



# Marrickville Metro Shopping Centre CONCEPT PLAN APPLICATION MP 09\_0191

## Environmental Assessment Report Volume 1



**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

Director	Tim Blythe
Senior Consultant	Kate Freedman
Job Code	SA1905
Report Number	SA1905 – Environmental Assessment Report - Final

..

Copyright © Urbis Pty Ltd  
ABN 50 105 256 228

All Rights Reserved. No material may be reproduced without prior permission.  
While we have tried to ensure the accuracy of the information in this publication,  
the Publisher accepts no responsibility or liability for any errors, omissions or  
resultant consequences including any loss or damage arising from reliance in  
information in this publication.

**URBIS**  
Australia Asia Middle East  
[www.urbis.com.au](http://www.urbis.com.au)

<b>Statement of Validity .....</b>	<b>v</b>
<b>1 Introduction.....</b>	<b>1</b>
1.1 Project vision .....	1
1.2 Objectives of proposal .....	1
1.3 The Proposal in Brief .....	2
1.4 Project Value .....	3
1.5 Proponent and consultant team .....	3
<b>2 Site Context.....</b>	<b>5</b>
2.1 Site Details .....	5
2.2 Land Ownership .....	6
2.3 Site History .....	6
2.4 Site Description .....	7
2.4.1 Marrickville Metro Shopping Centre .....	7
2.4.2 13-55 Edinburgh Road & Smidmore Street.....	9
2.5 Surrounding Context.....	9
2.6 Site Analysis .....	10
<b>3 Background – Evolution of the Concept Plan .....</b>	<b>11</b>
3.1 Overview.....	11
3.2 Economic & Consumer Research in 2005 .....	11
3.3 Identifying Opportunities for Retail Floor Space Growth in Marrickville .....	12
3.4 Community Research in 2008 .....	12
3.5 The Part 3A Process .....	13
<b>4 Director-General's Environmental Assessment Requirements .....</b>	<b>15</b>
<b>5 Description of proposal .....</b>	<b>19</b>
5.1 Overview.....	19
5.2 Detailed description of project .....	20
5.2.1 Demolition.....	20
5.2.2 Built form .....	20
5.2.3 Floor space.....	21
5.2.4 Height .....	21
5.2.5 Heritage conservation.....	21
5.2.6 Landscaping and public domain.....	21
5.2.7 Car parking, vehicle access and circulation .....	22
5.2.8 Loading/unloading .....	24
5.2.9 Public transport.....	24
5.3 Staging of proposed development.....	24
5.3.1 Stage 1 .....	24
5.3.2 Stage 2 .....	25
5.4 Draft Statement of Commitments .....	26
5.5 Draft Voluntary Planning Agreement (VPA) .....	26
5.6 Alternative Proposal for Smidmore Street.....	26
5.7 Alternatives to the Proposal .....	28
5.7.1 Overview.....	28
5.7.2 'Do Nothing' Scenario on the Marrickville Metro site.....	28
5.7.3 Retail Expansion on the Commercial Strips .....	28

5.7.4	Design Options for the Site .....	29
5.7.5	Built Form Massing Options .....	29
<b>6</b>	<b>Environmental Planning Assessment.....</b>	<b>31</b>
6.1	Environmental Planning and Assessment Act 1979 .....	31
6.2	Strategic Planning .....	31
6.2.1	NSW State Plan 2010 and Urban Transport Statement 2006.....	31
6.2.2	Sydney Metropolitan Strategy (2005).....	32
6.2.3	Draft South Subregional Strategy (2007) .....	32
6.2.4	Draft Centres Policy (2009) .....	35
6.2.5	Marrickville Urban Strategy (2007).....	36
6.2.6	Marrickville Employment Lands Study .....	37
6.2.7	Marrickville Integrated Transport Strategy .....	37
6.2.8	NSW Planning Guidelines for Walking & Cycling.....	37
6.3	Consistency with Environmental Planning Instruments .....	38
6.3.1	SEPP (Major Projects) 2005 .....	38
6.3.2	SEPP (Infrastructure) .....	38
6.3.3	SEPP No.55 – Remediation of Land.....	38
6.3.4	Marrickville Council Local Environmental Plan 2001 .....	38
6.3.5	Draft Marrickville Council Local Environmental Plan 2010.....	40
6.4	Marrickville Development Control Plans (DCPs) and Policy Documents.....	41
6.4.1	Business Centres DCP No.28 .....	41
6.4.2	Parking Strategy DCP No. 19.....	43
6.4.3	Access and Mobility: Equity of Access and Mobility DCP No. 31 .....	43
6.4.4	Community Safety DCP No. 38.....	44
6.4.5	Energy Smart Water Wise DCP No. 32.....	44
6.4.6	Contaminated Land Policy .....	44
6.4.7	Waste Management DCP 27.....	44
<b>7</b>	<b>Assessment of Key Planning Issues and Impacts.....</b>	<b>45</b>
7.1	Overview.....	45
7.2	Economic impacts .....	45
7.2.1	Economic Impact Assessment .....	45
7.2.2	Marrickville Retail Strip Review .....	46
7.2.3	Planning Assessment of Impact .....	47
7.3	Social and Community Impact.....	47
7.3.1	Social and Community Impacts and Benefits.....	47
7.3.2	Community Consultation .....	48
7.4	Traffic, Transport and Access .....	49
7.5	Built Form and Design.....	50
7.5.1	Height .....	50
7.5.2	Scale/massing .....	50
7.5.3	Streetscape Presentation .....	51
7.6	Landscape Design.....	54
7.7	ESD .....	54
7.8	Crime Prevention through Environmental Design (CPTED) .....	55
7.8.1	Security & Access Management along Western Boundary.....	56
7.9	Heritage .....	56
7.10	Environmental and Amenity Implications .....	57
7.10.1	Solar access .....	57

---

7.10.2 Acoustic privacy.....	58
7.10.3 Light spill.....	58
7.10.4 Wind impacts .....	59
7.11 Accessibility .....	59
7.12 Contamination Assessment (Soil & Groundwater).....	59
7.13 Flooding & Stormwater Management.....	60
7.14 Utilities .....	62
7.15 BCA and fire safety.....	62
7.16 Operational Waste Management.....	63
7.17 Construction Management .....	63
7.18 Civil Engineers Assessment.....	64
7.19 Geotechnical Investigations .....	64
7.20 Quantity Surveyor Statement .....	64
<b>8 Conclusion .....</b>	<b>65</b>

**ATTACHMENTS:**

Attachment 1 – Statement of Commitments

Attachment 2 – Draft Voluntary Planning Agreement

**VOLUME 2:**

Architectural Report and Drawings

**VOLUME 3:**

Technical Reports



## Statement of Validity

### Submission of Environment Assessment:

Prepared under Part 3A of the Environmental Planning and Assessment Act 1979.

### Environmental Assessment prepared by:

Name:	Tim Blythe (Director)
Qualifications	BA App Sc (Planning) RMIT BTP
Address:	Urbis Pty Ltd Level 21, 321 Kent Street Sydney NSW 2000
In respect of:	Marrickville Metro Shopping Centre

### Applicant and Land Details

Applicant:	AMP Capital Investors
Applicant Address:	c/- Urbis GPO Box 5278 Sydney NSW 2000
Land to be redeveloped:	34 Victoria Road, 13-55 Edinburgh Road and part of Smidmore Street, Marrickville
Project Summary:	<p>The proposed development is for the expansion of the Marrickville Metro Shopping Centre incorporating 13-55 Edinburgh Road and part of Smidmore Street</p> <p>The project has a capital investment value of approximately \$165 million. The new development will employ approximately 777 people.</p>

### Declaration

I certify that the contents of the Environmental Assessment have been prepared in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulations 2000. To the best of my knowledge, the information contained in this report is true in all material particulars and is not misleading.



-----  
Signature

Name: Tim Blythe

-----  
Date: 15 July 2010





## Executive Summary

This is an Environmental Assessment Report prepared on behalf of AMP Capital Investors (AMPCI) to accompany a Concept Plan Application under Part 3A of the *Environmental Planning and Assessment Act 1979*.

The Concept Plan proposal is for the development of Marrickville Metro Shopping Centre including:

- An extension of retail floor area at first floor level above the existing shopping centre building with further additional roof top parking above;
- The redevelopment of the existing industrial land south of Smidmore Street (13-55 Edinburgh Road) to create a two level retail addition to the shopping centre with car parking above.
- The closure of Smidmore Street between Edinburgh Road and Murray Street in order to create a new pedestrian plaza including a two storey retail link and car parking access. This aspect of the proposal is subject to the agreement of Marrickville Council to close and sell that part of Smidmore Street to AMPCI. A separate development option has been prepared retaining Smidmore Street in situ if required.

The proposed development has a construction investment value of \$165 million.

Since the acquisition of the site by AMPCI, significant economic and social research, design and planning analysis, consultation with the community and other key stakeholders has been undertaken. This work has significantly shaped and formed the project vision for Marrickville Metro and has confirmed the overwhelming need from both an economic and social perspective to expand the provision of retail services to meet community need.

The project will elevate Marrickville Metro from what is today a 'tired' centre that is now falling short of meeting the needs of the local community to one that will provide a broader range of retail services, enhanced public spaces and a centre that will better integrate with the surrounding context.

AMPCI has assembled a high calibre design and project team to deliver the best possible development to the Marrickville community in terms of architectural design, design of existing and new public spaces, environmental sustainability, traffic management and the like.

The Environmental Assessment Report is contained within three volumes and provides a comprehensive assessment of all anticipated impacts in accordance with the Director General's Environmental Assessment Requirements. This includes:

- Volume 1 - The Environmental Assessment Report prepared by Urbis.
- Volume 2 - The Architectural/Design Report and Drawings prepared by Lend Lease design and Site Image Landscape Architects.
- Volume 3 - The Technical Specialist reports by the project team that provide a comprehensive analysis of all of the anticipated impacts of the proposed development.

The detailed analysis provided in the Environmental Assessment demonstrates that the project will achieve a range of important outcomes for the local region and the local community. Specifically:

- It addresses the significant under supply of retail floor space in the Marrickville area and will keep more retail expenditure within the local region.
- It will significantly improve the internal and external environment of the shopping centre.
- It provides significant on-going employment in the order of 780 jobs, the majority of which are expected to be local.

- It provides the opportunity to incorporate new community facilities in conjunction with quality urban spaces which will enhance the role of Marrickville Metro as a Town Centre.
- It will enhance the environmental performance of the centre to Australian 'best practice' standards.

Importantly, where impacts have been identified in the environmental assessment, ameliorative measures will be introduced by a number of Statement of Commitments to ensure that the implications of the development can be appropriately managed.

Overall, the redevelopment of Marrickville Metro development will bring with it positive social and economic benefits for the local region and Sydney generally.

# 1 Introduction

This application has been prepared on behalf of AMP Capital Investors (AMPCI) the managers for the Marrickville Metro Shopping Centre.

This application is submitted to the NSW Department of Planning (DoP) in the form of a Concept Plan in accordance with Part 3A of the Environmental Planning and Assessment (EP&A) Act, 1979.

This Concept Plan application contains sufficient detail to enable the Minister to waive the requirement for further environmental assessment for the project, in accordance with Clause 75P of the EP&A Act 1979. This will have the end effect of enabling the Minister to approve the carrying out of the proposed development without the need for a separate Project Application to be submitted.

The Environmental Assessment Report comprises the following components:

- Volume 1 – Environmental Assessment Report
- Volume 2 – Design Report & Architectural Drawings
- Volume 3 – Technical Appendices

## 1.1 Project vision

Marrickville Metro has the potential to expand and become a true town centre for the surrounding community.

The vision for Marrickville Metro is based on a number of desired outcomes:

- An opportunity to design a scheme that enables the centre to expand to meet the local shopping and service needs of the surrounding population in one single integrated centre.
- The opportunity to create a vibrant town centre community space.
- Opportunities to better connect the centre with the adjacent open spaces and community recreational facilities (Enmore Park and the existing or redeveloped Enmore Park Aquatic Centre) as well as local schools.
- Physical improvements to the shopping centre and the way it interacts with its immediate surrounds including enhanced visual amenity along Victoria Road, Smidmore Street and Edinburgh Road.
- Opportunities to capitalise on the existing centre and the way in which it acts as a transitional space between the residential and industrial areas in the Marrickville LGA.
- Improving public transport amenity and access to the centre.
- Opportunities to better integrate the shopping centre in to the surrounding context.

## 1.2 Objectives of proposal

The objectives of the proposal are:

- To expand and revitalise Marrickville Metro Shopping Centre to accommodate additional retail floor area.
- To positively contribute to the public domain by creating new pedestrian plaza along Smidmore Street, upgrade and improvements to existing civic spaces, safe and secure shopping centre entrances and more desirable street presentation along Victoria Road, Murray Street and Edinburgh Road.

- To improve pedestrian, transport and vehicle access to, from and within the shopping centre including improved public transport access and from the site, enhanced vehicle entrance points and rationalise and consolidate loading docks and upgraded pedestrian links within and around the site.
- To provide sufficient on site car parking to accommodate the demands of customers, and minimise traffic impacts on the surrounding road network through upgrades to Edinburgh and Murray Street.
- To conserve and better integrate the historically significant Mill House within the existing civic space and heritage wall fronting Victoria Road.

### 1.3 The Proposal in Brief

The proposal has three key elements:

- An extension of retail floor area at first floor level above the existing shopping centre building with further additional roof top parking above;
- Redevelopment of the existing industrial land south of Smidmore Street (13-55 Edinburgh Road) to create a two level retail addition to the shopping centre with car parking above.
- The closure of Smidmore Street between Edinburgh Road and Murray Street in order to create a new pedestrian plaza including a two storey retail link and car parking access.

The additional retail floor area will primarily accommodate a discount department store, supermarket, mini major and specialty retail space. The development will incorporate additional car parking as well as improved vehicle access and loading facilities.

The proposal will create a new urban plaza in Smidmore Street and will be complimentary to an enhanced public space fronting Victoria Road. The proposal will include works to the public domain in order to improve the pedestrian, cycling and public transport connections to and from the site and enhance pedestrian and patron safety.

Picture 1 – Project Vision



## 1.4 Project Value

The estimated value of the project is \$165 million.

## 1.5 Proponent and consultant team

AMPCI is the project client. AMPCI has appointed the following consultants to prepare documentation supporting the Concept Plan. They include:

- Lend Lease design – Architecture/Urban Design, Services Design Works
- Bovis Lend Lease – Project Management & Environmental Sustainability
- Urbis – Urban Planning, Social & Community Benefit; CPTED Assessment
- Pitney Bowes Business Insight – Economic Impact Assessment
- Elton Consulting – Community Consultation
- Site Image – Landscape design
- Halcrow – Transport Assessment
- Graham Brookes and Associates – Heritage Impact Assessment
- Douglas Partners – Geotech, Site Contamination Assessment
- Accessibility Solutions – Accessibility Assessment
- Steve Watson and Partners – BCA Compliance
- DeFire – Fire Safety
- Acoustic Logic Consultancy – Noise Emission Assessment
- Integrated Vegetation Management – Arboricultural Assessment
- CPP – Wind Assessment
- Waste Audit and Consultancy Services – Operational Waste Management Plan
- Golder Associates – Infrastructure & Hydrology
- Cardno – Civil Design
- Davis Langdon – Quantity Surveyor





## 2 Site Context

### 2.1 Site Details

The site subject to this Concept Plan application comprises three principal land parcels:

1. Marrickville Metro Shopping Centre located at 34 Victoria Road, Marrickville. This land has an area of approximately 3.566 hectares.
2. 13-55 Edinburgh Road, which has an area of approximately 8,800m<sup>2</sup> and is located to the south of Marrickville Metro, with frontage to Smidmore Street, Murray Street and Edinburgh Road. An industrial warehouse development currently occupies this land.
3. The section of Smidmore Street (3,375sqm) immediately to the south of Marrickville Metro, between Murray Street to the east and Edinburgh Road to the west. This land is vested in Marrickville Council as the local road authority.

An aerial photograph of the site is provided below as **Figure 1**.

Figure 1 – The Site



## 2.2 Land Ownership

AMP Capital Investors are the managers of the following properties on behalf of the owners Marrickville Metro Pty Ltd:

- Marrickville Metro Shopping Centre located at 34 Victoria Road, Marrickville
- The existing industrial property at 13-55 Edinburgh Road, Marrickville

Smidmore Street which bisects the two AMPCI owned properties is a public road vested in Marrickville Council. At the time of preparing this report, Marrickville Council has not provided owner's consent for the Concept Plan application.

## 2.3 Site History

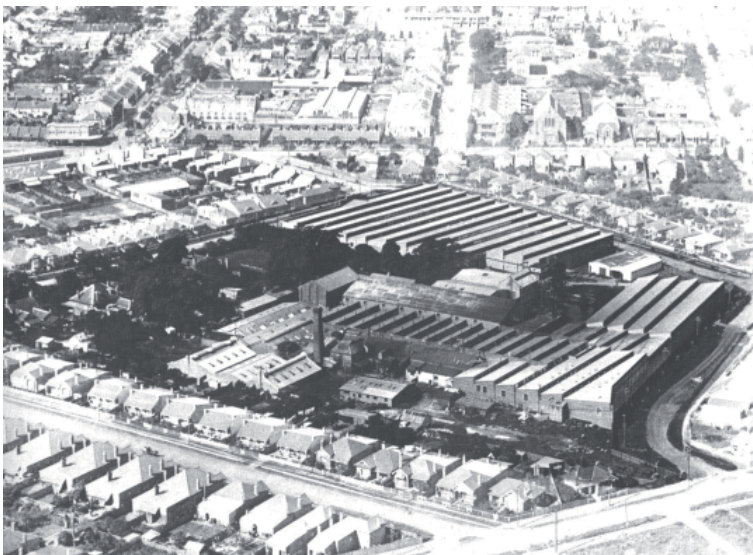
The site has a long planning history which is described in the Heritage Impact Statement that forms part of the Environmental Assessment report.

In summary, throughout the majority of the 20th century the site now occupied by the shopping centre was a woollen mills factory run by the Vicars family. Vicars was the first and largest of all the woollen mills which once inhabited Marrickville. By 1935, the factory employed 1200 people.

The Marrickville site was sold in 1979. At the time of the factory closure, the site was almost entirely covered with buildings. 'Mill House' had survived the building program and was still used as a residence for the Vicars family.

Following the closure of the factory, a number of proposals were put forward for the redevelopment of the site. New World Properties submitted a development application for the site on behalf of Coles, and were given approval to demolish the factory buildings and construct a shopping centre. The 'Mill House' and remnants of the former factory walls were retained as part of the redevelopment and remain in place today.

The Marrickville Metro Shopping complex opened in 1987.



Picture 2 – 1930's view of the site (source: GBA – May 2010)



## 2.4 Site Description

### 2.4.1 Marrickville Metro Shopping Centre

Marrickville Metro is a subregional shopping centre, approximately seven kilometres from the Sydney CBD. The shopping centre consists of the major tenants of Kmart, Woolworths and Aldi and a range of speciality stores. The shopping centre is the largest retail shopping centre in the local region and attracts in the order of 5 million visitations per annum.

The current shopping centre is a substantially enclosed and internalised with pedestrian entries from Victoria Road to the north and Smidmore Street to the south. Pedestrian access is also provided from the rooftop car parking areas down into the centre. Existing open loading dock areas exist along the frontage of Murray Street and from Smidmore Street. Two vehicle access ramps accessed off Smidmore and Murray Street provide car access to the roof top parking.

Located on site adjoining the shopping centre is the “Mill House”, which is a listed heritage item and currently used as the Centre Management Office. In addition, remnants of the ‘Old Vickers Mill’ façade remain along the Victoria Road frontage of the site.

The shopping centre is ‘tired’ in appearance and in need of rejuvenation. Most notably, the existing streetscape presentation to Murray and Smidmore Street is poor and unattractive. The presentation to Victoria is more attractive with the Mill House and the presence of established and substantial landscaping.

Figure 2 – Victoria Road frontage



Picture 2 – Victoria Road entrance with the Mill House in view



Picture 3 – Victoria Road entry to the shopping centre



Picture 4 – Victoria Road frontage with remnant factory wall



Picture 5 – Extent of former factory wall returning around into Murray Street frontage

Figure 3 – Murray Street & Smidmore Road



Picture 6 – Murray Street frontage



Picture 7 – Murray Street frontage



Picture 8 – View of Smidmore Street entry to centre and bus stop



Picture 9 – Smidmore Street car park access and egress

Figure 4 – Roof Top Car Park



Picture 10 – Roof top parking area and view of upper deck and plant



Picture 11 – Pedestrian access point into the shopping centre from car park



### 2.4.2 13-55 Edinburgh Road & Smidmore Street

The site located at 13-55 Edinburgh Road is bounded by the road reserves of Smidmore Street, Edinburgh Road and Murray Street. The site is occupied by a two storey factory/warehouse building that is built to the street frontages. Open grade car parking is located on the western side of the site.



