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04 February 2020

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 MOD9)

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 MOD9 to MP09_0191 and seeks the following works:

- **Smidmore Street Loading Dock** – Proposed installation of roller shutters to infill existing opening.
- **Smidmore Street Café Outdoor Deck** – Proposed introduction of a pergola / shade screen over the outdoor seating and minor adjustment to the façade opening.

- **Edinburgh Road Entrance** – Adjustment to the façade, moving the steps behind the glass line.
- **Level 2 & 2A Car Parking** – The relocation of the accessible car spaces to be positioned closer to the lift entries. There is no change in car parking provision numbers.
- **Removal of Commitment 9** - The Statement of Commitments of the Major Project Approval (MOD09_0191) (as modified) includes Commitment 9 which indicates that the proponent will prepare a signage strategy and the approval of signage details will be subject to a separate development approval. This requirement has been superseded by the approval of signage zones and the wording of a more recent signage condition.

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, and Lot 10 in DP 1255587

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, with the most recent modification (MOD 8) granted in November 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.
13 th November 2019	MP09_0191_MOD8	This sought to modify Conditions A1, A2 and B15 of the Major Project Approval.

4. PROPOSED MODIFICATIONS

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

- **Smidmore Street Loading Dock** – Proposed installation of roller shutters to infill existing opening.
- **Smidmore Street Café Outdoor Deck** – Proposed introduction of a pergola / shade screen over the outdoor seating and minor adjustment to the façade opening.
- **Edinburgh Road Entrance** – Adjustment to the façade, moving the steps behind the glass line.
- **Level 2 & 2A Car Parking** – The relocation of the accessible car spaces to be positioned closer to the lift entries. There is no change in car parking provision numbers.
- **Removal of Commitment 9** - The Statement of Commitments of the Major Project Approval (MOD09_0191) (as modified) includes Commitment 9 which indicates that the proponent will prepare a signage strategy and the approval of signage details will be subject to a separate development approval. This requirement has been superseded by the approval of signage zones at the site and the wording of a more recent signage condition.

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

4.1. AMENDMENT TO SMIDMORE STREET LOADING DOCK

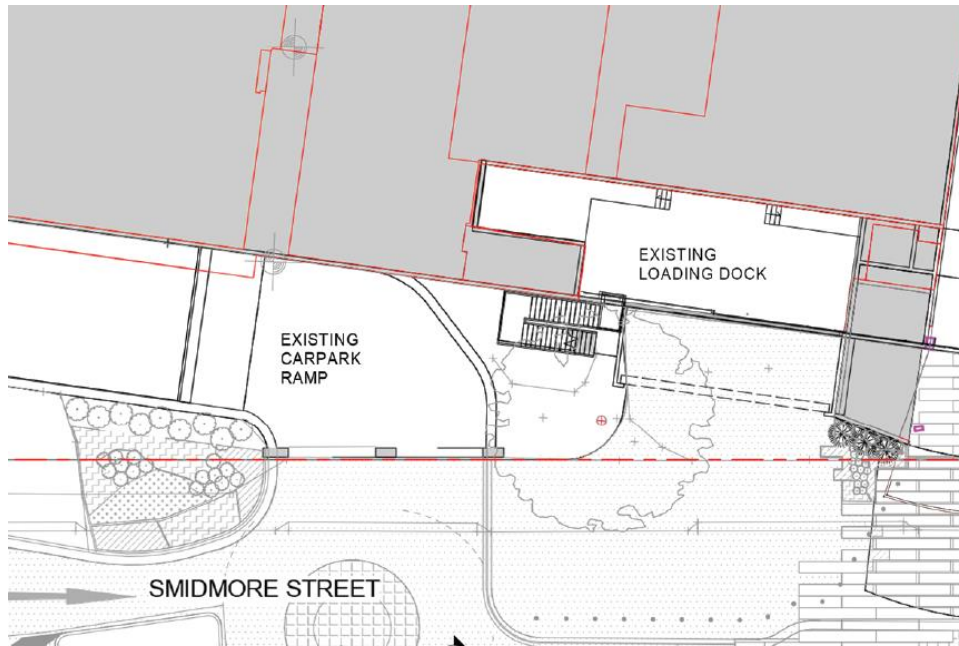
The Smidmore Street loading dock, located on the southern side of the 34 Victoria Street site, is proposed to be amended to include roller shutters to infill existing openings. MOD 6 approved roller shutters for this location, however the design required a separate structure to be built in front of the façade, which would have required significant tree pruning.

