

**MAJOR PROJECT ASSESSMENT  
CONCEPT PLAN FOR IKEA DEVELOPMENT  
630 – 726 Princes Highway, Tempe  
Proposed by VALAD COMMERCIAL  
PROPERTY PTY LTD,  
MP07\_0149**

Director-General's Environmental Assessment Report  
Section 75I of the  
*Environmental Planning and Assessment Act 1979*

31 March 2009



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## 1.0 EXECUTIVE SUMMARY

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This is a report on a Concept Plan Application seeking approval to redevelop 630 – 726 Princes Highway between Smith and Bellevue Streets (including the former Tempe tip site), Tempe. The site is located to the northwest of Sydney Airport along the southeast side of the Princes Highway within the Sydney suburb of Tempe and includes a total of six (6) existing lots. The site has a total area covering 9.98ha with existing vehicular access from Bellevue Street, Smith Street and Princes Highway.

### Proposal

The Concept Plan application, as amended through the Preferred Project Report (PPR), seeks approval for the following:-

- **Demolition** of all buildings and structures on the site comprising of the KAS Auto, Kennards and former Council tip site;
- **Redevelopment** of the site for construction of a new 2 storey bulky goods retailing building to house the **IKEA showroom and warehouse, café and staff amenities** with a GFA of 39,999m<sup>2</sup> and **warehouse** consisting of 1,460m<sup>2</sup>;
- **Retention and adaptive reuse** of the façade of the heritage listed ATECO building and use for commercial floor space for IKEA headquarters' with GFA of 2,780m<sup>2</sup> and **light industrial** use of 290m<sup>2</sup> on the ground level;
- **Total GFA 44,529m<sup>2</sup>/ FSR 0.45:1;**
- **Car parking at grade for a maximum of 1,775 vehicles** with access off the Princes Highway;
- **Loading and unloading of goods** in loading docks along the western boundary;
- **Public domain** improvements and landscaping totaling up to 2.3ha; and
- **Signage** on each of the warehouse building elevations, a 20.5m pylon sign with "IKEA" on a triangular sided structure and 8 x 12m high flag poles with "IKEA" flags adjacent to the main vehicular entry.

The Capital Investment Value of the proposal is **\$120 million** and will create approximately **550** construction jobs and **600** equivalent full time operational jobs.

The Proponent (Valad Commercial Property Pty Ltd) has submitted a Concept Plan application and requested that the Minister waive the requirement for a further environmental assessment. The Department has reviewed the application and considers that sufficient detail has been provided in the application and therefore a further Project Application and environmental assessment for the project, in accordance with Clause 75P of the EP&A Act 1979 is not necessary.

### Permissibility

The proposal is not entirely permissible under the provisions of the current LEP. The majority of the site is zoned Light Industrial 4(B) under Marrickville Local Environmental Plan 2001 (MLEP 2001). The provisions of the zoning table for the "Light Industrial 4(B)" zone only prescribes that development which is prohibited (including "bulky goods salesrooms" and "commercial premises") and therefore by exclusion, permits a range of warehouse, factory and ancillary uses which are industrial in character but which are required to demonstrate that they do not interfere with the amenity of the neighbourhood and are not offensive or hazardous uses.

In terms of the Arterial Road Reservation 9(C) zone, any development permissible in the Light Industrial 4(B) zone or which is deemed to be compatible with the Road Reservation zone objectives is permissible in the 9(C) zone (subject to RTA concurrence).

Bulky goods retailing and commercial premises are prohibited under this zone. A small portion in the northeast corner of the site and the entire southeast boundary is zoned Arterial Road and Arterial Road Widening 9(C) Reservation. Roads, parking and landscaping are proposed within the 9(C) zone and are permissible with consent. The RTA raised no objection to proposed development on this portion of the site.

The Proponent seeks additional land uses to be made permissible within the 4(B) zone, specifically "bulky goods retailing" and "commercial premises". The development is within the maximum FSR of 1:1 permitted under MLEP 2001.

The additional land uses are appropriate for this locality and the development will be in keeping with the objectives of the Draft South Subregional Strategy to provide additional land uses for the 4(B) Light Industrial zoned land to allow improved employment opportunities.

### **Public Exhibition and Approval Process**

The Concept Plan application was exhibited for a 30 day period from 12 November 2008 to 12 December 2008. The Department received 7 submissions from public authorities and 100 public submissions including 5 submissions in support, 2 petitions against (94 and 376 signatures respectively) and 9 pro-forma letters.

### **Key issues included:**

- Traffic generation from the site, including site access from Princes Highway and use of local streets;
- Potential isolation of Salvation Army site;
- Section 94 contributions from Council;
- Landscaping of the site along the Princes Highway frontage; and
- Contamination of the site.

### **Preferred Project Report**

On 6 February 2009, the Proponent submitted a response to submissions and a Preferred Project Report to address issues raised by the Department and other public authorities. Key revisions to the project included:

- Traffic management measures including deletion of right-hand turn bay into Union Street;
- Remedial Action Plan;
- Additional landscaping along Princes Highway;
- Reduction in height of pylon sign from 30 metres to 20.5 metres;
- Inclusion of Waste Management Plan;
- Compliance with Council's DCP 32 'Energy Smart Water Wise' for industrial development;
- Agreement to comply with any relevant aircraft noise requirements; and
- Revised Statement of Commitments including funding of \$25,000 towards LATM Study, implementation of TMAP report including modal split targets, archaeological and heritage measures.

The PPR forms the basis of the assessment in this report.

### **Key Recommended Conditions/Modifications**

Key recommendations made in respect to the proposal and included as modifications to the Concept Plan are as follows:

- Deletion of the pylon sign facing Princes Highway;
- Inclusion of appropriate ESD measures;
- Provision of additional landscaping along the Princes Highway frontage and throughout the carpark;
- Removal of the right hand turn into Union Street;
- Restriction on use of exit onto Smith Street for emergency access only; and
- Introduction of various design measures to improve pedestrian and cyclist safety.

### **Public Benefits**

It is expected that the proposed development will have some impact on the locality in terms of traffic generation however, on balance the proposal will provide significant public benefits, including:

- Activation and rejuvenation of the locality and rehabilitation of the former Tempe Tip site;
- Employment opportunities through the construction and operational phase of the development;
- Improved landscaping of the site, particularly along the Princes Highway frontage;
- Location of the regional Asian for a major worldwide retailing chain in southern Sydney;
- Improved pedestrian and cyclist connectivity and accessibility along Princes Highway; and
- Remediation of the site to a level appropriate for the proposed use.

### **Conclusion**

The Department has assessed the merits of the project and is satisfied that the impacts have been addressed via the PPR, the Revised Statement of Commitments and recommended modifications to the Concept Plan, and that the impacts can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance, pursuant to Section 75J of the Act. The information submitted is substantially comprehensive in nature in terms of architectural and construction detail, such that no further Environmental Assessment is

required. The proposed redevelopment establishes a sounds framework for the provision of ESD outcomes on the site.

Section 75P(1)(c) of the Act allows the Minister to approve the Concept Plan and to determine that no further Environmental Assessment is required for the project. It is recommended that Section of the Act be utilised, which would allow for the approval of a Project under Section 75J of the Act to be issued subject to conditions pursuant to Section 75J(4). On these grounds, the Department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region. All statutory requirements relating to the Concept Plan proposal have been met and the Department recommends that the Concept Plan be approved subject to modifications.

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## 2.0 BACKGROUND

### 2.1 THE SITE

#### 2.1.1 Site Context and Location

The site, known as 630 – 726 Princes Highway, Tempe, is located on the southern side of Princes Highway between the intersections of Smith Street and Bellevue Street (see *Figure 1 – Regional Locality Plan*). The site has an area of 9.98ha over 4 parcels of land legally described as:

- Lot A in DP 399884 (630 Princes Highway, KAS Auto);
- Lot B in DP 399884 (632 Princes Highway, Kennards Self Storage);
- Lot A in DP 385209 and Lot E in DP 385210 (634-726 Princes Highway, ATECO); and
- Lot 201 in DP 1097238 and Lot 200 in DP 1097238 (former Tempe Tip site).

