

**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Pty Ltd
ABN 50 105 256 228

13 November 2020

Ms Amy Watson
Department of Planning, Industry and Environment
4 Parramatta Square
12 Darcy Street
Parramatta
NSW 2150

Dear Amy,

MARRICKVILLE METRO SHOPPING CENTRE: MODIFICATION APPLICATION (MP09_0191 MOD11)

INTRODUCTION

This letter is seeking a Section 75W modification, 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 (AMPC) to modify the Major Project Approval MP09_0190 for Marrickville Metro Shopping Centre, at 20 Smidmore Street and 34 Victoria Road, 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 MOD11 to MP09_0191 and seeks the following:

- Minor rearrangement of the gross floor area (**GFA**) at the extension site arising from design development.
- Transfer of GFA from Stage 2 to Stage 1B of the project whilst maintaining the overall approved levels of both GFA and gross leasable floor area (GLFA) within the Major Project Approval.

- Minor new brickwork panelling on the elevation to replace a screen on the Smidmore Street frontage.
- Minor alterations to the back of house storage areas and trolley bay relocation within the car park.
- Identification of steel frame structures on roof plan as per Inner West Council DA approval for installation of solar panels (Ref: DA2019/255 – approved by Council 23rd August 2019).
- Amendment to the wording of various conditions which refer to the timing of the delivery of the new roundabout at the intersection of Edinburgh Road and Sydney Steel Road.

The proposed modifications are illustrated in the updated architectural plans, and consequently result in an update to Conditions A1, A2, E5, E14, E16 and E22 of Major Project Approval (MP09_0191 as modified) which refers to the description of development and the approved plans.

This application is accompanied by:

- Amended Architectural Plans prepared by Hames Sharley Architects (**Attachment A**)
- Revised GFA and GLFA calculations prepared by Hames Sharley Architects (**Attachment B**).

THE SITE AND SURROUNDING CONTEXT

Marrickville Metro is a sub-regional shopping centre, located approximately 7km south west of the Sydney Central Business District and 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 and railway stations.

The Marrickville Metro site comprises two parcels of land separated by Smidmore Street. These are the existing shopping centre which accommodates major tenants including Kmart, Woolworths and Aldi, along with a range of speciality stores and roof-top car parking, along with the expansion site where the former warehouse building has been demolished and construction of the new part of the centre is close to completion.

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 (existing centre) and Lot 10 in DP 1255587 (expansion site). An aerial view of the site is provided at **Figure 1** below.

Figure 1 – Aerial View of the site



Source: NearMaps and Urbis

PROJECT HISTORY

The existing shopping centre and expansion site are subject to a Major Project Approval (MP09_0191) (MPA), 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* (EP&A Act).

The MPA has been modified several times, with the most recent modification (MOD 10) granted in July 2020. 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
19 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

Approval Date	Reference	Description of Works
		retail with two levels of parking above, at site of 13-55 Edinburgh Road.
16 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.
23 April 2015	MP09_0191_MOD2	Proposal to split Stage 1 into two stages (Stage 1A and Stage 1B). Stage 1A comprised 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 comprised the new Shopping Centre building on the 13-55 Edinburgh Road site.
11 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 was withdrawn.
27 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.
31 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 July 2019	MP09_0191_MOD7	This modification amended 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 November 2019	MP09_0191_MOD8	This sought to modify Conditions A1, A2 and B15 of the Major Project Approval.
12 April 2020	MP09_0191_MOD9	Design amendments including adding roller shutters to the Smidmore Street loading dock, installation of a

Approval Date	Reference	Description of Works
		pergola and outdoor seating on the southern side of the existing centre, and the relocation of entrances and car parking spaces. Deletion of Commitment 9 in the Statement of Commitments relating to signage.
7 July 2020	MP09_0191_MOD10	This modification sought amendments to the wording of two conditions of consent relating to the surrender of development consent (Condition B3) and the noise from plant (Condition E19).

