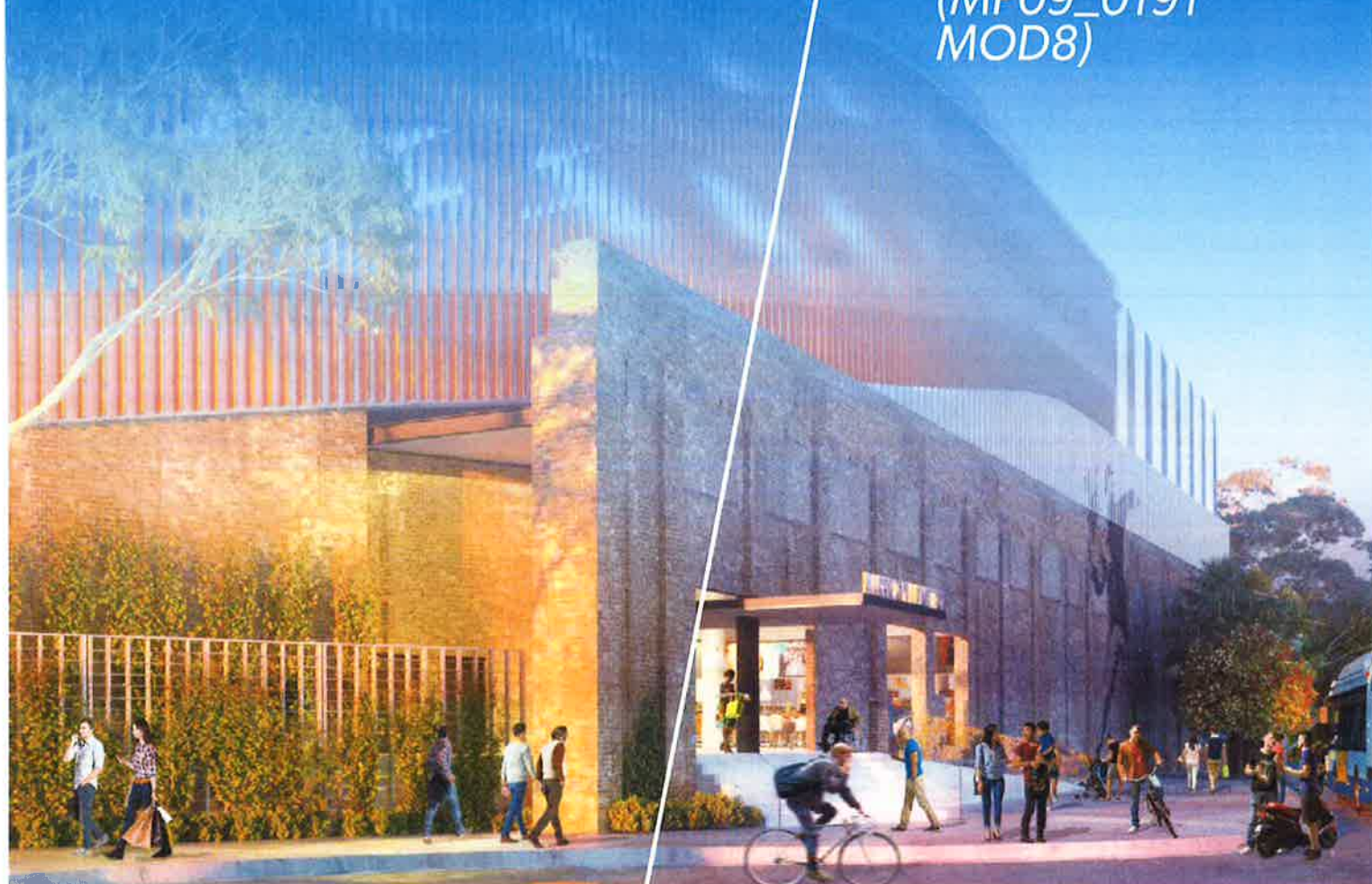




Marrickville Metro

*Modification of
Concept Approval
(MP09_0191
MOD8)*



November 2019

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Cover photo

Perspective view looking west along Edinburgh Road towards the development (Source: MP 09_0191 MOD 6)

