



# Marrickville Metro Modification 12

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Amendment to the timing for delivering the new  
roundabout at the intersection of Edinburgh Road and  
Railway Parade

Section 75W Modification Assessment (MP 0191 MOD12)

May 2021

Published by the NSW Department of Planning, Industry and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Title: Marrickville Metro MOD 12

Subtitle: MP09\_0191 MOD 12

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# Glossary

Abbreviation	Definition
<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>EPI</b>	Environmental Planning Instrument
<b>LEP</b>	Local Environmental Plan
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>Planning Secretary</b>	Secretary of the Department of Planning, Industry and Environment
<b>SEPP</b>	State Environmental Planning Policy
<b>SRD SEPP</b>	State Environmental Planning Policy (State and Regional Development) 2011
<b>SSD</b>	State Significant Development

# 1 Introduction

## 1.1 Background

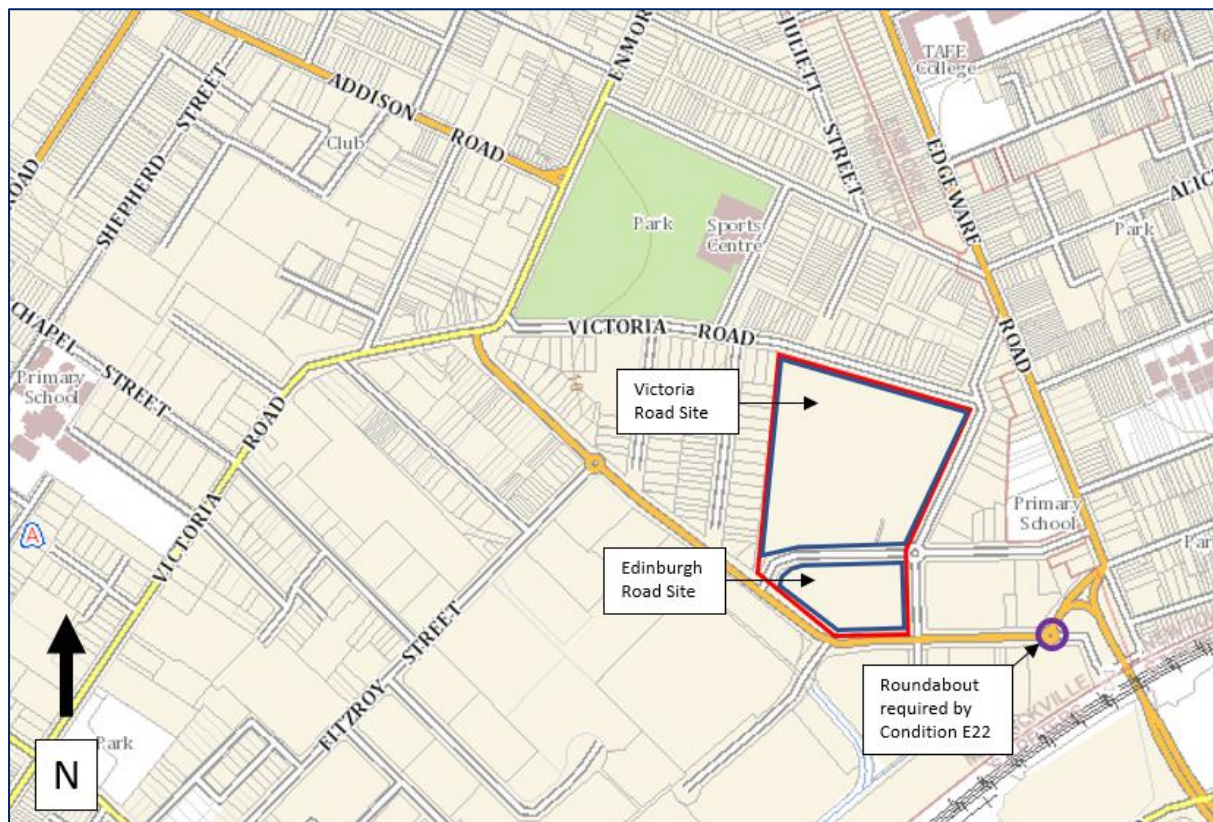
This report provides an assessment of an application to modify the concept plan for the expansion of the Marrickville Metro Shopping Centre at 34 Victoria Road and 13-55 Edinburgh Road, Marrickville (MP 09\_0191), pursuant to section 75W of the Environmental Planning and Assessment Act 1979 (the EP&A Act).

The modification application seeks to amend to conditions E5, E14, E16, E22 and E35 to defer the delivery of the new roundabout at the intersection of Edinburgh Road and Railway Parade from 'prior to the issue of an Occupation Certification for the Stage 1B' to 'prior to the operation of Stage 1B'.

The modification application was lodged on 8 April 2021 by 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 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.

### **Modification to the concept approval**

The concept approval has been previously modified on ten occasions and a further modification (MOD 4) was withdrawn (**Appendix C**). The most recent modification (MOD 11) deferred the requirement to construct the new roundabout at the intersection of Edinburgh Road and Sydney Steel Road from 'prior to the issue of an Occupation Certification for the Stage 1B' to 'prior to the operation of Stage 1B'.