PROPOSED MODIFICATIONS

TRANSFER OF GFA TO FACILITATE CAR WASH USE

AMP have identified an opportunity for a car wash operator to be introduced within the Level 2 car park of the expansion site. A car wash use is characterised as a '*business premises*' which is a permitted use under the Major Project Approval (MP09_0191).

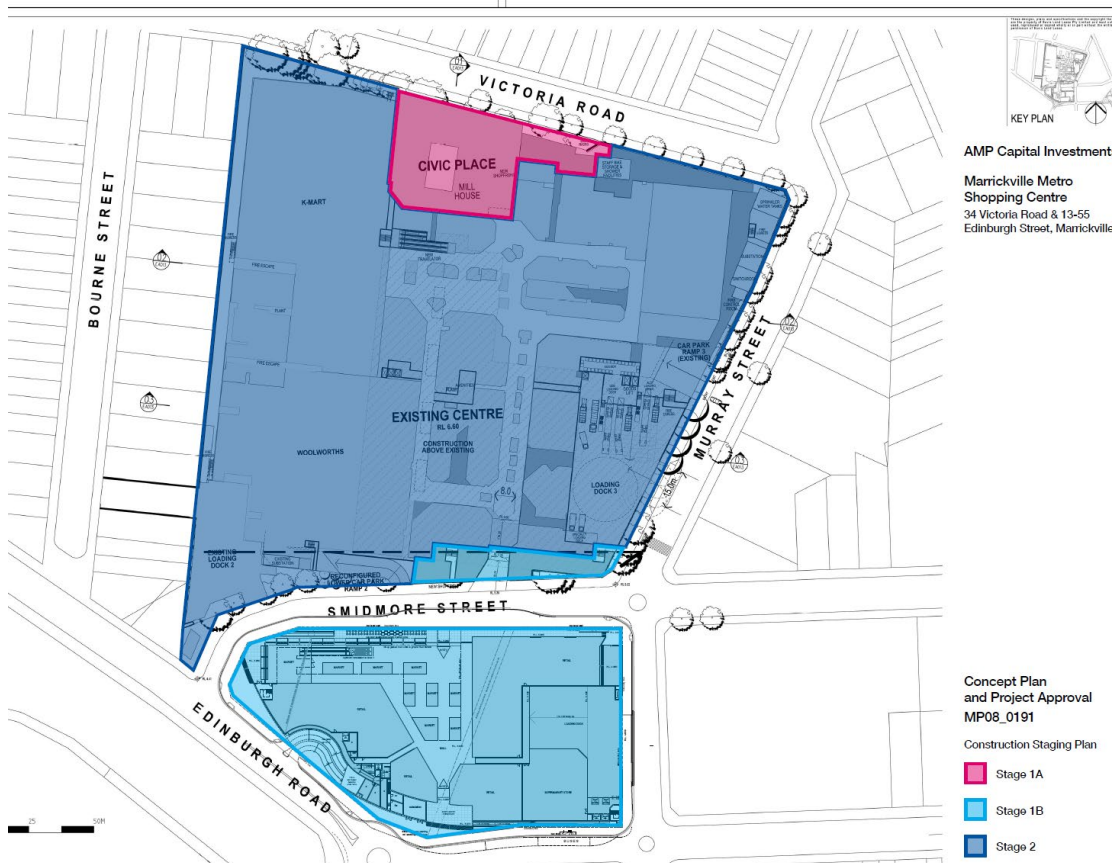
The proposal would see the loss of 4 car parking spaces to facilitate the use, but would retain overall compliance with Condition B19 of the approval, which stipulates the provision of between 455-493 spaces as part of the expansion development (Stage 1B).

However, to facilitate the additional GFA needed within Stage 1B for the proposed car wash use, it is proposed in this S75W modification application to reduce the level of GFA provided in Stage 2 (within the existing centre expansion proposal) by a commensurate amount (269sqm). This ensures that the overall balance of GFA as approved under the Major Project Approval (as modified) will remain consistent.

As directed by the Department at the scoping stage, the works for the proposed car wash business will be subject to a local development application to Inner West Council, but this modification is required to facilitate the transfer of GFA between stages of the development.