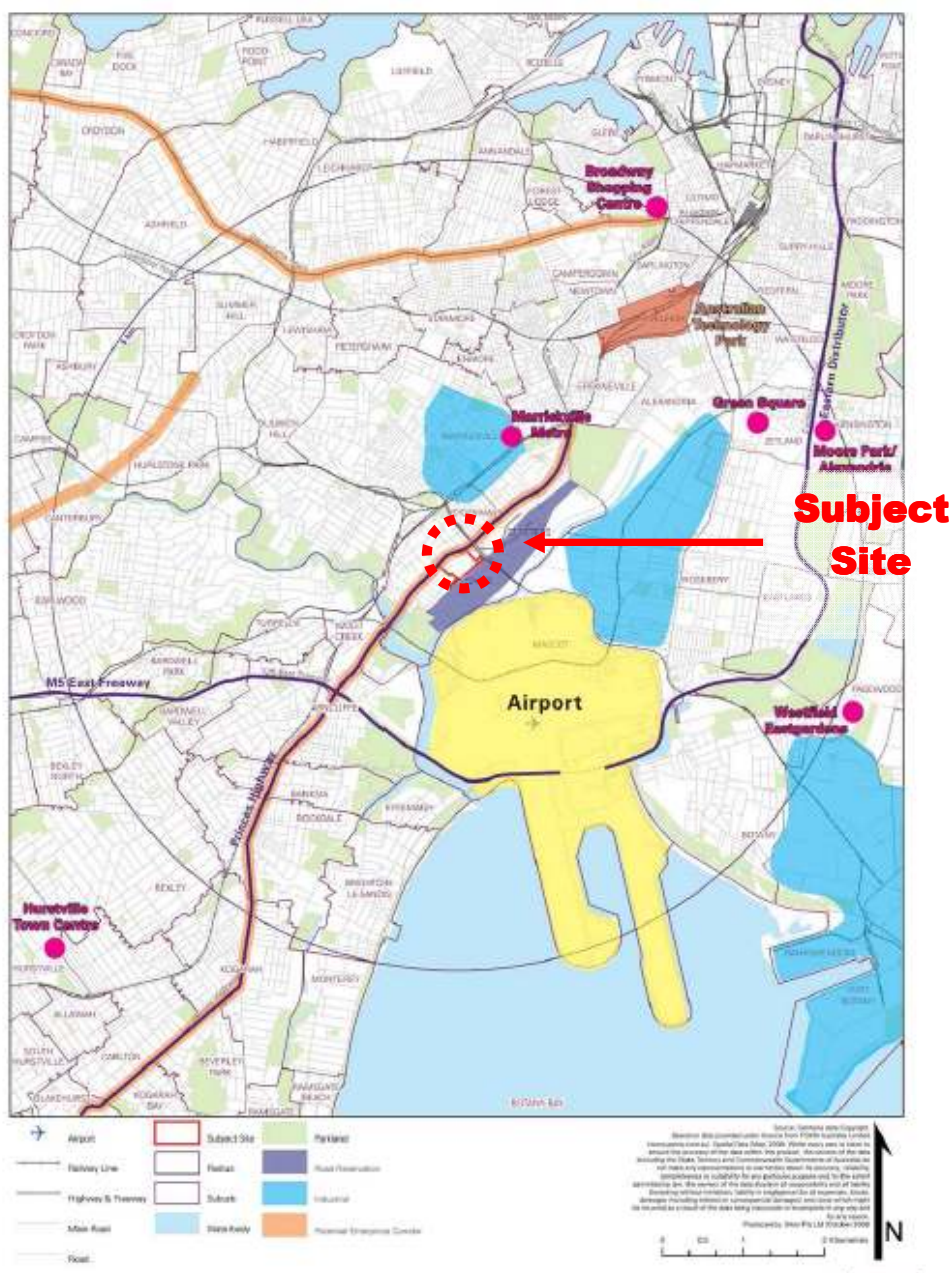


Figure 1 - Regional Locality Plan



The site is located within the Marrickville Local Government Area and has frontage to the Princes Highway which is a primary regional transport corridor linking Sydney CBD to the southern areas of Sydney. The site has good access to Sydney Airport and Port Botany and is located within the Global Economic Corridor at identified in the Sydney Metropolitan Strategy

The locality is well serviced by both commuter and freight rail and key motorway and highway transport routes. The closest railway station is Sydenham Station, which is located approximately 800metres north of the site along Railway Road off the Princes Highway. Tempe Railway Station is approximately 900metres to the south-west along Station Street (see Figure 2 – Local Site Plan).

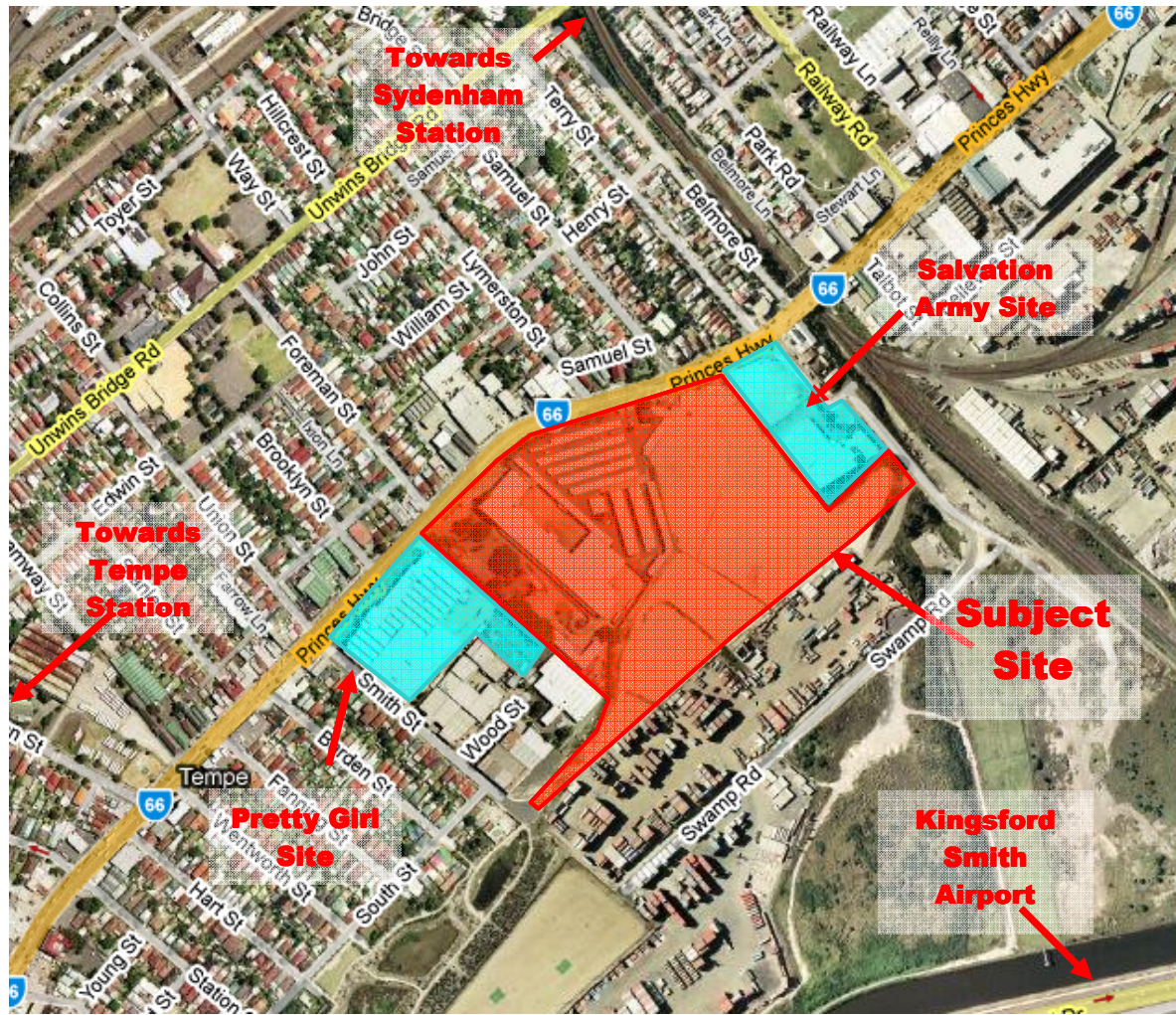


Figure 2 - Local Site Plan

### 2.1.2 Existing Site Features

The site is irregular in shape and comprises a number of 1-3 storey buildings of various existing uses including:

- KAS Auto Power – mechanical workshop and attached office with frontage to the Princes Highway;
- Kennards Self Storage – large storage facility with single and double storey storage facilities and separate two storey brick office;
- ATECO site (former Penfolds wine storage building) – large two storey warehouse with heritage listed clock tower;
- Former Tempe Tip site – located behind the KAS Auto Power, Kennards and ATECO sites with a narrow frontage to Princes Highway. The site was previously used as landfill between 1942 and 1986. The site is currently leased for temporary container storage and is generally cleared of vegetation and structures.

The site has a primary road frontage to the Princes Highway and secondary frontages to Bellevue Street and Smith Street. Vehicular access to the site is presently available from the existing vehicle crossing on the Princes Highway and from Bellevue Street and Smith Street. Given the nature and number of existing uses on the site each existing lot has its own arrangements for loading and unloading of goods.

The site is generally void of any significant vegetation with the exception of the ATECO site which has a number of large fig trees, Norfolk Pines and Lord Howe Island palms including a large Moreton Bay Fig, and other plantings.

A pedestrian pathway runs along the Princes Highway and Smith Street frontages of the site. The Bellevue Street frontage of the site has no pedestrian footpath or kerb and guttering. At present there are no pedestrian crossings within the immediate vicinity of the Princes Highway frontage with the exception of a signalised crossing on the eastern side of the intersection with Bellevue Street and Princes Highway.



