

# Marrickville Metro Modification 9

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External design changes, car parking and signage

(MP 09\_0191 MOD 9)



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*Cover image: Perspective of Marrickville Metro Shopping Centre as viewed from the intersection of Murray Street and Smidmore Street (<https://www.marrickvillemetro.com.au/our-development/the-word-on-the-street>)*

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# Glossary

Abbreviation	Definition
<b>Concept approval / concept plan</b>	Approved concept plan for the redevelopment of the site (MP 09_0191)
<b>Council</b>	Inner West Council
<b>Department</b>	Department of Planning, Industry and Environment
<b>EIS</b>	Environmental Impact Statement
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>LEP</b>	Local Environmental Plan
<b>Minister</b>	Minister for Planning and Public Spaces
<b>Planning Secretary</b>	Secretary of the Department of Planning, Industry and Environment
<b>SEPP</b>	State Environmental Planning Policy
<b>SSD</b>	State Significant Development

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# 1 Introduction

## 1.1 Background

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).

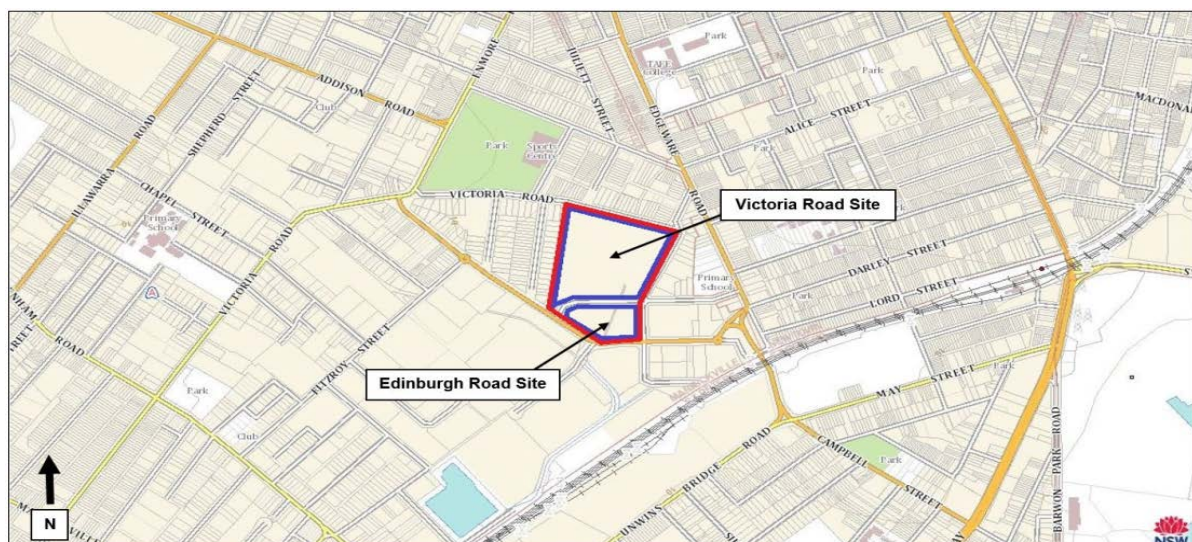
The modification application seeks to:

- modify the roller shutters to the Smidmore Street loading dock
- install a pergola / shade screen over outdoor seating and adjust the façade opening
- adjust Edinburgh Road entrance and relocate the steps behind the glass line
- relocate accessible car spaces closer to lift entries
- delete statement of commitment 9 (signage strategy).

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 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 (**Figure 1**).



**Figure 1 |** The concept approval site location (outlined in red)

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**). The Marrickville Metro Shopping Centre currently occupies the Victoria Road 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. Construction of the expansion to the Marrickville Metro Shopping Centre is currently under construction on the Edinburgh Road site in accordance with the concept approval.

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 two sites of the concept approval (shaded blue)

### 1.3 Approval history

#### 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 m<sup>2</sup> 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.