Picture 12 – View of corner of Smidmore Street and Edinburgh Road



Picture 13 – View of 13-55 Edinburgh Road looking east along Smidmore Street



Picture 14 – Smidmore Street elevation and vehicle access



Picture 15 – View of corner of Smidmore Street and Murray Street

## 2.5 Surrounding Context

Marrickville Metro Shopping Centre is located within an established residential and industrial precinct.

- Land to the west and north of the shopping centre comprises small lot residential housing.
- The shopping centre directly abuts residential properties fronting Bourne Street, while housing exists opposite the site on the north side of Victoria Road.
- The residential precinct to the north of Victoria Road is a heritage conservation area.
- By contrast, the interfaces to the south and east are predominantly industrial in character, with larger allotments and larger building scales.

The site enjoys good public transport access including St Peters railway station, 800 metres to the south-east and bus routes providing regional transport links.

## 2.6 Site Analysis

A detailed analysis of the site and surrounding context has been prepared by Lend Lease Design and is included in **Volume 2** of the Environmental Assessment.

## 3 Background – Evolution of the Concept Plan

### 3.1 Overview

This Concept Plan is a proposal five years in the making. Following purchase of the Marrickville Metro Shopping Centre and the adjoining property at 13-55 Edinburgh Road in 2005, AMPCI undertook detailed economic consumer research, planning and design analysis on the opportunities and constraints associated with the site.

This analysis identified significant opportunities to enhance and grow the centre to meet community expectations and needs.

The development of the current Concept Plan proposal is not therefore something that has been hastily brought together, but rather a culmination of a great deal of research, consultation with key stakeholders, contribution to the development of key strategic policies and importantly listening to the needs of the local community.

A brief summary of some of this work and how it has shaped the current Concept Plan is outlined as follows.

### 3.2 Economic & Consumer Research in 2005

In 2005, AMPCI has commissioned significant research into retail and consumer demands through three of Australia's leading retail economists and researchers. This work included:

- Exit interviews of over 500 customers using Marrickville Metro over a one week period in May 2005, undertaken by Directional Insights Pty Ltd;
- A telephone survey undertaken by UrbisJHD;
- Retail demand assessment prepared by MapInfo Dimasi Pty Ltd;
- A survey of retail floorspace and shop composition for the commercial strip shopping centres of King Street Newtown and Marrickville Road and Illawarra Roads, Marrickville by UrbisJHD; and
- An economic impact assessment prepared by UrbisJHD.

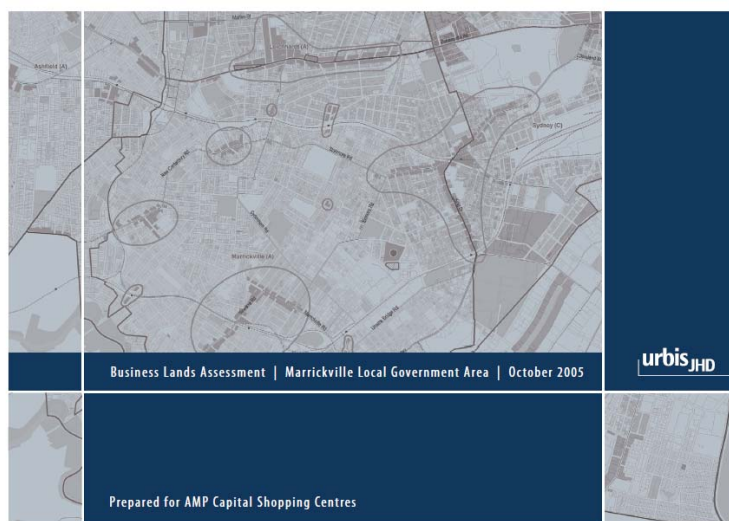
The following key conclusions were drawn from this analysis:

- A significant growth in spending in the Marrickville Trade Area of approximately \$370 million between 2005 and 2015;
- Approximately 50% under provision of retail floor space per capita compared against Sydney averages;
- Approximately \$780 million of sales per year escaping from Marrickville's trade area to other centres.
- There is clearly additional demand for retail services in the Marrickville region that is not currently being met and therefore escaping into other regions. This includes a further full-line supermarket and discount department store.

### 3.3 Identifying Opportunities for Retail Floor Space Growth in Marrickville

Given the retail floor space demands identified, a high level analysis of the commercial centres of the Marrickville LGA was undertaken to determine the opportunities to establish such uses within the established retail strips. This analysis considered:

- Zoning
- Sites that are of a size and dimension (either as existing or via amalgamation) to accommodate a large format retail use such as a supermarket.
- An assessment of each site opportunity in terms of constraints such as current use, adjoining interfaces, loading access, heritage, location within the centre and overall suitability.



The analysis identified that there are very limited opportunities to establish large format retail uses such as a full line supermarket or discount department store given the constraints of the local commercial areas within the Marrickville LGA.

The commercial precincts:

- Generally lack sufficient depth to enable a large format retail use.
- Have limited vehicle access for loading.
- Have sensitive residential interfaces.
- Are generally comprised of small land holdings, meaning that site amalgamation is essential.

Marrickville Metro is therefore strategically well positioned to meet both the existing and future retail floorspace needs of the local community particularly where large retail formats are required.

***Refer Appendix A – Business Lands Assessment prepared by Urbis – October 2005***

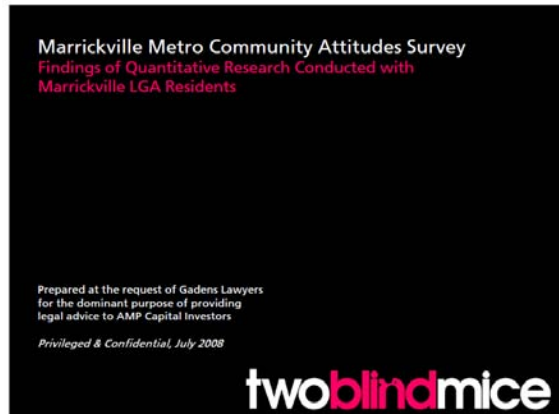
### 3.4 Community Research in 2008

In 2008, AMPCI commissioned researcher 'Two Blind Mice' to undertake detailed research on the local community attitudes (within the Marrickville LGA) towards the potential expansion of Marrickville Metro.

A survey sample of 1201 respondents was undertaken. The survey included questions to identify customer attitudes about an expansion to the shopping centre and to identify the desired retail stores and services for the area. The outcomes obtained from the community research have provided

important information for AMPCI in the development of the vision for the expansion of Marrickville Metro.

The survey indicates that the majority of the Marrickville community is willing or open to change to the Metro subject to the resolution of the final design. A high proportion of respondents (80%) stated that they were either enthusiastic to change or would be supportive depending on the final concept, while 20% were generally resistant to change of any kind.



***Appendix B – Copy of Research by Two Blind Mice dated 2008***

### 3.5 The Part 3A Process

On 19 January 2010, the NSW Department of Planning as the delegate of the Minister for Planning, formed the opinion that the proposal meets the mandatory criteria for Major Project under the State Environmental Planning Policy (Major Development) 2005 and therefore is a project to which Part 3A of the Act applies. Authorisation was also provided for the submission of a Concept Plan under Section 75M of the Act.

The declaration of the project under Part 3A of the Act has enabled this early research and project vision to be realised in the form of a detailed development proposal for the significant refurbishment and expansion of the shopping centre.





The Director General's Environmental Assessment Requirements (DGRs) were issued on 3 March 2010. The following table lists all the DGRs and provides a reference as to where each issue is addressed in this Environmental Assessment Report. A full copy of the DGRs is included at **Appendix C**.

	Requirements for MP 09_0191	Report Reference
Key Issues	<p>The EA must address the following key issues</p> <p>1. Relevant EPIs, policies and Guidelines to be Addressed</p> <p>Planning provisions applying to the site, including permissibility and the provisions of all plans and policies including:</p> <ul style="list-style-type: none"> <li>Objects of the EP&amp; A Act 1979</li> <li>NSW State Plan, Urban Transport Statement</li> <li>Sydney Metropolitan Strategy</li> <li>Draft Centres Policy</li> <li>Draft South Subregional Strategy</li> <li>Marrickville Local Environmental Plan 2001, Draft Marrickville Local Environmental Plan 2010 and relevant Development Control Plans</li> <li>Marrickville Employment Lands Study</li> <li>SEPP 55, Draft SEPP 66,</li> <li>Infrastructure SEPP 2007</li> <li>NSW Planning Guidelines for Walking and Cycling</li> <li>Nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and justification for any non-compliance.</li> </ul>	Section 6
	<p>2. Built Form</p> <p>The EA shall address the height, bulk and scale of the proposed development within the context of the locality. In particular, detailed envelope/height and contextual studies should be undertaken to ensure the proposal integrates with the local environment and streetscape.</p> <p>The EA shall address the design quality with specific consideration of the façade, massing, setbacks, building articulation, open space, landscaping, “safety by design” and public domain, including an assessment against the CPTED Principles.</p> <p>The EA shall provide the following documents:</p> <p>Comparable height study to demonstrate how the proposed height relates to the height of the existing development surrounding the subject site and adjacent streetscape.</p> <ul style="list-style-type: none"> <li>Description of the Concept Plan options and the comparative impacts arising from each option</li> <li>View analysis to and from the site from key vantage points; and</li> <li>Options for building envelopes, massing and articulation, with particular</li> </ul>	<p>Section 7</p> <p>Section 2.6 &amp; Volume 2</p>

	Requirements for MP 09_0191	Report Reference
	consideration given to the integration with the public domain and creation of activated streetscapes along Smidmore Road, Victoria Street, Murray Street and Edinburgh Road.	
	<p>3. Staging</p> <p>The EA must include details regarding the staging of the proposed development (if proposed).</p>	Section 5.3
	<p>4. Land ownership</p> <p>The EA shall detail viable options for the future ownership and management of those portions of Smidmore Road to be included in the proposal, and demonstrate that Council has provided any relevant owners consents for the project to proceed, as required.</p>	Section 2.2
	<p>5. Land use</p> <p>The EA shall address the relevant metropolitan, regional and local strategies in relation to the desired mix of land uses, and provide justification for the amount of retail floor space being proposed.</p>	Section 6
	<p>6. Economic impact assessment</p> <p>The EA shall address the potential economic impact of the proposal upon the retail industry within the locality and region, having regard to the hierarchy of centres and role and viability of existing strip shopping centres.</p>	Sections 6 & 7
	<p>7. Transport and Accessibility Impacts (Construction and Operational)</p> <p>The EA shall address the following matters:</p> <ul style="list-style-type: none"> <li>▪ Provide a Traffic Management and Accessibility Plan (TMAP) prepared in accordance with the TMAP Guidelines,</li> <li>▪ Provide a Transport &amp; Accessibility Impact Study prepared in accordance with the RTA's Guide to Traffic Generating Developments, considering traffic generation (including daily peak traffic movements), any required road/intersection upgrades, access, loading dock(s), car parking arrangements, the impact of additional parking demand for on-street parking in surrounding adjacent streets, measures to promote public transport usage and pedestrian and bicycle linkages. The intersections which are required to be modelled are detailed on Page 2 of the correspondence from the RTA dated 16 February 2010.</li> <li>▪ Provide an assessment of the implications of the proposed development for non-car travel modes (including public transport, walking and cycling), the potential for implementation of a location specific sustainable travel plan, including an assessment of opportunities to improve access and movement around the centre, including facilities and access to St Peters station;</li> <li>▪ Provide an assessment of existing STA bus services and capacity, the impact on current and future bus service needs, including the proposed new interchange/terminus arrangements;</li> <li>▪ Demonstrate that a minimalist approach to car parking provision is taken based on the accessibility of the site to public transport; and demonstrate the provision of sufficient on-site car parking for the proposal having regard to local planning controls and RTA guidelines. (Note: The Department supports reduced car parking rates in areas well-served by public transport);</li> <li>▪ Demonstrate how users of the development will be able to make travel choices that support the achievement of relevant State Plan targets; and</li> <li>▪ Details of service vehicle movements.</li> </ul>	Section 7.4

	Requirements for MP 09_0191	Report Reference
	<p>8. Environmental and Residential Amenity</p> <p>The EA must address solar access, acoustic privacy, light spill, visual privacy, view loss and wind impacts and achieve a high level of environmental and residential amenity.</p>	Section 7.10
	<p>9. Ecologically Sustainable Development (ESD)</p> <p>The development shall detail how the development will incorporate ESD principles in the design, construction and ongoing operation phases of the development.</p> <p>The EA must demonstrate that the development has been assessed against a suitably accredited rating scheme to meet industry best practice.</p>	Section 7.7
	<p>10. Contributions</p> <p>The EA shall address provision of public benefit, services and infrastructure having regard to the Council's Section 94 Contribution Plan and provide details of any Planning Agreement or other legally binding instrument proposed to facilitate this development.</p>	Section 5.5
	<p>11. Consultation</p> <p>Undertake an appropriate and justified level of consultation in accordance with the Department's <i>Major Project Community Consultation Guidelines October 2007</i>.</p>	Sections 3 & 7.3
	<p>12. Drainage</p> <p>The EA shall address drainage/ groundwater/flooding issues associated with the development/site, including stormwater, drainage infrastructure and incorporation of Water Sensitive Urban Design measures.</p>	Section 7.13
	<p>13. Groundwater</p> <p>The EA is to identify groundwater issues and potential degradation to the groundwater source and shall address any impacts upon ground water resources, and when impacts are identified, provide contingency measures to remediate, reduce or manage potential impacts.</p>	Section 7.13
	<p>14. Utilities</p> <p>In consultation with relevant agencies, address the existing capacity and requirements of the development for the provision of utilities including staging of infrastructure works,</p>	Section 7.14
	<p>15. Statement of Commitments</p> <p>The EA must include a draft Statement of Commitments detailing measures for environmental management, mitigation measures and monitoring for the project.</p>	Section 5.4
	<p>16. Heritage</p> <p>The EA shall include a Heritage Impact Statement for the development and address environmental heritage issues at the site, and specifically in respect of the 'Mill House' at 34 Victoria Road, Marrickville, which is listed as a Heritage Item under the MLEP 2001, the NSW Heritage Database and National Trust Register.</p>	Section 7.9



## 5 Description of proposal

### 5.1 Overview

The proposal has three key elements:

- An extension of retail floor area at first floor level above the existing shopping centre building with further additional roof top parking above;
- Redevelopment of the existing industrial land south of Smidmore Street (13-55 Edinburgh Road) to create a two level retail addition to the shopping centre with car parking above.
- The closure of Smidmore Street between Edinburgh Road and Murray Street in order to create a new pedestrian plaza including a two storey retail link and car parking access.

The additional retail floor area will primarily accommodate a discount department store, supermarket, mini major and specialty retail space. The development will incorporate additional car parking as well as improved vehicle access and loading facilities.

The proposal will create a new urban plaza in Smidmore Street and will be complimentary to an enhanced public space fronting Victoria Road. The proposal will include works to the public domain in order to improve the pedestrian, cycling and public transport connections to and from the site and enhance pedestrian and patron safety.

Figure 5 – Concept Plan (Ground Floor)



## 5.2 Detailed description of project

### 5.2.1 Demolition

The proposal seeks approval for demolition of existing warehouse buildings and associated structures located at 13-55 Edinburgh Road.

The majority of the buildings located on the site occupied by the existing Marrickville Metro Shopping Centre are to be retained. The following demolition works to the centre will include:

- Structures located on Level 1 including the decked car park structure.
- The existing redundant vehicle access ramp located on the Victoria Road frontage.
- Building elements on the frontage to Smidmore Street.

### 5.2.2 Built form

The proposal involves alterations and extensions to the existing shopping centre building and the construction of a new building to the south.

#### Existing shopping centre

- Ground floor
  - Creation of new retail floor space to the north eastern corner of the site (in the location of the redundant access ramp) behind the former Vicars wall.
  - Creation of new retail floor space fronting onto Smidmore Street plaza.
  - Reconfiguration of specialty retail shops.
  - Rationalisation of the existing loading docks on the Murray Street frontage into a single consolidated facility.
  - Reconfiguration of internal access including installation of travelators and access and relocation of amenities.
- First floor
  - Construction of first floor addition to south eastern portion of existing building providing a setback between 30 and 45 metres from the northern boundary and approximately a 37 metre setback from the western boundary.
  - Provision for a large retail floor plate for discount department store and back of house.
  - Specialty retail tenancies.
  - Specified area dedicated for community use fronting onto Smidmore Street.
  - Internal access link with the new building to the south.
- Second and third floors
  - Construction of a new roof top car park (over 2 levels) above the first floor retail extension.

#### New shopping centre building (13-55 Edinburgh Road)

- Ground floor
  - Construction of new specialty retail fronting Smidmore Street plaza
  - New loading dock facility with access off Murray Street

- Retail pedestrian entry from Smidmore Street plaza via new retail link.
- New retail space for mini major fronting Edinburgh Road.
- New market place centrally located to retail space within mall area.
- Pedestrian entry from Edinburgh Road.
- Installation of new amenities and travelators to the south western corner of the building.
- First floor
  - New supermarket above loading from below.
  - New specialty retail and internal access space
  - Amenities and travelators.
  - Pedestrian link over Smidmore Street plaza to northern portion of the site.
- Second and third floors
  - Roof top car parking for 190 cars on level 2 and 200 cars on level 3.
  - Provision of vehicle access link over Smidmore Street plaza (above the retail extension link)

### 5.2.3 Floor space

- Increase gross floor area (GFA) of shopping centre from 29,638sqm to **57,935sqm**.  
This includes replacement of existing warehouse building on industrial land (6,705sqm) with new shopping centre building (13,465sqm).
- Increase in gross lettable area (GLA) from 22,933sqm to **44,403sqm**.

### 5.2.4 Height

- Height of proposed extension and new building is approximately **14.5 metres**.

### 5.2.5 Heritage conservation

- Retention of 'Mill House' and improved setting.
- Retention of existing Vicars Walls.

### 5.2.6 Landscaping and public domain

The proposal involves a range of landscaping improvements which are concentrated to the following areas:

- Civic Place (Victoria Road frontage)
  - Provision of a raised planter centrally located within the entry to the site which will also form a proposed location for public art.
  - New sitting stairs stepping down from Mill House and the main plaza area.
  - Retain existing form and function of existing landscaping around Mill House.
  - Refurbishment of areas to front of Mill House to improve views and connectivity with the shopping centre.
  - Removal of low level existing planting to allow for unified planting scheme with low level shrubs, accent and ground cover plantings.

- Additional paving to the west of Mill House to allow for seating.
- Retention of trees in the south west corner of the plaza.
- New paving to plaza.
- Smidmore Street Plaza
  - Creation of pedestrian plaza with the closure of the road
  - Construction of raised turf pods (600mm high).
  - Installation of connected raised timber platforms to act as stage or children's play area.
  - Retention of existing street trees.
  - Interpretative water feature.
  - Café/outdoor seating area on southern side of plaza.
- Victoria Road streetscape
  - Construction of 8 metre long rain gardens within existing tree framework along the eastern end of the street.
  - 5 x 8 metre lots of the existing verge treatment
  - 5 x 8 metre lots of rain gardens
  - 5 new trees (one per rain garden)
  - 4 x new street trees to be planted within the pavement zone in front of the Mill House.
  - Infill between existing tree planting with rain garden and street tree planting
- Murray Street streetscape
  - Proposed planting strip adjacent to the boundary including plant climbers.
  - Monitoring and continued assessment of health of existing fig trees along Murray Street north of Smidmore Street and planting of rain gardens and new trees to replace existing as reach the end of their life.
  - New street planting and paving along the Edinburgh Road frontage and Murray Street (south of Smidmore Street) subject to confirmation regarding services constraints within the road reserve.
- Western boundary
  - Retention of existing fire egress along the western side of the building and the fire travel path along the western boundary.
  - Retention of existing western boundary wall to maintain security and prevent access from/to the site from the rear of the residential properties along Bourne Street.

### 5.2.7 Car parking, vehicle access and circulation

#### Access

- Separate entry/exit driveways to access the northern portion of the car park via Murray Street.
- Provision of circular ramp located to north east corner for access car parking levels (1, 2 & 3).
- Access to the southern car park via a combined entry/exit point from Edinburgh Road. A circular access ramp will transport vehicles to car parking levels above.



- Reconfigure and upgrade existing vehicle access ramp located on Smidmore Street to allow continued access to car parking on level 1. New vehicle access ramps to be located on the western side of the car park extension for access to parking levels above.
- Creation of vehicle connection above the retail extension allowing vehicle access between the two primary parking areas.

#### *Car parking*

- The western portion of the existing roof top car parking spaces located on level 1 will be retained.
- Additional car parking will be provided at levels 2 and 3.
- A total of 1815 car parking spaces will be provided on site.

