



Marrickville Metro Modification 11

Rearrangement of GFA, minor internal and external alterations, amendment to the timing of delivering the new roundabout at the intersection of Edinburgh Road and Sydney Steel Road and removal of one car parking space

Section 75W Modification Assessment (MP 0191 MOD11)

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Glossary

Abbreviation	Definition
Council	Inner West Council
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
GFA	Gross Floor Area
GFLA	Gross Leasable Floor Area
LEP	Local Environmental Plan
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

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:

- reallocate gross floor area (GFA) from Stage 2 to Stage 1B while not modifying the overall approved GFA and gross leasable floor area (GLFA)
- make internal and external alterations
- amend to conditions E5, E14, E16 and E22 to defer the delivery of the new roundabout at the intersection of Edinburgh Road and Sydney Steel Road
- reduce car parking by one space.

The modification application was lodged on 13 November 2020 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**).

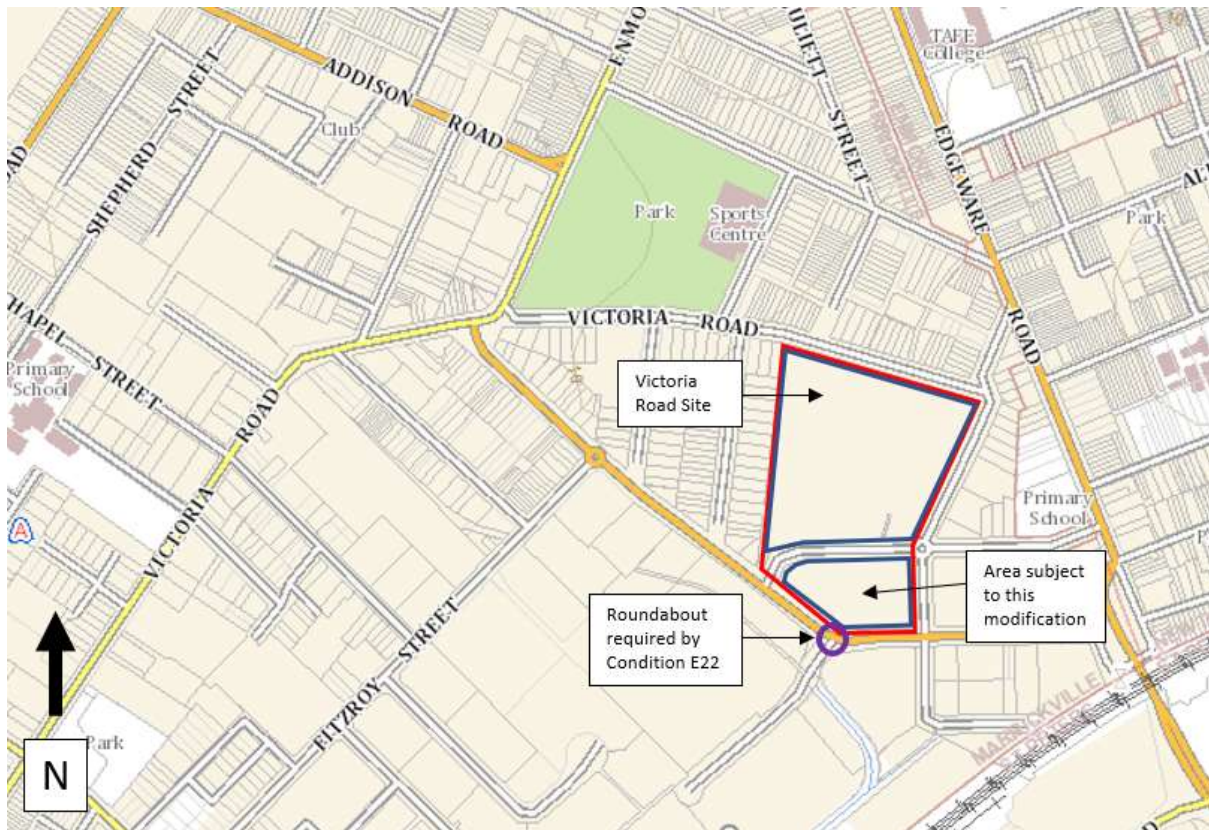


Figure 1 | The concept approval site location outlined in red) (Base Source: Six Maps)

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 existing 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 approved shopping centre is nearing completion on the Edinburgh Road site.