A Construction Staging Plan Illustrating Stages 1A, 1B and 2 of the Major Project Approval is provided overleaf.

Figure 2 – Construction Staging Plan



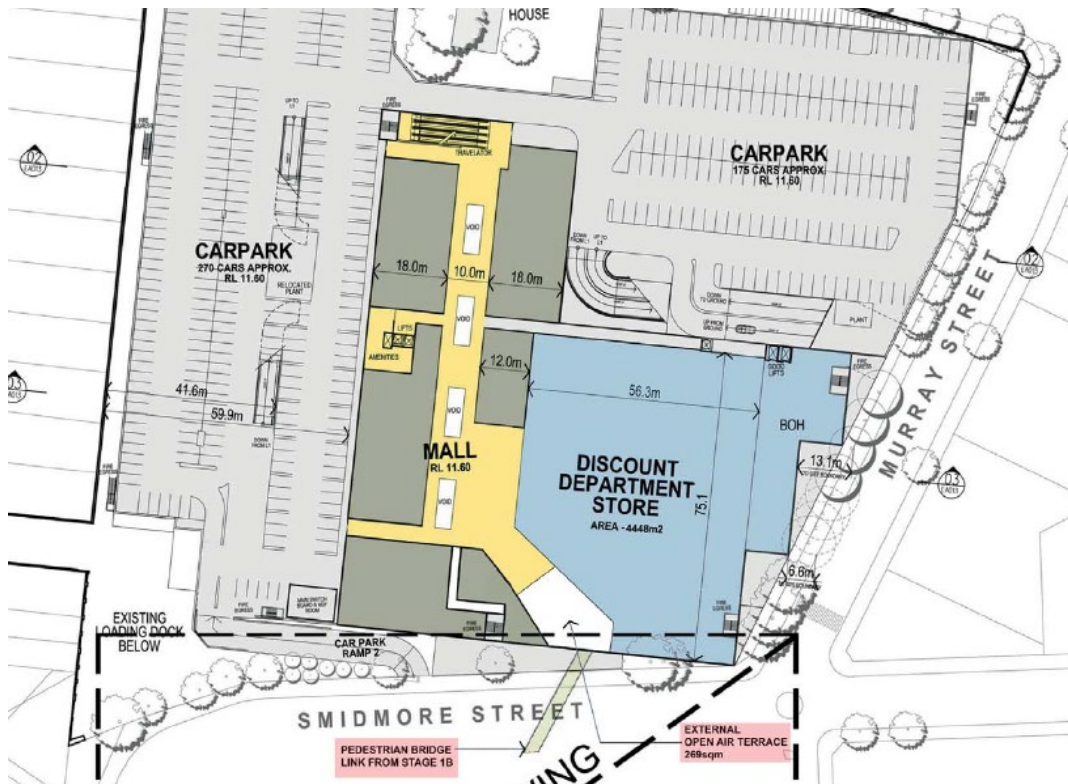
The floorspace that is being transferred is illustrated on Plan EA007/B, which indicates that the existing centre expansion will now accommodate an open-air terrace at Level 1 for the landing of the pedestrian link bridge.

The outer wall to the open-air terrace will be less than 1.4m in height, meaning that this area would not constitute GFA under the standard definition of GFA which excludes *'terraces and balconies with outer walls less than 1.4 metres high'*.

This is also a better solution and outcome for the operation of the bridge, as the bridge was previously linked directly into the proposed discount department store, which would have adversely impacted the future internal layout of the tenancy.

The proposed modifications are shown in **Figure 3** and **Figure 4** below.

Figure 3 – Proposed modified open-air terrace



Source: Hames Sharley Architects

Figure 4 – Indicative car wash location on Level 2 (subject to a local development application)



Source: Hames Sharley Architects

The overall approved GFA and GLFA for the centre under the Major Project Approval will not be altered. This is demonstrated in **Table 2** and **Table 3** below.