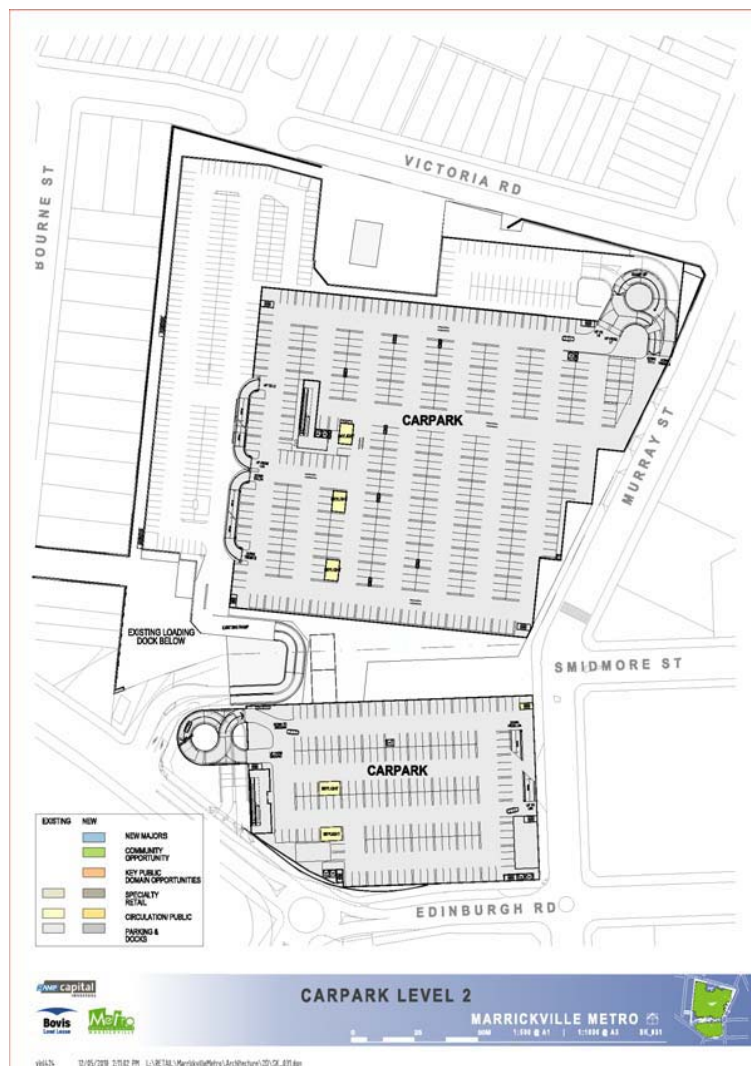


Figure 6 – Typical Car Level Plan

### 5.2.8 Loading/unloading

- Creation of new loading dock (Loading dock 1) on eastern side of new shopping centre building with access via Murray Street. This loading dock will service the new mini major, specialty retail and supermarket above.
- Retain existing loading dock located on the western side of the existing shopping centre building. The dock located immediately east of the existing loading dock will continue to service the Woolworths and Kmart retail space.
- Consolidation of existing smaller loading docks located along Murray Street to be replaced by a central loading dock to service the existing specialty retail and Aldi store at ground level and the proposed discount department store and specialty store above.

### 5.2.9 Public transport

- Removal of existing bus stop from the northern side of Smidmore Street to make way for the new pedestrian plaza.
- Creation of new bus stop with associated shelter and seating to the northern side of Edinburgh Road adjacent to the pedestrian entry to the expanded shopping centre.
- Provision of new taxi rank for 3 spaces and new shelter and seating on Murray Street.

## 5.3 Staging of proposed development

Given the scale of the project, it is proposed that the development will be constructed over two stages. The proposed staging will enable the retail centre to continue to function and operate during its redevelopment.

Drawings identifying the two primary stages of work are included within the architectural drawing set in **Volume 2**.

In simple terms, stage 1 will include the development of the new retail centre on the land at 13-55 Edinburgh Road, with the associated connections and works to integrate the current centre with the new. Stage 2 will involve the extensions to the current shopping centre.

### 5.3.1 Stage 1

- Redevelopment of the industrial site at 13-55 Edinburgh Road to accommodate the two level retail centre.
- New vehicle entrance from Edinburgh Road and circular ramp for access to upper level parking.
- Creation of pedestrian plaza along Smidmore Street between Murray Street and Edinburgh Roads.
- Construction of the connection between the new building and the existing centre over Smidmore Street.
- Refurbishment and expansion of the existing shopping centre building along the southern side fronting the new Smidmore Street Plaza.
- Reconfiguration and expansion of works to the centre along Victoria Road behind Vicars walls.
- Landscaping and public domain works to Civic Place & Smidmore Plaza.

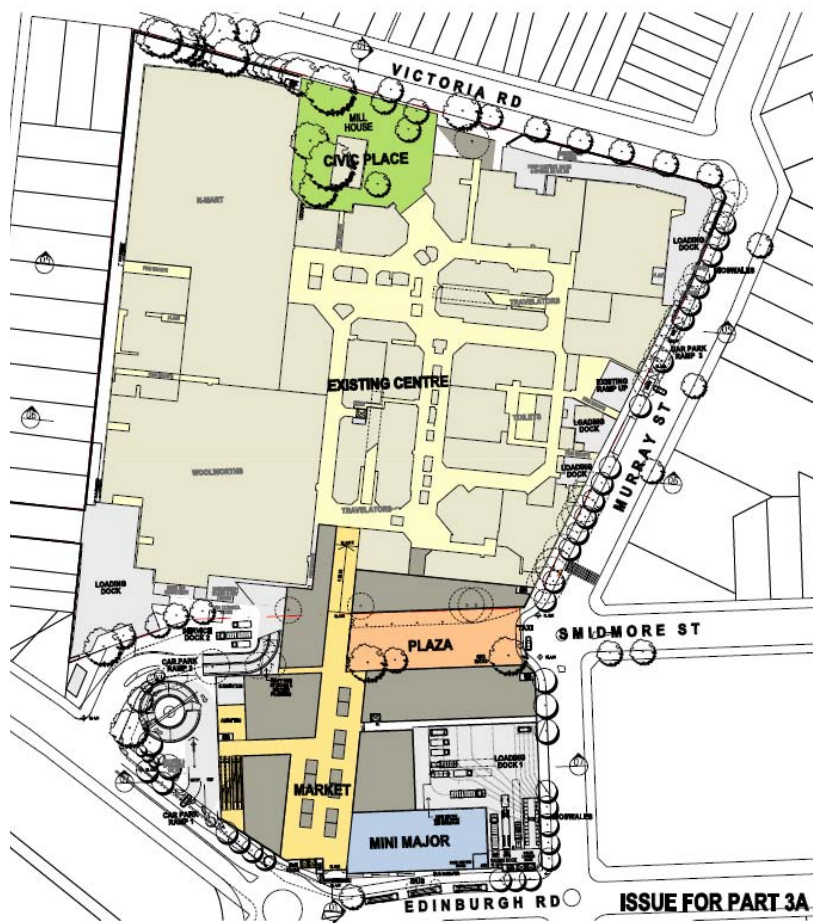


Figure 7 – Stage 1 Ground floor plan

### 5.3.2 Stage 2

- Construction of the first floor addition over the existing shopping centre to accommodate a discount department store, new back of house space and new specialty retail tenancies and internal circulation space.
- Reconfiguration of ground floor retail space within existing shopping centre building and alterations to internal circulation and access including new travelators and lift access.
- Consolidation and reconfiguration of loading docks on the eastern side of the existing shopping centre fronting Murray Street.
- New vehicle access via Murray Street and circular ramp in north east corner of the site.
- Construction of 2 levels of parking above the new extension to the existing shopping centre building and the new building on the southern portion of the site (13-55 Edinburgh Road) and connection ramp access for vehicles and pedestrian lifts and travelators.
- Footpath upgrade and landscaping work along Murray Street (north of Smidmore Street) and Victoria Road.

## 5.4 Draft Statement of Commitments

In accordance with the DGEARs, draft Statement of Commitments have been prepared and are included in **Attachment 1** to this report.

The Statement of Commitments outline a range of ameliorative measures that the proponent will implement as part of the development. The commitments have been drafted to reflect the proposed staged construction process.

## 5.5 Draft Voluntary Planning Agreement (VPA)

A draft voluntary planning agreement (VPA) has been prepared as part of the Concept Plan application and follows discussions with Marrickville Council. This VPA has been prepared in order to clearly set out what financial contributions will be made (either by monetary contributions or works in kind) as part of the development. The VPA, if executed, will supersede the payment of any section 94 contributions.

The draft VPA is predicated on the agreement of Marrickville Council to sell and close Smidmore Street in order that this land can be incorporated into the development project. Council is yet to resolve whether it will sell and close the road with this decision likely to be made following the public exhibition of the Environmental Assessment.

The VPA prepared by the applicant incorporates the following:

- Payment to Council of what would be equivalent section 94 contributions (\$1.7million);
- The provision of additional funds to Council (or works in kind) for new community infrastructure to be incorporated into the development (to the value of \$800,000)
- Monetary payment to Council in recognition of the value uplift achieved by the ability to develop Smidmore Street and incorporate part of it into the shopping centre development (\$2million)

The VPA does not incorporate the cost of the acquisition of Smidmore Street, but for the purposes of transparency and probity is recorded in the draft VPA. This final agreed cost for the acquisition of Smidmore Street will be the subject of further negotiation with Marrickville Council.

It should be recognised that the financial contributions proposed are subject to further approval by the owners of Marrickville Metro Shopping Centre and are subject to further negotiation and finalisation with Marrickville Council.

In the event that Council does not elect to proceed with the sale and closure of Smidmore Street, then the VPA would not apply and the applicant would commit to paying contributions consistent with the Marrickville Council Section 94 plan.

A copy of the draft Voluntary Planning Agreement is included as **Attachment 2 to this report**.

## 5.6 Alternative Proposal for Smidmore Street

The Concept Plan design incorporates Smidmore Street which is a public road vested in Marrickville Council. While the relevant section of Smidmore Street has been incorporated in the declaration for which Part 3A of the Act applies, the Department of Planning has required that owners consent from Council be provided as soon as practicable. It is noted that the application can be technically exhibited and assessed without owner's consent provided that such consent is forthcoming prior to the approval of the Concept Plan.

While discussions have been held with Marrickville Council regarding the possible sale and closure of Smidmore Street, it is not certain at the time of preparing the Concept Plan that such agreement will be obtained.

Accordingly, the applicant has provided an alternative design option in the event that there is no agreement to sell and close Smidmore Street. This option is substantially the same design with the exception that Smidmore Street remains as trafficked street. Specifically:

- Street edge retailing will continue to be proposed along both sides of Smidmore Street;
- Pedestrian access between the two parts of the centre would be across Smidmore Street via a pedestrian crossing or similar arrangement.
- Relocation of buses to Edinburgh Road.
- In built form terms of the proposed development would be substantially the same other than missing the physical connection between the two elements.

The alternative proposal is therefore highly consistent with the desired vision for the site, albeit that it would be unable to achieve the important additional outcomes of:

- A pedestrian plaza in Smidmore Street;
- Safe and weather protected access between the two primary building elements;
- Improved parking efficiency via a connection between the two buildings.



Figure 8 – Alternative Design Proposal in the event that Smidmore Street cannot be acquired and closed (Ground Floor Plan)

## 5.7 Alternatives to the Proposal

### 5.7.1 Overview

The current proposal for which consent is sought has been subject to extensive review and decision process by the proponent. The proposed alternatives are outlined in detail in the following section of the report, including the justification for each decision.

### 5.7.2 'Do Nothing' Scenario on the Marrickville Metro site

One alternative option for the site is do nothing and essentially leave the Marrickville Metro site as is. There are a number of reasons why this is an unsatisfactory outcome:

- The community's retail needs will not be met. The decision not to expand Marrickville Metro would mean that retail services would continue to be under provided in the local region and residents will continue to have to go outside the local area to meet their shopping needs.
- A greater range of retail services would bring with it greater retail competition and benefits and choices for the consumer which will not be achieved if the shopping centre cannot grow.
- The opportunities to significantly invest in the shopping centre and give it a much needed refurbishment will be lost without the ability for expansion.
- The expansion of the Marrickville Metro shopping centre is preferable to allowing a further new centre to emerge in the local area which will further limit comparison shopping and reduced vehicle trips.
- The opportunities to leverage and build on the existing infrastructure at the shopping centre will be lost.
- Missed opportunity to create employment in the order of 777 jobs on an on-going basis within the local area.

For the reasons listed, the do nothing scenario is not an acceptable planning outcome for the site.

### 5.7.3 Retail Expansion on the Commercial Strips

A similar proposition to the above is to provide the proposed retail services planned for Marrickville Metro on the commercial strips. This was an analysis that AMPCI undertook in 2005 to investigate the potential or capacity of the existing commercial zones with the LGA to accommodate the large format retail uses being a full line supermarket and a discount department store. This analysis is contained in **Appendix A**.

The analysis clearly demonstrated that the retail strips are significantly constrained in terms of their ability to accommodate large retail formats. This is a combination of land size, fragmented ownership, loading access constraints and sensitive residential interfaces. Overlaid on these constraints is the strong preference of these retailers to locate in centres where there is a critical mass of like retailers and good access to parking.

It follows therefore, that options to locate the additional retail floor space within the existing commercial strips is unlikely to occur based on physical constraints and market drivers. It is likely therefore that if Marrickville Metro does not expand, these retailers will not be represented in the local area or alternatively will be looking at establishing in a new centre where such constraints can be overcome.



### 5.7.4 Design Options for the Site

The architectural report included in **Volume 2** of the Environmental Assessment outlines a range of design options considered in arriving at the final design for the site. These included:

- Alternative options for the configuration and design of the proposed expansion above the existing centre.
- Design options for the layout and design of the new retail building located south of Smidmore Street.
- Numerous options for the design approach to Smidmore Street.

The rationale for adopting the final proposal is outlined in the architectural statement.

### 5.7.5 Built Form Massing Options

The architectural report sets out the design rationale for the built form massing options for the site. The assessment of the site constraints dictates to a substantial extent the built form massing for the site. In summary, the residential interfaces to the west (Bourne Street) and north (Victoria Road) mean that the only logical approach to an increase in built form on the site (that is extended above the existing centre) is to ensure:

- Appropriate setbacks from the west and north boundaries;
- Optimise the building opportunities in those parts of the site where additional built form scale will not impact upon the surrounding context.

The massing principles diagram below represents this approach, with the areas defined as red being zones where additional building bulk should be avoided so as to minimise the built form impact to the north and west. The orange zone represents areas where some built form may be appropriate, leaving the green zone as the desirable zone for additional built form.

It is to be noted that this built form zone includes the entire site south of Smidmore Street, being an area where additional built form is unlikely to impact upon adjacent properties (being industrial use) and where the prevalent built form scale is consistent with that proposed. For the existing shopping centre, the preferred building zone is setback within the footprint of the existing centre, which allows some transition in the built form scale.



Figure 9 – Built Form Massing Principles - Extract from Architectural Report in Volume 2





## 6 Environmental Planning Assessment

### 6.1 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act (EP&A Act) 1979 institutes a system of environmental planning and assessment for the State of New South Wales. The objects of this EP&A Act 1979 are:

- (a) *to encourage:*
  - i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
  - ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
  - iii) *the protection, provision and co-ordination of communication and utility services,*
  - iv) *the provision of land for public purposes,*
  - v) *the provision and co-ordination of community services and facilities, and*
  - vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
  - vii) *ecologically sustainable development, and*
  - viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The proposed redevelopment and expansion of Marrickville Metro Shopping Centre supports these objects by providing additional convenient retail services to support the local and wider community, providing opportunities for employment growth and economic development as well as benefits to the community through the enhancement of the public domain within and around the site, conservation of the existing heritage significance, upgrade and improvements to the site access and transport links and provision of ESD initiatives to improve the environmental performance of the development.

This proposed redevelopment sought under this Concept Plan Application has been subject to extensive consultation with Marrickville Council and the local community and the Part 3A Major Project assessment process will provide opportunities for further local government and community involvement.

### 6.2 Strategic Planning

#### 6.2.1 NSW State Plan 2010 and Urban Transport Statement 2006

The NSW State Plan 2010 defines the NSW Government's overarching goals and priorities for action. It is intended to set a framework for linking the various other NSW Government plans and policies including the Metropolitan Strategy.

The key priorities of the Plan include:

- Creating better transport and liveable cities.

- Supporting business and jobs.
- Provision of educational services.
- Improving quality and access to healthcare.
- Focusing on green initiatives and building a sustainable future.
- Building stronger communities.
- Keeping people safe.

The proposed expansion and redevelopment of Marrickville Metro supports these key priorities by providing improved public transport and access links to an established and convenient retail centre, creation of employment opportunities and economic growth, providing open space and community infrastructure and a safe and secure retail environment.

The Urban Transport Statement 2006 outlines the NSW Government's priorities and initiatives for addressing current and future transport challenges across and within Sydney. The Statement is informed by the NSW State Plan and the Metropolitan Strategy and presents a number of opportunities for the private sector to be involved in the provision of transport infrastructure and the development of new technologies for improved transport efficiency.

AMPCI is committed transport infrastructure improvements consistent with the Statement. These include, upgrade to significant road intersections around the site, provision of new taxi rank, relocation and upgrade of the bus stop which will provide direct and accessible link for staff and customers to the shopping centre, provision of transport information, improvements to pedestrian access links and provision of bicycle facilities within the centre and improvements to bicycle pathways.

### 6.2.2 Sydney Metropolitan Strategy (2005)

In 2005 the NSW Department of Planning released Sydney Metropolitan Strategy to provide a broad framework to facilitate and manage growth and development within the Sydney Metropolitan area to 2031.

The Sydney Metropolitan Strategy is made up of seven strategies from areas such as economy and employment to housing and environment. It proposes the concentration of growth in centres by identifying housing and employment targets within Sydney's subregions and strategic centres. The strategy indicates that Sydney's population is anticipated to grow to 5.3 million people by 2031 and to accommodate the growth, predicted capacity targets are 640,000 new dwellings, 500,000 additional jobs, 6.8 million sqm of commercial floor space and 3.7 million sqm of additional retail floor space.

The Metropolitan Strategy Review discussion paper recently released by the NSW Department of Planning as part of a five yearly review of the Strategy predicts an increase in the population forecast to 5.7 million by 2031.

The proposed redevelopment of Marrickville Metro Shopping Centre will contribute to the creation of additional retail space and employment as well as catering for the needs of an increased population within metropolitan Sydney in accordance with the strategy directions.

### 6.2.3 Draft South Subregional Strategy (2007)

The proposal for Marrickville Metro has been assessed against the provisions of the Draft Sydney South Subregional Strategy.

The proposed development is consistent with the key directions and actions of the Strategy which have direct relevance to the site.

### 6.2.3.1 Consistency with Draft Subregional Strategy directions

#### **Direction 1 - Retain strategic employment lands**

- The proposed expansion and upgrade of Marrickville Metro shopping centre will help Marrickville LGA meet its employment target of 500 additional jobs by 2031 by providing additional employment opportunities and stimulate local economic activity within the LGA.
- The Strategy supports the expansion of the existing retail centre (Marrickville Metro) through specifically identifying opportunities for the redevelopment of industrial land at 13-55 Edinburgh Road:

*'Marrickville, Sydenham (2) (Manufacturing-Heavy Freight and Logistics)...Land north of Edinburgh Road and south of Smidmore Street and between Smidmore and Murray Street has potential for higher level employment uses, which could include retail, office or mixed uses. This would support the Marrickville Metro Centre and encourage a redesign which better relates to the surrounding area.'* (Page 33)

#### **Direction 5 - Identify and investigate renewal areas for the South**

- The Strategy supports the potential for revitalisation of Marrickville Metro.

*'The future role of Marrickville Metro...may change over the next 25 years. Currently, Marrickville Metro is identified as a 'Village'. There may be potential for retail/commercial floor space increased in addition to the provision of higher density housing with the locality to achieve town centre status.'* (Page 68)

- The Strategy indicates some employment lands within the South Subregion are no longer suited to industrial uses and could allow for a wider range of employment uses.

*"These old industrial precincts are no longer suitable for the type of industry they were designed to accommodate and cannot easily be converted to accommodate new industrial uses. They are more appropriately development with mixed development which may include a component of residential"* (page 49).

#### **Direction 8 - Recognise diversity across the subregion**

- In accordance with Part F of the Strategy, the proposal will 'protect scenic, heritage and environmental assets of the subregion' through conservation of the listed heritage item 'Mill House' and retention of the Vicars Walls.
- Public domain improvements and landscaping works will enhance the setting of the existing heritage building and protect and/replace significant trees within the surrounding streetscape.

### 6.2.3.2 Consistency with Draft Subregional Strategy Actions

#### **A1.1 – Provide a framework for accommodating jobs across the subregion**

- The proposal constitutes a development that aims to provide additional retail land to service the need of the existing and future population in the locality.
- The proposal will create in the order of 777 additional jobs

#### **A1.2 – Plan for sufficient zoned land and infrastructure to achieve employment capacity targets in employment lands**

- The proposal will result in a loss of 8,800sqm of industrial zoned land that sits within a large precinct totally 815,000sqm. This constitutes only 1% of the total precinct area.
- The proposal will generate approximately 777 additional jobs for the locality and therefore will have a positive impact on employment.