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 area (shaded blue), and the surrounding context (Base Source: Nearmap)

1.3 Approval History

Concept Approval (MP09_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 m² 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.

Modification to the concept approval

The concept approval has been previously modified on nine occasions and a further modification (MOD 4) was withdrawn (**Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
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	Director	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 (Figure 3).	Executive Director	75W	23 April 2013
MOD 3	Modification to amend requirements for deliveries to the Victoria Road site.	Director	75W	11 February 2016
MOD 4	This modification 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.	Director	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.	Director	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	Director	75W	18 July 2018
MOD 8	External modifications to the approved building in Stage 1B, reclassification of 1000m2 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	Director	75W	13 November 2019
MOD 9	Design changes to building façade, introduction of a pergola, relocation of accessible car spaces, and removal of signage commitment from the Statement of Commitments	Director	75W	12 April 2020
MOD 10	Amendment to the surrendering of consents, clarification of the application of the noise policy and correction of an error relating to the pedestrian traffic signals	Director	75W	7 July 2020

1.4 Other relevant approvals and construction work

Solar Panels (DA 2019/00255)

On 26 August 2019, Inner West Council approved the installation of solar panels above the rooftop car park of the extended Marrickville Metro Shopping Centre.

Sydney Metro

Sydney Metro and Ausgrid are undertaking construction works associated with the Sydney Metro. These works include ongoing works at the Sydney Steel Road and Edinburgh Road intersection.

2 Proposed Modification

On the 13 November 2020, the Proponent lodged a request to modify the current approval under section 75W of the EP&A Act (MP 09_0191 MOD 11). The request seeks approval to:

- reallocate gross floor area (GFA) from Stage 2 to Stage 1B while not modifying the overall approved GFA and gross leasable floor area (GLFA)
- make internal and external alterations
- amend to conditions E5, E14, E16 and E22 to defer the delivery of the new roundabout at the intersection of Edinburgh Road and Sydney Steel Road
- reduce car parking by one space.

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

Further details of the proposed amendments are provided in **Appendix A** and **Figures 3 to 6**.

A summary of the proposed internal and external changes is provided in **Table 2**.

Table 2 | Overview of proposed application

Aspect	Proposed Modification
Roundabout construction at Edinburgh Road and Sydney Steel Road	<ul style="list-style-type: none"> Defer the delivery of the roundabout from 'prior to the issue of an Occupation Certificate for the Stage 1B' to 'prior to operation of Stage 1B'. Amendments to conditions E5, E14, E16 and E22 and a new condition E35.
Transfer of GFA	<ul style="list-style-type: none"> Reduction of the GFA for Stage 2 by reducing the GFA of the discount department store from 5,000m² to 4,448m² (-552m²) to provide additional speciality retail and circulation space (283m²) and an open air landing (269 m²) adjacent to the pedestrian bridge from Stage 1B (Figures 3 and 4). Transfer of the 269m² of GFA the level 2 of Stage 1B for the use of a carwash which is subject to separate DA to Council (Figure 5 and 6).
Storage, plant room and corridor	Levels 1 <ul style="list-style-type: none"> Conversion of plant into a new egress and storage.
Parking spaces	<ul style="list-style-type: none"> Minor reconfiguration of car parking spaces, motorcycle parking, kerbs and trolley bays. Nomination of an area on level 2 to accommodate a car wash facility (subject to separate DA) (Figures 5 and 6). Overall reduction of 1 car parking space reducing the total number of car parking spaces from 474 spaces to 473 spaces for Stage 1B.
Solar Panels (approved in DA/2019/0025)	Roof Level <ul style="list-style-type: none"> Update plans to reflect the approved solar panel structures.