Figure 3 - Former Tempe Tip and OLS height contour requirements)

The site includes the area formally used as the Tempe Tip by Marrickville Council which has been remediated and capped, and generally restricts any new built form requiring excavation to the front part of the site (ie on Princes Hwy). The Sydney Kingsford Smith Airport Obstacle Limitation Surface ("OLS") height restriction imposed across the site also limits the area of the site that can accommodate new buildings, and these matters have dictated the location and height of the development (refer Figure 3).

### 2.1.3 Surrounding Development

The subject site sits within the suburb of Tempe. The surrounding development consists of a mix of light industrial use, commercial/retail units and low density single residential dwellings. There is a mix of land uses including light industrial and retail shops along the Princes Highway with some residential dwellings. Tempe local shops are located to the west of the subject site along Princes Highway.

The low density residential development is generally concentrated on the northern side of the Princes Highway and to the west of Smith Street through to the Cooks River.

To the immediate south of the site the land is used for temporary container storage, including land that is road reservation for the future F6 motorway corridor ("SPIRE ROAD"). Further to the south is Sydney Kingsford Smith Airport.

The northern side of the Princes Highway has a number of retail frontages mixed with light industrial uses and some detached residential dwellings. Further north is primarily low density residential detached dwellings.

To the immediate east of the site, on the corner of Bellevue Street and Princes Highway, is the Salvation Army recycling store with vehicular access from Bellevue Street. The Salvation Army store is a large single storey galvanised steel building with at grade carparking and loading areas.

To the immediate west of the site, on the eastern side of Smith Street, are a number of industrial warehouses. The western side of Smith Street and beyond are low density residential dwellings which extend through to Cooks River.

## **2.2 SITE HISTORY**

The site sits within the former boundary of an estate purchased in c.1836 on which the house known as 'The Poffle' was built. The house was a two-storey dwelling surrounded by 6ha of gardens to the Princes Highway (formally known as Cooks River Road). In 1856, following a number of owners the grounds had been reduced to approximately 1.6ha. The estate was then converted to the Rugby School which operated until 1865 when the land was further subdivided into five (5) lots, including the establishment of some roads. Between 1868 – 1946 the main house ('The Poffle') was renamed 'Bayview House' and run as a private asylum. Over this period the grounds were increased to approximately 9.3ha (larger than the original Poffle Estate).

Following the closure of the asylum the site was again sold and the house renamed Caxton House and run as a hostel for young women moving to the city. The operation was administered by the YMCA. In 1953 the site was again sold and subdivided which resulted in Penfolds Wines developing part of the site as a warehouse and distribution centre. Most of the existing buildings were demolished at this time including the original Poffle House, with the exception of the former asylum building which was retained for use as the administration offices for Penfolds. Penfolds constructed the warehouse with clock tower, now part of the ATECO site.

In the late nineteenth century a large brickworks was established to the northeast of the asylum site. The brickworks is understood to be one of approximately eight operating in the St. Peters, Tempe, Marrickville area. It closed around 1942 at which time the then St Peters Council is understood to have started using the site as a rubbish tip. The tip operated until 1986 when the site was sealed and levelled. Since then this portion of the site has been used for temporary container storage.

### **2.2.1 Previous Applications**

There are no applications on the subject site relative to the proposed development.



## 3.0 THE PROPOSED DEVELOPMENT

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### 3.1 THE PROPOSED DEVELOPMENT

Approval is sought for a Concept Plan application for the redevelopment of 630-726 Princes Highway for an IKEA store and its Asia-Pacific office headquarters. The proposal is as described in the Preferred Project Report (PPR) and seeks approval for the development as follows:

#### **Buildings**

A total gross floor area (GFA) of 44,529m<sup>2</sup> and FSR of 0.45:1 comprising of the following uses:

##### IKEA Building

- 39,999m<sup>2</sup> GFA consisting of a two storey building up to 18.3m in height with bulky goods showroom and warehouse floor space (IKEA store), unlicensed restaurant with a capacity of approximately 750 people, Swedish food market, play area, loading docks, back-of-house office, and public amenities;

##### Retained ATECO Building

- 2,780m<sup>2</sup> GFA for commercial use (IKEA regional headquarters);
- 1,460m<sup>2</sup> GFA for warehouse/bulky goods;
- 290m<sup>2</sup> GFA for light industrial; and
- Retention of the façades of building.

#### **Parking and Access**

- Car parking for 1,775 vehicles (50 spaces for IKEA's Southeast Asia commercial headquarters). Parking is provided at grade in an open car park and beneath the proposed IKEA building, and a coach lay-by for pick-up, drop-off;
- Customer vehicular access via new signalised intersection midway along the Princes Highway frontage with two inbound lanes (one left-turn and one right-turn) and three outbound lanes (one left-turn and two right-turn) and secondary customer access via Bellevue Street;
- Delivery truck vehicle access via Bellevue Street.
- Two emergency vehicular access points on the southern end of Smith Street and the western most frontage of Princes Highway.

#### **Signage/Advertising**

- North and west elevations displaying the text "IKEA Home Furnishings" (to be externally illuminated);
- South and east elevations displaying the text "IKEA" (to be externally illuminated);
- One (1) x 20.5m high (RL39.7m) pylon sign located on the Princes Highway frontage west of the ATECO clock tower with "IKEA" on a three sided triangular structure (to be externally illuminated);
- Circular configuration of eight (8) x 12 metre high flag poles with "IKEA" flags to the immediate east of the main entrance off the Princes Highway; and
- Three (3) x 10 metre high flag poles displaying the Swedish, Australian and NSW State flags located to the north of the pedestrian entrance to the store (refer Figure 4).

#### **Hours of Operation**

- 10am to 10pm Monday to Friday
- 9am – 10pm weekends

#### **Public Domain and Landscaping**

- Landscaping improvements up to 2.3ha of the site for passive recreation areas for staff and public;
- Ninety-five (95) trees within the car park of various species, sixteen (16) indigenous trees in clusters along the Princes Highway frontage, twelve (12) trees in planters at the pedestrian entrance to the new building, and relocation of the existing fig tree to the staff outdoor courtyard area;
- Approximately 31 gabion walls along the Princes Highway frontage with climbing ground cover;
- Extension of the regional cycle path along the Princes Highway frontage; and
- Screening hedges, planting and gabion walls along the northeast boundary to screen neighbouring property.



Figure 4 – Photomontage indicating landscaping of site when viewed from the west



Figure 5 – Photomontage indicating aerial view of site when viewed from the northwest



Figure 6 – Photomontage indicating landscaping of site when viewed from the east (Note chamfered roof plane and wall due to airport height requirements).



Figure 7 – Photomontage indicating landscaping of site when viewed from the north

### ESD Measures

Preparation of a Sustainability Management Plan (SMP) to identify and monitor the sustainability initiatives throughout the design, construction and operation phases of the development and compliance with Council's DCP 32 – Energy Smart Waterwise policy for industrial buildings.

### Demolition

Demolition of all buildings and structures on the site consisting of the KAS Auto, Kennards and former Council tip site. On the ATECO site, demolition of the warehouse building component of the main building as well as all separate buildings and structures on the site. The heritage listed office and clock tower of the building facing Princes Highway are to be retained and reused as IKEA's commercial headquarters.

### Staging

The development will be constructed in a single stage over a period of approximately 18 months.

### Roadworks and Intersection Improvements

- Road widening along the site's frontage to create a slip lane in consultation with the RTA to maintain 3 southbound lanes; and
- Provision of traffic signals at the new access intersection with the Princes Highway.