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Glossary

Abbreviation	Definition
Concept approval / concept plan	Approved concept plan for the redevelopment of the site (MP 09_0191)
Council	Inner West Council
Department	Department of Planning, Industry 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>
ST&OP Regulation	<i>Environmental Planning & Assessment (Savings, Transitional and Other Provisions) Regulation 2017</i>
ESD	Ecologically Sustainable Development
GFA	Gross floor area
Minister	Minister for Planning and Public Spaces
Secretary	Secretary of the Department of Planning, Industry and Environment
Proponent	AMP Capital
SEARs	Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
Standard instrument	Standard Instrument – Principal Local Environmental Plan
TfNSW	Transport for New South Wales
Transport for NSW (RMS)	Transport for NSW (Roads and Maritime Services)



1. Introduction

1.1 Preamble

This report provides an assessment of an application to modify 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).

The modification application seeks to:

- replace a section of cladding with glazed louvres at first floor level above the existing pedestrian entrance on Smidmore Street
- create a new pedestrian entrance from Smidmore Street
- reclassify 1,000m² of gross floor area (GFA) from “mini-major” to “retail and business premises”
- introduce additional “no-stopping” parking restrictions to the eastern side of Murray Street adjacent to the approved loading dock.

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).

1.2 The site

The site comprises two parcels of land being 34 Victoria Road and 13-55 Edinburgh Road, Marrickville. It is located approximately 8 kilometres (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. These two land parcels are referred to as the Victoria Road site and the Edinburgh Road site. (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, Smidmore Street to the south and is adjacent to residential properties fronting Bourne Street to the west (Figure 2).



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

The Marrickville Metro Shopping Centre currently occupies the Victoria Road site and comprises 28,925 m² of retail GFA with rooftop car parking. 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. The former warehouse building on the Edinburgh Road site has now been demolished, except for the brick façade which is to be incorporated into the new building in accordance with the concept approval.

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

1.3 Approval History

1.3.1 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

- 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.

1.3.2 Modifications to the concept approval

The concept approval has been previously modified on six occasions and a further modification (MOD 4) was withdrawn (**Table 1**).

Table 1 | Summary of modifications to the concept approval

Mod No.	Summary of Modifications	Approval authority	Approval Date
MOD 1	Internal and external amendments to the Edinburgh Road site and reduction in car parking from 1,628 to 1,606 spaces across both sites.	Director	16 April 2013
MOD 2	Modification to introduce an early works stage (Stage 1A) for works to the northern part of the Victoria Road Site.	Executive Director	23 April 2015
MOD 3	Modification to amend requirements for deliveries to the Victoria Road site.	Director	11 February 2016
MOD 4	This modification did not proceed.	N/A	Withdrawn
MOD 5	Modification to defer the execution of the Voluntary Planning Agreement (VPA) with Council until Stage 1B.	Director	27 July 2016
MOD 6	Internal and external amendments including a new pedestrian bridge, realignment of Smidmore Street, public domain landscaping and extension of opening hours for retail tenancies on Smidmore Street.	Executive Director	31 October 2018
MOD 7	Modification to allow the interim return of the building security deposit and public domain works bond to the Proponent and to allow Council to approve temporary out of hours construction works.	Director	18 July 2019

The key components of the concept approval, as modified are illustrated in **Table 2**.

Table 2 | Key components of the concept approval as modified.

Concept approval (as modified)	
Built form	<ul style="list-style-type: none"> • Demolition of existing and construction of a new building with two levels of retail on the Edinburgh Road site • Refurbishment and construction of a first-floor addition to the existing shopping centre building on the Victoria Road site. • Glazed pedestrian link bridge spanning Smidmore Street at first floor level • Upgrade the Victoria Road pedestrian entrance and forecourt • Public domain landscaping and creation of one-way shared zone on Smidmore Street
Floorspace	<ul style="list-style-type: none"> • Additional 21,780m² GFA (16,767m² GLFA) comprising: <ul style="list-style-type: none"> ◦ discount department store - 5,000m² ◦ supermarket - 4,449m² ◦ mini major - 1000m² ◦ retail premises and business premises - 6,381m²
Parking	<ul style="list-style-type: none"> • 1,623 car parking spaces • 42 motorcycle parking spaces
Access	<ul style="list-style-type: none"> • Edinburgh Road site loading dock on Murray Street • Relocation of the Victoria Road site loading dock from Smidmore Street to Murray Street (Stage 2)
Staging	<ul style="list-style-type: none"> • Stage 1A – Early Works (complete) • Stage 1B - Edinburgh Road site (commenced) • Stage 2 - Victoria Road site



2. *Proposed Modification*

2.1 Description of proposed modification

On 21 August 2019, the Proponent lodged a request to modify the current approval under section 75W of the EP&A Act (MP 09_0191 MOD 8).