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**

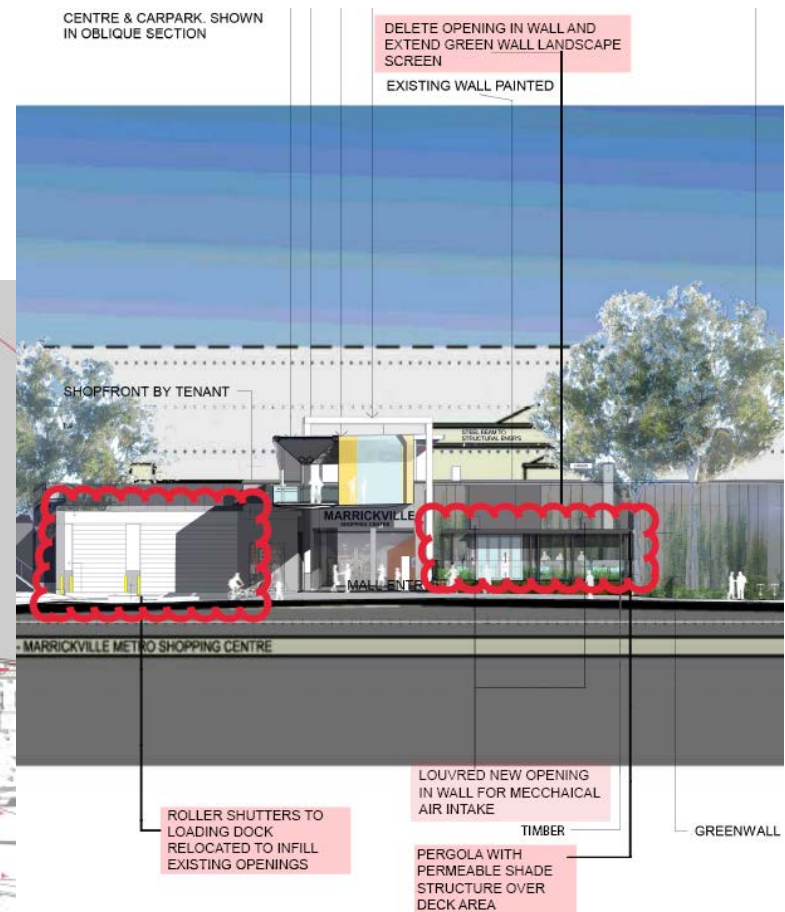
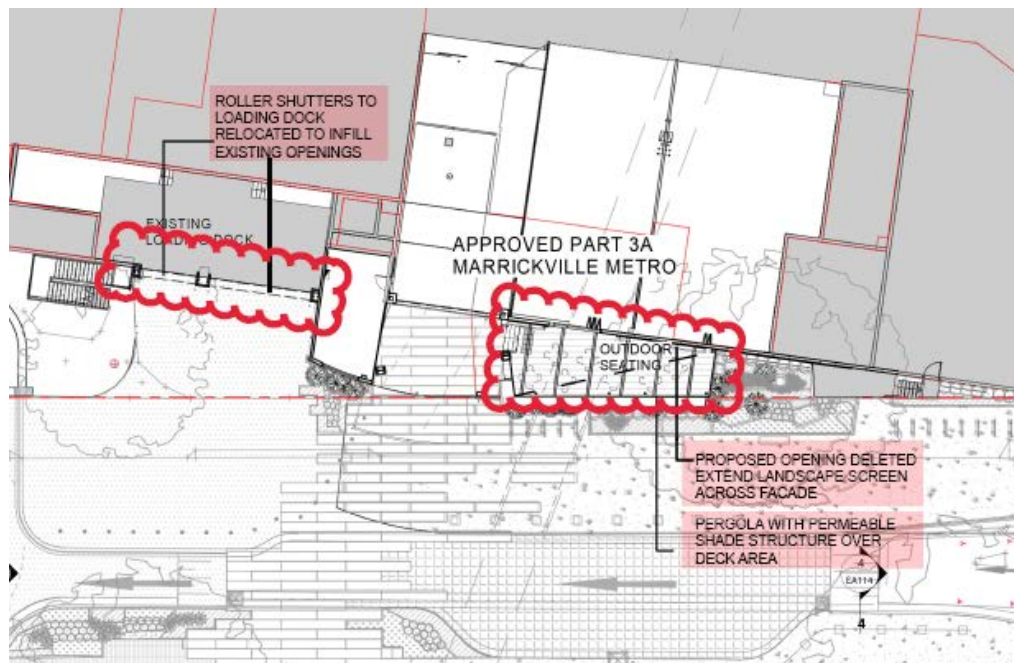
Ref	Summary of Modifications	Determined by	Type	Status
MOD 1	Internal and external amendments to the Edinburgh Road site and reduction in car parking from 1,628 to 1,606 spaces across both sites.	Department	75W	16 April 2013
MOD 2	Modification to introduce an early works stage (Stage 1A) for works to the northern part of the Victoria Road Site.	Department	75W	23 April 2015
MOD 3	Modification to amend requirements for deliveries to the Victoria Road site.	Department	75W	11 February 2016
MOD 4	This application did not proceed	N/A	75W	Withdrawn
MOD 5	Modification to defer the execution of the Voluntary Planning Agreement (VPA) with Council until Stage 1B	Department	75W	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.	Department	75W	31 October 2018
MOD 7	Modification to allow the refund of the building security deposit and public domain works bond to the Proponent and allow Council to approve temporary out of hours construction works.	Department	75W	18 July 2019
MOD 8	External modifications to the approved building in Stage 1B, reclassification of 1000m <sup>2</sup> GLFA from “mini-major” to “retail premises and business premises” in Stage 1B, introduction of additional “no stopping” parking restrictions on the eastern side of Murray Street.	Department	75W	13 November 2019

