

78-96 Arncliffe St and 31-45 Princes Highway,  
Wolli Creek, NSW

Stage 1 Retail Development

Section 75W of the EP&A Act Modification  
Application



On behalf of

Marshall Investments Pty Limited

February 2013



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Signed\*

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Date:

\* This document is for **discussion purposes only** unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

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## Introduction

This report has been prepared in association with an application lodged by Mecone on behalf Marshall Investments Pty Ltd (Marshall) to modify the Stage 1 Project Approval for the retail development located at 31-45 Princes Highway and 78-96 Arncliffe Street, Wolli Creek (Determination No. MP 09\_0169, dated 7 July 2010 and approved Section 75W on 22 February 2011, MP09\_0169 MOD 1).

This application only relates to the approved Dan Murphy's specialty retail store and seeks to modify Condition of Consent A2 and the relevant approved drawings associated with the Stage 1 Project Approval. The specific modifications include:

- Modify height of roof ridge line to the Dan Murphy's specialty retail store to RL10.10;
- Modify the roof to include concrete lift overrun with an overall height of RL10.40;
- Modify north eastern elevation to include a small mechanical louvre; and
- Modify finishes to rendered block wall with painted finish and painted fibre cement cladding.

The application is lodged under the provisions of Section 75W of the *Environmental Planning and Assessment Act 1979* (the Act). It is understood from pre-lodgement discussions with the Department of Planning that the Director-General may exercise delegation to determine the request, based on the nature of the requested changes. Further, it is understood that environmental assessment requirements are not required to be obtained as the proposed modification would not generate any significant impacts.

The following sections of the report address the following matters:

- Background and approved development – discussion on the approved Stage 1 development;
- The site – description of the site location;
- Proposed modification – outline of proposal and relevant drawings;
- Urban planning assessment – outline of relevant urban planning plans, policies and legislation;
- Assessment – Environmental assessment against proposed modifications and justification for amendments; and
- Conclusion – concluding comments regarding the proposed modifications and the determination of the application under Section 75W.

## 2 Background and Approved Development

### 2.1 Background

The Stage 1 retail development, (MP 09\_0169) is for a temporary supermarket and specialty shop. The Stage 1 retail development originally formed part an overall development concept for a mixed-use retail and residential development at 78-96 Arncliffe St and 31-45 Princes Highway, Wolli Creek.

In September 2009, the Department of Planning and Infrastructure (the Department) re-issued specific Director General's Requirements (DGRs), which allowed the lodgement of a Stage 1 Project Application preceding a Concept Plan Application. Since the approval of the Stage 1 Project Application, Part 3A of the Act, which provided the urban planning approval mechanism for a Concept Plan has been repealed and the Concept Plan Application declaration for the site revoked.

Notwithstanding this, under Section 75B(3) of the Act, which formed part of the previous Part 3A urban planning legislation, the approved Stage 1 development was considered to be 'related development' to the overall Concept Plan. The Stage 1 retail development allowed the economic use of existing buildings and the land until the overall concept was to be delivered.

Given the above, the key dates in respect of the approved Stage 1 retail development are listed below:

- Request for Ministers Declaration and DGRs - October 2008;
- Ministers Declaration under Clause 6 - January 2009;
- Concept Plan - Mixed use retail/residential development - DGRs Issued March 2009;
- Request for DGRs for a Stage 1 Project Application – June 2009;
- Project Application Stage 1 - DGRs Issued September 2009;
- Stage 1 Project Application lodged on 9 December 2009;
- Approval of Stage 1 Project Application on 7 July 2010;
- Approval of S.75W modification on 22 February 2011;
- Approval of Dan Murphy's fitout and liquor retail use on 12 August 2011; and
- Approval of Woolworths supermarket fitout and signage for entire development on 10 May 2012.

## 2.2

## Approved Development

### 2.2.1 Approved Stage 1 Retail Development

On 7 July 2010, the Department approved the Stage 1 Project Application for retail uses on the site (MP09\_0169). The overall approval included:

- Total gross floor area (GFA) of supermarket (Woolworths) and specialty retail (Dan Murphy's) including external and internal walls equalling 4,950 sqm;
- 184 car parking spaces;
- 8 motorbike spaces; and
- 32 bicycle spaces.