Table 2 – Marrickville Metro GFA Table

Stage	MOD 6 Approved	MOD 11 Proposed
Stage 1B	14,595sqm	14,864sqm
Stage 2	7,185sqm	6,916sqm
Total Additional GFA	21,780sqm	21,780sqm
Overall Maximum GFA at the Centre	50,705sqm	50,705sqm

Table 3 – Marrickville Metro GLFA Table

Stage	MOD 6 Approved	MOD 11 Proposed
Stage 1B	11,529sqm	12,350sqm
Stage 2	5,238sqm	4,417sqm
Total Additional GLFA	16,767sqm	16,767sqm
Overall Maximum GLFA at the Centre	39,700sqm	39,700sqm

MINOR INTERNAL ALTERATIONS

This modification seeks consent for the minor changes to the internal layout of the Stage 1B expansion building. These minor changes include reconfigured riser ducts, stair wells and back of house areas.

This modification application is also accompanied by amended GFA and GLFA plans prepared by Hames Sharley. The plans show minor changes to the GFA and GLFA within the centre, however the overall approved GFA and GLFA of the centre under the Major Project Approval (as modified) will not be altered. This is demonstrated in **Table 2** and Table 3 above.

This modification also seeks to alter the back of house storage areas and trolley bay relocation within the car park, to reflect design development that has occurred. This is shown in **Figure 4** above.

MINOR EXTERNAL ALTERATIONS

This modification also seeks to include a minor new brickwork panel on the elevation to replace a screen on the Smidmore Street frontage, as shown in **Figure 5** below.

Figure 5 – Proposed upgraded brickwork panel on Smidmore Street frontage



Source: Hames Sharley Architects

The installation of solar panels above the rooftop carpark of the extended centre was approved by Inner West Council (DA 2019/00255) in August 2019. This modification seeks to update the Major Project Approval (MP09_0191 as modified) General Arrangement Roof Plan (Ref EA110/ Rev E) to accurately reflect the updated design.

To facilitate the proposed modifications, Condition A1 and A2 of the Major Project Approval (MP09_0191) will be required to be amended. This is outlined in **Section 5** below.

ROUNDAABOUT AT INTERSECTION OF EDINBURGH RD AND SYDNEY STEEL RD

AMP's contractor, ADCO, have been undertaking the construction works to develop the new shopping centre expansion building at the Marrickville Metro in accordance with the Major Project Approval MP09_0191 (as modified) (MPA). This includes various works to surrounding Council owned and managed streets in accordance with the conditions attached to the MPA and the approvals from Council's Local Area Traffic Committee.

As part of this process, Condition E22 requires the construction of the roundabout at the intersection of Sydney Steel Road and Edinburgh Road prior to the issue of an Occupation Certificate for Stage 1B of the development (at no cost to Council). Unfortunately, these roundabout works have been delayed due to the impact of ongoing works being undertaken by Sydney Metro and Ausgrid at the same location. This means it is now unlikely that ADCO will be able to complete the works for this roundabout until late March 2021 at the earliest.

The delay resulting from the Sydney Metro works and Ausgrid means that an Occupation Certificate cannot be issued for the development given the wording of a number of the conditions on the MPA, even though this will be the only outstanding matters and it is out of AMP's control. AMP require the Occupation Certificate to be issued to finalise this stage of the development of the base building, to then facilitate the future fit-out works to be undertaken by the various new tenants, including Coles.

AMP are therefore seeking to amend Conditions E5, E14, E16 & E22 to permit an Occupation Certificate to be issued excluding the completion of these works. However, to secure the completion of the roundabout works prior to opening of the new part of the centre, a new condition (E35) is proposed which reads:

'The following works shall be completed to the satisfaction of the Certifying Authority and Council prior the operation of the Stage 1b retail development, and shall be at no cost to Council:

- *Roundabout construction at the intersection of Edinburgh Road/Sydney Steel Road'*

The amendments to these conditions will therefore allow an Occupation Certificate to be issued, facilitate the future fit-out works to occur at the site and ensure the roundabout is constructed prior to the opening of the new part of the centre. It will also ensure that AMP can meet their development timeframes and allow the opening of the centre on schedule.