The proposal seeks to relocate the shutters to the existing façade line to ensure no impacts to the tree, while ensuring the functionality of the loading dock remains at maximum efficiency.

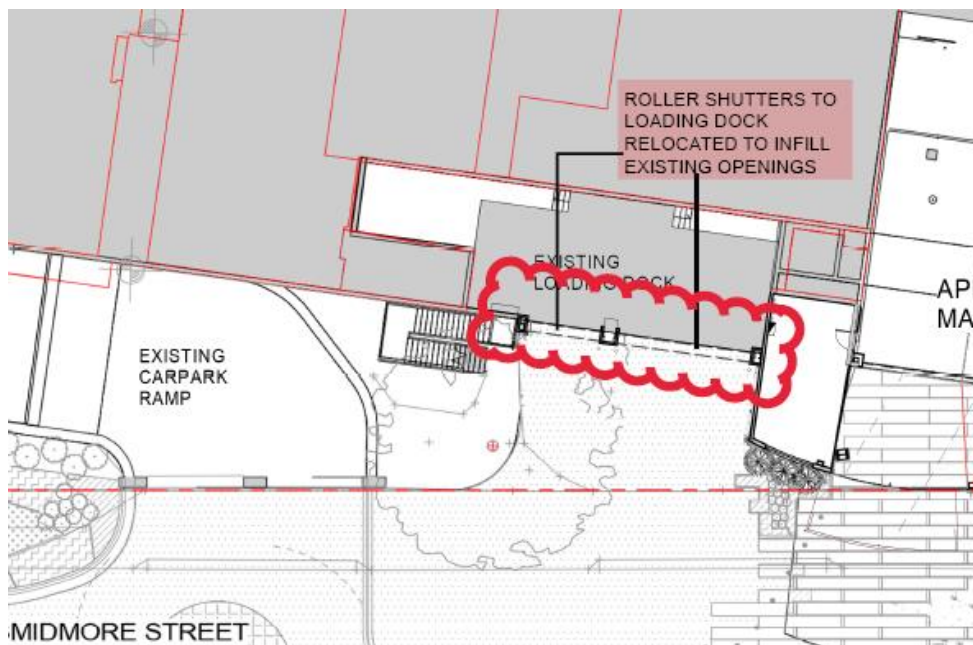
The roller shutters can be closed when vehicle access is not required and open during loading activities. The shutters are to be designed to be consistent with the approved colour scheme of the Smidmore Street redevelopment and improve the public domain of the 'eat street'.

A comparison between the approved design and proposed design is demonstrated in Figure 2 on the following page.

Figure 2 – Approved Roller Shutter Design and proposed.



Picture 1 – Approved Roller Shutter Design



Picture 2 – Proposed Design

Source: Hames Sharley

4.2. SMIDMORE STREET CAFÉ AND OUTDOOR DECK

The proposal seeks to make a minor design changes to the approved external design of the Smidmore Street café located adjacent to the southern entrance of the existing shopping centre at 34 Victoria Road.