## 2 Proposed modification

On Friday 7 February 2019, the Proponent lodged a request to modify the current approval under section 75W of the EP&A Act (MP 09\_0191 MOD 9) to:

- modify the roller shutters to the Smidmore Street loading dock (**Figure 4**)
- install a pergola / shade screen over outdoor seating and adjust the façade opening (**Figure 4**)
- adjust Edinburgh Road entrance and relocate the steps behind the glass line (**Figure 5**)
- relocate accessible car spaces closer to lift entries (**Figure 6**)
- delete statement of commitment 9 (signage strategy).

A link to the modification application documents is provided in **Appendix A**.



**Figure 4** | Proposed amendments to the loading dock shutters and new pergola (Source: MP 09\_0191 MOD 9)



Figure 5 | Proposed amendments to the Edinburgh Road entrance (Source: MP 09\_0191 MOD 9)



## 3 Statutory context

### 3.1 Scope of modifications

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 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 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the application. However, under the Minister's delegation, the Director, Key Sites Assessments, may determine the application as:

- a political disclosure statement has not been made
- there are no public submissions in the nature of objection.

### 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 made publicly available on the Department's website on Thursday 13 February 2020, and referred to Inner West Council (Council), with a request for comments by 27 February 2020 (18 days).

### 4.2 Summary of submissions

Council made two submissions on the proposal (**Appendix A**).

Council initially raised concern regarding proposed changes to the circulation ramp on the Level 2 Floor Plan.

In response, the Proponent advised these changes were made in error. The Proponent submitted amended plans that retained the previous design of the circulation ramp.

Council reviewed the amended plans and made a second submission stating they had no objection to the proposal.

No public submissions were received.

## 5 Assessment

### 5.1 Key assessment issues

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 has assessed the key aspects of the proposal relating to external works, accessible car parking and signage.

### 5.2 External works

The Department has considered the proposed external modifications and concludes that they maintain the design integrity of the development and would not result in adverse impacts. In particular:

- the proposed modifications to the roller shutters to the Smidmore Street loading dock would result in an improved design outcome as the roller shutters would be integrated into the existing openings, rather than within a separate structure, as currently approved. The revised roller shutters would also minimise the need to prune a nearby tree and would continue to minimise acoustic and visual impacts associated with the loading dock
- the proposed pergola and permeable shade structure over the deck area will provide additional amenity for the approved outdoor dining space and additional articulation of the façade
- the amendments to the Edinburgh Road entrance improve pedestrian safety by relocating the stairs behind the glass line and out of the elements, while maintaining accessibility and the visibility of the entrance.

### 5.3 Accessible Car Parking

The Department considers the proposed relocation of accessible car parking spaces is acceptable, as it:

- improves accessibility by moving the accessible spaces closer to the lifts
- would only result in minor changes to the layout of the car parking with no reduction or increase of car parking spaces
- does not alter circulation space within the car park.

### 5.4 Signage

The Department supports the deletion of the Statement of Commitment 9 which requires the preparation of a signage strategy as:

- the Concept Plan approves business identification signage zones and public art zones
- Condition F18 requires the final signage design, content and illumination of signs within the approved signage zones to be approved by Council.

The Department therefore concludes that a signage strategy is not required and recommends that the Statement of Commitments be updated to remove this requirement.

## 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:

- complies with relevant statutory provisions and the proposal remains consistent with relevant EPIs and the strategic planning context
- is of minimal environmental impact
- improves amenity, pedestrian safety and accessibility and ensures that the design integrity of the development is maintained.

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 9) 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 consent MP09\_0191; and
- **signs** the attached Modification of Development Consent (**Appendix B**).

**Recommended by:**



**Amy Watson**  
Team Leader  
Key Sites Assessments

## 8 Determination

The recommendation is **Adopted / ~~Not adopted~~** by:

 12/4/2020

**Anthony Witherdin**

Director

Key Sites Assessments

as delegate of the Minister for Planning and Public Spaces

# 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://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=10152](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10152)
2. Submissions  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=10152](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10152)
3. Response to Submissions  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=10152](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10152)

## Appendix B – Notice of modification

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=10152](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10152)