### 2.2.2 Approved S.75W Modification to Stage 1

On 22 February 2011, the Department approved a section 75W (s.75W) modification in accordance with Part 3A of the EP&A Act (Major Project reference MP09\_0169 MOD 1) to the approved Stage 1 Project Application. The approved modification included:

- Increase in retail floor are by 408m<sup>2</sup>;
- Extend loading dock operation hours;
- Amend car parking layout;
- Relocate plant and equipment;
- Minor design changes to the building, layout and elevations; and
- Amend Section 94 Contributions.

### 2.2.3 Rockdale City Council Approvals

In accordance with Condition of Consent B3 of the approved Stage 1 Project Application MP09\_0169, future applications for the fitout of the retail areas were subject to separate Development Applications (DA) to Rockdale City Council (Council). Condition of Consent B3 states:

***"B3 Future Applications***

*Signage and internal fitout of retail areas shall be the subject of a separate Development Application to Council."*

As a result of the condition above separate DAs were lodged with Council and approved by Council. Details of the approvals are provided below.

- 12 August 2011 - Approval for Dan Murphy's specialty retail liquor store use and fitout (DA2011/384); and
- 10 May 2012 – Approval for Woolworths supermarket fitout and overall signage for entire development (DA2012/137).

### 3

## The Site

The subject site, located at 78-96 Arncliffe St and 31-45 Princes Highway, Wollie Creek, is also referred to as Lots 1-9 DP 24018 and Lots 3 and 4 DP 1032962). The site is located 230m south east of the Wollie Creek Railway Station. The site currently contains a range of industrial and commercial buildings used for car repair shops, storage and motor show rooms. The site is 12,451sqm in size and is generally rectangular in shape with its main frontages along the Princes highway and Arncliffe Street.



Figure 1. Subject Site

Source: Mecone (2009), Department of Lands (2006)

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## Proposed Modification

This application relates to the approved Dan Murphy's specialty retail liquor store and seeks to modify Condition of Consent A2 and the relevant approved drawings associated with the Stage 1 Project Approval. The specific modifications are provided in Table 1 below. In addition, refer to **Appendix 1** for relevant plans with proposed modifications.

Table 1. Proposed modification

Item	Approved Item	Approved Plan	Proposed Modification	New Plan/s
1	Dan Murphy's specialty store roof ridge line approved at RL9.950	A204/B Roof Plan – Phase 2 DA04.01/A Section A-A & B-B	Modify height of roof ridge line to the Dan Murphy's specialty retail store to RL10.10	A203/H1 Roof Plan A204/D2 Roof Plan – Phase 2 DA04.01/A2 Sections AA & BB
2	Lift overrun not identified in plan. Lift approved as part of fitout DAs	A204/B Roof Plan – Phase 2 A401/F Elevations A402/E Elevations	Modify roof to include concrete lift overrun with an overall height of RL10.40	A204/D2 Roof Plan – Phase 2 A401/G1 Elevations A402/G1 Elevations
3	Mechanical louvre not included.	A401/F Elevations	Modify north eastern elevation to include a small mechanical louvre for ventilation	A401/G1 Elevations
4	New precast wall/panel with texture paint finish and Alucobond or similar metal cladding	A401/F Elevations A402/E Elevations	Modify finishes to rendered block wall with painted finish and painted fibre cement cladding	A401/G1 Elevations A402/G1 Elevations

Specifically in regard to Condition of Consent A2, it is proposed to modify this condition as follows:

**“A2 Development in Accordance with Plans and Documentation**

*The development will be undertaken in accordance with MP No. 09\_0169, the Environmental Assessment and Appendices dated December 2009 prepared by Mecone, the Response to Submissions dated 9 April, 16 April 2010 and 15 May 2010, and the following drawings prepared by Marchese and Partners International, as amended by the modification documentation submitted by Mecone on ~~22 September 2010, 27 October 2010 and 21 November 2010~~ 12 February 2013*

including plans prepared by Morrison Design Partnership Architects and Xeriscapes Pty Ltd Landscaped Architects.