The proposed modification relates to the Edinburgh Road site (Stage 1B). The key components of the modification are:

- replace a section of cladding with glazed louvres at first floor level above the existing pedestrian entrance on Smidmore Street (**Figure 4**).
- create a new pedestrian entrance from Smidmore Street (**Figure 4**)
- reclassify 1,000m² of gross leasable floor area (GLFA) in stage 1B from "mini-major" to "retail premises and business premises"
- introduce additional "no-stopping" parking restrictions on the eastern side of Murray Street adjacent to the approved loading dock.





3. Statutory Context

3.1 Scope of Modification

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).

Under clause 3BA of Schedule 2 of the ST&OP Regulation a concept approval may continue to be modified under section 75W after March 2018 where the Minister is satisfied that:

- the proposed modification is to correct a minor error, misdirection or miscalculation; or
- the proposed modification is of minimal environmental impact; or
- 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).

The Department concludes that the Minister (or delegate) can reasonably form the view that the modification request is of minimal environmental impact and is substantially the same as the approved development, given the proposed amendments are minor and would not result in any significant impacts beyond those already assessed and approved. The modification is therefore within the scope of section 75W of the EP&A Act and is capable of being determined pursuant to the transitional provisions under clause 3BA of Schedule 2 of the ST&OP regulation. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or delegate) can be satisfied that the concept plan may be modified under section 75W of the EP&A Act.

3.2 Approval Authority

In accordance with the Minister's delegation dated 11 October 2017, the Director, Key Sites 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
- no public submissions in the nature of objections were received.

3.3 Environmental Planning Instruments

The following Environmental Planning Instruments (EPIs) are relevant to the application:

- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Draft State Environmental Planning Policy (Remediation of Land)
- Marrickville Local Environmental Plan 2011.

The Department undertook a comprehensive assessment of the redevelopment against the above-mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the modification does not result in any inconsistency with these EPIs.

3.4 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.



4. Engagement

4.1 Department's Engagement

In accordance with the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the modification application was not required to be publicly notified or advertised. However, it was made publicly available on the Department's website on 23 September 2019, and referred to relevant government agencies, including Transport for NSW (TfNSW), Transport for NSW (RMS) (formerly Roads and Maritime Service) and Inner West Council (Council), with a request for comments by 6 October 2019 (14 days).

4.2 Summary of Submissions

The Department received a submission from Council and advice from two government agencies. No public submissions were received. Copies of the submissions may be viewed at **Appendix A**.

4.3 Key Issues – Government Agencies

Table 3 | Summary of government agency submissions

Agency	Comments
TfNSW	Did not object to the application and provided no further comment
Transport for NSW (RMS)	Did not object to the modification and provided no further comment

4.4 Key Issues – Council

Council did not object to the proposal and provided no further comment.



5. Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the Environmental Assessment and conditions of approval for the original application (as modified)
- all submissions received on the proposal
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The Department considers the key assessment issues associated with the proposal are:

- external changes
- re-classification of floor space
- loss of on-street car parking.

5.1 External Changes

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

The modification seeks minor changes to the Smidmore Street elevation of the Edinburgh Road building, including:

- a new pedestrian entrance within the retained brick wall fronting Smidmore Street and
- the replacement of a portion of cladding with glazed louvres at first floor level, above the main entrance (**Figure 4**)

5.1.1 Pedestrian entrance

The proposed pedestrian entrance would be facilitated by the removal of 1.0 m high railings and the introduction of internal steps to street level, within the retained brick façade of the Smidmore Street colonnade. The Proponent advised that the new entrance has been designed in consultation with potential tenants to improve accessibility and connectivity with Smidmore Street.

