



**ANGEL PLACE
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SYDNEY NSW 2000**

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8th April 2021

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 MOD12)

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 Marrickville, NSW 2204.

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 MOD12 to MP09_0191 and seeks the following:

- Amendment to the wording of Conditions E5, E14, E16, E22 and E35 of Major Project Approval (MP09_0191 as modified) which refer to the timing of the delivery of the new roundabout at the intersection of Edinburgh Road and Railway Parade.

This application is accompanied by an e-mail from Michael Lee at MLA, who are AMPC's Traffic Consultants attached at **Appendix A** which provides further background to this proposed modification.

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 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

Approval Date	Reference	Description of Works
		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 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).
3 February 2021	MP09-0191 MOD11	This modification included the rearrangement of GFA from Stage 1B to Stage 2, minor internal and external alterations, and amendments to conditions to defer the delivery of a new roundabout at the intersection of Edinburgh Road and Sydney Steel Road.

CONSULTATION

Prior to lodging this modification application, Urbis contacted Conor Wilson (Senior Planning Officer at Inner West Council) by telephone on 7th April 2021. The officer was advised that the application was imminent, and he raised no concerns over what is proposed, given the similarities with MOD11.

In addition, AMPC contacted the Inner West Traffic Engineering Department by e-mail and telephone on 8th April 2021 to clarify the necessity and timings for the application. No response has been received to date, however the planning officer has offered to assist with communication with the Traffic Department once this application is lodged and referred to Council.

REQUIREMENT FOR THE MODIFICATION

AMPC's contractor, ADCO, has 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). 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.

AMPC has been in regular contact with ADCO, and Council regarding the scope and timing of the works Edinburgh Road and Railway Parade to seek to minimise disruption to the community and to deliver respective project efficiencies.

As indicated within the previous modification application (MOD 11), the Edinburgh Road area is currently subject to a significant increase in utilities modification works being driven by major works programs from Marrickville Metro, Sydney Metro and Ausgrid.

To maintain project timeframes for the opening of the expansion of the shopping centre, which is programmed for mid-June, AMPC have received endorsement from Local Traffic Committee for the required traffic works to facilitate the upgrade of Edinburgh Road-Railway Parade roundabout. However, there is a requirement for these works to also be approved by Local Councillors at a Council meeting, but the relevant Council meetings dates have been delayed for reasons outside AMPC's control. This will ultimately delay the commencement and completion of these works.

AMPC have a tight timeframe for the opening of the centre which requires an early release of an Occupation Certificate (OC) for the base building. Given the current circumstances, this OC would be delayed due to the requirement of Conditions E5, E14, E16 and E22, which stipulates that these works are to be undertaken in advance of issue of the OC. Due to the delay with Council meetings and consideration of the works, this will have a severe impact upon AMPC's construction timeframe. Further detail of this issue is explained in the correspondence from AMP's Traffic Consultant contained at **Appendix A**.

As such, it is now proposed that the wording of the various conditions is modified in a similar fashion to MOD11, which would allow an OC to be issued prior to completion of these works, to allow tenant works to continue at the site.

However, it is proposed that the roadworks at Edinburgh Road/Railway Parade will now be completed by the end of May 2021, which will be in advance of the new part of the centre opening on 10th June 2021.

This means that the completion of the works at Edinburgh Road/Railway Parade can be tied to Condition 35 of the consent (which was added in MOD 11), which requires works to be undertaken prior to operation of the Stage 1B retail development. This will also ensure that the roundabout is constructed prior to the opening of the new part of the centre and AMP can meet their timeframes to facilitate 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** (for text additions) or ~~double strikethrough~~ (for text removed).

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, with the exception of the roundabout construction at the intersection of Edinburgh Road/ Sydney Steel Road **and the roundabout at the intersection of Edinburgh Road/Railway Parade** 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".

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, with the exception of the roundabout construction at the intersection of Edinburgh Road/ Sydney Steel Road **and the roundabout at the intersection of Edinburgh Road/Railway Parade** 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

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 with the exception of the roundabout construction at the intersection of Edinburgh Road/ Sydney Steel Road **and the roundabout at the intersection of Edinburgh Road/Railway Parade** have been completed satisfactorily and in accordance with Council approved plans and specifications

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/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.

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 to 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
- **Roundabout at the intersection of Edinburgh Road/Railway Parade**

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 timing of the issue of an Occupation Certificate for works that are being delayed and does not otherwise involve any changes to the built form or design of the proposal.

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.

POTENTIAL ENVIRONMENTAL IMPACTS

The proposed modifications seek flexibility within the wording of the conditions relating to the timing of construction of the new roundabout at Edinburgh Road and Railway Parade. The amendments will allow the construction at the site to continue in accordance with AMPC's programme and ensure the project can be delivered on time. The required roundabout works will still 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 for the base building.

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 are minor, simply relating to the wording of conditions tied to the timing of off-site roadworks, and will not change the approved use or design of the proposal. As such this will have minimal environmental impact at the centre or within the surrounding locality, and is appropriate for approval by the Department of Planning, Industry and Environment. 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
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Attachment A – E-mail from Michael Lee at MLA, AMPC's Traffic Consultants dated 6th April 2021.