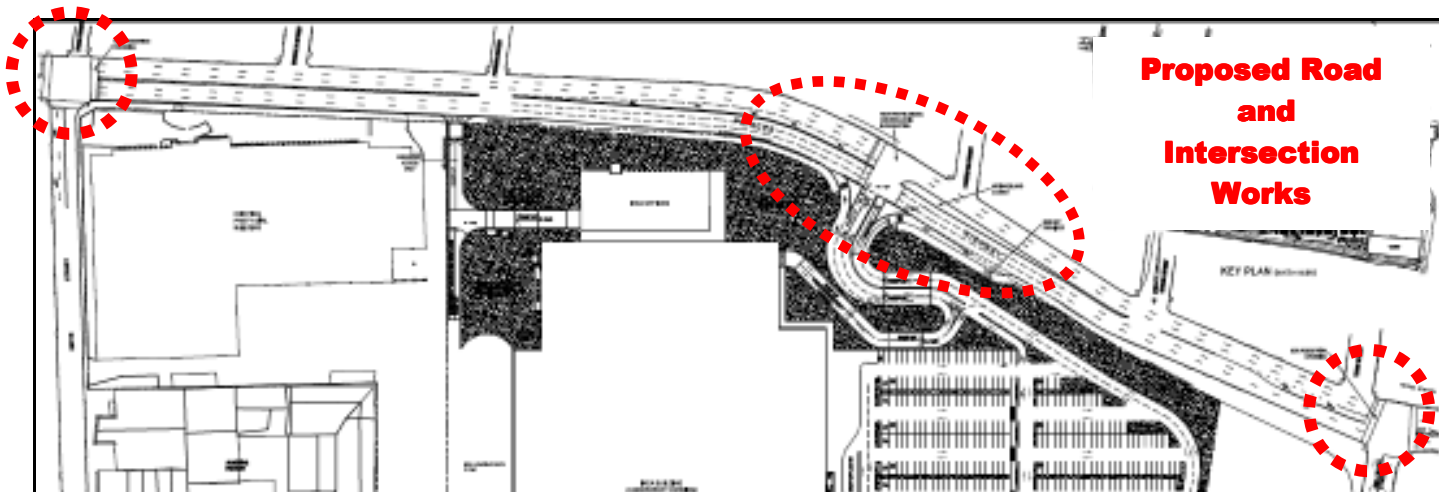


Figure 8 – Proposed Road Works and Intersection Improvements

### 3.2 PROJECT CHRONOLOGY

- 12 November 2007 – Clause 6 request lodged with the Department.
- 19 November 2007 – updated submission received by Department and request that the Minister authorise the submission of a Concept Plan.
- In the period to 13 March 2008, various discussions took place with the Proponent regarding amendments, and subsequently the Proponent confirmed the scope of final proposal.
- 23 May 2008 – Minister declared the development a Major Project in accordance with Clause 6 and also authorised the submission of a Concept Plan.
- 8 July 2008 – the Proponent submitted an amended clause 6 request removing the Pretty Girl site from the development site.
- 4 September 2008 – Minister formed the opinion that the revised proposal is still a Major Project to which Part 3A of the Act applies.
- 18 September 2008 – Director-General's Environmental Assessment Requirements signed by the Director General's Delegate and provided to the Proponent.
- 21 October 2008 – adequate EA lodged with the Department.
- 12 November – 12 December 2008 – Environmental Assessment placed on public exhibition.
- 6 February 2009 – Proponent submitted PPR and final adequate information.
- 19 February 2009 – Proponent submitted revised Statement of Commitments.
- 25 February 2009 – Proponent submitted amended plans correcting minor errors on elevations and floor plans.



### 3.3 PROJECT AMENDMENTS (Preferred Project Report)

The Proponent submitted their Preferred Project Report (PPR) to the Department on 6 February 2009 incorporating the following key amendments:

#### **Traffic Management -**

- Deletion of proposed right turn bay from Princes Highway into Union Street and retention of existing right hand turn arrow;
- Inclusion of three pedestrian crossings on Princes Highway (Smith/Union Street intersection and new IKEA/Princes Highway intersection);
- Retention of 3 south-bound lanes along Princes Highway (by creating slip lane and footpath on subject site);
- Additional details with regards to the assessment of linked trips to the site;
- Amended TMAP including modal split goals to constrain staff person trips by car to 65% with 35% public transport, walking and cycling and shared pedestrian/cyclist pathway along the eastern side of the Highway (between Bellevue Street and Smith Street);

#### **Contamination -**

- A Remediation Action Plan (RAP) to meet the requirements of the Department of Environment and Climate Change.

#### **Landscaping -**

- Sixteen (16) additional trees along the Princes Highway frontage and twelve (12) additional trees in planters near the main entry;
- Inclusion of climbing plants over the gabion walls to soften the visual impact and a variety of canopy tree species in the car park.

#### **Signage –**

- Reduction in height of pylon sign from 30m above ground to 20.5m above ground (to sit below the existing ATECO clock tower); and
- Reduction in size of triangular signage on pylon sign from 16m/16m/16m x 4m high to 14m/14m/14m x 3.5m high.

#### **Section 94 Contributions -**

- Works in Kind contribution of \$2,031,294.00 for the proportion of costs to upgrade Bellevue Street;
- Traffic Management contribution of \$1,454,948.13 for various capital works including the Tempe LATM;
- Plan Administration contribution of \$83,669.80;
- Total Section 94 Contributions of \$3,569,941.93; and
- \$25,000 via Deed for additional LATM works as per Revised Statement of Commitments.

#### **Waste Management –**

Agreement that a Waste Management Plan be prepared prior to the issue of a Construction Certificate.

#### **ESD –**

- Compliance with ESD requirements as outlined in Marrickville Council's DCP No. 32 – 'Energy Smart Water Wise' for industrial developments.

#### **Aircraft Noise –**

- Agreement to any required conditions to ensure adequate noise reduction measures.

#### **Statement of Commitments –**

- S94 Contributions in accordance with Marrickville Section 94 contributions plans.
- Funding of \$25,000 towards a LATM to investigate 'before' and 'post' development traffic flows and bring forward implementation. IKEA seek to enter into Deed of Agreement with Council for funding.
- Design and construction of roadworks to Princes Highway as required by the RTA, including road widening to retain 3 lanes southbound and creation a slip lane on the site.
- Provision of traffic signals at the new intersection with the Princes Highway.



- Implementation of measures outlined in the TMAP dated January 2009.
- Implementation of measures outlined in the Heritage Impact Statement and Archaeological Assessment report submitted with the EA.
- ESD measures.
- Accessibility assessment to address the detailed design issues.

## 4.0 STATUTORY CONTEXT

### 4.1 MAJOR PROJECT DECLARATION

The proposal is subject to assessment under Part 3A of the Act and the approval of the Minister for Planning is required to carry out the project. On 4 September 2008, the former Minister for Planning formed the opinion that the revised proposal is a Major Project under Schedule 1, Clause 13 'Residential, commercial or retail projects' of *State Environmental Planning Policy (Major Project) 2005*.

The former Minister authorised the submission of a Concept Plan with respect to the site, pursuant to Section 75M of the Act on 23 May 2008. Consequently, the Proponent has sought the Minister's approval for the Concept Plan under Section 75M of the Act.

The project has a Capital Investment Value (CIV) of **\$120 million** and will generate approximately **550** construction jobs and **600** equivalent full time operational jobs.

### 4.2 PERMISSIBILITY AND ZONING

The site and adjoining land is zoned under the Marrickville Local Environmental Plan 2001 and an extract of the zoning map is provided below.

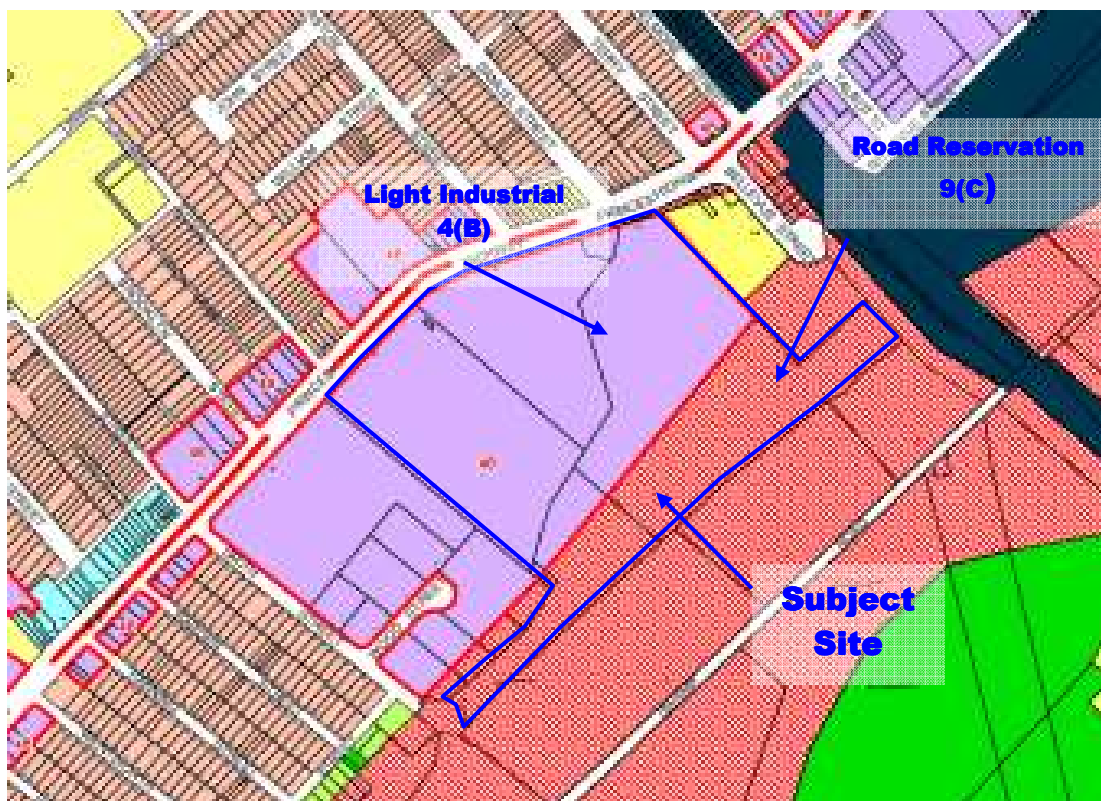


Figure 9 - Zoning Map – MLEP 2001

The proposal is not entirely permissible under the provisions of the current LEP. The majority of the site is zoned Light Industrial 4(B) under Marrickville Local Environmental Plan 2001 (MLEP 2001) (refer Figure 9). Bulky goods retailing and commercial premises are prohibited under the Light Industrial 4(B) zoning, however warehousing uses are permissible. A small section in the northeast corner and the entire rear southeast boundary of the subject site is zoned Arterial Road and Arterial Road Widening 9(C) Reservation (refer Figure 15). The proposed development seeks only roads, parking and landscaping within the 9(C) zone.