The Department considers the additional pedestrian entrance is acceptable as:

- it would enhance permeability and connectivity with Smidmore Street
- it is located in an approved opening within the existing brick façade and would have a neutral impact on the external appearance of the building.
- it is capable of complying with the provisions of the Disability (Access to Premises) standard 2010 and the Disability Discrimination Act 1992 (DDA)
- existing conditions A5 and B38 require the Proponent to demonstrate compliance with the BCA, relevant Australian Standards and DDA at Construction Certificate stage.

5.1.2 Glazed Louvres

The introduction of additional glazed louvres above the main entrance on Smidmore Street, seeks to correct a minor error in the approved plans which show cladding at first floor level, obscuring part of the entrance void.

The Department notes that it was always intended for the void above the main shopping centre entrance to be entirely glazed at first floor level and that the detail in the materiality was an oversight. The Department considers that the proposed glazing is acceptable as it would:

- improve internal amenity by increasing natural light and ventilation
- improve the articulation and symmetry of the façade as intended by the original design.

5.2 Reclassification of Floorspace

The modification seeks to reclassify 1000m² of existing GLFA within the Edinburgh Road building from "mini-major" to "retail premises and business premises". A comparison of the approved and proposed floor space is illustrated at **Table 3**.

Table 3 | Approved and proposed floorspace

Land use	Approved Floorspace (GLFA)	Proposed Floorspace (GLFA)
Discount department store	5,000m ²	5,000m ²
Supermarket	4,449m ²	4,449m ²
Mini- major	1000m ²	-
Retail premises and business premises	6,318m ²	7,318m ²
TOTAL	16, 767 m²	16, 767 m²

The Proponent advised that "mini major" is not a planning term, but a term used by retailers to define a retail use, generally over 400m². The modification is sought to:

- align the development description with the land use definitions within The Standard Instrument – Principal Environmental Plan (The Standard Instrument)
- provide flexibility to accommodate either a single large retailer or several smaller retail and/or businesses uses.

The Department considers the proposed reclassification of floor space is acceptable as:

- the revised description aligns with the definitions within the Standard Instrument and Marrickville Local Environmental Plan 2011
- it would not significantly alter the overall balance of uses within the shopping centre, which includes both a supermarket (5,000m²) and department store (4,449m²) and would be unlikely to result in additional economic impacts to surrounding shopping centres and local shopping strips, given the overall amount of retail GLFA remains the same.
- it provides flexibility to provide retail and business premises of various sizes to meet the retail and service needs of the community and adapt to future needs
- no increase in overall GFA is proposed.

5.3 Loss of on-street car parking

Car parking was a key consideration of the Department's original assessment. The concept approval includes measures to improve traffic movement and upgrades to the public domain, including the creation of a one-way shared zone in Smidmore Street. These upgrades have resulted in the loss of 41 on-street car parking spaces around the site in Edgeware Road, Alice Street, Smidmore Street and Edinburgh Road.

The loss of these spaces was supported due to the benefits of the public domain upgrades and sufficient on-site car parking provision was available for customers and staff.

The modification proposes the removal of an additional four on-street car parking spaces on the eastern side of Murray Street adjacent to the approved loading dock by introducing additional "no-stopping" parking restrictions (**Figure 5**).

The Proponent has reviewed the access arrangements for the Murray Street loading dock and advised the removal of these spaces is required to accommodate rigid and articulated heavy vehicles access.



Figure 5 | Existing (left) and proposed (right) "no-stopping" restrictions and affected car parking spaces highlighted in red
(Base source: Proponent's Parking Review)

The Department notes that the Murray Street loading dock was approved as part of the concept approval and revised under MOD 6. The Swept path analyses submitted with these applications (**Figure 6**) demonstrated that rigid and articulated vehicles utilising the loading dock would encroach into the on-street parking spaces on the eastern side Murray Street, however the loss of these spaces was not formalised as part of either approval.