Figure 3 | Approved 5,000 m² discount department store) (Base source: Hames Sharley)



Figure 4 | Proposed 4,448 m² discount department store with additional specialty retail (grey), circulation space (yellow) and open air terrace (white)(Base source: Hames Sharley)

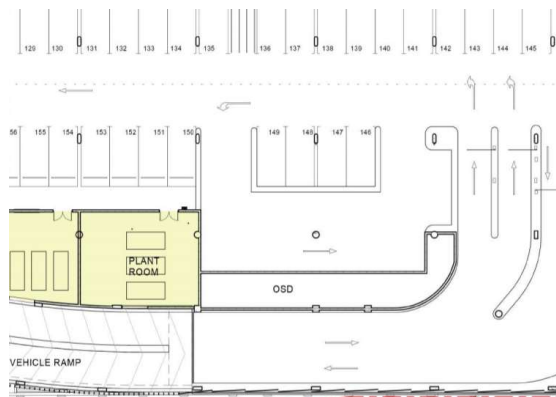


Figure 5 | Approved car parking and vehicle circulation on level 2 (Base source: Hames Sharley)

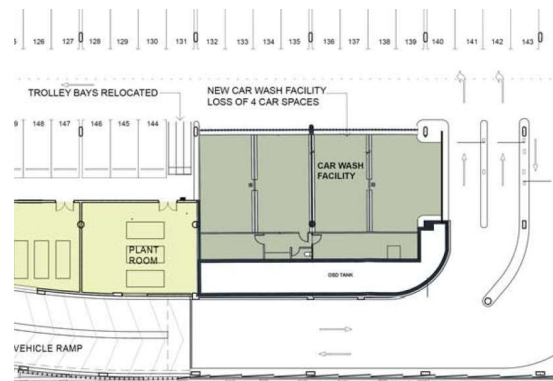


Figure 6 | Proposed location for the car wash facility (grey) that will be subject to a separate DA on level 2 (Base source: Hames Sharley)

3 Statutory context

3.1 Scope of modification

The concept plan was originally approved under Part 3A of the EP&A Act. The modification 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 considers the Minister (or delegate) can reasonably form the view that the modification request is of minimal environmental impact and is substantially the same development. The modification is therefore 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.

Section 75W of the EP&A Act provides that a Proponent may request the Minister to modify the Minister's approval for a project.

3.2 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the applications under section 4.5(a) of the EP&A Act. However, the Director, Key Sites and Regional Assessments, may determine the application as:

- a political disclosure statement has not been made
- no public submissions in the nature of objections were received.

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 13 November 2020 and referred to Inner West Council (Council) with a request for comments by 2 December 2020.

4.2 Summary of submissions

Council does not object to the proposed modifications, including the deferral of the roundabout construction until prior to operation of Stage 1B.

5 Assessment

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)
- Council's submission
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

A summary of the key issues is provided in **Table 3**.

Table 3 | Summary of key issues

Issue	Findings	Recommendations
Deferral of the delivery of the roundabout at Sydney Steel Road and Edinburgh Road	<ul style="list-style-type: none"> • The Approval requires: <ul style="list-style-type: none"> ◦ the delivery of a 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) (Condition E22) ◦ all infrastructure and public domain works be carried out prior to the issue of Occupation Certificate (Condition E5, E14 and E16). • The proposal seeks to defer the delivery of the roundabout at the intersection of Sydney Steel Road and Edinburgh Road from 'prior to the issue of an Occupation Certificate for Stage 1B' to 'prior to the operation of the Stage 1B retail development'. • The Proponent notes construction works are being undertaken by Ausgrid and Sydney Metro for the Sydney Metro which are delaying the construction works for delivery of the roundabout. The Proponent contends the revised timing will allow an Occupation Certificate to be issued to enable fit-out works to be undertaken by various new tenants prior to operation of the development. • Council did not raise any objection to the proposal. • The Department accepts the Proponent's justification for deferring the roundabout works, noting that works currently being undertaken by Ausgrid and Sydney Metro for the Sydney Metro need to be completed before the roundabout can be constructed. • The Department therefore supports the proposed amendments as: <ul style="list-style-type: none"> ◦ the revised timing would allow the Proponent to obtain an Occupation Certificate for the shopping centre, which would allow fit-out works by various tenants, however the Stage 1B retail centre would not be able to commence operation until the roundabout is constructed ◦ the roundabout will continue to be delivered at no cost to Council 	The Department recommends conditions E5, E14, E16 and E22 be amended and Condition E35 added to reflect the timing for the construction of the roundabout.