#### ***A1.4 – Contain the rezoning of employment lands to residential zonings across Sydney***

- The proposal incorporates a small portion of industrial land to be used for the expansion of Marrickville Metro which will contribute to employment generation. No residential development is proposed.

#### ***A1.5 – Protect and enhance employment lands of state significance***

- The portion of the site that is employment land is small in scale and is not considered to be state significant. It is located on the edge of the Sydenham industrial area within Edinburgh Road generally defining the boundary of this state significant precinct. The conversion of the land into a retail development to create a town centre will not disrupt the function or significance of the wide range of businesses in the industrial area.
- The impact of the loss of this site on the role and function of the Sydney industrial area will be negligible.

#### ***A1.9 – Facilitate the use of old industrial areas***

- The industrial portion of the site has become degraded and is not achieving its economic potential. The Strategy identifies Marrickville Metro as a site for revitalisation and renewal. The proposed development will achieve this action by retaining the land for an employment function and by doing so enable the Marrickville Metro to expand in a way that enhances the range of retail services and creates local jobs. In addition, the expanded site will allow for the centre to integrate enhance the Civic Place on the Victoria Road frontage and provide additional improvements to the public domain through footpath and landscaping upgrades and provision of a new pedestrian plaza within Smidmore Street.

#### ***B1.1 - Establish a typology of centres***

- This action identifies that the future role of Marrickville Metro may change over time and that future retail/commercial floorspace increases would enable the centre to achieve “town centre” status. The proposal is entirely consistent with this action as the expanded centre will better serve the retail needs of the community and provide wider community benefits through additional social infrastructure, public transport connection improvements as well as new and revitalised public spaces.

#### ***B3.1 – Establish a stronger centres initiative***

- The proposal achieves this action by creating an expanded retail centre that will:
  - Offer wider choice of retail goods and services to meet the needs of the community
  - Create additional local employment opportunities
  - Support public transport infrastructure by enhancing the attractiveness of a destination that already has direct bus services.
  - Creating a safe and appealing public domain through the town square to foster social interaction.

#### ***B4.1 - Concentrate retail activity in centres, business development zones and enterprise corridors***

- The proposal is entirely consistent with this action as it constitutes an expansion to an existing retail centre. This will avoid creating out-of-centre retailing destination thereby strengthening Marrickville Metro as a single focal point for convenience retail shopping in the locality. The Business Lands Assessment provided in Appendix A demonstrates the constraints of providing large format retail uses within the established strip centres.

#### **B4.2 – Support centres with transport infrastructure and services**

- The proposal is consistent with this action as it strengthens the role of the existing retail centre. The centre is already supported by transport infrastructure so the proposal will contribute to the viability and reliability of transport services linking Marrickville Metro.

Having regard to the above, the proposal is the type and scale of use considered to be highly appropriate for the site as it satisfies all the relevant directions and actions of the Strategy.

#### **6.2.4 Draft Centres Policy (2009)**

Draft Centres Policy seeks to provide a planning framework for the development of new and existing retail and commercial centres in NSW. The draft policy was exhibited from 9 April to 9 May 2009.

The policy is based on 6 principles:

1. *Retail and commercial activity should be located in centres to ensure the most efficient use of transport and other infrastructure, proximity to labour markets, and to improve the amenity and liveability of those centres.*
2. *The planning system should be flexible enough to enable centres to grow, and new centres to form.*
3. *The market is best placed to determine the need for retail and commercial development. The role of the planning system is to regulate the location and scale of development to accommodate market demand.*
4. *The planning system should ensure that the supply of available floorspace always accommodates the market demand, to help facilitate new entrants into the market and promote competition.*
5. *The planning system should support a wide range of retail and commercial premises in all centres and should contribute to ensuring a competitive retail and commercial market.*
6. *Retail and commercial development should be well designed to ensure they contribute to the amenity, accessibility, urban context and sustainability of centres.*

The proposal is considered to be consistent with these principles in the following ways:

- The proposal will accommodate the growth of retail and commercial activity and help stimulate local economic activity and retail competition. The refurbishment and upgrade will create additional job opportunities close the local population and provide a focal point for the community and creating a sense of place.
- Existing and draft Marrickville Council planning controls set out to restrict expansion of Marrickville Metro and its ability to serve the growing need for retail goods and services of the local catchment area. The proposed expansion of the centre in to the industrial land to the south will not compromise industrial land availability within the LGA. In addition, the improved retail offering in response to community demand and additional job creation and public domain improvements will compensate for any loss of industrial land.
- An Economic Impact Assessment (EIA) has been prepared which outlines the market demand for retail and commercial development within the catchment area. Further discussion is outlined in Section 7 of this report.
- The proposed development will introduce a new mini major, discount department store and new supermarket as well as additional speciality retailing. The additional retail floor space will foster greater competition and will result in greater choice and competitive pricing and services for customers within the one location.

The proposed development is also consistent with the Suitability Criteria outlined within the Policy for the expansion of existing centres.

- The proposal will improve access to public transport through the relocation and enhancement of the bus stop infrastructure.
- The proposed public domain improvements and landscaping within and around the site and creation of active street fronts and enhancement of the pedestrian access to the centre.
- The new car park entry/exit points and reconfiguration of loading docks will service the new and existing retail tenancies at the southern end of the development
- The site is located within close proximity to residential and industrial development and is generally well served by public transport and good pedestrian access. The proposal will provide convenient access to goods and services and enhance the opportunity for more people to live and reside in the locality.
- The proposal includes initiatives to enhance the public domain within and around the site and protect the setting of the existing heritage fabric.
- The proposal includes a number of ESD initiatives to improve the environmental performance of the existing building and to be incorporated in the new building.
- The proposal has been designed to address existing flooding implications on the site. There are no other environmental constraints impacting on the development or are anticipated to arise as a consequence of the development.
- The proposal will have a minimal impact on the supply of industrial land (1%) in the Sydenham precinct. Greater retail choice and competition to meet the needs of the community; public domain improvements and job creation far outweigh the loss of one small isolated industrial site.

### 6.2.5 Marrickville Urban Strategy (2007)

The Marrickville Urban Strategy was adopted by Marrickville Council in April 2007. The Strategy provides the planning context for the future development across the Marrickville LGA and establishes a vision for Marrickville addressing a range of planning, community and environmental issues. The Strategy provides a more localised response for Marrickville LGA with the purpose to review and inform Marrickville Council's planning controls.

The Strategy identifies Marrickville Metro as a '*stand alone shopping centre*' providing a mix of supermarkets, discount department stores and specialty food and clothing.

The Draft Marrickville Urban Strategy originally identified Marrickville Metro Precinct as an '*Investigation Area*', being a precinct capable of transformation and renewal, recognising the significant public benefits of future change. However, the reference to this '*Investigation Area*' was removed in the adopted version.

While the Strategy does not necessarily support changes to Marrickville Metro or the proposed rezoning the industrial land at 13-55 Edinburgh Road for commercial use, it does indicate there are opportunities for the shopping centre to:

- Improve public transport connections and pedestrian access,
- Improve public domain in centres,
- Provides opportunities to increase community facilities,
- High amenity levels for Enmore Park,
- Improved community facilities.

The proposed redevelopment and expansion of Marrickville Metro incorporates initiatives which address the above and will generally meet the eight Urban Strategy Directions outlined within Section 4.7 by:

- Providing additional floor area within the shopping centre for community use and upgrades and enhancement of existing open space areas within the site and surrounding public domain to ensure equitable access and to support Marrickville's diverse community.
- Increasing services and improvements to transport connections to support future residential growth within Marrickville.
- Enhancing and upgrading an existing rundown centre which will create additional economic and employment opportunities without detracting from the character of the surrounding area including its industrial and heritage significance.
- Enhancing pedestrian access to the centre which already attracts approximately 16% (Thursday PM peak) of its patronage to the shopping centre via foot.

#### 6.2.6 Marrickville Employment Lands Study

The Marrickville Employment Lands Study (MELS) was prepared by *SGS Economics and Planning* to provide strategic planning advice on the industrial zoned land, taking into account the existing and future context.

As the Marrickville Metro Precinct was removed as an '*Investigation Area*' from the Marrickville Urban Strategy, no consideration is given to the potential of the land to be redeveloped to create additional employment (and/or housing) opportunities.

#### 6.2.7 Marrickville Integrated Transport Strategy

The Marrickville Integrated Transport Strategy aims to address local transport issues and increase the use of sustainable transport by reducing car use and increasing the use of public transport, walking and cycling.

The proposed development is consistent with the key actions of the MITS report, taking into account the improvements to public transport infrastructure and the provision of additional retail services within walking and cycling distance of established residential areas to capture local retail spending and reduce reliance on motor vehicles.

The proposal is entirely consistent with the provisions of the Marrickville Integrated Transport Strategy.

#### 6.2.8 NSW Planning Guidelines for Walking & Cycling

The guidelines issued in 2004 seek to provide guidance with authorities and practitioners in the design of developments to promote walking and cycling. This Environmental Assessment incorporates a TMAP which specifically addresses pedestrian and cycling access and facilities associated with the development.

## 6.3 Consistency with Environmental Planning Instruments

### 6.3.1 SEPP (Major Projects) 2005

State Environmental Planning Policy (Major Projects) 2005 came into effect on 25 May 2005 and was subsequently amended on 31 October 2005. This SEPP defines what development is a major project as determined by the Minister for Planning. A Preliminary Environmental Assessment submission was made to the Minister requesting the proposal be declared a Major Project pursuant to Clause 6 of the SEPP.

The Director General issued Environmental Assessment Requirements (DGRs) for the lodgement of a Concept Plan Application on 3 March 2010, are detailed above in Section 4 of this report.

### 6.3.2 SEPP (Infrastructure)

State Environmental Planning Policy (Infrastructure) 2007 came into effect 1 January 2008. The SEPP was introduced to facilitate the delivery of infrastructure across the State by improving regulatory certainty and efficiency.

SEPP (Infrastructure 2007) repealed a number of other environmental planning instruments, including SEPP 11 – Traffic Generating Development. In place, this SEPP includes a clause that retains the same RTA referral provisions in the repealed SEPP 11.

The scale of the proposed floor space and car parking spaces triggers the referral provisions under this SEPP, requiring the application to be referred to the RTA for comment.

### 6.3.3 SEPP No.55 – Remediation of Land

SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. In the determination of a development application, the consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The portion of the site occupied by the existing shopping centre is already used for the commercial purposes and will retain this use as part of the proposed development. The southern portion of the site is currently used for industrial purposes. Stage 1 and Stage 2 site contamination assessments have been undertaken. The Stage 2 report prepared by Douglas Partners advises that the site can be made suitable for retail use and therefore satisfy the provisions of SEPP-55. This is further discussed in Section 7 of the report.

### 6.3.4 Marrickville Council Local Environmental Plan 2001

The Marrickville Local Environmental Plan 2001 (MLEP 2001) is the principle planning instrument that would apply to the land if an application was lodged under Part 4 of the Act. The key town planning considerations under this instrument are summarised as follows:

- The land occupied by Marrickville Metro is zoned General Business 3(A). The land to the south of Smidmore Street is zoned General Industrial 4(A).



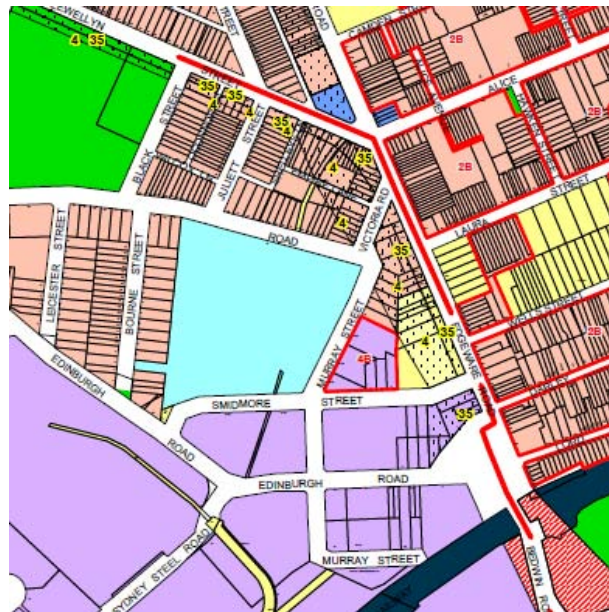


Figure 10 – Zoning Extract – Marrickville LEP 2001 (source: Marrickville Council)

- Commercial premises and shops, other than shops which will support the industrial employment area such chemists, take-away food bars, fruit shops and newsagents are prohibited within the General Industrial 4(A) zone.
- Clause 30 of the MLEP 2001 requires that work shall not be carried out on any public road within Marrickville LGA without development consent.
- MLEP 2001 contains a 0.8:1 Floor Space Ratio (FSR) control that specifically applies to the Marrickville Metro site and 1:1 FSR for land zoned General Industrial 4 (A).
- Clauses 47 to 54 of MLEP 2001 contain controls to guide the development works of a heritage item for works within the vicinity of heritage items. The site contains a heritage item known as “Mill House” located at 34 Victoria Road. The site also contains the industrial façade (of the former mill) and brick paving to the footpath which adds to the character of the site. A detailed Heritage Impact Assessment is provided as part of this Environmental Assessment.
- Clauses 56 to 61 of MLEP 2001 contain controls for environmental management including for the protection of trees, development within acid sulphate soils, waste management, energy efficiency and landscaping. It is considered the proposal is consistent with these requirements as:
  - An arborist report has been prepared which assesses the condition of the trees and recommends the protection, retention of significant trees of the removal. A landscaping plan has also been prepared.
  - The proposal will incorporate a range of ESD initiatives to address water, energy and stormwater efficiency.
  - A waste management plan has been prepared which addresses options for recycling, reuse during construction and operation of the premises.
- Clauses 62 to 64 outline social planning requirements which must be taken into consideration by the Council in the assessment of a development application. It is considered that the proposal meets these social planning requirements as:
  - The proposal will enhance the activation along the Victoria Road frontage, involve improvements to pedestrian entries and reduce opportunities for vehicle and pedestrian conflict.

- There will be no loss of low cost rental accommodation.
- The proposal will meet the relevant accessibility provisions of AS 1428, and the Disability Discrimination Act. Accessible paths of travel will be provided throughout the development.
- A Social Impact Assessment and CPTED Assessment have been prepared by Urbis. Section 7 of this report provides further discussion on social impact and benefits of the proposed development and compliance with CPTED principles.

### 6.3.5 Draft Marrickville Council Local Environmental Plan 2010

Marrickville Council has undertaken a number of local strategic planning policies to guide the preparation of the future Comprehensive Local Environmental Plan and Consolidated Development Control Plan for the Marrickville Local Government Area. As discussed earlier in this report, Marrickville Urban Strategy, Marrickville Employment Lands Study and Marrickville Integrated Transport Study have informed the comprehensive LEP. It is understood that the draft MLEP 2010 will go on public exhibition around August/September 2010.

The key town planning considerations under the draft MLEP are as follows:

- Land comprising Marrickville Metro Shopping centre has a proposed zone B2 Local Centre. The site known as 13-55 Edinburgh Road is zoned IN1 General Industrial. Smidmore Street is unzoned.
- Clause 2.4 outlines that consent is required for development on any land which is not zoned within Marrickville LGA. Consent is required to alleviate any impacts on adjoining land and ensure the development is compatible with the objectives of an adjoining zone.
- Clause 4.4 requires a maximum FSR 0.75:1 for the Marrickville Metro site and a maximum FSR 0.85:1 the industrial land at 13-55 Edinburgh Road.
- Clause 4.6 provides an opportunity to vary a development standard in order to achieve a better development outcome for a site within the Marrickville LGA.
- Clause 4.3 indicates a maximum height of 14m for the site occupied by Marrickville Metro. There is no height limit specified for the site known as 13-55 Edinburgh Road.



Figure 11 – Extract from Building Height Map Draft MLEP 2010 (Source: Marrickville Council)

- Clauses 5.10 contain controls to guide the development works of a heritage item for works within the vicinity of heritage items as well as Conservation Areas. As discussed, the site contains a heritage item known as “Mill House” located at 34 Victoria Road. The draft LEP also identifies the site’s northern boundary as affected by a Conservation Area. The site also contains the industrial

façade and brick paving to the footpath which adds to the character of the site. As indicated, a heritage impact assessment report has been included with this submission.

- Clauses 6.1 and 6.2 contain controls in relation to biodiversity, energy efficiency, stormwater management. These are addressed in Section 7 of this report.
- The draft LEP identifies that the land is affected by acid sulphate. Clause 6.3 requires an acid sulphate soils management plan to be prepared for works on affected sites. A Geotechnical Investigation Report as well as Stage 1 and Stage 2 Contamination Assessment reports have been prepared by Douglas Partners and is included in the appendices of this report.
- Clause 6.4 relates to development on flood prone land and requires that development maintains the existing flood regime and flow and minimises risk to human life, damage to property and impacts on environment and waterways. The southern portion of the Marrickville Metro site and the entire industrial land at 13-55 Edinburgh Road is identified as Flood Prone Land within the draft LEP. A flood study has been undertaken and measures have been incorporated in to the design in order to mitigate impacts. Further details are discussed in Section 7 of this report.
- Clauses 6.8 of the draft MLEP requires development proposals to address social and community impacts. Social and community impacts are discussed further in Section 7 of this report.
- Clause 6.9 relates to accessibility and the requirement for new development to consider and provide equitable access. The proposal is able to meet the BCA and DDA requirements for shopping centres. Accessibility is addressed further within Section 7 of this report.
- Clause 6.11 relates to community safety and requires new development to consider initiatives such as active street frontages, visibility and lighting for pedestrian site access. A Crime Prevention Through Environmental Design (CPTED) assessment report has been prepared by Urbis and is included in the Environmental Assessment. CPTED initiatives are further discussed in Section 7 of this report.

## 6.4 Marrickville Development Control Plans (DCPs) and Policy Documents

### 6.4.1 Business Centres DCP No.28

Marrickville Council Business Centres DCP sets out the objectives and criteria in relation to development of business centres within the LGA. Part 4 of the DCP outlines the requirements for environmental management including solar access, ventilation, site contamination visual and acoustic privacy, open space and landscaping and safety and security. Part 5 of the DCP outlines controls for specific development types including alterations and additions to buildings, new infill development, site facilities, heritage, and signage.

Part 6 of the DCP outlines the desired future character guidelines and controls tailored towards specific centres within Marrickville LGA. More specifically, the DCP outlines the role and function of Marrickville Metro as well as its land use strategy, floor space controls, townscape and building guidelines and desired future character objectives.

In summary, Part 6 of the DCP sets out the following:

- Council considers Marrickville Metro to adequately serve its current role and function as ‘...a secondary, district centre with the retail hierarchy of the LGA providing a range of convenience and specialty retail outlets serving the immediate neighbourhood as well as the wider district.’
- Council aims to retain and preserve the character of Marrickville Metro as a stand alone motor car orientated shopping centre within the setting of several identified items of environmental heritage.
- Maximum floor space ratio (FSR) control of 0.8:1.

- Retention of all items of environmental heritage and that new development is sensitive to heritage context and scale and nature of adjacent land uses.
- Development should avoid signs and excessive signage.
- Desired future character is to encourage:
  - Restoration of Vicars Wall where altered and missing architectural elements
  - Screening of loading dock areas
  - Signs appropriate to their function and location
  - Appropriate colour schemes

And discourage:

- Insensitive alterations and additions
- Cluttered and oversized signs
- Inappropriately bright paint colours
- Puncturing new openings into the Vickers Wall that surrounds the centre, and
- Removal of existing fig trees and site landscaping

It is considered the proposal is generally consistent with the objectives outlined in Part 6 of the DCP and the desired future character for Marrickville Metro in the following ways:

- The proposal includes the retention and improved setting of the heritage building 'Mill House' as well as the retention of the Vicars wall. The proposal incorporates the heritage elements to contribute to the character and appearance of Victoria Road.
- The proposal involves appropriate screening of the proposed loading docks along Murray Street. . Screening will ensure visual and acoustic privacy for nearby residents and that the appearance of the streetscape will be enhanced.
- Signage design will be subject to future detail and will be developed to ensure appropriate size, location, design colours and finishes.
- Colours, finishes and architectural design have been developed to relate to the historical context of the area and to relate to the appearance of the surrounding streetscapes including the industrial and residential contexts.
- The proposed extension to the existing shopping centre building has been designed to an appropriate height and scale for the area and involves a significant setback from the northern and western building line to protect streetscape appearance and view from residential streets.
- Extensive landscaping including new trees, and public domain works are proposed to improve the appearance of the streetscape and enhance pedestrian amenity around the shopping centre.

Further discussion on the proposal's built form and design is located in Section 7 of this report.