The provisions of the zoning table for the "Light Industrial 4(B)" zone only prescribes that development which is prohibited (including "bulky goods salesrooms" and "commercial premises") and therefore by exclusion, permits a range of warehouse, factory and ancillary uses which are industrial in character but which are required to

demonstrate that they do not interfere with the amenity of the neighbourhood and are not offensive or hazardous uses.

In terms of the Arterial Road Reservation 9(C) zone, any development permissible in the Light Industrial 4(B) zone or which is deemed to be compatible with the Road Reservation zone objectives is permissible in the 9(C) zone (subject to RTA concurrence).

Under Clause 65 of MLEP 2001 land zoned Arterial Road and Arterial Road Widening 9(C) Reservation may be acquired by the RTA subject to certain circumstances. Subclause 4 specifies that development may be carried out on the land for a purpose for which development may be carried out (with or without development consent) on land in an adjoining zone or for any purpose which is compatible with development that may be carried out on land in an adjoining zone. The development seeks to construct roads, parking and landscaping over this portion of the land which is permissible with consent in the 4B Light Industrial zone to the immediate north. The RTA has they have no objection to the development on the subject site (refer **Section 6.4.4**).

The Proponent seeks to have additional land uses of bulky goods retailing and commercial premises permissible within the 4(B) zone. The proposed development is within the maximum FSR of 1:1 permitted for the site under MLEP 2001 and is constrained by the OLS height limitations due to its proximity to Sydney Kingsford Smith Airport. There is no height control prescribed under the MLEP 2001. The site is well located with its primary frontage to the Princes Highway and provides the necessary transport links required for this type of development.

Council has not raised any objection to the proposed uses and the Department is of the opinion that the additional land uses are appropriate for this locality and the development will be in keeping with the objectives of the Draft South Subregional Strategy to provide additional land uses for the 4(B) Light Industrial zoned land to allow improved employment opportunities and the RTA have no objection to the proposed development of the site on land zoned Arterial Road and Arterial Road Widening 9(C) Reservation. The Concept Plan allows currently prohibited used to be considered if approved.

However, these zoning restrictions are set aside by Section 75R of the Act, where the Minister can permit those components of the proposal currently prohibited by making appropriate orders under Section 75R(3A) of the Act. It is noted that Marrickville Council is currently in the process of preparing a new Comprehensive LEP which is due in early 2010. This will replace the current Marrickville LEP 2001 and will incorporate amended zoning provisions for the IKEA site in due course. However, until such time as this LEP is gazetted, the zoning variations to allow currently prohibited components will need to be accommodated by an Order, to be prepared at a later stage.

#### **4.3 MINISTER'S POWER TO APPROVE**

The Department has exhibited the Environmental Assessment (EA) in accordance with section 75N of the *Environmental Planning and Assessment Act 1979* (which refers to Section 75H(3) of the Act), as described in section 6 below. The Preferred Project Report (PPR) does not significantly alter the project and as such was not required to be further exhibited. The PPR was made available on the Department website.

The project meets the requirements of the Major Projects SEPP and subject to the Concept Plan being approved requires the underlying LEP to be amended to permit the proposed development. Therefore, the Department has met its legal obligations and the Minister has the power to determine this project.

#### **4.4 DIRECTOR-GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRS)**

On the 18 September 2008, the Director-General issued the revised environmental assessment requirements (DGR's) pursuant to Section 75F of the *Environmental Planning and Assessment Act 1979*. The DGR's issued in respect to the development require the following key issues to be addressed:

- Retail/bulky goods economic assessment and appropriateness of the proposed uses;
- Built form;
- Transport and accessibility/car parking/traffic impacts (construction and operational);
- ESD;
- Contributions;
- Contamination and noise;
- Heritage/archaeological;

- Drainage/flooding;
- Utilities;
- Construction impacts/site access;
- Staging;
- Public consultation; and
- Statement of Commitments.

The DGR's have been addressed in appropriate detail in the EA lodged by the Proponent in October 2008 and deemed to be adequate. The DGR's are contained in **Appendix A**.

#### **4.5 OBJECTS OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A Act)**

The objects provide an overarching framework that informs the purpose and intent of the legislation and gives guidance to its operation. The Minister's consideration and determination of a project application under Part 3A must be informed by the relevant provisions of the Act, consistent with the objects of the Act.

The objects of the Act in section 5 are as follows:

- (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,*
  - (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,*
  - (vii) *ecologically sustainable development,*
  - (viii) *the provision and maintenance of affordable housing,*
- (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.*

Of particular relevance to the assessment of the subject application is consideration of the Objects under section 5(a). Relevantly, the Objects stipulated under section 5(a) (i), (ii), (iv), (v) and (vii) are significant factors informing the determination of the application. The proposal does not raise significant issues with regards to (iii), (vi) and (viii). The Department has considered the Objects of the Act, including the encouragement of ESD in the assessment of the Concept Plan application. The balancing of the application in relation to the Objects is provided in Section 5.

##### **4.5.1 ESD Principles**

There are five accepted ESD principles:

- (a) *decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);*
- (b) *if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);*
- (c) *the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);*
- (d) *the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and*
- (e) *improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).*

The Department has considered the development in relation to the ESD principles and has made the following conclusions:

- (a) **Integration Principle** – The proposal has positive social, environmental and economic impacts and provides a positive reuse of the site for employment, commercial/retail uses and supports the revitalisation of the Tempe area as a long-term employment generating use. The environmental impacts of the development are appropriately mitigated as discussed in the report. The Department's assessment has duly considered all issues raised by the community and public authorities, and the proposal as recommended for approval, will not compromise any particular stakeholders or hinder the opportunities of others. The development encourages the sustainable use of existing public transport infrastructure within the vicinity of the site including travel by rail and bus for both staff and customers. The development will also improve landscaping on the site and assist in creating a benchmark for further revitalisation of the locality.
- (b) **Precautionary Principle** – There is no threat of serious or irreversible environmental damage as a result of the proposal. The site has a low level of environmental sensitivity and does not contain any threatened or vulnerable species, populations, communities or significant habitats. An appropriate level of detail has been provided with regards to the remediation of the site and mitigation measures have been included in the instrument where appropriate. No significant climate change risks are identified as a result of this proposal.
- (c) **Inter-Generational Principle** – The proposed development represents a sustainable use of the site. The development includes the upgrade and reuse of the façade of the ATECO heritage building and clock tower, together with new buildings and land uses, utilises existing infrastructure including the Princes Highway and contributes to the activation and vibrancy of the area for the benefit of both the current and future generations.
- (d) **Biodiversity Principle** – Following an assessment of the EA it is concluded that there is not threat of serious or irreversible environmental damage as a result of the proposal. The proposal does not impact upon biological diversity or ecological integrity. The development site has been previously developed and has a low level of environmental sensitivity.
- (e) **Valuation Principle** – The approach taken for this project has been to assess the environmental impacts of the proposal and identify appropriate safeguards to mitigate adverse environmental effects. The mitigation measures include the cost of implementing these safeguards in the total project cost.

The Proponent is committed to ESD principles and has reinforced this through the Revised Statement of Commitments and the Environmental Assessment which outlines key ESD opportunities including, but not limited to collection of roofwater for landscaping, recycling schemes for both the office and bulky goods store and use of high thermal mass materials.

#### 4.6 SECTION 75I(2) OF THE ACT

Section 75I(2) of the Act and Clause 8B of the *Environmental Planning and Assessment Regulation 2000* provides that the Director-General's report is to address a number of requirements. These matters and the Departments response are set out as follows:

<b>Section 75I(2) criteria</b>	<b>Department Response</b>
Copy of the Proponent's environmental assessment and any preferred project report	The Proponent's EA is located on the assessment file (attached).
Any advice provided by public authorities on the project	All advice provided by public authorities on the project application for the Minister's consideration is set out in Section 6 of this report.
Copy of any report of a panel constituted under Section 75G in respect of the project	No statutory independent hearing and assessment panel was undertaken in respect of this concept plan application.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project	Each relevant SEPP that substantially governs the carrying out of the concept plan application is identified immediately below.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental	An assessment of the development relative to the prevailing environmental planning instrument is provided

planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division	in section 4 of this report.
Any environmental assessment undertaken by the Director-General or other matter the Director-General considers appropriate.	The environmental assessment of the concept plan application is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The environmental assessment of the concept plan application is this report in its entirety. The proposal adequately complies with the DGR's.
<b>Clause 8B criteria</b>	<b>Department Response</b>
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The public interest is discussed in this report.
The suitability of the site for the project	The draft South Subregional Strategy permits uses as proposed in this concept plan application and is in keeping with the objectives of the strategy.
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in Section 6 of this report. Copies of all submissions received is provided in <b>Appendix E</b> .