<b>Architectural Drawings prepared for the Environmental Assessment as amended</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
DA 00.00	A	Cover Sheet	27/11/2009
DA 00.02		Site Survey	31/10/2007
DA 01.01	A	Site Location	27/11/2009
DA 01.02	A	Site Analysis & Locality Content	27/11/2009
DA 01.03	A	Demolition Plan	27/11/2009
DA 02.00	B	Ground Floor Plan Phase A	27/11/2009
A110	L	Site Plan	06/2010
A203	<del>G</del> H1	Roof Plan	<del>06/2010</del> 31/01/2013
A204	<del>B</del> D2	Roof Plan – Phase 2	<del>06/2010</del> 11/02/2013
A401	<del>F</del> G1	Elevations	<del>06/2010</del> 31/01/2013
A402	<del>E</del> G1	Elevations	<del>06/2010</del> 31/01/2013
DA 04.01	<del>A</del> A2	<del>Sections A-A &amp; B-B</del> Sections A-A & B-B for modification approval	<del>27/11/2009</del> 11/02/2013
DA 05.01	A	Shadow Diagrams	27/11/2009
DA 06.02	A	Corner feature details	27/11/2009

# 5 Planning Framework

## 5.1 State Planning Framework

This section outlines the applicable state planning instruments in relation to the proposed modifications for the site located at 78-96 Arncliffe St and 31-45 Princes Highway, Wolli Creek.

### 5.1.1 Environmental Planning and Assessment Act 1979

The Act is the main environment and planning legislation that applies to development in NSW. The Act amongst other actions establishes the process by which any development is to be considered for approval by the relevant consent authority, being either a Local Government Authority, a determining authority or the Minister for Planning and Infrastructure. Specifically, two parts of the Act provide the framework for assessment and determination, namely Part 4 and Part 5.

The original Stage 1 Project Application was subject to the former Part 3A provisions of the Act, which have been repealed. However, given that alternate legislation has been not been written to address Major Project modifications the provisions of Section 75W of the Act still apply.

### 5.1.2 Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036 (Metro Plan), released in December 2010, is an update of the Sydney Metropolitan Strategy (Metro Strategy), which provides a framework for sustainable growth and development across Sydney to 2036.

The Metropolitan Strategy identifies employment capacity targets for each Subregion. For the South Subregion, which includes Rockdale LGA, the employment capacity target is 21,000 new jobs by 2031.

Relevant parts of the Strategy include:

- Part A1 Provide suitable commercial areas in strategic areas seeks to provide suitable commercial sites and employment lands in strategic areas. In particular this direction seeks to ensure that employment lands and retail centres are located in areas accessible to public transport.
- Part B1 Concentrate activities near public transport promotes the concentration of retail activity in centres, business development zones and enterprise corridors.
- Part B6 Focus development in renewal corridors to maximise infrastructure utilisation where demand and opportunity exist promotes the development of mixed use centres. The primary aim is the place jobs and housing in close proximity and to optimise the use of existing infrastructure.
- Part D3 Influence travel choice to encourage more sustainable travel seeks to influence more sustainable travel behaviour through a mix of local infrastructure improvements and land use measures.

#### **Assessment**

The proposed modification is still consistent with the key actions in the Strategy. The proposed development will continue to achieve the above by:

- Being located within 230 metres from the Wolli Creek Station, Sydney's only cross-over interchange railway station, providing excellent public transport access to the site.
- Providing retail services close to public transport and along the Princes Highway, which is a major Subregional road artery.
- Encourages local residents to walk to services (rather than currently driving to other retail centres) as well as act as a retail destination along the train line.

### 5.1.3 Draft South Subregional Strategy

The Draft South Subregional Strategy builds upon the aims and objectives of the Metropolitan Strategy and delivers upon those aims and objectives at the subregional level. A hierarchy of centres are established along with a centres typology. Wolli Creek has been identified as a "Village".

#### **Assessment**

The proposed modifications to not alter the approved use of the site and will provide for a supermarket, which will meet the present shortfall of retail provision and assist to establish Wolli Creek as a Village.

### 5.1.4 Relevant State Environmental Planning Policies

There are no applicable State Environmental Planning Policies for this proposed modification.

## 5.2 Local Planning Instruments and Policies

### 5.2.1 Rockdale Local Environmental Plan 2011

The *Rockdale Local Environmental Plan 2011* (RLEP 2011) is the primary LEP that applies to the site. Relevant provisions relating to the proposed works are discussed below.

Table 2. Key controls under the RLEP.

Local Environmental Plan		
Provision	Description	Assessment
Zoning	RLEP 2011 applies to the site. The site is zoned B4 Mixed Use, which permits a number of uses including shops, cinemas, and residential flat buildings.	The proposed modifications does not alter the permissible uses within the mixed use land use zone
Floor Space Ratio	Maximum permissible FSR is 5:1.	Proposal does not alter the approved GFA and FSR.
Height	Maximum permissible building height is 46 metres.	The proposal is well within the maximum height control.  Proposal does not alter the overall approved height of RL12.9 metres and does not alter the approved parapet height of RL10.2.