The proposal seeks to:

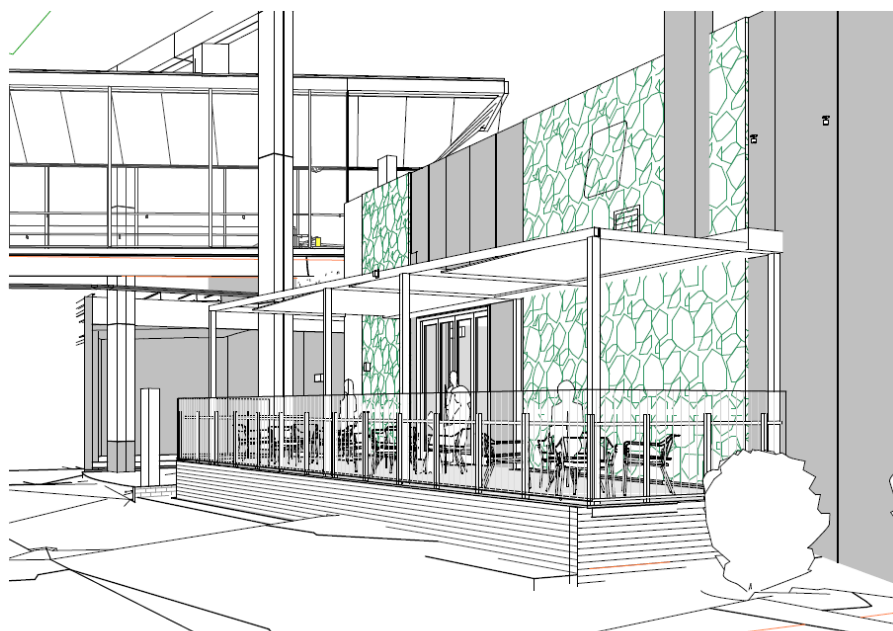
- Install two louvered openings in the wall above the café for mechanical air intake;
- Install a pergola with permeable shade structure over the deck area; and
- Opening along the southern façade of the café to be deleted, and landscape screen to be extended across the façade.

The proposed amendments are considered minor in nature and arise as a result of detailed design development and pre-construction requirements.

The proposed mechanical air vents are strategically located above the café, allowing air intake to the kitchen area of the café, away from customers. The louvers have been designed to integrate with the approved colours and materials, ensuring a consistent design that does not impact the high design integrity of the building.

The proposed pergola is proposed to be positioned over the dedicated deck of the café and provide additional shade for customers dining outdoors. The pergola compliments the approved offering of the Smidmore Street 'eat street' and provides an additional articulation of the façade. An image of the proposed pergola structure is contained in Figure 3 below.

Figure 3 – Proposed Pergola



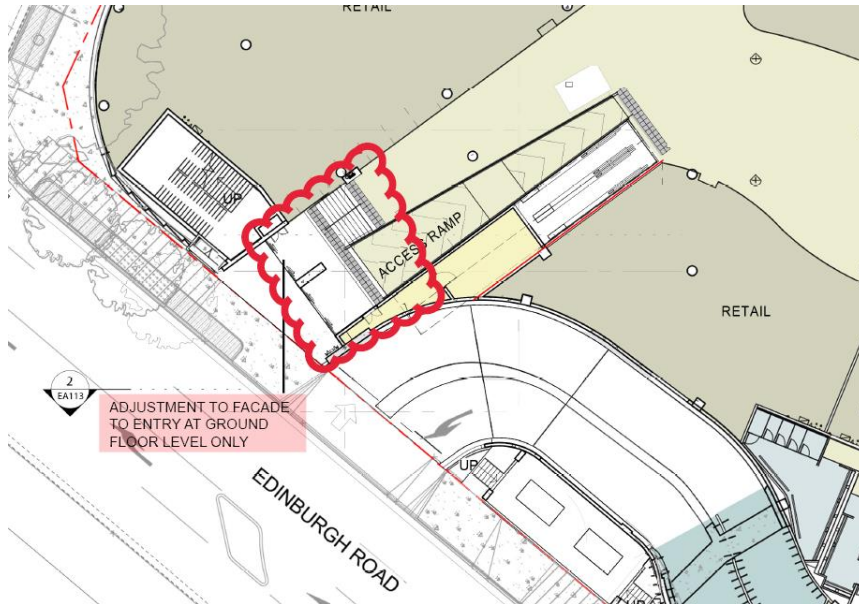
Source: Hames Sharley

4.3. EDINBURGH ROAD ENTRANCE

The proposal seeks minor amendments to the Edinburgh Road entrance. The amendments include adjustments to the façade, moving the steps behind the glass line. The proposal is the result of detailed design changes and does not impact accessibility to the entrance.