Table 1 – Section 75I(2) requirements for Director-Generals Report

#### 4.7 ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

##### 4.7.1 Application of EPI's to Part 3A projects

To satisfy the requirements of section 75I(2)(d) and (e) of the EP&A Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the assessment of the Concept Plan. An assessment of compliance with the relevant EPI's is provided immediately below which concludes that the proposal complies with these documents.

The primary controls guiding the assessment of the proposal are:

- State Environmental Planning Policy (Major Projects) 2005;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No. 55 - Remediation of Land; and
- Marrickville Local Environmental Plan 2001;

Other planning controls to be considered in the assessment of the proposal are:

- Draft State Environmental Planning Policy No 66 – Integration of Land Use and Transport;
- Draft South Subregional Strategy; and
- Airports Act 1996 & the Airports (Protection of Airspace) Regulations 1996 (in relation to the *Obstacle Limitation Surface (OLS)*).

The provisions, including development standards of local environmental plans, and development control plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R(3) Part 3A of the Act. Notwithstanding, these standards and provisions are relevant considerations for this application as the DGR's and Section 75I(2)(e) of the Environmental Planning and Assessment Act 1979 require the Proponent to address such standards and provisions and the Department to duly consider them.

The Department has considered the proposed Concept Plan against the objectives and aims of these instruments, and is satisfied that the proposed project, subject to the implementation of the recommended conditions of approval, is generally consistent with the provisions of these instruments. Assessment of each of these is considered as follows:

#### 4.8 COMPLIANCE WITH PRIMARY CONTROLS

##### 4.8.1 State Environmental Planning Policy (Major Projects) 2005

The project is a Major Project under *State Environmental Planning Policy (Major Projects) 2005* being Schedule 1 clause 13 'Residential, commercial or retail projects' to which Part 3A of the EP & A Act applies. Clause 13 of

Schedule 1 identifies 'development for the purpose of residential, commercial or retail projects with a capital investment value of more than \$50 million that the Minister determines are important in achieving State or regional planning objectives' as developments to which Part 3A applies. The opinion was formed by the former Minister on 4 September 2008.

#### 4.8.2 State Environmental Planning Policy (Infrastructure) 2007

The aim of this policy is to assist in the effective delivery of public infrastructure throughout the State. Part 3 of *SEPP Infrastructure* identifies development controls pertaining to a range of infrastructure, including proposing development in, above or adjacent to rail corridors.

##### *Division 15 Development in Rail Corridors*

The proposed design has been developed taking into consideration comments from RailCorp who have advised that the development abuts RailCorp's Goods Line to the east and as such requires appropriate mitigation measures to ensure the safety, drainage, demolition, excavation and construction impacts are incorporated into any approval. Specific conditions addressing these matters have been included in the Draft Instrument of Approval.

##### *Division 17 Roads and Traffic*

Clause 101 of the SEPP relates to development that fronts a classified road. Princes Highway is a 'classified road' as defined by the *Roads Act 1993*. Subclause 2 outlines the key criteria which the consent authority must be satisfied with prior to granting consent. An assessment against the key criteria follows:

Section 101 Criteria	Department Response
(a) where practicable, vehicular access to the land is proved by a road other than the classified road	The developments main vehicular access point is from the Princes Highway. Appropriate mitigation measures have been incorporated into the development, including the establishment of a signalised intersection with the site and the Princes Highway and a left-turn slip lane into the site to ensure the Highway maintains 3 lanes in both directions.
(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of: (i) the design of the vehicular access to the land, or (ii) the emission of smoke or dust from the development, or (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land,	<p>The RTA have advised they have no objection to the development, particularly the volume and frequency of vehicles accessing the site from the classified road subject to:</p> <ul style="list-style-type: none"> <li>the construction of a left turn slip lane into the site;</li> <li>installation of a signalised intersection with the Princes Highway; and</li> <li>retention of 3 southbound lanes.</li> </ul> <p>The development is not expected to generate any unreasonable smoke or dust, other than would be expected of this type of development.</p>
(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.	<p>The proposed development does not incorporate any residential components and with the inclusion of appropriate construction methods and landscaping will not result in any unreasonable impacts as a result of its proximity to the Princes Highway.</p> <p>The EA provided an assessment on the noise impact the development may experience as a result of the Princes Highway and ongoing operation of the store and office component including loading dock noise, traffic noise within the car park and mechanical plant noise. The report concluded that the development is appropriate with the inclusion of specific treatment to address any potentially noisy plant. No specific requirements are required with regards to future traffic noise or noise from the loading dock and car park.</p>

Table 2 - Section 101 SEPP (Infrastructure) 2007 - Criteria for development fronting a classified road.

The RTA's requirements are included in the Instrument to ensure the impacts of the construction and ongoing operation of the development are appropriately mitigated.

#### 4.8.3 State Environmental Planning Policy No. 55 – Contaminated Land

The former Tempe Tip portion of the site (Lots 200 and 201 in DP 1097238) has been appropriately remediated by Marrickville Council with the placement of a cap over the landfill material on the site. The capping consists of

fill material classified as virgin excavated natural material (VENM) which was imported to the site and consists predominately of sandstone, shale and clay. Coffey Geosciences, who were retained by on behalf of the previous land owners (Marrickville Council), prepared a Validation Report for this portion of the site. A Site Contamination Audit was undertaken for these lots by Envion (Graeme Nyland) in May 2006 as part of a contract of sale.

The Audit reviewed the Remedial Action Plan (RAP) prepared for the site and concluded that the site is suitable for the purpose of commercial/retail uses subject to ongoing compliance with the following Environmental Management Plan "*Tempe Lands, Site Environmental Management Plan for Areas 1A and 1B*" dated 19 April 2006 by Tenix Projects.

Coffey Geosciences have also prepared a Contamination Assessment Report for the remaining land which makes up the subject site:

- Lot A in DP 399884 - 630 Princes Highway (KAS Auto);
- Lot B in DP 399884 – 632 Princes Highway (Kennards Self Storage); and
- Lot A in DP 385209 and Lot E in DP 385210 – 634 – 726 Princes Highway (ATECO).

The report concludes that the site can be remediated and made suitable for the proposed land uses subject to appropriate remedial works. The Proponent has included these requirements in the Revised Statement of Commitments as follows:

- The Remediation Action Plan (RAP) prepared by Coffey Environments dated 3 February 2009 for areas 1A and 1B shall be signed off by a Site Auditor through a Site Audit Certificate prior to the issue of Construction Certificate; and
- A Site Audit Statement (SAS) shall be obtained after the implementation of the RAP, certifying that the site is suitable for the proposed use, subject to a specific and appropriate Environmental Management Plan (EMP).

The report also addresses the requirement for ventilation stacks throughout the site in relation to the remediation of the former Tempe Tip portion of the site. The report concludes that any buildings and structures constructed on the site must take into consideration the landfill gas presence and make adequate provision to mitigate the impacts of the landfill gas on the buildings and structures.

The Proponent has indicated a number of ventilation stacks across the site on the architectural drawings. Council raised concerns that any required gas ventilation stacks should be setback 5 metres from the adjoining property to the east. This has been addressed in further detail in **Section 5.3** and a condition has been included in the Instrument of Approval requiring a detailed plan to be submitted to the Certifying Authority with regards to the impacts on the adjoining property.

Based on these recommendations it is considered that the site can be made suitable for the proposed development and thus satisfactorily meet the requirements of SEPP 55.

#### **4.8.4 Marrickville Local Environmental Plan 2001**

An assessment against the key principles of the MLEP 2001 relevant to the development is provided below:

##### *Clause 28 – Development within areas affected by aircraft related noise*

The site is located less than 1km to the north of Sydney's Kingsford Smith Airport and is within the ANEF 30-40 contours. The EA includes an Aircraft Noise Intrusion Assessment prepared by Renzon Tonin & Associates which assesses the potential noise impact from aircraft due to the sites close proximity to Sydney's Kingsford Smith Airport. The report concludes that the development is able to achieve the required internal noise criteria required in AS2021-2000 through the provision of standard noise control measures. To ensure the development is appropriately mitigated with regards to aircraft noise a condition has been included in the Instrument requiring an Acoustic Report to be completed prior to the issue of an Occupation Certificate certifying the development meets the relevant Australian Standards.

##### *Clause 33 – Floor Space Ratios*

The majority of the site is zoned 4B - Light Industrial under MLEP 2001. A maximum FSR of 1:1 is permitted under this zone. The proposed development seeks a FSR of 0.45:1 (44,529m<sup>2</sup>) and therefore is below the maximum permitted for the zone.



*Clause 48 - Protection of heritage items, heritage conservation areas and relics*

A Heritage Impact Assessment prepared by Godden Mackay Logan has been submitted in support of the proposed development. The report identifies that the former Penfolds Wine Cellars is jointly identified as a local heritage item with the Westpac Stores (located to the south of the subject site) under MLEP 2001 (Figure 10) and is identified as Item 4.32 in the Heritage Schedule to the MLEP 2001. The report concludes that while the demolition of other buildings on the site will have some impact on the significance of the site the overall impact is considered acceptable subject to a number of recommendations. The Proponent has incorporated these recommendations in their Revised Statement of Commitments.

