

**From:** [Nik Wheeler](#)  
**To:** [Amy Watson](#)  
**Cc:** [Lewis Demertzi](#)  
**Subject:** RE: Marrickville Metro Shopping Centre (MP 09\_0191 MOD 10)  
**Date:** Friday, 26 June 2020 4:05:33 PM

---

Hi Amy,

When we spoke earlier this week, I said that I would provide you with the Applicant's comments on the approach to MOD10 suggested by Council.

As I mentioned on the telephone, we still consider that the approach taken in the modification application is a reasonable and appropriate solution to this matter. This is because:

- Through pre-application discussions with both Council and DPIE, this approach was considered suitable to address the issue.
- The application has directly requested to exempt the two consents from the operation of the condition, it has not sought to add a new use to the Major Project Approval (MPA) so has not undertaken a specific assessment which would be needed if that approach was taken.
- The use has been in lawful operation for many years, so it is unnecessary to undertake an environmental assessment of the use.
- AMPC are surrendering 100+ consents as part of the process to discharge Condition B3, the exclusion of two consents will not undermine the objective of the condition or the ability to undertake compliance action where necessary.
- Council can still record a clear planning history of the site, as the remainder of the pre-19<sup>th</sup> March 2010 consents will be surrendered. The timing of this would allow Council to hold an accurate record of the subsequent consents on an online digital database, which would be accessible to the community.
- I would also query whether a new use could be added into the MPA as part of a modification application and whether this would meet the 'substantially the same' test.

I hope these points can assist your consideration of the position.

Kind regards

Nik