### 6.4.2 Parking Strategy DCP No. 19

The Parking Strategy requires the minimum provision of car parking and bicycle parking at the following rates for the proposed uses on the site:

Table 2 – DCP No.19 Car parking requirements

Land use	Car parking requirement	Bicycles	
Office and commercial		Employment	Patron
Commercial premises and offices	1 space/45m <sup>2</sup> GFA	1/200m <sup>2</sup> GFA	1/750m <sup>2</sup> GFA over 1000m <sup>2</sup>
General business, retail shops and retail floor area		1/300m <sup>2</sup> GFA	1/500m <sup>2</sup> GFA over 1000m <sup>2</sup>
Up to 500m <sup>2</sup> GFA	1 space/45m <sup>2</sup>		
500-750m <sup>2</sup> GFA	11 spaces + 1 space/30m <sup>2</sup> over 500m <sup>2</sup>		
750-1000m <sup>2</sup> GFA	19 spaces + 1 space/25m <sup>2</sup> over 750m <sup>2</sup>		
Over 1000m <sup>2</sup>	30 spaces + 1 space/20m <sup>2</sup> over 1000m <sup>2</sup>		

The proposal involves a total of 44,403sqm (GLA). While there is no specific requirement in the DCP for shopping centres, car parking rate for 'shops' is specified as 30 spaces/1000sqm + 1 space/20sqm over 1000sqm. To meet the requirements of the DCP, Marrickville Metro would require 2,242 car spaces.

The proposed development involves parking space for 1,815 cars. The number of spaces proposed is significantly less than parking spaces required for 'shops' however it generally accords with the RTA parking rates for shopping centres which required 4.1 spaces per 100sqm for centres with more than 30,000sqm.

The proposal has been designed to encourage travel via public transport and cycling and proposed public domain improvements will further encourage walking adding to the relatively large proportion (16% Thursday PM peak) of patrons who currently access the centre via foot.

The proposed design of the new car parking access arrangements are consistent with the DCP by creation of new vehicle entrance points from Murray Street, rearrangement of entry/exit points off Edinburgh Road and effective internal vehicle circulation and manoeuvrability. Further discussion on car parking and access is located in Section 7 of this report. A Traffic Management and Accessibility Plan (incorporating Traffic and Parking Study) have been prepared by Halcrow and is included in this Environmental Assessment Report.

### 6.4.3 Access and Mobility: Equity of Access and Mobility DCP No. 31

This DCP aims to provide appropriate levels of access and mobility for new and redeveloped buildings, to recognise the diverse accommodation needs of members of the community, to provide adequate numbers of accessible car parking facilities, and increase awareness and understanding of access and mobility issues.

The proposed development has been designed to comply with all of the relevant DCP guidelines and DDA legislation.

An Access Report has been prepared by Accessibility Solutions and is included in the Environmental Assessment Report. Further discussion of the outcomes of this assessment is located in Section 7 of this report.

#### 6.4.4 Community Safety DCP No. 38

Council's Community Safety DCP provides detailed objectives, controls and guidelines for how community safety matters can be adequately addressed in development. The DCP recognises that both private and public spaces contribute to overall community safety.

The main requirements of the DCP are based around the Crime Prevention through Environmental Design principles, being surveillance, access control, territorial reinforcement and space management/maintenance. Council requires a CPTED report to be completed in respect to the proposed development, as well as the preparation of a Plan of Management for the operation of late night premises. A CPTED report prepared by Urbis accompanies this EA.

#### 6.4.5 Energy Smart Water Wise DCP No. 32

This DCP seeks to maximise the efficient use of energy and water by new development. An ESD Report has been prepared by Bovis Lend Lease and is included in the Environmental Assessment. ESD measures are discussed further in Section 7 of this report.

The project aims to meet 'Best Practice' for shopping centres in Australia and aims to meet the requirements of Part J of the BCA to improve the environmental performance of commercial buildings.

#### 6.4.6 Contaminated Land Policy

Council's Contaminated Land Policy forms the basis for the control and management of contaminated land within the Marrickville LGA. The plan provides the policy framework for the integration of land contamination management controls and policies in local planning and development.

The objectives of the plan are to:

- *Implement a cautionary approach by identifying and dealing with contamination issues at an early stage in the planning process in order to prevent harm and avoid unnecessary restrictions on land use.*
- *Provide information to support decision making and inform the community of procedures relating to the control and management of contaminated land.*
- *Ensure council does not incur any liability in exercising its planning functions in relation to contaminated land by adhering to policies substantially in accordance with relevant state planning guidelines.*

The remediation of land is governed at a State level by SEPP 55 Remediation of Land and details of contamination have been addressed in Stage 1 and 2 site contamination assessments. AMPCI are committed to the preparation of a Remediation Action Plan and Site Audit Statement pending further investigations.

#### 6.4.7 Waste Management DCP 27

Council's Waste Management DCP aims to achieve waste reduction and resource recovery; achieve appropriately designed waste and recycling storage/collection systems in buildings; and to reduce stormwater pollution due to the poor design and management of such facilities. The waste management plan addresses both construction and operational waste management for the shopping centre is included in the Environmental Assessment.

## 7 Assessment of Key Planning Issues and Impacts

### 7.1 Overview

The previous section of this report demonstrates that the proposed Concept Plan is substantially consistent with and will further State and local planning objectives.

This section provides a detailed analysis of the likely impacts of the proposed development and is based on a number of comprehensive studies that have been commissioned by AMPCI. This assessment of the key issues has been informed through the DGEARs, discussions with Council and various State Government agencies as well as the community.

While this section addresses all anticipated impacts arising from the proposed development, the most significant issues with the proposal as identified through stakeholder consultation include:

- The economic impact of the proposed development on existing strip shopping centres in the Marrickville LGA.
- The implications of the proposed expansion on traffic conditions in the local precinct.
- The net community benefits to the local community resulting from the proposed expansion of Marrickville Metro.
- The physical impacts of the proposed development on nearby properties.
- The environmental outcomes to be achieved as a consequence of the development.

### 7.2 Economic impacts

Perhaps the most frequent issue raised with any proposal to expand Marrickville Metro Shopping Centre is the potential to negatively impact on the vitality and viability of the surrounding retail strip shopping centres, most particularly the Marrickville Road/Illawarra Road precinct. This concern has its origins from the original opening of Marrickville Metro in 1987 and the perceived negative impacts that this new centre had on the retail strips at this time. Despite this long standing tension between Marrickville Metro and the strips, until now, there has been little detailed research into the role of the shopping centre compared to that of the retail strips.

AMPCI has been researching the economic implications of a proposed expansion of Marrickville Metro since 2005 through to current day by:

- Surveying customers (the local community) about their retail needs;
- Analysing the quantum of retail floor space supply and demand for the surrounding community;
- Surveying the retail strips to understand their composition and role compared to the retail services provided and proposed within Marrickville Metro.

This detailed research forms the basis of two detailed reports that form part of the Concept Plan application prepared by Pitney Bowes Business Insight.

#### 7.2.1 Economic Impact Assessment

The Economic Impact Assessment (EIA) is attached as **Appendix D** to this report. The key findings of this report are summarised as follows:

- The trade area served by the centre is characterised by a **significant under supply** of retail floorspace.
- Marrickville Metro is the only existing shopping centre within the defined main trade area which offers consumers significant comparison shopping facilities.



- The rest of the centre's main trade area competitive landscape is characterised by discrete retail shopping strips, with the more successful examples of these offering targeted, convenience-oriented shopping facilities to residents in their immediate localities.
- It is unlikely that national brand retailers not currently represented would be drawn to any of the strips.
- Consumer research suggests that there is demand in the trade area for the provision of a 'one-stop-shopping' destination, to complement the localised offers of retail strips within the trade area.
- The proposed expansion of Marrickville Metro would be expected to have some trading impacts on retailers throughout the trade area. In the case of Marrickville Road, the trading impact is forecast to be around 5%. However, these impacts are not likely to be so significant as to threaten the ongoing viability of any one retail facility or strip.
- A greater proportion of the sales expected to be generated by the proposed expansion of Marrickville Metro is expected to come from the retention of resident spending which is currently escaping the trade area.
- The expanded Marrickville Metro is likely to take on a more comprehensive role in the retail hierarchy, meeting a greater range of trade area residents' comparison shopping needs than does the centre's current offer. As such, it will compete more directly with the higher order facilities located beyond the trade area, such as the Sydney CBD, Westfield Eastgardens, Burwood and Bondi Junction, Ashfield Mall and the Campsie Centre.
- The proposed expansion of Marrickville Metro will also result in a range of very important economic benefits, including the provision of a wider range of shopping facilities to trade area residents, additional employment, and improved amenity for local residents.

### 7.2.2 Marrickville Retail Strip Review

In addition to the preparation of the Economic Impact Assessment, AMPCI also commissioned a separate report to undertake an in-depth analysis of the strip retail centres and provide a clearer understanding of the complimentary and competitive role with Marrickville Metro.

A report prepared by Pitney Bowes Business Insight – *Marrickville Retail Strip Review* is included as **Appendix E**. The key findings of this report are summarised as follows:

- The 6 surrounding strip centres have approximately 1200 shops (128,500sqm approx.)
- There is a large supply of strip retail space. Given the level of supply, and the extensive distances over which the space is dispersed, it is to be expected that some space will be vacant.
- Most of the centres are healthy, with a few areas evident where there are difficulties.
- The healthiest centres (King St., Marrickville Rd.) are those located closest to Marrickville Metro, which indicates that they don't compete directly with Marrickville Metro.

Because of their nature and tenancy profiles, the strip centres have a clearly differentiated offer to Marrickville Metro.

- The strips offer cultural specialisation (Vietnamese, Chinese, Lebanese, Pakistani, Portuguese), independent traders, many food catering facilities and largely convenience shopping.
- The strips do not offer, and cannot offer, large format supermarkets, discount department stores. Traditionally they have not attracted many national brand retailers.
- The types of national tenants who will be sought for MM are not likely to locate in the strips.
- Most local consumers quite naturally want to be able to shop at both types of destinations – strips and centres.

### 7.2.3 Planning Assessment of Impact

The economic analysis provided identifies that the expansion of Marrickville Metro will have some trading impact on surrounding centres including the retail strip centres, but this will not be of such scale that it is likely to threaten the viability of these centres.

It is important to recognise that the planning system is not designed to prevent normal competition between retailers as this in itself can stifle growth and the provision of services to the community.

The release of the recent report from the NSW Department of Planning and the NSW Better Regulation Office titled *Promoting Economic Growth and Competition through the Planning System Review Report April 2010* specifically addresses how planning authorities should address the issues of economic impact in the assessment and decision-making process.

The first recommendation of the report is to:

*Develop a Competition State Environmental Planning Policy (SEPP) to clarify that competition between individual businesses is not in itself a relevant planning consideration. In particular, the SEPP should specify that the loss of trade for an existing business is not normally a relevant planning consideration. The SEPP should also specify that a planning authority should not consider the commercial viability of a proposed development.*

There is a very clear NSW Government policy direction that supports the provision of additional retail services to meet ever growing market needs and the planning system needs to encourage (not stifle) this growth. There is also recognition of the economic benefits that further development can bring in terms of increased competition leading to more competitive pricing for goods and the end benefits for the consumer. From the community consultation undertaken in the development of this proposal, greater competition is highly valued by the community that frequent Marrickville Metro.

It follows therefore that given the forecast trading impacts on surrounding centres is low and will not threaten their on-going viability that:

- The retail floor space growth of Marrickville Metro should be supported and encouraged as meeting a clear under supply of floor space in the local region.
- The possible impact on individual traders is not a relevant planning consideration.
- There will be a positive community impact arising from providing additional retail services for the Marrickville community.

## 7.3 Social and Community Impact

Extensive consultation with the community and relevant stakeholder groups has been undertaken prior to and throughout the design development process. This has included:

- Exit surveys undertaken by Directional Insights in 2005;
- Community surveys by Two Blind Mice in 2008;
- A Social Impact Assessment prepared in May 2010;
- Community consultation by Elton Consulting between March and May 2010.

### 7.3.1 Social and Community Impacts and Benefits

In order to determine if and how the community will benefit from the proposal and meet community expectations, an Independent Social Impact Assessment was commissioned by Urbis Social Planners and is attached in **Appendix F**.

The Social Impact Assessment involves a review of Marrickville Council's key social and urban planning documents, identifies the key demographic characteristics of the Marrickville community, analyses outcomes from consultation with key stakeholders and provides an assessment of the potential impacts and benefits associated with the proposed development and identification of possible measures to minimise any associated negative impacts. In addition, the report includes an audit of the existing social and community infrastructure to identify areas where service provision could be enhanced.

In summary, the social impact assessment identifies that the proposal will:

- Improve **attractiveness of development, revitalise the area and provide greater retail choice** by improving the ambience, layout and function of the shopping centre, increased activation of Smidmore Street through creation of the plaza and improved vehicle and pedestrian access and amenity within and around the site. Greater retail variety in shops will improve convenience for customers.
- Create **employment and training opportunities** by generating additional 777 on-going jobs, in addition to its existing employment figure of 650 persons. Further jobs will be created during the construction stages, and provide greater employment opportunities for young people in Marrickville.
- **Contribute to the community through provision of social infrastructure, open space and an enhanced town centre** including improved public transport links and facilities, incorporating a range of ESD initiatives, creating opportunities to integrate community activities such as space for markets, library and exhibition space for the local creative arts community.
- Impact positively on the **accessibility and convenience** of the shopping centre through relocation of bus terminal, new enhanced and safe pedestrian access points, creation of pedestrian plaza along Smidmore Street, additional parking and reconfiguration of loading docks.
- **Not significantly impact on the on-going viability of nearby retail shopping strips** due to its comprehensive role in retail hierarchy by providing to a greater trade catchment area, and the provision of a wider range of convenient shopping facilities.
- **Manage affordability and price rise risk** and provide a retail mix which ensures equitable access to a diverse range of products and choice for all income levels.

### 7.3.2 Community Consultation

Elton Consulting has been engaged to manage a community consultation process throughout the planning approval process and has been designed to meet the Department of Planning's consultation guidelines. This consultation has involved the following:

- Door Knocking and surveying the surrounding neighbours;
- Newsletters distributed to the wider community,
- The establishment of a project website incorporating available project information and updates;
- A Community Information Day held at the shopping centre on Saturday 15<sup>th</sup> May 2010.

This feedback from the community from this process has been an important input into the design process. Overall, the feedback to date has been very positive and overall supportive of the concept of expanding the shopping centre. Some of the issues identified include:

- Availability and design of car park;
- Maintenance of existing centre (litter and trolleys);
- The need to improve the ambience of the centre;
- Maintain the existing character of the centre;
- Encouragement of an increased variety of shops.

Further details of the consultation processes are outlined within a report prepared by Elton Consulting and attached in **Appendix G**.

## 7.4 Traffic, Transport and Access

A Traffic Management and Accessibility Plan (**TMAP**), incorporating a Traffic and Parking Study has been prepared by Halcrow. A copy of the report is attached in **Appendix H**. The report has been prepared in accordance with the Interim Traffic Management and Accessibility Plan Guidelines (2001).

The TMAP and traffic and parking study sets targets for sustainable travel, identifies existing travel characteristics and forecast growth, the existing transport situation for Marrickville Metro, details of proposed transport improvements, road network and parking implications as well as traffic management during construction and provision of a green travel plan.

A summary of the key findings from the TMAP are outlined below:

- The proposed development is considered to result in an increase in traffic generation to a rate of 1,567 vehicles/hour during the Thursday evening peak and 2,563 vehicles/hour during the Saturday morning peak. This equates to an increase of 50% and 56.8% respectively from the existing rate and an additional 526 vehicles/hour on Thursday evenings and 928 vehicles/hour on Saturday mornings.
- The greatest increase in traffic flow is likely to be caused by the main approach routes to the centre being Edinburgh Road, Victoria Road, Enmore and Belmore Roads.
- Intersections surrounding the Marrickville Metro will operate at a satisfactory level provided the development incorporates the recommended improvements Unwins Bridge Road, Bedwin Road, May and Campbell Street intersection, as well as new roundabout to Edinburgh and Sydney Steel Road.
- The proposal involves the provision of 1,815 parking spaces for 44,403sqm of retail floor area. This rate generally accords with the RTA parking rate for shopping centres and balances the need to provide adequate parking for customers, but yet also encourages the use of other modes of transport.
- Proposed measures to promote public transport usage and improve access to the centre include:
  - Construction of new bus shelter to service buses along Edinburgh Road which will have direct pedestrian access to the shopping centre's southern entrance. The proposal also provides opportunities for improvements to bus facilities and increased trip frequency to better service the customers and staff.
  - Improved pedestrian connections to railway stations with inclusion of directional signage.
  - Improved public domain and landscaping around the site to enhance pedestrian amenity.
  - Provision of cycle routes and bicycle facilities located at the shopping centre entrances in Murray Street, Victoria and Edinburgh Roads.
  - Improved bicycle routes from St Peters and Sydenham Stations.
  - Replacement of existing taxi rank in Smidmore Street with new taxi rank for three spaces with seating and shelter.
  - Provision of car sharing spaces allocated within the centre car park.
  - Improved pick up and set down areas for shuttle buses and customers.
- The proposal includes preparation of a 'green travel guide' which includes several measures to enhance the centre's non-car mode access including the provision of transport information to

customers and staff, encourage supermarkets to provide home delivery services, improved pedestrian signage, provision of priority parking, encourage fuel efficient travel.

The key recommendations of the TMAP are incorporated into the draft Statement of Commitments.

## 7.5 Built Form and Design

The proposed built form approach to the site is detailed in the architectural design report included within **Volume 2** of the Environmental Assessment. This analysis demonstrates the considered approach to the site context and addressing the key site interfaces.

The key considerations as outlined in **Volume 2** are summarised as follows.

### 7.5.1 Height

The proposed development has the following building heights:

- A height of RL19.70 to the existing centre which is comparable with the height of the existing roof top plant (RL19.40). The existing upper level roof top car park deck has a height of RL15.40.
- A height of RL19.40 to the level of the upper level car park to the new building south of Smidmore Street. This compares to the existing parapet height of the industrial building of RL16.80.

When measured from the natural ground level below, the proposed development has a maximum parapet wall height of approximately 14.5 metres. This compares favourably to the proposed height controls under the draft Marrickville LEP 2010 which support a 14 metre building height on the site.

Importantly, where the site interfaces are sensitive to change (such as the west and the north), the building height and mass is well setback from the site boundaries with existing building heights prevailing.

### 7.5.2 Scale/massing

The massing study which forms part of the architectural report, sets out the approach to the built form approach to the site. The starting principle was to establish existing sightlines from Victoria Road and Bourne Street and where possible establish a new building envelope within these sightlines. This approach established the principle of substantial setbacks from both the site boundaries from the west and north.

While this approach does not mean that the new building forms are not visible from the public domain, noting that from certain vantage points the existing roof top elements are already visible, it does result in the new built form not being visually dominating or substantially altering the visual amenity and aspect.

Sightlines taken through Bourne Street demonstrate that from the rear garden of these properties facing the site, the prevailing view of the single storey wall will remain, thereby not changing this aspect from that existing. From longer distance views taken from the west side of Bourne Street, the new upper level deck car parking will be visible but at a distance of approximately 95 metres will not be visually dominating or present unreasonable building mass.

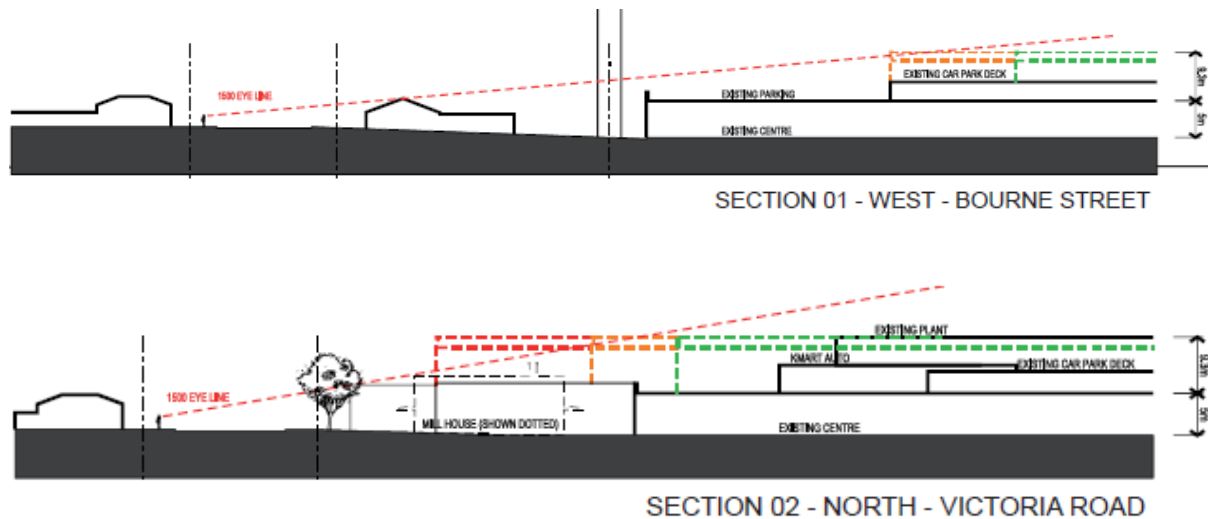


Figure 12 – Site lines from Bourne Street and Victoria Road

### 7.5.3 Streetscape Presentation

The proposed development will substantially enhance the visual presentation of the shopping centre and thereby contribute significantly to the public realm. The current centre is tired and with the exception of Victoria Road presents poorly to the street. The proposed development will enhance the visual amenity of the area through:

- Substantially upgrading the frontage to Smidmore Street which combines a mix of loading access, car access, a bus stop and the pedestrian entry. It will be transformed with street edge retailing with activated shopfronts, the isolation of loading and car access from pedestrians and a vibrant and attractive façade.
- Upgrading the visual appearance of Murray Street primarily through the rationalisation of the loading dock facilities into a single combined dock. In addition the consolidated loading dock will be screened from view with secured access.
- New active retail frontages to Murray Street either side of the Smidmore Street Plaza thereby contributing greater visual interest and vibrancy.
- A transformed presentation to Edinburgh Road, removing a tired factory building and replacing it with an activated retail entry and façade which will integrate an attractive and functional bus stop.
- New street tree planting and paving to provide the public domain with a significant lift in appearance.