The Department's Heritage Planner has also reviewed the proposed development as outlined in **Section 6.4** of this report and raised no significant concerns subject to appropriate conditions.

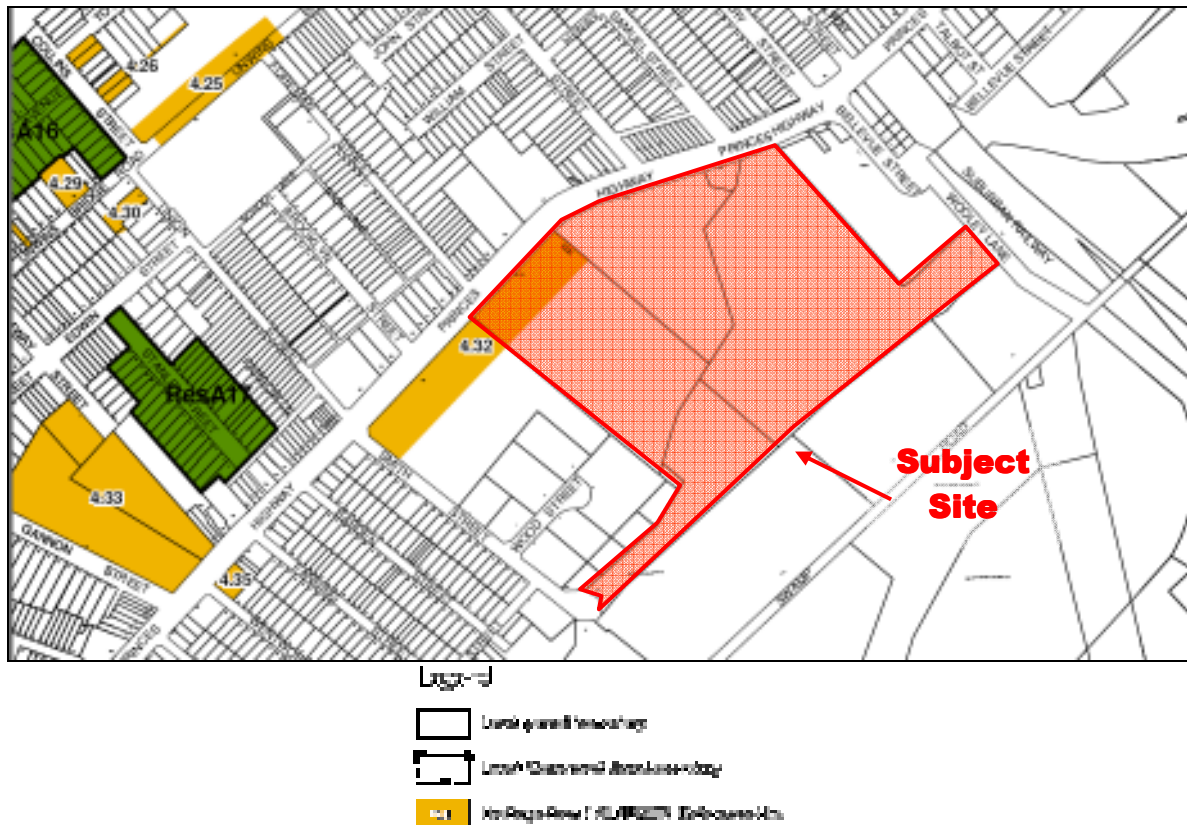


Figure 10 - Heritage Map – MLEP 2001

*Clause 53 - Development of known or potential archaeological sites*

An Archaeological Report has been prepared as part of the EA documentation. The report confirms that the site has potential to contain historical European archaeological remains in relation to past uses of the site and recommends a number of conditions be incorporated in any Statement of Commitments. The Proponent has incorporated these key recommendations in their Revised Statement of Commitments.

*Clause 62 – Community Safety*

The Proponent submitted a Crime Prevention through Environmental Design report (CPTED) for the proposed development which can be appropriately mitigated to address community safety through the implementation of the recommendations of the CPTED report. A condition has been included in the Instrument requiring compliance with these recommendations.

*Clause 64 – Accessibility*

The Proponent has provided an access report as part of the EA documentation. The report concludes that the development has incorporated the fundamental aspects of accessibility into the design to ensure equitable safe and dignified access to meet the performance requirements of the BCA. The report also indicates that the development is capable of meeting the technical requirements of AS1428 Parts 1, 2 and 4, AS2890.1 with regards to accessible parking, AS1735.12 in relation to lifts and also Council's DCP 31 – Access.

Appropriate conditions have been included in the Instrument to ensure the development complies with these requirements.

#### **4.9 COMPLIANCE WITH OTHER CONTROLS AND POLICIES**

##### **4.9.1 Airports Act 1996 & the Airports (Protection of Airspace) Regulations 1996**

The application has been referred to Sydney Airport Corporation for comment. To date no formal response has been received.

Under Part 12 Division 4 of the Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996, proposed intrusions into an airport's protected airspace (a 'controlled activity') cannot be carried out without approval. The Regulations provide for the Commonwealth Department of Infrastructure, Transport, Regional Development and Local Government (or, in the case of temporary intrusions of less than three months in duration, the airport operator) to approve applications to carry out controlled activities, and to impose conditions on an approval, if deemed appropriate.

A controlled activity for which approval is required under the Airports Act 1996 includes, but is not limited to the following:

- a building which protrudes into the prescribed airspace;
- operation of a source of artificial light which emits an intensity that exceeds the levels outlined in the Regulations;
- operation of plant which reflects sunlight in a way which would be distracting to pilots; and
- activities that emit dust, smoke or other particle matter that is above the levels allowable in the regulations or would be likely to affect the ability of aircraft to operate within the prescribed airspace.

International standards define two sets of invisible surfaces above the ground surrounding an airport, the Obstacle Limitation Surface (OLS), and Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS). Airspace above these surfaces form the airport's protected airspace. The heights of the OLS and PANS-OPS vary according to proximity to, and the operational needs of the specific airport.

The Obstacle Limitation Surfaces (OLS) are a series of surfaces in the airspace surrounding an airport. They are established in accordance with International Civil Aviation Organization (ICAO) specifications, as adopted by Australia's Civil Aviation Safety Authority (CASA). The OLS defines the airspace to be protected for aircraft operating during the initial and final stages of flight, or maneuvering in the vicinity of the airport. While the OLS level can be penetrated with approval, the usually-higher PANS-OPS level cannot be penetrated by any permanent structure.

The Constraints Plan provided in the EA documentation, as detailed in Figure 3, indicates that the site is affected by a height limitation that runs between RL 17m AHD in the south-east corner to RL 40m AHD in the north-west corner of the site. The development has been designed to take these height constraints into consideration by locating the bulk of the built form in the northwest corner and does not encroach above these RL's. A condition has also been included in the Instrument with regards to external lighting being turned off after closing time.

The proposed development will not protrude into the prescribed airspace and subject to the inclusion of appropriate conditions in the Instrument to ensure the development meets the requirements of the Commonwealth *Airports Act 1996* and the *Airports (Protection of Airspace) Regulation 1996* and conditions have been recommended to ensure ongoing compliance, particularly with regards to during construction and external lighting.

##### **4.9.2 Draft South Subregional Strategy**

The site falls within the area defined as the Draft South Subregional Strategy. The vision for the South Subregional area is as follows:

- To retain its high quality environmental, tourism and lifestyle attributes;
- Provide superior lifestyle and amenity allowing residents to work and live within the subregion;
- Support the function of the Global Economic Corridor;
- Have a diverse community supported by a greater range of housing choice; and

- Have greater public transport use through rail infrastructure improvements and encouragement of walking and cycling.

The Subregional Strategy sets a target of the provision of an additional 29,000 jobs and 35,000 dwellings by 2031. In order to achieve these targets major development of the area is required over coming years.

The subject site is specifically identified in the strategy (and includes the adjoining Pretty Girl site) as being a Category 2 lands with potential to allow for a wider range of employment uses with key functions of freight and logistics, commercial and bulky goods retailing. The strategy identifies Category 2 land as lands which may have the potential to accommodate a wider range of employment uses or more intensive scale of employment than currently permitted under the existing industrial zone. The site is also noted to be substantially constrained by the Obstacle Limitation Surface, aircraft noise and land contamination and recommends the land therefore be retained for employment generating uses.

The strategy identifies the site within the potential Princes Highway Enterprise Corridor. The Strategy also identifies that retail activities, particularly bulky goods retail, are considered more appropriately located within Enterprise Corridors given the opportunities for signage and better access to public transport.

The proposed land uses are considered to meet the objectives of the Draft Subregional Strategy in terms of locating bulky goods and commercial development with good access to transport. Given the sites constraints with regards to the height limitations and contamination the proposed uses are considered appropriate for the site and are supported.

#### **4.9.3 State Environmental Planning Policy No. 64 – Advertising and Signage**

The proposed development includes a range of signage as detailed in **Section 3.1**.