AMENDED CONDITIONS

To facilitate the proposed modifications, Conditions A1 and A2 of the Major Project Approval (MP09_0191) will be required to be amended. For ease of reference, all amendments required are shown in **red text**.

Condition A1

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 (~~5,000~~ **4448**m²), supermarket (4,449m²) and retail premises and business premises (7,318m²);
 - an additional 21,780m² GFA (16,767m² GLFA) to provide a total of 50,705m² GFA (39,700m² GLFA);

Condition A2

A2 - The development shall be undertaken generally in accordance with:

- The Environmental Assessment dated 15 July 2010 prepared by Urbis Pty Ltd, except where amended by the Preferred Project Report received by the department on 23 December 2010, including all associated documents and reports and subsequent modifications;
 - The Revised Statement of Commitments prepared by Urbis Pty Ltd; and
 - The following drawings:

Architectural Drawings prepared for the Preferred Project Report by Hames Sharley (Project Number 50980)

<i>Drawing No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
EA006	B	Ground Floor Plan Part 3A (2012)	04.04.18
EA007	A B	Level 1 Plan Part 3A (2012)	11.10.17 28.09.2020
EA008	A	Level 02 Part 3A (2012)	11.10.17
EA009	A	Rooftop car park Level 2A	11.10.17
EA010	A	Roof Plan Part 3A (2012)	11.10.17
EA011A	A	Overall Elevations Sheet 1	11.10.17
EA011B	D E	Overall Elevations Sheet 2	18.09.19 28.09.2020
EA011C	C	Overall Elevations Sheet 3	04.04.18
EA011E	B	Overall Elevations Sheet 5	04.04.18
EA011F	B	Overall Elevations Sheet 6	04.04.18
EA011G	A	Overall Elevations Sheet 7	11.10.17
EA011H	B	Overall Elevations Sheet 8	04.04.18
EA013	A	Overall Sections	11.10.17
EA013A	A	Overall Sections Sheet 1	11.10.17
EA013B	A	Overall Sections Sheet 2	11.10.17
EA018	B	Stage 2 Ground Floor Amendment	04.04.18
EA106	E	Proposed Ground Floor Plan	11.12.19
EA107	C D	Proposed Level 1 Floor Plan	14.01.20 28.09.20
EA108	E F	Proposed Level 2 Floor Plan	14/01/20 28.09.20
EA109	F G	Proposed Level 2A Floor Plan	31.03.20 28.09.20
EA110	B E	Proposed Roof Plan	04.04.18 28.09.20

Architectural Drawings prepared for the Preferred Project Report by Hames Sharley (Project Number 50980)

EA111A	B	Proposed Signage South and North Elevations	04.04.18
EA112A	B	Proposed Signage West and East Elevations	04.04.18
EA113	A	Proposed Long Sections	11.10.17
EA114	A	Proposed Short Sections	11.10.17
EA119	C	Proposed Public Domain Plan	17.07.19
EA120	B	Proposed Bridge Plan 1 Section	04.04.18
EA122	A	Proposed External Finishes	11.10.17
EA123	A	Ground Floor Plan Shops with Extended	11.10.17

Condition E5

E5 - Development in Accordance with Conditions of Approval

All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of the relevant Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2- "Roadworks Specifications".

With the exception of the roundabout construction at the intersection of Edinburgh Road/Sydney Steel Road

Condition E14

E14 – Infrastructure Repair and Completion of Works

Prior to issue of any Occupation Certificate all required works in the road reserve, necessary for each stage of the development, must be completed in full and any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council

With the exception of the roundabout construction at the intersection of Edinburgh Road/Sydney Steel Road

Condition E16

E16 – Public Domain Works

Prior to issue of the Occupation Certificate for each stage of the development, the proponent shall obtain from Council a Certificate(s) of Satisfactory Completion for public domain works stating that

all road, footpath, drainage, traffic management, landscaping and civil works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications

With the exception of the roundabout construction at the intersection of Edinburgh Road/Sydney Steel Road