Figure 13 – Smidmore Street presentation



Picture 16 – Smidmore Street – existing



Picture 17 – Smidmore Street - proposed



Figure 14 – Edinburgh Street presentation



Picture 18 – Edinburgh Street – existing



Picture 19 – Edinburgh Street - proposed

## 7.6 Landscape Design

The landscape design approach to the site is integral to the successful integration of the development in its context. The key success elements of the design approach are to:

- Improve the quality and the visual aesthetics of the entry to the centre from Victoria Road entry, while respecting the heritage value of the Mill House.
- Strengthen the streetscape character to the full site perimeter that unifies the entire site as one.
- Reinstate indigenous plants communities throughout the proposed planting scheme
- Develop a pedestrian plaza and centre entry that provides a civic space to accommodate children's play, outdoor cafe style seating, pedestrian movement, an area for formal civic events and an area for a community marketplace;
- Provide an improved public transport set down and pick up location;
- Provide an improved system to treat stormwater captured from both the adjacent roadways and the built form;
- Provide amenity for public art and a canvas to illustrate the history of the Cooks River system.

The landscape design has attempted to keep all major trees where practicable or where this cannot be achieved propose replacement planting in order to enhance the landscape interface.

The landscape design has also sought to integrate sustainability initiatives by introducing rain gardens to the Victoria Road footpath which provide a basis upon which to naturally treat stormwater before discharging into the stormwater system and Cooks River downstream. A similar approach has been documented for Murray Street although this would require the remove of the long run of fig trees planted along the boundary. Given the questions over the long term life of the fig trees on this frontage as identified in the arborist report, the applicant is proposing a managed replacement of these trees over time. It is proposed that the health of the trees be reviewed prior to the construction of the second stage of works to determine the appropriate strategy. This is documented in the draft Statement of Commitments.

**Refer Appendix I – Landscape Design Statement by Site Image and Arborist Report by Integrated Vegetation Management**

## 7.7 ESD

AMPCI is committed to a process of continual improvement in the environmental performance of the shopping centre in the areas of energy, water and waste. This process of continual improvement has been underway prior to the development of the current Concept Plan. In 2009 AMPCI undertook an Energy Efficiency Opportunities Review to assess the opportunities to improve the performance of the shopping centre, which under the contemporary energy rating tools is achieving a 2 star rating. This is about average for an older style centre.

What this review also revealed was that while some initiatives to save energy could and have been implemented at only a moderate cost, the more impactful changes required to the current centre would require a significant greater level of expenditure to the extent that it is only likely to occur in the context of a major redevelopment.

The current Concept Plan proposal represents the opportunity not only to achieve a best practice rating for the new development south of Smidmore Street but also aim to achieve a similar performance level for the refurbished existing centre.

An Ecologically Sustainable Development (ESD) report has been prepared by Bovis Lend Lease which addresses how the development proposed to achieve best practice standards with regard to energy efficiency, water efficiency, tracking energy and water efficiency performance materials and embodied energy (**Appendix J**).

In summary, the proposed new shopping centre building to the south (Stage 1) will be designed and constructed to achieve Australian 'Best Practice' in environmentally sustainable design for shopping centres.

It is proposed that a report will be prepared by a Green Star Accredited Professional prior to the issue of a Construction Certificate which confirms that the new development works will achieve an equivalent minimum best practice rating for the design and construction of the development under the Green Building Council of Australia's (GBCA) Retail v1 tool or equivalent.

Through proposed continued improvements in energy, water and waste efficiency, the proposal aims to achieve a 4 Star NABERS Retail Energy and Water rating for the existing shopping centre.

There are several measures being considered for implementation within the design to help achieve this aim. These include:

- Installation of water demand reduction fixtures, rainwater collection, treatment and re-use.
- Use of high quality building fabric including insulation and light coloured roofing materials,
- Energy demand metering through BMS and Meter Monitoring System to control HVAC plant and light,
- Minimise mall lighting loads through alternative lamp selection
- Investigate on-site power generation through renewable systems such as solar photovoltaic cells.
- Use of gas fired generators.

**Refer Appendix J – Ecologically Sustainable Development (ESD) prepared by Bovis Lend Lease**

## 7.8 Crime Prevention through Environmental Design (CPTED)

A CPTED Assessment report has been prepared by Urbis to guide and inform the design of Marrickville Metro shopping centre development. A copy of the report is provided in **Appendix K**.

The report provides a snapshot of the existing social and demographic context of the area; identifies the type of crime most likely to occur around the development and provides an assessment of the function and design of the development and recommendations to manage and minimise community risk.

The CPTED assessment was prepared following consultation with stakeholder groups including Marrickville Council, Marrickville Local Area Command and Marrickville Centre Management. The stakeholder groups identified the following main areas of concern with regard to the proposed development:

- Increased traffic congestion,
- Car park safety, particularly after hours,
- Safe accessibility in prevention of falls and injuries,
- The proposed function of Smidmore Street and to avoid the plaza becoming 'dead' space,
- Pedestrian safety along Murray Street,
- Need for improved transport links.

Consultation with stakeholder groups also revealed that the shopping centre does not attract youth crime or antisocial behaviour resulting from loitering by youths. In addition, its proximity to residential areas provides a beneficial level of passive surveillance.

Section 5 of the report provides an assessment of the proposed development against the key CPTED principles. While previous CPTED advice provided in relation to earlier scheme of the proposal has been taken into consideration, the report makes a number of additional recommendations in response

to an assessment of the proposed design and relating to car parking, entrance/egress, loading dock areas, public plaza/Communal areas, internal centre layout, lighting, access control and movement predictors and management maintenance.

AMPCI is committed to providing the following crime management and safety measures:

- The preparation of an Operational Security Management Plan (OSMP) for the Centre incorporating the following provisions:
  - Access control for the car parking entrances and loading dock entries.
  - Provision of CCTV cameras to the car park areas, malls and entries to the centre and loading docks.
  - Provision of regular security patrols of the centre and car parking areas.
  - The building entrances will be visible from the street and will not be obscured by landscaping.
  - The provision of clear signage for vehicle traffic and pedestrians.
  - Lighting to be designed in accordance with AS4282 and should be vandal proof or resistant.
  - Landscaping to be designed and maintained so as to maintain clear sightlines and avoid areas for concealment.
  - Pedestrian access paths to be lit by higher levels than the general parking areas.
  - A management regime for on-going maintenance and upkeep of the centre.
  - Hardwearing materials will be utilised where appropriate in all buildings to minimise opportunities for vandalism.

In summary, the proposed Marrickville Metro upgrade and development is considered to comply with the key CPTED principles and that the functional planning and proposed design detail will provide a safe and secure and environment for centres users and minimise petty crime.

### 7.8.1 Security & Access Management along Western Boundary

The existing shopping centre is located close to the western site boundary where there is an interface with the adjoining residential properties fronting Bourne Street. The side setback area is currently utilised as a fire egress for the existing shopping centre, allowing an exit to the north towards Victoria Road or to the south via the existing loading dock.

It is proposed to continue to utilise this small setback area as a fire egress point from the existing shopping centre and this area remains an important aspect of the fire safety strategy of the development. Accordingly, no additional works including landscaping are proposed in this area with the exception that new fire egress stairs will be constructed from the existing roof top car park to further strengthen the fire safety access strategy.

As this area is only accessible as a fire exit, it is envisaged that this area would only be used on rare occasions and therefore is not anticipated to represent an amenity or security issue.

## 7.9 Heritage

As indicated earlier in this report, the site comprises a heritage item known as 'Mill House' listed within Schedule 5 of the MLEP 2001, within the draft MLEP 2010 and the NSW Heritage Database and National Trust Register. The item is of local heritage significance and is known as one of the oldest surviving houses in the district originally constructed around 1840s. Remnant walls of a Vicars Woollen Mills are located on the northern boundary of the existing shopping centre site.

The subject site is also located within the vicinity of several heritage items listed within the MLEP 2001 and draft MLEP 2010. These include:

- Brick paving on Victoria Road.
- Llewellyn Estate Heritage Conservation Area.
- St Pius Church and Presbytery, 290 Edgeware Road, Newtown.

The site also adjoins the Llewellyn Estate Heritage Conservation Area (HCA 14) defined under the draft MLEP 2010.

A Statement of Heritage Impact has been prepared by Graham Brooks and Associates dated May 2010 with respect to the subject development site. The HIS provides an assessment of the impacts of the proposed development on the 'Mill House', nearby heritage items and the adjoining conservation area and responds to Council's comments regarding the Concept Plan.

The Heritage Impact Statement makes the following conclusions:

- *The 'Mill House' component of the subject is listed as an item of local heritage significance in Schedule 5 of the Marrickville LEP 2001 and of the Preliminary Draft Marrickville LEP 2010.*
- *The industrial site at 13-55 Edinburgh Road is not identified as a heritage items on any statutory list.*
- *The Archaeological Management provisions of the NSW Heritage Act are applicable to any works carried out on the site. If, at any time, unexpected archaeological remains are uncovered or disturbed, work must stop immediately and the NSW Heritage Council must be notified.*
- *There will be no adverse impact on the established heritage significance of 'Mill House', St Pius Church and Presbytery and the Draft Llewellyn Estate Conservation Area, resulting from the proposal.*

The heritage impact statement recommends the Concept Plan for approval with the following recommendation:

- *An archival photographic recording of 'Mill House, in its context, documenting the Victoria Road streetscape, the remnant Vicars walls and the brick paving, should be made prior to commencement of any works.*

This recommendation is incorporated into the draft Statement of Commitments.

Having regard to the recommendations of the Heritage Impact Statement, it is considered that the proposed development will appropriately respond to the significant heritage items on the site.

**Refer to Appendix L – Heritage Impact Assessment**

## 7.10 Environmental and Amenity Implications

### 7.10.1 Solar access

Shadow diagrams have been prepared to compare the impacts on solar access caused by the existing buildings and the proposed development. While the diagrams indicate a marginal increase in overshadowing along Murray Street, and Edinburgh Road, shadows are mainly confined to the public way and will not cause any significant impact on surrounding residential development, or cause any additional impacts to the rear of adjoining residential properties to the west.

The shadow diagrams indicate the following:

- The proposal will result in a slight extension to existing shadows over Murray Street at 3pm during summer.

- The proposal will cause new shadows over Edinburgh Road, the new service dock (Service Dock 2) and the western end of Smidmore Street Plaza in the morning periods during March and September and there will be a slight increase in shadows over Murray Street during the afternoon period.
- The proposal will result in a marginal increase to existing shadows over Edinburgh Road and Smidmore Street Plaza and Murray Street during the winter solstice between 9am and 3pm.

The shadow diagrams are included within the Architectural Report contained within **Volume 2**.

### 7.10.2 Acoustic privacy

A Noise Emission Assessment has been prepared by Acoustic Logic Consultancy to assess the acoustic impacts associated with the proposed redevelopment and expansion of the shopping centre. The report assess the noise which will be generated by the site including loading dock, mechanical plant noise, vehicle traffic noise, and recommends acoustic and management controls for the site.

Testing measures included both background measurements and continuous unattended noise monitoring from a variety of locations. Noise sources were assessed with reference to DECC industrial Noise Policy (Intrusive and amenity criteria). A sleep disturbance assessment was also undertaken to understand the potential for sleep arousal during the nighttime period (between 10pm and 7am). DECC Environmental Criteria for a Road and Traffic Noise guideline is also used to measure noise from increased traffic on local roads.

In summary, the acoustic analysis indicates that the proposed development can comply with the relevant environmental standards subject to the following recommendations:

- The new loading docks in the south-east and south-west of the site shall accommodate no more than 1 vehicle delivery in any 15 minute period during the night time period (10pm-7am).
- The modified loading dock fronting Murray Street is to be limited to no more than one semi-trailer delivery per night (between 10pm and 7am).
- The direction that heavy vehicles access the loading docks via Edinburgh Road.
- Line the underside of the slab over the Loading Dock with noise absorptive material (Anticon building blanket or Tontine Acoustisorb 2 insulation with perforated foil lining).
- A minimum 1.2m high screen around the perimeter to the ramps to provide a line of sight screen between the ramp deck and any nearby residential development. The screen may consist of a masonry wall or other imperforate material.

These recommendations are incorporated into the draft Statement of Commitments.

**Refer to Appendix M – Acoustic Report prepared by Acoustic Logic**

### 7.10.3 Light spill

It is proposed that external lighting will be provided for safety and security purposes around the site. Lighting levels will comply with the relevant Australian Standards.

- Australian Standard AS4282 - 1997 Control of the obtrusive effects of outdoor lighting.
- Australian Standard/New Zealand Standards AS1158 – Lighting for Roads and Public spaces

The lighting design for the car parks, particularly the roof top car parks will ensure that no unreasonable light spill will fall on adjoining residential properties and that the illumination of the lighting fixtures will not cause a lighting nuisance to residential properties that overlook the shopping centre. In this regard, light shields or similar are to be used to prevent light nuisance occurring.

It is proposed to include the requirement for further detailed modelling prior to a construction certificate and this is included in the draft statement of commitments.

A lighting engineering statement by Lend Lease Design has been prepared and is included within the Electrical & Hydraulic Design Statement in **Appendix N**.

#### 7.10.4 Wind impacts

A Wind Assessment has been prepared by Cermak Peterka Petersen (CCP) to assess the impact of the proposed shopping centre on pedestrian level local wind environment in and around the development.

The following points summarise the findings of the environmental wind assessment:

- Wind conditions around the site are considered to be similar to existing conditions except for a marginal increase in some localised areas such as along Edinburgh Road and the new southern entrance from Edinburgh Road.
- The new southern entrance will be suitable for public domain access, although further details and configuration of the doors will be required to mitigate potential internal impacts.
- It is considered that the wind conditions along Smidmore Street plaza will be conducive to outdoor dining.
- Sydney's prevailing winds will marginally impact on the proposed Level 1 and Level 2 car parking areas, however, the level of impact is acceptable for the intended use.

A copy of the Environmental Wind Assessment is located in **Appendix O**.

### 7.11 Accessibility

An Access Report has been prepared by Accessibility Solutions to ensure that the development achieves the best possible access outcomes for the broadest range of people with a disability, and that the proposal incorporates the principles of the DDA and the intent of Marrickville Council's DCP No. 31.

In following points summarise how the development will be able to meet the DDA requirements and criteria outlined within DCP No. 31:

- The proposed refurbishment and upgrade of the existing shopping centre building includes new lifts and travelators to access all new levels of retail and parking and internal refurbishment to upgrade and improve access within the existing ground floor.
- The proposed alterations to the existing shopping centre building will include accessible parking and sanitary facilities.
- The proposal will incorporate accessible linkages between the two buildings including an on-grade access links at ground level, a bridge arcade connection at first floor (over Smidmore Plaza) and rooftop vehicle accessway at Level 2.
- All levels of the new extension building will be serviced by lifts and travelators in accordance with the BCA, DDA and DCP No. 31.

**Refer to Appendix P – Accessibility Report**

### 7.12 Contamination Assessment (Soil & Groundwater)

The Stage 1 report identified the potential for contaminants from former and current activities on the site including the existing dry cleaners, the disused fuel point located in the footpath of Murray Street and the auto and tyre repair in the eastern portion of the shopping centre complex as well as the tannery and wool scouring in the northern portion. As a consequence of this initial investigation, a Stage 2 investigation involving soil sampling and ground water testing was undertaken.

The Stage 2 report prepared by Douglas Partners advises that the site can be made suitable for retail use and therefore satisfy the provisions of SEPP-55. Douglas Partners did however recommend that additional testing be undertaken as follows:

- *Further investigation to be carried out in the previously identified AECs which were not accessible in this round of investigation. This may include additional intrusive sampling in areas likely to be exposed as part of the proposed development and an assessment of human health risk in others areas of the site;*
- *Further groundwater investigation be undertaken to confirm or otherwise potential widespread groundwater contamination associated with the dry cleaning operation and the possible historical leakage / spillage of petroleum products at the disused fuel point;*
- *Geophysical investigation be undertaken in the vicinity of the disused fuel point to determine whether there are other USTs present at the warehouse site, apart from those previously identified in the Stage 1 Contamination Assessment;*
- *Additional ex situ assessment of excavated soils to confirm or otherwise the preliminary waste classifications provided in this report;*
- *Further investigation to be undertaken to confirm the extent of the acid sulphate soil in the southern portion of the site; and Development of an Acid Sulphate Soils Management Plan, if required.*

The applicant is committed to undertaking this additional investigative work in a manner consistent with the proposed staged construction process and a remedial action plan will be prepared and a site audit statement provided if required. This is confirmed in the draft Statement of Commitments.

#### **Refer to Appendix Q – Stage 1 & 2 Contamination Assessment**

## **7.13 Flooding & Stormwater Management**

An Infrastructure and Hydrology Report has been prepared by Golder Associates to address the drainage and flooding issues related to the proposed development.

Preliminary consultation with Sydney Water and Marrickville Council was undertaken in preparation of the report. Council's Stormwater and On-site Detention Code and DCP No.32 Energy Smart Water Wise were used as a guide in assessing the potential impacts of the proposal.

### Sydney Water infrastructure

With regard to impacts on Sydney Water infrastructure, the report identifies that the physical building works and/or additional demand on stormwater, sewer or water infrastructure may impact on the following:

- Stormwater culvert under the existing shopping centre and the 13-55 Edinburgh Road.
- Sewer network.
- Water supply network.

Golder Associates have recommended several measures to mitigate impacts on Sydney Water infrastructure. These include:

- New building restrictions over/or adjacent to stormwater drainage culvert within existing retail centre.
- Existing sewer mains within Smidmore Street and 13-55 Edinburgh Road to be diverted to be located outside proposed building areas.
- Existing water main within Smidmore Street should be terminated (capped) either side of new construction to avoid potential easement.



- Existing stormwater drainage culvert in Smidmore Street and in 13-55 Edinburgh Road will require a dilapidation survey to ensure integrity for life of new building over.

#### Hydrology assessment

The hydrology assessment addresses the flooding and stormwater issues related to the proposed development. It also identifies Water Sensitive Urban Design (WSUD) measures to improve the stormwater runoff quality, assesses the benefit of on-site detention (OSD) measures and identifies measures for stormwater quality improvement and water re-use.

The site is located within an identified flood prone area within Marrickville LGA. A two-dimensional (TUFLOW) hydraulic model of the catchment was used to assess the impacts of the proposal on existing flood behaviour. The modelling identified that:

*‘...the modelled increase in flood depth in the 2 y and 100 y design flood events is less than 5cm in the vicinity of the site, except for a very small area at the corner of Victoria Road and Murray Street where the predicted increase in flood depth is more than 10cm in 100y event.*

and

*‘...there was no change modelled provisional flood hazard in the 2 y or the 100 y events.’*

The report concludes the following:

- *There is an insignificant impact on the existing flood levels during to the proposed development.*
- *There is no change in the existing flood hazard during to the proposed development.*
- *By raising the spill level (footpath level) along Victoria Street by 5-10 cm the flooding of the existing low area near the entrance of Marrickville Metro can be prevented from a 2 yr ARI event. This can be achieved with insignificant impact on the surrounding properties.*
- *The current culvert under the new building on Edinburgh Road can carry flow for approximately a 5 yr ARI event. Any augmentation if this culvert is likely to provide only a minor benefit due to the impact of other hydraulic controls (flat slope and backwater effect) in the drainage system.*
- *The proposed levels for the dock within the existing building would provide an appropriate flood safety for a 100 yr ARI event. The proposed levels of the dock within the new building would allow flood waters to enter the dock in a 100 yr ARI event. However, the hazard within the dock would be low. In addition refuge areas would be available within the dock for employees working in this managed area.*
- *An OSD for the proposed development is likely to provide limited benefit due to the various reasons as discussed in the report. Therefore the provision of an OSD is not warranted.*
- *The landscaped areas provide opportunity to improve the stormwater quality runoff generated from the site.*
- *Rainwater re-use is proposed for this development.*

The report also recommends the following floor levels for the proposed development:

- The proposed floor level for the new building on Edinburgh Road is 5.9 m AHD. This level provides a freeboard of 500mm above the 100 yr ARI event.
- The other recommended floor levels are:
  - Plaza (New building) – 5.90m AHD*
  - Loading dock 3 (Existing building) – 6.40m AHD*
  - Loading dock 1 (Smidmore Street building) – 5.75m AHD*
  - Service Dock 2 (On Smidmore St, new building) – 5.75m AHD*

The applicant is committed to incorporating the recommendations set out within the report. This is confirmed in the draft Statement of Commitments.