## 5.2.2 Rockdale Development Control Plan 2011

The *Rockdale Development Control Plan 2011* (RDCP) is the primary Development Control Plan that applies to the site. The RDCP includes a specific section on Wolli Creek. However, given the minor nature of the proposed modifications there are no controls or requirements in the RDCP that are impacted on or that are applicable to this modification application.

Therefore, the proposed modifications are suitable in regard to all relevant Council controls.

# 6

## Assessment of Modification

Mecone has undertaken an assessment of the proposed development against the potential environmental impacts. Table 3 below provides an assessment of each proposed modification.

Table 3. Assessment of proposed modification

Item	Proposed Modification	Drawing No.	Assessment
1	Modify height of roof ridge line to the Dan Murphy's specialty retail store to RL10.10	A203/H1 Roof Plan A204/D2 Roof Plan – Phase 2 DA04.01/A2 Sections AA & BB	<p>The proposal is well within the maximum height control.</p> <p>Proposal does not alter the overall approved height of RL12.9 metres and does not alter the approved parapet height of RL10.2.</p> <p>Importantly, the new roof height of RL10.10 is below the approved parapet height of RL10.20. Therefore, the roof will not be visible from the street level. In addition, the minor amended roof height does not have a visual impact to nearby residents and will be obvious when viewed from surrounding development.</p>
2	Modify the roof to include concrete lift overrun with an overall height of RL10.40	A204/D2 Roof Plan – Phase 2 A401/G1 Elevations A402/G1 Elevations	<p>The original Stage 1 Project Application did not include the fitout and therefore it was unknown if a lift would be required and if required, the location of the lift.</p> <p>The Council approved fitout for the liquor store (DA2011/384) included a lift. The lift is required to gain access to the mezzanine storage area and offices.</p> <p>The lift overrun is proposed to be at a maximum height of RL 10.40, which is well below the approved highest point on the development of RL12.90. In addition, the minor protrusion of the lift overrun in the roofline will not have any negative visual impact on the approved development or to nearby residents.</p>

Item	Proposed Modification	Drawing No.	Assessment
3	Modify north eastern elevation to include a small mechanical louvre	A401/G1 Elevations	<p>A small louvre for mechanical ventilation purposes is required to be installed in the north eastern elevation. The north eastern wall faces Brodie Spark Drive. The location and height of the louvre below the height of residential apartments and a distance of approximately 30 metres away.</p> <p>The louvre will not be used by large mechanical plant as the bulk of mechanical plant is located on the roof in accordance with the original Stage 1 approval on 7 July 2010 and S.75W approval on 22 February 2011.</p>
4	Modify finishes to rendered block wall with painted finish and painted fibre cement cladding	A401/G1 Elevations A402/G1 Elevations	<p>Minor finishes modification is being sought for the development. The modification relates to the method of the finishing the external aspect of the development.</p> <p>The proposed modification will ensure that a modern and well presented finish will be achieved to the development.</p> <p>The outcome will be a better aesthetic quality to the streetscape.</p>

## Conclusion

This report has been prepared in association with an application lodged by Mecone on behalf Marshall to amend the Stage 1 Project Approval for the retail development located at 31-45 Princes Highway and 78-96 Arncliffe Street, Wollie Creek (Determination No MP 09\_0169, dated 7 July 2010 and approved Section 75W on 22 February 2011, MP09\_0169 MOD 1).

This application only relates to the approved Dan Murphy's specialty retail store and seeks to modify Condition of Consent A2 and the relevant approved drawings associated with the Stage 1 Project Approval. The specific modifications include:

- Modify height of roof ridge line to the Dan Murphy's specialty retail store to RL10.10;
- Modify roof to include concrete lift overrun with an overall height of RL10.40;
- Modify north eastern elevation to include a small mechanical small louvre; and
- Modify finishes to rendered block wall with painted finish and painted fibre cement cladding.

The proposed modifications are considered to not have any significant environmental impact as they achieve the following:

- Do not alter the overall approved gross floor area and height of the development;
- The modified roof ridgeline is below the approved parapet height of RL10.20;
- The modifications do not pose any adverse visual impacts; and
- Achieves a modern aesthetic quality to the streetscape.

Therefore, it is considered that the modifications will enhance the approved development providing better functionality for the Dan Murphy's retail tenant.

Importantly, the modifications do not generate any adverse impacts.

Based on the above, approval of the Section 75W application is considered suitable.

## Appendix 1 – Architectural Plans