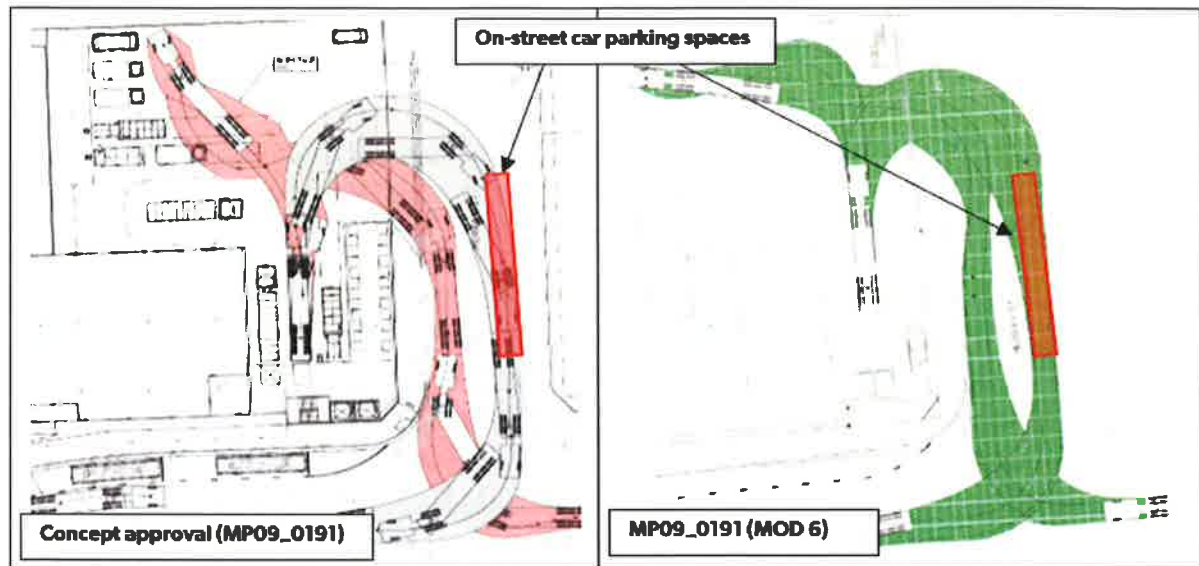


Figure 6 | Swept path analysis for the approved Murray Street Loading dock (Base Source: Proponent's Traffic Reports submitted in support of MP09_0191 and MP09_0191 MOD 6)

The Department has carefully considered the impact of the loss of on-street parking, particularly noting the 41 spaces around the site which have already been lost as a result of the approved works. Parking surveys undertaken by the Proponent have demonstrated that there is spare on-street parking capacity in the surrounding area with a minimum of 14 vacant spaces available within 200 m of the site during the Thursday and Saturday peak periods. The Department therefore considers that the loss of four additional spaces to ensure the safe and efficient access to the Murray Street loading dock is reasonable.

In conclusion the Department supports the proposed additional parking restrictions as:

- they are essential for the safe and effective operation of the Murray Street loading dock
- there is sufficient alternative on-street parking capacity in the local area (within 200m of the proposed restrictions)
- adequate parking is available for staff and customers within the site.



6. Evaluation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate as it:

- would improve the amenity and accessibility of the shopping centre and remains consistent with the approved external appearance of the building
- would be unlikely to result in additional economic impacts to surrounding shopping centres or shopping strips
- would ensure safe and effective access to the Murray Street loading dock
- would not result in additional parking stress or impact the function of the local road network
- is substantially the same development as the approved development and would not result in any adverse environmental impacts.

Consequently, the Department concludes the proposal is in the public interest and should be approved, subject to the recommended changes to the conditions of consent (**Appendix B**).



7. Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report;
- **determines** that the modification application (MP09_0191 MOD 8) falls within the scope of section 75W of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for approving the modification application;
- **modifies** the concept approval MP09_0191; and
- **signs** the attached Modification of Development Consent (**Appendix B**).

Recommended by:

David Glasgow

Principal Planner

Key Sites Assessments

Amy Watson

Team Leader

Key Sites Assessments



9. Determination

The recommendation is: **Adopted by:**

Anthony Witherdin 13/11/19

Anthony Witherdin

Director

Key Sites Assessments



Appendices

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://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10065 h
2. Submissions
http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10065
3. Response to Submissions
http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10065

Appendix B – Recommended Instrument of Modification

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10065