### **Refer to Appendix R – Infrastructure and hydrology study**

## **7.14 Utilities**

A statement has been prepared by Lend Lease in relation to the proposed electrical and hydraulic services.

The following points summarise the proposed services:

### Electrical services

- The Marrickville Zone Substation has capacity to support the proposed development. Confirmation is currently being sought from Energy Australia.
- The proposed electrical services for the new building on 13-55 Edinburgh Road and the proposed extension to the existing building include:
  - Retention of existing overhead power services (where possible) and provide underground low voltage services in Edinburgh Road where required and within Smidmore Street where they are located on the north site of the street to accommodate the realignment of the kerb and shopfronts
  - Establishment of 2 new transformer indoor substations (containing 1 x 1500kVA and 1 x 1000kVA transformer) to service the new building and to be located adjacent to the loading dock off Edinburgh Road.
  - Retain and use existing substations located in Murray and Smidmore Streets and modify where required. Provision of new substation (1 x 1500kVA) to service level 1 extension.

### Hydraulic services

- Use existing Sydney Water Mains which are suitable for connection.
- Installation of water efficient fixtures within the centre's amenities and rainwater harvesting measures.
- Relocation of Sydney Water sewer mains in accordance with Sydney Water requirements.
- Connect with existing gas mains which have sufficient capacity for the new expansion requirements.

## **7.15 BCA and fire safety**

### BCA

A BCA assessment has been prepared by Steve Watson & Partners to provide an assessment of the design documentation for the proposed development against the current requirements of the BCA, primarily relating to fire resistance, access and egress and health and amenity.

Stage 1 of the construction involving the new building to the south will link to the existing centre and it is proposed to be treated as a separate building in terms of BCA compliance and that fire separation will be provided to separate the new Stage 1 work from the existing centre.

The report concludes that the proposed alterations and additions associated with the development are capable of complying with the relevant requirements of the BCA and Environmental Planning and Assessment Regulation 2000 via alternate solutions where required.

A copy of the BCA Assessment is included in **Appendix S**.

### Fire Safety

A Staged Fire Safety Strategy has been prepared by Defire in relation to the proposed development which provides high level fire safety strategy regarding the staging of the project in relation to fire safety during construction and fire safety systems and processes.

The proposal involves a performance based fire safety engineering approach to achieve compliance with the requirements of the BCA.

- Stage 1

The proposed new shopping building will be designed to comply with the deemed to satisfy (DTS) provisions of the BCA unless specifically addressed in an alternative solution. A separate fire safety schedule will be prepared for the new building as part of Stage 1.

The proposed alterations and additions to the existing shopping centre building are of minor nature during Stage 1 and it is therefore considered unlikely that full compliance with the DTS provisions of the BCA will be required.

- Stage 2

The proposal will involve significant additions and changes in use to the existing building during Stage 2. The new portions of the building are required to comply with the current DTS provisions unless expressed by an alternative solution. Existing portions will be required to undergo a fire safety upgrade.

**Refer to Appendix T – Staged Fire Safety Strategy prepared by Defire**

## 7.16 Operational Waste Management

A Waste Management Plan has been prepared by Waste Audit Consultancy Services to address the management of waste generated during on-going operations of the shopping centre in accordance with Marrickville Council's DCP No. 27 – Waste Management.

The report details an estimated waste profile and waste quantities for the proposed development and specifies the various waste streams proposed including recycling of cardboard and paper, plastics and co-mingle recycling, used cooking oil, organic recycling and fluorescent tube recycling.

Waste and recycling areas will be located in easily accessible areas and the proposal will provide suitable and effective management on going waste management which will include monthly waste reporting to monitor waste generation, tenant education awareness to ensure tenants are aware of responsibilities, appropriate contractor terms for waste contractors and cleaners and appropriate signage for correct system usage.

The proposed design and layout of the waste management and recycling rooms complies with the Green Star Retail criteria.

A copy of the Operational Waste Management Plan is attached within **Appendix U**.

## 7.17 Construction Management

A preliminary Construction Management Plan has been prepared to address strategies for mitigation of environmental impacts during construction including noise mitigation, containment of airborne particles, construction methodology and safety. In summary, the proposal includes the following construction management measures:

- Appointment of contractor to contribute to the applicant's Stakeholder Management Plan to provide on going liaison, communication between stakeholders and to address/manage complaints.
- Provide site accommodation for site workers with site offices, change and lunch rooms.

- Construction hours to be in accordance with Marrickville Council's standards (between 7am and 6pm Monday to Friday, and 8am to 1pm Saturdays).
- Construction to occur in 2 discrete stages (as detailed earlier in this report) and to ensure on-going operation of the shopping centre.
- Provision of hoardings to maintain site safety and temporary security fencing.
- Loading/unloading of construction materials via a dedicated and secure construction zone.
- Preparation of a Traffic management Plan which will cover pedestrian and vehicle movements during construction and relocation of public transport infrastructure.
- Incorporation of ESD initiatives within construction waste management including:
  - partnering with waste management contractors to maximise volumes of waste separated for recycling and reuse,
  - achieve set targets (rates of up to 80%) for recycling and reuse for construction and demolition materials, and
  - production of a detailed site specific environmental and waste management plan covering every aspect of construction.

A copy of the Construction Management Plan is attached in **Appendix V**.

## 7.18 Civil Engineers Assessment

A Civil Engineering Assessment has been prepared by Cardno to assess the engineering aspects of the design including erosion and sediment control during construction activities, bulk earthworks associated with reshaping of the site, vehicular access to the car park and loading dock facilities, vehicular and pedestrian access to public transport, and infrastructure development such as road and intersection upgrades to the perimeter of the site.

The proposed car park and loading facilities have been assessed against the relevant Australian Standards. The proposed works within and surrounding the development site will provide the necessary facilities to improve accessibility and safety for vehicles and pedestrians

A copy of the Civil Engineering Assessment is included in **Appendix W**.

## 7.19 Geotechnical Investigations

A report has been prepared by Douglas Partners to detail the geological investigation carried out for the proposed redevelopment of Marrickville Metro. The geotechnical investigations were carried out in conjunction with the Stage 2 Site Contamination Assessment prepared for the site.

A copy of the Geotechnical report is included in **Appendix X**

## 7.20 Quantity Surveyor Statement

A Quantity Surveyors Statement has been prepared in accordance with the DGRs to confirm the capital investment value (CIV) of the project. The CIV is in the order of \$165 million.

A copy of the statement is located in **Appendix Y**.

## 8 Conclusion

Since the acquisition of the site by AMPCI, significant economic and social research, design and planning analysis, consultation with the community and other key stakeholders has been undertaken. This work has significantly shaped and formed the project vision for Marrickville Metro and has confirmed the overwhelming need from both an economic and social perspective to expand the provision of retail services to meet community need.

The project will elevate Marrickville Metro from what is today a 'tired' centre that is now falling short of meeting the needs of the local community to one that will provide a broader range of retail services, enhanced public spaces and a centre that will better integrate with the surrounding context.

The Environmental Assessment Report is contained within three volumes and provides a comprehensive assessment of all anticipated impacts in accordance with the Director General's Environmental Assessment Requirements.

The detailed analysis provided in the Environmental Assessment demonstrates that the project will achieve a range of important outcomes for the local region and the local community. Specifically:

- It addresses the significant under supply of retail floor space in the Marrickville area and will keep more retail expenditure within the local region.
- It will significantly improve the internal and external environment of the shopping centre.
- It provides significant on-going employment in the order of 780 jobs, the majority of which are expected to be local.
- It provides the opportunity to incorporate new community facilities in conjunction with quality urban spaces which will enhance the role of Marrickville Metro as a Town Centre.
- It will enhance the environmental performance of the centre to Australian 'best practice' standards.

Importantly, where impacts have been identified in the environmental assessment, ameliorative measures will be introduced by a number of Statement of Commitments to ensure that the implications of the development can be appropriately managed.

Overall, the redevelopment of Marrickville Metro development will bring with it positive social and economic benefits for the local region and Sydney generally.



# ATTACHMENT 1

## Draft Statement of Commitments





**Draft Statement of Commitments for Concept Plan (MP09\_0191)**  
**34 Victoria Road, 13-55 Edinburgh Road and part of Smidmore Street, Marrickville**

Subject	Commitments	Timing
<b>1. Development Contributions</b>	<p>Refer to draft Voluntary Planning Agreement which will apply in the event that Smidmore Street is closed and transferred to AMPCI.</p> <p>In the event that the alternative development option (keeping Smidmore Street in situ) is pursued, the proponent agrees to pay the monetary contributions in accordance with the Marrickville Council section 94 plan.</p>	Prior to Construction Certificate
<b>2. Transport Management Measures</b>	<p>The proponent agrees to implement the measures outlined in the TMAP report prepared by Halcrow (May 2010) accompanying the application. These measures include:</p> <p><b>Road Works</b></p> <p><i>Intersection of Unwins Bridge Rd/Bedwin Rd/May &amp; Campbell Streets</i></p> <ul style="list-style-type: none"> <li>▪ Extend the left slip lane in Unwins Bridge Road to 60m by reducing the right-turn lane to about 20m. This can be achieved by widening Unwins Bridge Road adjacent to the left slip lane by approximately 800mm.</li> <li>▪ On May Street convert the existing right and through lane to a 50m long dedicated right-turn lane. Add a right-turn phase for vehicles turning from May Street into Bedwin Road;</li> </ul> <p><i>Intersection of Edinburgh &amp; Sydney Steel Roads</i></p> <p>A roundabout will be constructed for the intersection of Edinburgh and Sydney Steel Roads.</p> <p><b>Provision of New Taxi Rank</b></p> <p>The provision of a new taxi rank for three spaces and a new shelter and seating in Murray Street.</p> <p>The provision of an accessible taxi space in accordance with Australian Standard with low height kerb, wheelchair access and accessible paths direct from the shopping centre entry and exit.</p>	Plans to be provided prior to Construction Certificate



Subject	Commitments	Timing
	<p><b>Green Travel Plan</b> The proponent agrees to prepare and implement a Green Travel Plan for the shopping centre.</p> <p><b>Bicycle Parking &amp; Facilities</b> The proponent agrees to provide the following bicycle parking and associated amenities as part of the overall development.</p> <p>In total 80 bicycle parking spaces for customers and staff are proposed. This provision would then be increased by converting car parking spaces to bicycle spaces if/when it became apparent that the initial provision was insufficient.</p> <p>This bicycle parking will be provided through a combination of external (footpath) bicycle racks and internal bicycle racks and storage areas. Showers and lockers for employees are also proposed.</p> <p><b>Improvements to Bicycle Routes</b> The proponent agrees to improvements or connections to bike routes (subject to the agreement with Marrickville Council) as outlined in the TMAP dated May 2010.</p> <p><b>Construction of a New Bus Stop/Interchange</b> The proponent agrees to construct a new bus shelter and bus parking area on the frontage to Edinburgh Road. The bus stop area will incorporate a shelter, seating and street furniture and associated signage. The proponent will consult with the STA in the final design of the bus stop area.</p> <p>The proponent will investigate options with the STA to find suitable locations for further bus parking capacity located in the vicinity of the site</p>	
<p><b>3. Car Parking</b></p>	<p>The proponent agrees to the following measures in respect to the provision and management of car parking:</p> <ul style="list-style-type: none"> <li>▪ The continued provision of free parking for customers of the centre;</li> <li>▪ The implementation of a car parking guidance system to improve the efficiency of parking spaces and reduce circulating traffic.</li> <li>▪ Two car share spaces will be allocated within the centre car park for priority access to the centre's entrance / exit.</li> </ul>	<p>To be implemented as part of Operational Management Plan to be submitted prior to Construction Certificate stage.</p>

<b>Subject</b>	<b>Commitments</b>	<b>Timing</b>
<b>4. Landscaping &amp; Public Domain</b>	<p>With the agreement of Marrickville Council, the proponent agrees to the following:</p> <ul style="list-style-type: none"> <li>▪ The planting of new street trees and pavement works along Edinburgh Road and Murray Street south of Smidmore Street in accordance with the plans prepared by Site Image dated May 2010, subject to no major existing services encumbrances within the road reserve.</li> <li>▪ The planting of new street trees and ‘rain gardens’ along the frontage of Victoria Road in accordance with the plans prepared by Site Image dated May 2010.</li> <li>▪ The proponent agrees to maintain the rain gardens established within the road reserve in a tidy and working order at no cost to Council.</li> </ul> <p>In respect to the existing fig trees planted adjacent to the existing shopping centre on the Murray Street frontage north of Murray Street, the proponent agrees to the following:</p> <ul style="list-style-type: none"> <li>▪ Prior to the issue of a construction certificate for the Stage 2 works, to undertake a further arboricultural inspection of the existing fig trees (reference 48-64 in the arborist report prepared by IVM) and determine the current health of the trees and to provide recommendations for managed removal and replacement to Marrickville Council.</li> <li>▪ In the event that it is agreed by Council to undertake a managed removal and replacement strategy, the proponent agrees to undertake these works prior to the issue of an Occupation Certificate for Stage 2.</li> </ul> <p>The proponent agrees to undertake the measures as recommended in the arborist report prepared by Integrated Vegetated Management including:</p> <ul style="list-style-type: none"> <li>▪ Further investigation in the form of exploratory root trenching should be undertaken to determine the extent of root spread and the impact of the proposed development on Trees 43-50 75-78, 80.</li> <li>▪ All pruning work should be undertaken in accordance with AS4373: Pruning of Amenity Trees (2007), the Workcover Code of Practice for the Amenity Tree Industry (1998).</li> <li>▪ Trees 48 and 57 have structural defects and are to be removed.</li> <li>▪ The trees to be retained are to be protected in accordance with the Tree Protection Specifications outlined in Appendix 6 of the IVM report dated May 2010.</li> </ul>	<p>Prior to Occupation Certificate or as specified.</p>          <p>Prior to the issue of the relevant Construction Certificate.</p>

Subject	Commitments	Timing
<b>5. Infrastructure Management</b>	<p>The proponent agrees to the following measures to mitigate impacts on Sydney Water infrastructure. These include:</p> <ul style="list-style-type: none"> <li>▪ New building restrictions over/or adjacent to stormwater drainage culvert within existing retail centre.</li> <li>▪ Existing sewer mains within Smidmore Street and 13-55 Edinburgh Road to be diverted to be located outside proposed building areas.</li> <li>▪ Existing water main within Smidmore Street to be terminated (capped) either side of new construction to avoid potential easement.</li> <li>▪ A dilapidation survey will be prepared for the existing stormwater drainage culvert in Smidmore Street and in 13-55 Edinburgh Road will to ensure integrity for life of new building over.</li> </ul>	<p>Prior to the relevant construction certificate stage</p>
<b>6. Heritage</b>	<p>The proponent agrees to the following measures and actions recommended in the Heritage Impact Statement prepared by Graham Brooks &amp; Associates dated May 2010:</p> <ul style="list-style-type: none"> <li>▪ An archival photographic recording of 'Mill House, in its context, documenting the Victoria Road streetscape, the remnant Vicars walls and the brick paving, should be made prior to commencement of any works.</li> <li>▪ The design details for this project should be prepared with the input and endorsement of a suitably qualified Heritage Consultant.</li> </ul>	<p>Archival recording shall be undertaken prior to the issue of a Construction Certificate.</p>
<b>7. Environmental Sustainability</b>	<p>The proponent agrees that the new development works will achieve the following:</p> <p>The new development (Stage 1) will be designed and constructed to achieve Australian 'Best Practice' in environmentally sustainable design and construction for retail centres.</p> <p>A report will be prepared by a Green Star Accredited Professional prior to the issue of the Construction Certificate which confirms that the new development works will achieve an equivalent minimum best practice rating for the design of the development under the Green Building Council of Australia's (GBCA) Retail v1 tool (or equivalent).</p> <p>The proponent also aims to achieve a 4 Star NABERS Retail Energy and Water rating post the refurbishment and expansion of the existing shopping centre.</p>	<p>To be prepared prior to the issued of the relevant Construction Certificate.</p>

Subject	Commitments	Timing
<b>8. Management of Lighting Impacts</b>	<p>External lighting is to be provided for security that complies with the relevant Australian Standard.</p> <ul style="list-style-type: none"> <li>• <i>Australian Standard AS4282 - 1997 Control of the obtrusive effects of outdoor lighting.</i></li> <li>• <i>Australian Standard/New Zealand Standards AS1158 – Lighting for Roads and Public Spaces</i></li> </ul> <p>The lighting design for the car parks, particularly the roof top car parks, is to ensure that no unreasonable light spill will fall on adjoining residential properties and that the illumination of the lighting fixtures will not cause a lighting nuisance to residential properties that overlook the shopping centre. In this regard, light shields or similar are to be used to prevent light nuisance occurring.</p>	<p>Lighting modelling is to be prepared to demonstrate compliance with the Australian Standards and the avoidance of unreasonable light spill on adjoining properties prior to the issue of the relevant Construction Certificate.</p>
<b>9. Crime Management and Safety</b>	<p>The proponent agrees to implement the following measures:</p> <p>The preparation of an Operational Security Management Plan (OSMP) for the Centre incorporating the following provisions:</p> <ul style="list-style-type: none"> <li>▪ Access control for the car parking entrances and loading dock entries.</li> <li>▪ Provision of CCTV cameras to the car park areas, malls and entries to the centre.</li> <li>▪ Provision of regular security patrols of the centre and car parking areas.</li> <li>▪ The building entrances will be visible from the street and will not be obscured by landscaping.</li> <li>▪ The provision of clear signage for vehicle traffic and pedestrians.</li> <li>▪ Lighting to be designed in accordance with AS4282 and should be vandal proof or resistant.</li> <li>▪ Landscaping to be designed and maintained so as to maintain clear sightlines and avoid areas for concealment.</li> <li>▪ Pedestrian access paths to be lit by higher levels than the general parking areas.</li> <li>▪ A management regime for on-going maintenance and upkeep of the centre.</li> <li>▪ Hardwearing materials will be utilised where appropriate in all buildings to minimise</li> </ul>	<p>An Operational Security Management Plan will be prepared prior to the issue of a Construction Certificate for Stage 1 works.</p> <p>The proposed lighting, landscaping, security, and management measures will be implemented on a staged basis in accordance with the proposed staged construction process.</p>

Subject	Commitments	Timing
	<p>opportunities for vandalism.</p> <p>The OSMP may be implemented on a staged basis to reflect the staged construction and operation of the centre.</p>	
<b>10. BCA</b>	<p><b>BCA</b></p> <p>The proponent agrees to provide a new building as part of the Stage 1 works which is compliant with the BCA 2009 and developing alternate solutions where required.</p> <p>The proponent agrees to provide at least the same level of fire safety to the centre as existing.</p> <p><b>Fire Safety</b></p> <p>The proponent agrees to developing alternative solutions which comply with the relevant performance requirements of the BCA.</p> <p><b>Accessibility</b></p> <p>The proponent agrees to provide a development which has an equitable and accessible environment for all and complies with the Building Code of Australia (BCA), statutory obligations imposed by the Disability Discrimination Act 1992 (DDA) and relevant Australian Standards.</p>	<p>To be satisfied prior to the issue of each relevant Construction Certificate.</p>
<b>12. Geotechnical and Groundwater Management</b>	<p>The proponent agrees to the following measures and actions recommended in the Geotechnical Investigation prepared by Douglas Partners dated May 2010 being:</p> <ul style="list-style-type: none"> <li>▪ Further investigation to be carried out in the previously identified AECs which were not accessible in this round of investigation. This may include additional intrusive sampling in areas likely to be exposed as part of the proposed development and an assessment of human health risk in others areas of the site;</li> <li>▪ Further groundwater investigation be undertaken to confirm or otherwise potential widespread groundwater contamination associated with the dry cleaning operation and the possible historical leakage / spillage of petroleum products at the disused fuel point;</li> <li>▪ Geophysical investigation be undertaken in the vicinity of the disused fuel point to determine whether there are other USTs present at the warehouse site, apart from those previously identified in the Stage 1 Contamination Assessment;</li> </ul>	<p>The investigations will be carried out on a staged basis and prior to Construction Certificate for the relevant stage of works.</p>

Subject	Commitments	Timing
	<ul style="list-style-type: none"> <li>▪ Additional <i>ex situ</i> assessment of excavated soils to confirm or otherwise the preliminary waste classifications provided in this report;</li> <li>▪ Further investigation to be undertaken to confirm the extent of the acid sulphate soil in the southern portion of the site; and Development of an Acid Sulphate Soils Management Plan, if required.</li> </ul> <p>A remedial action plan will be prepared and a site audit statement provided (if required pending the outcomes of the further investigations).</p>	
<b>13. Construction Management</b>	<p>The proponent agrees to prepare a detailed Construction Environmental Management Plan outlining the following:</p> <ul style="list-style-type: none"> <li>▪ Stakeholder management</li> <li>▪ Sediment control plan</li> <li>▪ Dust control plan</li> <li>▪ Noise control plan</li> <li>▪ Vibration control plan</li> <li>▪ Construction traffic and parking management plan</li> <li>▪ Site amenities</li> <li>▪ Waste control plan</li> <li>▪ Operational management of cranes.</li> </ul>	<p>A Construction Environmental Management Plan shall be prepared prior to the issue of the first Construction Certificate.</p>
<b>14. Acoustic Privacy</b>	<p>The proponent agrees to the following measures in accordance with the recommendations of Acoustic Logic in the report dated 18 May 2010:</p> <p><b>Restrictions on Hours of Operation &amp; Frequency of Loading Access</b></p> <ul style="list-style-type: none"> <li>▪ The new loading docks in the south-east and south-west of the site shall accommodate no more than 1 vehicle delivery in any 15 minute period during the night time period (10pm-7am).</li> <li>▪ The modified loading dock fronting Murray Street is to be limited to no more than one</li> </ul>	<p>The proposed measures will be addressed prior to the first Construction Certificate stage or are on-going operational commitments.</p>

Subject	Commitments	Timing
	<p>semi-trailer delivery per night (between 10pm and 7am).</p> <p><b>Heavy Vehicle Access</b> The proponent will direct that heavy vehicles access the loading docks via Edinburgh Road and this will be incorporated as part of an Operational Management Plan.</p> <p><b>Design Measures for Modified Loading Dock fronting Murray Street</b> The proponent agrees to line the underside of the slab over the Loading Dock with noise absorptive material (Anticon building blanket or Tontine Acoustisorb 2 insulation with perforated foil lining).</p> <p><b>Design of Car Park Ramps</b> A minimum 1.2m high screen around the perimeter to the ramps to provide a line of sight screen between the ramp deck and any nearby residential development. The screen may consist of a masonry wall or other imperforate material.</p> <p><b>Mechanical Plant</b> A detailed assessment of mechanical plant will be conducted at Construction Certificate stage to determine acoustic treatments (if any) necessary to ensure compliance with acoustic criteria set out in the report.</p>	



# **ATTACHMENT 2**

## **Draft Voluntary Planning Agreement**





# Explanatory Note

## Introduction

The purpose of this explanatory note is to provide a plain English version summary to support the notification of the proposed planning agreement prepared under section 93F of the *Environmental Planning and Assessment Act 1979*.