Figure 4 overleaf demonstrates the minor amendment to the entrance.

Figure 4 – Proposed amendments to the Edinburgh Road entrance



Source: Hames Sharley

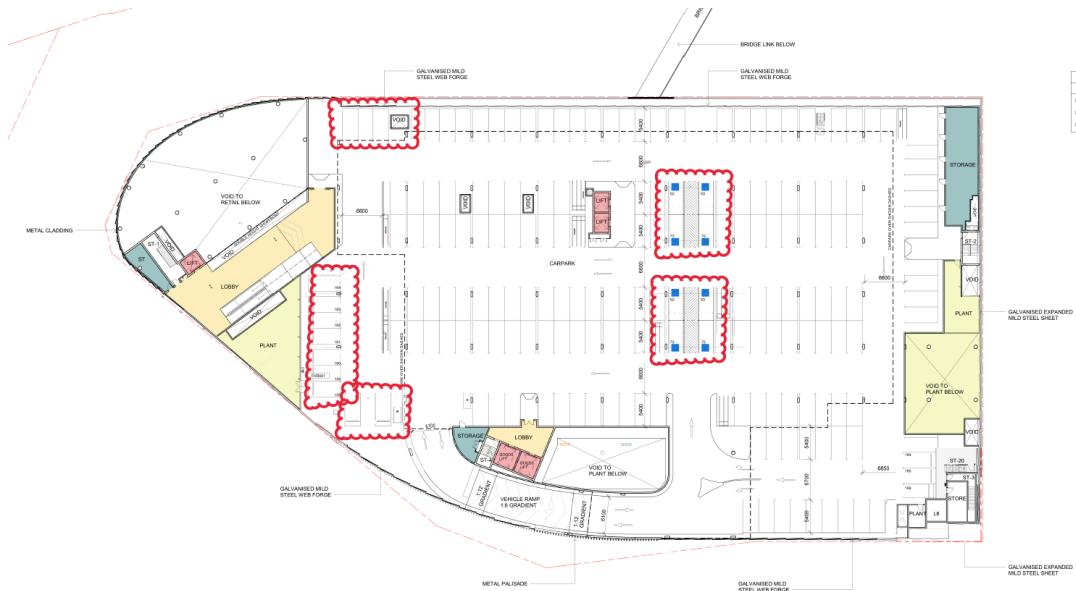
4.4. LEVEL 2 & 2A CAR PARKING

The proposal includes the relocation of four (4) accessible car parking spaces on Level 2 and eight (8) accessible spaces on Level 2A to be positioned closer to the lift entries. The proposal seeks to improve the accessibility for disabled customers by providing direct access to lifts. The proposal would not result in changes existing parking provisions and would only result in minor changes to the car park layout.

Figure 5 – Proposed Level 2 car parking changes



Figure 6 – Proposed Level 2A Car Parking changes



Source: Hames Sharley

4.5. REMOVE COMMITMENT 9 SIGNAGE:

Commitment 9 - Signage

It is proposed to remove Commitment 9, given it has now been superseded by the approval of signage zones at the site and lodgement of a signage application with Council. Commitment 9 reads:

Preparation of a signage strategy. Approval of signage details will be subject to a desperate development approval.

Condition A2 of the Major Project Approval MP0191-09 (as modified) refers to approved signage plans for the south, north, west and east elevations (Ref: EA111/B & EA112/B). These approve signage zones for the Edinburgh Road expansion site, as introduced in MOD6. These should be read in conjunction with Condition F18 (also introduced in MOD6) which requires:

Details of the final signage design, content and illumination (if proposed) within the approved signage zones to be submitted to Council for approval prior to the installation and display of any signage.

Given the wording of this condition and the approval of signage zones, Inner West Council have advised that they would not seek a formal DA for the approval of signage details under Condition F18, rather this could be dealt with by exchange of correspondence and written agreement.