Condition E22

Condition E22 – Traffic Improvements Stage 1B

The following works shall be completed to the satisfaction of the Certifying Authority prior to issue of an Occupation Certificate for Stage 1B of the development, and shall be at no cost to Council:

- Roundabout construction at the intersection of ~~Edinburgh Road/Sydney Steel Road~~ and Edinburgh Road/Railway Terrace;
- Construction of the new bus terminal in Edinburgh Road;
- Smidmore Street upgrade works including pedestrian crossing, community bus and taxi zones; and
- Amend the street address of Marrickville Metro Shopping Centre to have a Smidmore Street address. (Satisfied)

The above measures shall be implemented in accordance with the approval of the Local Area Traffic Committee and to the satisfaction of Marrickville Council.

New Condition E35

E35 – Traffic Improvements Prior to Operation of Stage 1B

The following works shall be completed to the satisfaction of the Certifying Authority and Council prior the operation of the Stage 1b retail development, and shall be at no cost to Council:

- **Roundabout construction at the intersection of Edinburgh Road/Sydney Steel Road**

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 the internal layout of the proposed expansion buildings, minor façade amendments and the timing of the issue of an Occupation Certificate for works that are being delayed due to Sydney Metro works.

As such, the proposal involves minimal environmental impact and is substantially the same as the project to which the concept plan currently relates. As such, the application should be assessed under S4.55(1A) of the EP&A Act.

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 relate to modification of conditions and

do not change the approved use or design of the built form at the site, which was granted through a Major Project Approval. Given this, the proposal is consistent with Marrickville LEP 2011.

MARRICKVILLE DEVELOPMENT CONTROL PLAN 2013

The *Marrickville Development Control Plan 2013* contains comprehensive controls for the subject site. The proposed modifications do not impact any of the DCP controls. Although the proposal would see the loss of 4 car parking spaces to facilitate the use, the proposal will retain overall compliance with Condition B19 of the approval, which stipulates the provision of between 455-493 spaces as part of the expansion development (Stage 1B). The proposed modifications therefore do not adversely impact any DCP provisions.

POTENTIAL ENVIRONMENTAL IMPACTS

The proposed modifications for the minor rearrangement of GFA, transfer of GFA from Stage 2 to Stage 1B and minor change to the building façade are considered to cause minimal environmental impacts.

The overall approved GFA and GLFA for the centre under the Major Project Approval will not be altered. The GFA and GLFA have already been assessed as part of the Part 3A approval and the transfer of a limited amount of GFA between the stages to facilitate new tenants would create limited environmental impact. This will also help the viability of the Marrickville Metro Centre during the COVID-19 pandemic, by facilitating additional tenant to be accommodated at the centre and thereby creating additional jobs.

Finally, the additional flexibility sought with wording of the conditions relating to the new roundabout at Edinburgh Road and Sydney Steel Road, will allow the fit-out phase at the centre to commence and ensure the project can be delivered on time. The roundabout works will occur, but the timing of this is now linked to the opening of the new part of the centre, rather than the issue of the Occupation Certificate.

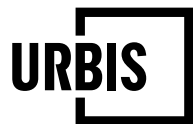
In light of the above, it is considered that the proposed modification is considered minor in nature and acceptable for approval by the Department.

CONCLUSION

This modification 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, as identified under Clause 3BA (5) of Schedule 2 of those Regulations.

The proposed modifications relate to the transfer a minor amount of GFA between development stages, internal layout revisions, a small update to the building façade and additional flexibility with various conditions relating the new roundabout, all of which are considered to cause minimal environmental impacts. As such, these amendments will cumulatively only result in a minimal environmental impact at the centre or within the surrounding locality, and are therefore appropriate for approval.

It is therefore requested that consent is granted for this modification to Major Project Approval MP09_0191.



If you have any queries regarding this application, please feel free to contact me on 02 8233 9901 or by e-mail at nwheeler@urbis.com.au.

Kind regards,

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
+61 2 8233 9901
nwheeler@urbis.com.au

Attachment A - Amended Architectural Plans prepared by Hames Sharley Architects

Attachment B - Revised GFA and GLFA calculations prepared by Hames Sharley Architects