## Parties to the Planning Agreement

The parties to the planning agreement are AMP Capital Investors Limited ("Proponent"), Marrickville Council ("Council") and the Minister for Planning ("Minister").

## Description of the Subject Land

The Agreement applies to the following land:

1. The following parts of the land are owned by the proponent:
  - Marrickville Shopping Centre located at 34 Victoria Road, Marrickville. The site is comprised of two titles: Lot 100 in DP 715231 and Lot 1 in DP 612551
  - 13 – 55 Edinburgh Road, Marrickville. The title of the property is Lot1 in DP 612551.
2. The following land is owned by Council:
  - The section of Smidmore St, Marrickville NSW immediately to the south of Marrickville Metro, between Murray Street to the east and Edinburgh Road to the west.

## Summary of Objectives, Nature and Effect of the Planning Agreement

The planning agreement has been prepared in the event that Council agrees to sell Smidmore Street to the proponent and formally close the road. Council is yet to resolve whether it will sell and close the road.

The planning agreement provides that the proponent will make various cash and in-kind contributions, comprising the following:

- Payment to Council of what would be equivalent section 94 contributions (\$1,700,000);
- The provision of additional funds to Council (or works in kind) for new community infrastructure to be incorporated into the development (to the value of \$800,000)
- Monetary payment to Council in recognition of the value uplift achieved by the ability to develop Smidmore Street and incorporate part of it into the shopping centre development (\$2,000,000)

The planning agreement does not incorporate the cost of the acquisition of Smidmore Street, but for the purposes of transparency and probity is recorded in the draft agreement. The final agreed cost for the acquisition of Smidmore Street will be the subject of further negotiation with Council.

It should be recognised that the financial contributions proposed are subject to further approval by the proponent and are subject to further negotiation and agreement with Council.

## **Assessment of Merits of Planning Agreement**

### **The Planning Purpose of the Planning Agreement**

In accordance with section 93F(2) of the Act, the Planning Agreement has the following public purpose:

- The provision of (or the recoupment of the cost of providing) public amenities and public services.

### **How the Planning Agreement Promotes the Public Interest**

The Planning Agreement promotes the public interest by dealing with:

- The provision of community facilities either by monetary contribution or works in kind.
- The provision of infrastructure by way of monetary contribution associated with the development of the subject land.

### **How the Planning Agreement Promotes the Objects of the Act**

The Planning Agreement promotes the following objects of the Act:

- The promotion of co-ordination of the orderly and economic use and development of land.
- The provision and co-ordination of community services and facilities.

## **Interpretation of Planning Agreement**

This Explanatory Note is not to be used to assist in construing the Planning Agreement

**VOLUNTARY PLANNING AGREEMENT NO. \_\_\_\_\_**

**Section 93F of the Environmental Planning and Assessment Act 1979**

**THIS AGREEMENT** is made on

**Between:**

the **Minister for Planning**, being the Minister administering the  
*Environmental Planning & Assessment Act NSW 1979*, of 23-33 Bridge  
Street, Sydney NSW 2000 (“**Minister**”), and

**Marrickville Council** (ABN 52 659 768 527) of 2-14 Fisher Street,  
Petersham NSW (“**Council**”), and

**AMP Capital Investors Limited** (ACN 59 001 777 591) of Level 16, 50 Bridge  
Street, Sydney, NSW 2000 (“**Proponent**”)

**Gadens Lawyers**

Skygarden Building  
77 Castlereagh Street  
SYDNEY NSW 2000

T +61 2 9931 4999

## BACKGROUND

**Note: See Clause 4 for Definitions referred to in this Background section**

- A.** The Proponent is the registered proprietor of Land A.
- B.** Council is the local authority constituted under the *Local Government Act 1993* in respect of the Land, and is a planning and consent authority constituted under the Act. Council is also the registered proprietor and roads authority of Land B which comprises a public road called Smidmore Street.
- C.** The Project involves extensions to the Marrickville Metro Shopping Centre incorporating land at 13-55 Edinburgh Road, Marrickville and includes development over Land B (known as Smidmore Street, Marrickville), subject to the Council providing landowner's consent to the making of the Project Application.
- D.** The Minister administers the Act and is the consent authority for projects determined under Part 3A of the Act, including the Project.
- E.** The Proponent made or caused to be made the Project Application to the Minister for Approval to carry out the Project on the Land.
- F.** The Project Application was accompanied by an offer by the Proponent to enter into this Agreement to make Development Contributions to be applied by Council towards the Public Purpose if Approval is granted to the Project.
- G.** The relevant Public Purpose is the provision of \$3,700,000 in monetary contributions towards the provision of (and the recoupment of the cost of providing) public amenities and public services in the Council Local Government Area and \$800,000 in monetary contributions towards the provision of Community Facilities on the Land [Note: It may be agreed that this contribution towards the provision of Community Facilities be made by works in kind]. The monetary contributions nominated are subject to further negotiation and agreement with Council and subject to AMP Board approval.
- H.** This Agreement is subject to and dependant upon Council first deciding and resolving to formally close and transfer Land B (known as Smidmore Street, Marrickville) to the Proponent, and Council proceeding to do so. That decision shall be at Council's lawful discretion and subject at all times to the applicable provisions of the *Roads Act 1993*, and this VPA in no way binds the Council to resolve to formally close and transfer Land B to the Proponent.
- I.** In the event that Council does not resolve to close and transfer Land B to the Proponent, or resolves not to do so, or in the event that the Proponent declines to accept the transfer of Land B, this VPA shall not be entered into and will therefore not apply to the Project or to any Party.
- J.** In the event that Council does resolve to close and transfer Land B to the Proponent, and the Proponent agrees to acquire Land B, the acquisition of Land B will be effected pursuant to the provisions of the *Roads Act 1993* as required by law, and not

by or under this Agreement. However for the purposes of transparency and probity, this Agreement records that the Acquisition Price of Lot B shall be \$1,000,000 (subject to further negotiation and agreement with Council and subject to AMP Board approval), and that the Development Contributions set out in this Agreement are separate and additional to that Acquisition Price.

## **OPERATIVE PROVISIONS;**

### **1. *Voluntary Planning Agreement under the Act;***

The Parties to this Agreement agree that it is a Voluntary Planning Agreement governed by Subdivision 2 of Division 6 of Part 4 of the Act.

### **2. *Application of this Agreement;***

The Agreement applies to the Land comprising of three parcels known as

1. Marrickville Shopping Centre located at 34 Victoria Road, Marrickville. The site is comprised of two titles: Lot 100 in DP 715231 and Lot 1 in DP 612551
2. 13 – 55 Edinburgh Road, Marrickville. The title of the property is Lot1 in DP 612551.
3. The section of Smidmore St, Marrickville NSW immediately to the south of Marrickville Metro, between Murray Street to the east and Edinburgh Road to the west.

### **3. *Operation of this Agreement;***

- (a) This Agreement is made the day it is executed by all Parties.
- (b) This Agreement is to be executed by the Parties following the issue of an Approval for the Project on terms satisfactory to the Proponent.
- (c) This Agreement must be executed prior to the issue of any Construction Certificate for the Project.

### **4. *Definitions and interpretation;***

#### **4.1 *In this Agreement the following definitions apply:***

**Acquisition Price** means the consideration to be paid by the Proponent to the Council upon and for the transfer of Land B, which sum is to be separate and additional to any monetary contributions made by or under this Agreement.

**Act** means the *Environmental Planning and Assessment Act 1979* (NSW) as amended.

**Approval** has the same meaning as in the Act and includes the Concept Plan Approval.

**Community Facilities** means the community facilities detailed in **Annexure A** to this Voluntary Planning Agreement [details to be confirmed].

**Concept Plan** means the concept plan forming part of the Project Application prepared pursuant to Division 3 of Part 3A of the Act as approved.

**Concept Plan Approval** means the Approval given to the Concept Plan under the Act.

**Construction Certificate** has the same meaning as in the Act.

**Dealing**, in relation to the Land, means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land.

**Development Contributions** means the monetary contribution expressly set out in this Voluntary Planning Agreement.

**GST** has the same meaning as in the GST law.

**GST Law** has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

**Land A** means Lot 100 in DP 715231 and Lot 1 in DP 612551.

**Land B** means the section of the road known as Smidmore St, Marrickville NSW immediately to the south of Marrickville Metro, between Murray Street to the east and Edinburgh Road to the west.

**Land** means both Land A and Land B.

**Occupation Certificate** has the same meaning as in the Act, and any reference to an Occupation Certificate includes a reference to an interim Occupation Certificate, within the meaning of s.109C(2) of the Act.

**Party** means a party to this Agreement, including their successors and assigns.

**Project** has the same meaning as in the Act and refers in this Agreement to Project Application Reference Number MP09\_0191 as amended from time to time.

**Project Application** has the same meaning as in the Regulation and means Project Reference MP09\_0191 lodged with the Minister on 27 January 2010 for the proposed development of the Marrickville Metro Shopping Centre.

**Public Notification** means the giving of public notice of this Agreement in accordance with section 93G of the Act.

**Public Purpose** means the provision of \$3,700,000 in monetary contributions towards the provision of (and the recoupment of the cost of providing) public amenities and public services in the Council Local Government Area and \$800,000 in monetary contributions or works in kind towards the provision of Community Facilities on the Land. The monetary contributions nominated are subject to further negotiation and agreement with Council and subject to AMP Board approval.

**Regulation** means the *Environmental Planning and Assessment Regulation 2000*.

**Roads Act 1993** means the *Roads Act 1993* as amended.

**Stage 1** means the area identified as Stage 1 in the Concept Plan.

**Stage 2** means the area identified as Stage 2 in the Concept Plan.

## 4.2 Interpretation

*In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:*

- (a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement
- (b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.

- (c) If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day.
- (d) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
- (e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- (f) A reference in this Agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
- (g) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.
- (h) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- (i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- (j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- (k) References to the word 'include' or 'including' are to be construed without limitation.
- (l) A reference to this Agreement includes the agreement recorded in this Agreement.
- (m) A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns.
- (n) Any schedules and attachments form part of this Agreement.

**5. *Development Contributions to be made under this Agreement;***

- 5.1 The Proponent agrees to make a monetary contribution of \$2,000,000 to Council by way of one bank cheque within 7 days after the Approval has been received in writing by the Proponent.
- 5.2 The Proponent agrees to make a monetary contribution of \$800,000 to Council by way of one bank cheque within 7 days after the Approval has been received in writing by the Proponent

- 5.3 The Proponent agrees to make a monetary contribution of \$850,000 to Council by way of one bank cheque to Council prior to the issue of any Construction Certificate for Stage 1 of the Project.
- 5.4 The Proponent agrees to make a monetary contribution of \$850,000 to Council by way of one bank cheque to Council prior to the issue of any Construction Certificate for Stage 2 of the Project.

[Note: The monetary contributions are subject to further negotiation and agreement with Council and subject to AMP Board approval]

## **6. *Application of the Development Contributions;***

- 6.1 \$3,700,000 of the Development Contributions will be allocated by Council towards the provision of (and / or the recoupment of the cost of providing) public amenities and public services in the Council Local Government Area, and
- 6.2 \$800,000 will be allocated by Council to the provision of the Community Facilities.

[Note: Community Facilities are defined in this Agreement to include the facilities to be provided on the Land as detailed in **Annexure A.**]

## **7. Acquisition and Acquisition Price**

- 7.1 The Acquisition Price of Land B, if offered by the Council and accepted by the Proponent, shall be \$1,000,000 subject to further negotiation and agreement with Council and subject to AMP Board approval),
- 7.2 This Acquisition Price is separate and additional to all Development Contributions set out in this Agreement, and does not form part of this Agreement, but is recorded within it for the purposes of probity and transparency.
- 7.3 Any acquisition of Land B by the Proponent shall be subject to Council first following all procedures required under the *Roads Act 1993* for the closure of Land B, and subject to the Council resolving, at its lawful discretion, to transfer Land B to the Proponent.
- 7.4 In the event that Council does not resolve to close and transfer Land B to the Proponent, or resolves not to do so, or in the event that the Proponent declines to accept the transfer of Land B, this VPA shall not be entered into and will therefore not apply to the Project or to any Party.
- 7.5 In the event that Council resolves to close and transfer Land B to the Proponent, and the Proponent agrees to accept the transfer of Land B (in exchange for the Acquisition Price), the Transfer of Land B is to be effected within 40 days of the execution of this Agreement.
- 7.6 This Agreement is subject to and dependant upon the fundamental requirements of clause 7.5. In the event that Land B is not transferred to the Proponent within 40 days of execution of this Agreement as required by clause 7.5, or within such extension of time as agreed in writing by the Proponent, any Development Contributions already paid to Council by the Proponent are



to be returned in full to the Proponent within a further 14 days, together with interest at 7.5%.

## **8. *Application of section 94 and 94A of the Act to the Project***

This Agreement does exclude the application of sections 94, 94A and 94EF of the Act to the Project. No further section 94 contributions of any kind shall be payable by the Proponent.

## **9. Registration of this Agreement**

The Parties agree that this Agreement shall not be registered by the Registrar General as provided for in section 93H of the Act.

## **10. Notices**

10.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

- Delivered or posted to that Party at its address set out below
- Faxed to that Party at its fax number set out below.
- Emailed to that Party at its email address set out below.

	<b>Minister</b>	<b>Council</b>	<b>Proponent</b>
<b>Attention</b>			
<b>Address</b>			
<b>Fax Number</b>			
<b>Email</b>			

10.2 If a Party gives the other Party 3 business days notice of a change of its address or fax number, any notice, consent, information, or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.

10.3 Any notice, consent, information, or request is to be treated as given or made at the following time:

- If it is delivered, when it is left at the relevant address
- If it is sent by post, 2 business days after it is posted
- If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.

10.4 If any notice, consent, information, or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

**11. *Approvals and consent***

Except as otherwise set out in this Voluntary Planning Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

**12. *Governing law and jurisdiction;***

This Agreement is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

**13. *No fetter;***

Nothing in this Agreement shall be construed as requiring the Minister or the Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

**14. *Representations and warranties;***

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

**15. *Severability;***

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

**16. *Modification;***

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

**17. *Waiver;***

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

**18. *Costs of Preparation and Notification of this Agreement***

18.1 The Proponent agrees to pay to the Council:

- (a) the sum of \$2000 towards the Council's costs of preparing and entering into this Agreement; and

- (b) the sum of \$[to be determined] towards the Council's costs of Public Notification of this Agreement.
- 18.2 Such payment(s) must be made to Council within 14 days of the execution of this Agreement, and are to be made by way of bank cheque.
- 18.3 The Parties acknowledge that no further costs or fees are payable by the Proponent to the Council in relation to the preparation or public notification of this Agreement.

## **19 *Dispute Resolution***

- 19.1 If any Dispute arises out of or in connection with this Agreement, the following procedure must be followed in order to resolve it:
  - (a) either party may give written notice of the dispute to the other party. A representative nominated by each party must meet within five (5) Business Days of receipt of that notice and attempt in good faith to resolve the dispute;
  - (b) if the dispute is not resolved between the nominated representatives within ten (10) Business Days of receipt of the notice referred to in clause (a) above, then the dispute will be notified to the relevant divisional manager (or officer holding the equivalent position) of each party who must meet and attempt in good faith to resolve the dispute within five (5) Business Days of the date of receipt of that notice; and
  - (c) if the dispute remains unresolved within ten (10) Business Days of receipt of the notice referred to in clause (b) above, notice will be given to the Chief Executive Officers (or officer holding an equivalent position) of each party who must meet and attempt in good faith to resolve the dispute within five (5) Business Days of the receipt of that notice.
  - (d) For the purposes of this clause a meeting may take place by telephone or other means of communication.
- 19.2 If the parties fail to resolve the dispute after following the procedures set out in clause 19.1 then they must agree on the appropriate method of alternative dispute resolution (which may include expert determination or mediation) within ten (10) Business Days of the date of the final meeting held in accordance with clause 19.1(c).
- 19.3 If the parties select expert determination as the method of resolving the dispute, the expert must act as an expert and not an arbitrator, his determination will be binding upon the parties unless otherwise agreed and his costs must be shared equally between the parties.
- 19.4 If the parties fail to agree on the appropriate method of alternative dispute resolution in accordance with clause 19.2, the dispute must then be referred for mediation to a mediator nominated by the then current Chairman of the Australian Commercial Disputes Centre in Sydney (ACDC), or, if ACDC no longer exists, the chairman of a reputable commercial dispute resolution body, as agreed between the Council and the Proponent, or if same cannot agree, nominated by the Council. The role of the mediator is to assist in the

resolution of the dispute and the mediator may not make a decision which is binding on the parties.

- 19.5 The costs associated with appointing the mediator under clause 19.4 must be shared equally between the parties.

Execution of Voluntary Planning Agreement between the Minister for Planning, Marrickville Council and AMP Investors Pty Ltd

Dated .....

Executed as an Agreement:

On behalf of the Minister for Planning

.....  
Hon. Tony Kelly MP  
Minister for Planning

On behalf of the Council:

The Seal of Marrickville Council was affixed in accordance with a resolution passed at a duly convened meeting held on ..... In the presence of:

General Manager:.....

Mayor:.....

On behalf of AMP Investors Pty Ltd (ACN 59 001 777 591):

.....  
Director / Secretary

**ANNEXURE “A”**

**COMMUNITY FACILITIES**

**[Detail to be provided subject to further discussions with Council]**

Sydney  
Level 21, 321 Kent Street  
Sydney, NSW 2000  
Tel: +612 8233 9900  
Fax: +612 8233 9966

Brisbane  
Level 12, 120 Edward Street  
Brisbane, QLD 4000  
Tel: +617 3007 3800  
Fax: +617 3007 3811

Dubai  
Level 4, Attareen Building,  
Saaha Offices, Old Town Island  
Downtown Burj Dubai, UAE  
Tel: +971 4 4200212  
Fax: +971 4 4200209

Melbourne  
Level 12, 120 Collins Street  
Melbourne, VIC 3000  
Tel: +613 8663 4888  
Fax: +613 8663 4999

Perth  
Ground Floor, 53 Ord Street  
West Perth, WA 6005  
Tel: +618 9346 0500  
Fax: +618 9321 7790

Australia • Asia • Middle East  
[www.urbis.com.au](http://www.urbis.com.au)  
[info@urbis.com.au](mailto:info@urbis.com.au)