However, the effect of Commitment 9 is interpreted by Council as requiring a separate development application to approve any signage details. This is clearly a more onerous obligation and was not envisaged to be retained following the approval of the signage zones. As such, this modification application seeks to delete this particular commitment as it has been superseded and should have been removed as part of MOD6.

Compliance with Condition F18 will remain, meaning that Council will retain control over signage. However, this amendment will remove the inherent conflict in wording within the Major Project Approval.

It should also be noted that a concurrent DA has been lodged with Inner West Council seeking approval for some signage, which includes a signage strategy, given the applicant's desire to move quickly with the tenant signage. However, this modification will assist in expediting the process for any future signage at the shopping centre.

4.6. MODIFICATION TO PLANS

The amended Architectural Plans that have been lodged with this application illustrate the proposed design amendments, which are contained within the lodged plans:

- EA011C /Rev E – Overall Elevations Sheet 3 (dated 11/12/19)
- EA011F /Rev E – Overall Elevations Sheet 6 (dated 12/12/19)
- EA106 /Rev E – General Arrangements Proposed Ground Floor Plan (dated 11/12/19)
- EA108 /Reve D – General Arrangements Proposed Level 2 Floor Plan (dated 11/12/19)
- EA109 /Rev D – General Arrangements Level 2A Floor Plan (dated 11/12/19)

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:

- Minor design changes to the Smidmore Street façade as a result of detailed design development and pre-construction requirements.
- Proposed introduction of a pergola / shade screen over the outdoor seating and minor adjustment to the façade opening.
- Adjustment to the façade, moving the steps behind the glass line.
- The relocation of the accessible car spaces to be positioned closer to the lift entries. There is no change in car parking provision numbers.
- Removal of the superseded signage commitment from the Statement of Commitments.

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. DPIE has reviewed the proposal and confirmed that the application will be assessed under S4.55(1A).

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.

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 access impact.

6.1. DESIGN

The impact of the proposal on the approved design of the Smidmore Street and Edinburgh Road facades is considered minor in nature and does not impact the design integrity of the development.

The installation of the roller shutters will provide an improved design outcome and will ensure impacts to the adjacent tree are minimised whilst providing acoustic and visual mitigation measures to the 'eat street'. Design alterations to the façade of the void area within the outdoor section of the café is minor and will improve the aesthetic of the façade, whilst providing additional softening of the built form through the use of the green wall.

Ventilation louvres are to be installed above the café on the Smidmore Street façade. The design and colour scheme are proposed to compliment the approved façade design, ensuring the louvres do not detract from the Smidmore Street public domain. In addition, the louvers will be further concealed by the proposed pergola over the café deck.

The installation of the pergola over the deck area of the café has been designed to compliment the existing design, whilst providing additional architectural articulation. The pergola will not result in additional overshadowing to the Smidmore Street public domain and does not detract from the design integrity of the 'eat street'. The pergola will provide additional shade to customers sitting on the deck of the café, improving customer amenity and experience.

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. ACCESS

The proposal for minor amendments to the Edinburgh Road entrance, will not impact the accessibility of the entrance. The proposal seeks to move the stairs to behind the glass line, along with minor façade amendments. The proposal is considered to have an improved design outcome.

The relocation of accessible car parking spaces is proposed to improve accessibility to the shopping centre. The proposal includes designation of four (4) spaces on Level 2 and eight (8) spaces on Level 2A within close proximity of the central lift, decreasing the distance users have to travel.

Therefore, the proposal is considered to improve accessibility throughout the site.



7. CONCLUSION

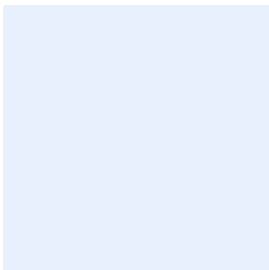
This S75W application can be progressed under the Savings and Transitional Regulation, as a concept plan may continue to be modified under section 75W application where the proposal is of minimal environmental impact.

The minor design amendments have 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.

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

Yours sincerely,



Sarah Horsfield
Director