## 2 Proposed Modification

On the 8 April 2021, the Proponent lodged a request to modify the current approval under section 75W of the EP&A Act (MP 09\_0191 MOD 12).

The modification application seeks to amend to conditions E5, E14, E16, E22 and E35 to defer the delivery of the new roundabout at the intersection of Edinburgh Road and Railway Parade from 'prior to the issue of an Occupation Certification for the Stage 1B' to 'prior to the operation of Stage 1B'.

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

## 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 application under section 4.5(a) of the EP&A Act. However, the Team Leader, Key Sites Assessments may determine the application under delegation as:

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

### 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 8 April 2021 and referred to Inner West Council (Council) with a request for comments by 29 April 2021.

### 4.2 Summary of submissions

Council does not object to the proposed modification and requested that the bond amount required by existing condition B7 be increased by \$200,000 as security that the roundabouts are constructed to Council's satisfaction.

## 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 issue is provided in **Table 1**.

**Table 1 | Summary of key issues**

Issue	Findings	Recommendations
<b>Deferral of the delivery of the roundabout at Edinburgh Road and Railway Parade</b>	<ul style="list-style-type: none"> <li>• Condition E22 of the Approval requires construction of a roundabout at the intersection of Edinburgh Road and Railway Terrace prior to the issue of an Occupation Certificate for Stage 1B of the development (at no cost to Council).</li> <li>• The proposal seeks to defer the delivery of the roundabout until 'prior to the operation of the Stage 1B retail development'.</li> <li>• The Proponent seeks to defer the construction as: <ul style="list-style-type: none"> <li>○ construction works being undertaken by Ausgrid and Sydney Metro for the Sydney Metro are delaying the construction works required for delivery of the roundabout</li> <li>○ works for the roundabout have been approved by the Local Traffic Committee, however, still require endorsement from Council</li> <li>○ 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.</li> </ul> </li> <li>• Council did not raise any objection to the proposal subject to an additional bond of \$200,000 being paid as security to ensure the roundabout is constructed to Council's satisfaction.</li> <li>• The Department accepts the Proponent's justification for deferring the roundabout works, in particular the delays caused by works currently being undertaken by Ausgrid and Sydney Metro for the Sydney Metro.</li> <li>• The Department therefore supports the proposed amendments as: <ul style="list-style-type: none"> <li>○ the revised timing would allow the Proponent to obtain an Occupation Certificate for the shopping centre allowing tenants to undertake fit-out works, however the Stage 1B retail centre would not be able to commence operation until the roundabout is constructed</li> </ul> </li> </ul>	The Department recommends new condition E36 is required to reflect the bond for delivery of the roundabout and existing conditions E5, E14, E16, E22 and E35 be amended to reflect the timing for the construction of the roundabout.

- the roundabout will continue to be delivered at no cost to Council
- an additional bond will be paid by the Proponent to ensure that the roundabout will be constructed to Council's satisfaction
- all other road and public domain infrastructure required by the approval will be completed prior to the relevant Occupation Certificate.
- The Department therefore recommends that conditions E5, E14, E16, E22 and E35 be amended to require the construction of the roundabout at the intersection of Edinburgh Road and Railway Parade prior to the operation of Stage 1B retail development and new condition E36 is added to require an additional bond for completion of the roundabout.

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**Other**

- The Department notes that there is a typographical error in conditions B14, B15 and E22 and recommends that references to 'Railway Terrace' are replaced with 'Railway Parade'.

The Department recommends conditions B14, B15, and E22 are amended to refer to Railway Parade.

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## 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 Railway Parade 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 and endorsement from Council
- 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 Team Leader, 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 12) 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:**



**David Glasgow**  
Principal Planning Officer  
Key Sites Assessments



## 8 Recommendation

The recommendation is **Adopted** by:



25/05/2021

**Amy Watson**

Team Leader

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=10675](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10675)
- Submissions  
[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=10675](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10675)
- Associated modifications (MP 09\_0191 MOD 1, MOD 2, MOD 3, MOD 4, MOD 5, MOD 6, MOD 7, MOD 8, 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=10675](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10675)

## Appendix C – Previous modifications to the consent

**Table 2 | Summary of Modifications**

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
<b>MOD 1</b>	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
<b>MOD 2</b>	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 2015
<b>MOD 3</b>	Modification to amend requirements for deliveries to the Victoria Road site.	Director	75W	11 February 2016
<b>MOD 4</b>	This modification did not proceed	N/A	75W	Withdrawn
<b>MOD 5</b>	Modification to defer the execution of the Voluntary Planning Agreement (VPA) with Council until Stage 1B.	Director	75W	27 July 2016
<b>MOD 6</b>	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
<b>MOD 7</b>	Modification to allow the refund of the building security deposit and public domain works bond to the	Director	75W	18 July 2018

Proponent and allow Council to approve temporary out of hours construction works

<b>MOD 8</b>	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
<b>MOD 9</b>	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
<b>MOD 10</b>	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
<b>MOD 11</b>	Rearrangement of GFA, minor internal and external alterations, amendment to conditions E5, E14, E16 and E22 to defer the delivery of the new roundabout at the Edinburgh Road and Sydney Street Road intersection; and removal of one car parking space	Director	75W	3 February 2021