- all other road and public domain infrastructure required by the approval will be completed prior to the relevant Occupation Certificate
 - the revised timing would not impact traffic as the roundabout will be completed prior to operation of the Stage 1B retail centre.
- The Department therefore recommends that conditions E5, E14, E16 and E22 be amended accordingly and a new condition E35 is added to require the construction of the roundabout prior to the operation of Stage 1B retail development.

Transfer of GFA

- Condition A1 specifies the total approved GFA and GLFA and a breakdown of the GFA for the discount department store, supermarket and retail and business premises.
- The proposal seeks to:
 - reduce the GFA of the discount department store in Stage 2 from 5,000 m² to 4,448 m² (-552 m²) to create additional specialty retail and circulation space (283 m²) and an open air terrace (269 m²) adjacent to the pedestrian bridge from Stage 1B
 - provide an area of 269 m² on the level 2 car park within Stage 1B for the purposes of a future car wash (subject to a separate DA to Council).
- The Proponent notes the outer wall to the open air terrace will be less than 1.4 m in height, meaning that this area would not constitute GFA.
- Council did not raise any objection this change.
- The Department supports the proposed amendments as:
 - the overall total GFA and GLFA for the site remains unchanged, noting that the open air terrace is unenclosed and does not contribute to GFA
 - the proposed open air terrace will not result in any impacts on the adjoining and surrounding properties as it faces the approved Stage 1B development on the opposite side of Smidmore Street
 - the area of GFA within the level 2 car park is centrally located and setback at least 10 m from the boundaries. The appropriateness and impacts of any future car wash will be assessed in a future DA to Council
 - there are no external changes to the building.
- The Department therefore recommends that condition A1 is amended to reflect the reduction of GFA to the discount department store and the plans in Condition A2 are amended accordingly. The Department also recommends that Condition A8 is amended to ensure that no approval is granted or implied for a future car wash.

The Department recommends conditions A1 and A2 be amended to reflect the redistribution of GFA and condition A8 outlining that no approval is granted or implied for the carwash.

Parking Spaces

- Condition B19 requires between 455 and 493 car parking spaces for Stage 1B of the development.
- The proposed reconfiguration of car parking results in a reduction of one space, providing a total of 473 spaces in Stage 1B which remains consistent with Condition B19.
- Council raised no objection to the minor changes to car parking and the reduction of one space.
- The Department is satisfied that the car parking provision for the development is acceptable as it remains within the approved range of 455 to 493 spaces consistent with Condition B19.

The Department recommends Condition A2 be amended to reflect the revised plans.

**External and
internal changes**

- The proposal seeks to reconfigure the trolley bays and make minor amendments to plant and storage. In addition, it seeks to replace a screen with a brickwork panel on the Smidmore Street frontage and to update the plans to include solar panels recently approved by Council.
- Council did not raise any objection the proposed changes.
- The Department supports the proposed amendments as the changes are within the approved development, will enhance the functioning of the development and result in negligible visual or other impacts.

The Department recommends Condition A2 be amended to reflect the revised plans.

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:

- the roundabout at the intersection of Sydney Steel Road and Edinburgh Road will be constructed prior to operation of the shopping centre on the Edinburgh Road site, while allowing an Occupation Certificate to be issued for the operation of Stage 1B
- the transfer of GFA does not result in any changes to the total GFA or GLFA for the site
- any future car wash will be subject to a separate DA to Council
- the external and internal changes are of a minor nature which will have negligible impact on the adjoining and surrounding properties and car parking remains consistent with the Concept Approval.
- it complies with the relevant statutory provisions and remains consistent with relevant EPIs and the strategic planning context
- it is of minimal environmental impact and within the scope of 75W

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 11) 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:



Candice Pon
Planning Officer
Key Sites Assessments

Recommended by:



Amy Watson
Team Leader
Key Sites Assessments

8 Recommendation

The recommendation is **Adopted** by:



3 February 2021

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 Major Project's website as follows:

- Modification Report and Response to Submissions
http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10643
- Submissions

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10643

- Associated modifications (MP 09_0191 MOD 1, MOD 2, MOD 3, MOD 4, MOD 5, MOD 6, MOD 7, MOD 9, MOD 10 and MOD 11)

Appendix B – Modification Report

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10643