The signage on the building elevations and the pylon signs are defined as business identification signage under the provisions of SEPP 64. Business identification sign is defined in the SEPP as a sign:

- (a) that indicates:*
  - (i) the name of the person, and*
  - (ii) the business carried on by the person,*
    - at the premises or place at which the sign is displayed, and*
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,*
- but that does not include any advertising relating to a person who does not carry on business at the premises or place.'*

In accordance with clause 8 in Part 2 of SEPP 64, business identification signage must satisfy the assessment criteria set out in Schedule 1 of the policy. The business identification signage proposed on the elevations of the building are considered satisfactory with regards to the key assessment criteria in Schedule 1 of SEPP 64. Significant concerns are however raised in relation to the proposed pylon sign and an assessment in relation to Schedule 1 of SEPP 64 is provided as follows:

##### *Character of the Area*

The proposed pylon signage is to be located to the immediate northwest of the heritage listed ATECO building to a height of 20.5m (RL39.7), below the ATECO clock tower. The Proponent reduced the sign through the PPR to address concerns raised by the Department and Council that the signage was out of scale with the character of the heritage listed ATECO building, not in keeping with the existing locality and would create an undesirable precedent.

The sign remains out of character with the locality and would set an unreasonable precedent for the Tempe Princes Highway corridor and is **not supported**. An appropriate condition is recommended to delete this component from the approval and require a later approval for an alternative design and location, if proposed.

Given the length of the frontage to the Princes Highway a more appropriate location on the site for business identification signage should be sought by the Proponent that does not detract from the character of the area or

the significance of the existing heritage building on the site. It is suggested that freestanding blade signs could be located at ground level at each end of the site frontage.

#### *Special Areas*

The site is not located within a conservation area or any environmentally sensitive areas.

#### *Views and Vistas*

There are no significant views across the site from any surrounding private properties. The pylon sign will unreasonably detract from the significance of the heritage listed building when viewed from the public realm, including the Princes Highway.

#### *Streetscape, Setting or Landscape*

The pylon sign will dominate the appearance of the heritage listed building when viewed from Princes Highway. Given the sites long frontage to the Highway a more appropriate location should be sought which is compatible with the proposed land use as well as the existing heritage item on the site.

#### *Site and Building*

The location of the pylon sign will interfere with the architectural significance of the listed building when viewed from the public domain. The Proponent should seek an alternative signage form and location to the proposed pylon sign on the site.

#### *Illumination*

The pylon sign seeks free standing back-lighting to provide illumination. Any illumination of the signage on the will be partially screened from the Princes Highway by the proposed landscaping and would be unlikely to cause any unacceptable glare with regards to pedestrians or vehicles.

#### *Safety*

The location and height of the pylon sign is not expected to have any unreasonable safety impacts on passing motorists however is not supported due to key reasons as provided in this assessment. The proposed pylon sign may detract from the significance of the ATECO building due to its height and proximity and would set an undesirable precedent for the Tempe section of the Princes Highway. The pylon sign should be deleted from the proposal. An appropriate condition has been provided in the Instrument of Approval.

## 5.0 ASSESSMENT OF ENVIRONMENTAL IMPACTS

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The DGR's and following key issues were considered in the Departments assessment of the Environmental Assessment:

- Land Use;
- Traffic, Parking and Access;
- Contamination and Remediation;
- Public Domain and Landscaping;
- Safety & Security
- Heritage;
- Economic Impact;
- Salvation Army Site;
- ESD Measures; and
- Developer Contributions.

All of the above matters have been considered in the assessment. The proposal is considered satisfactory in respect of these requirements, subject to the imposition of conditions of approval.

### 5.1 LAND USE

The Concept Plan proposes a bulky goods retail/warehouse development with commercial offices for the corporate headquarters for IKEA.

The site is considered suitable for the proposed development for the following reasons:-

- The proposed uses are compatible with the land uses envisaged for the site as identified in the Draft South Subregional Strategy with regards to employment generation;
- The site is well located on a major road to allow for good access to public transport, signage and transport of freight; and
- The site is contaminated and due to the additional constraints of noise and height limitation due to the proximity to Sydney Airport, and is not suitable for other more intensive land uses such as residential.

### 5.2 PARKING PROVISION and TRAFFIC GENERATION

#### 5.2.1 Parking Provision

##### Application

The Proponent has used Marrickville Council's parking controls as a guide to determine the appropriate provision of on-site car parking as well as an assessment of the existing Sydney IKEA store in Rhodes and experiences at nearby Bunnings stores for anticipated parking requirements.

The Concept Plan proposes a total of 1,775 car parking spaces on site, comprising:

- 50 spaces to be allocated for the commercial IKEA headquarters;
- 1,725 car parking spaces for the IKEA store; and
- Associated loading bays and service parking.

Council's DCP identifies parking rates based upon GFA for each land use component resulting in a total requirement of 1,533 parking spaces as follows:

- *Commercial Premises and offices* = 101 spaces
- *Retail floor area* = 1,275.5 spaces
- *Warehouses* = 99 spaces
- *Restaurants* = 57 spaces

However, based on the Proponents consideration, a larger number is proposed to take into consideration the experience at the Rhodes IKEA store, the fact that bulky goods retailing centres by their nature have higher car usage rates, and, the unique "destination - type" of retail centre that best characterises an IKEA store.

Notwithstanding these arguments, it is recommended that the carparking spaces in the at-grade carpark be reduced and be replaced with a substantial increase in the amount of landscaping. A condition is recommended

that increases the number of super-advanced trees planted to 270 to be evenly spaced at one tree per 4 spaces. In addition, a condition is recommended to add two additional pedestrian lanes across the carpark to improve safety and convenience; further reducing carparking onsite.

### **RTA - SRDAC and MOT**

The RTA and the Sydney Regional Development Advisory Committee raised no objection to the proposed car parking provision subject to the introduction of measures to encourage use of public transport and uses of other modes of transport such as bicycles and motorcycles. The Ministry of Transport made similar comments, although have sought a more proactive approach to reducing a reliance on car usage, and this issue has been addressed in the TMAP and revised Statement of Commitments.

### **Council**

The Council have not raised any particular issue with the parking provision other than to require that other modes be encouraged, that a home delivery services be offered to reduce traffic movements and that carparking design, convenience and amenity be given due consideration.

### **Recommendation/Conclusion**

It is considered that the proposal for 1,775 parking spaces is excessive for the land use and reflects the special character of an IKEA store subject to the incorporation of measures to encourage usage of alternative travel modes. Conditions have been included in the Instrument requiring the provision of an additional 2 pedestrian crossings across the carpark for improved pedestrian safety and planting of additional trees to improve the amenity and landscaping quality of the carpark.

### **5.2.2 Traffic Generation Application**

A report titled 'Summary Assessment of Potential Traffic Implications' was prepared by Transport and Traffic Planning Associates in July 2008 and submitted in the EA. The Proponent submitted a revised Transport Management and Access Plan (TMAP) prepared by Transport and Traffic Planning Associates dated January 2009 and a letter of response prepared as part of the PPR.

The assessment of traffic generation has necessarily relied on a number of assumptions, but has benefitted from a detailed consideration of available data from the operation of the Rhodes IKEA store, which has an area of 26,000sqm (proposed = 39,999m<sup>2</sup> of warehouse/showroom area). The Proponents assessment also identifies that the opening of a second IKEA store in the Sydney metropolitan region is likely to result in a significant 'spread' of patronage between the stores which would therefore most likely decrease the expected visitation levels for each store. The traffic assessment has considered anticipated traffic generation at peak hours being 12noon - 1.00PM Saturday and Sunday, and, 5 PM - 6PM on Thursday nights which is considered appropriate as it deals with the maximum demand periods of trading noting that the store will not open until 10 AM.

As a result of the Proponent's traffic assessments and the consideration of the proposal by the RTA and the SRDAC, a number of traffic management measures have been recommended and are included in the PPR, and reinforced by requirements in the TMAP and the revised Statement of Commitments. The proposal will result in additional car and truck generation both on the Princes Highway, and in local adjacent streets.

Bellevue Street and the Bellevue Street intersection with need to accommodate increases in truck traffic and it has been noted that this intersection is near its capacity. However, the RTA have not identified this as a particular concern at this time, and have works programmed at this intersection and at the Railway Road/Princes Hwy intersection further to the north to alleviate some of the demand on this intersection in the longer term.

Smith Street is a local residential street to the south off the Highway and the development will not generate any regular traffic along Smith Street, with the exception of the use of the emergency access point at the most southern end of Smith Street. This entrance will be gated off from general customer access as well as delivery vehicles. A condition has been included in the Instrument ensuring this access point shall only be used as emergency access.

The main area of concern in respect of additional traffic generation is in respect to the local residential streets connecting between the Highway and Unwins Bridge Road to the west. There are six (6) east - west streets, and those most affected will be Union Street, Foreman Street (albeit only a one way street west to east), Lymerston Street, Samuel Street and Terry Street (refer Figure 11). The character of these streets varies, and some are wider than other, and Union Street is one way east to west. Overall it is estimated that increases in traffic flow will be 6 - 11%, with the larger increases at the Saturday/Sunday peak hour of 12noon to 1.00PM with the largest increase being in Union Street at the weekend peak. The remainder of traffic flows to and from the site will dissipate north and south along the Princes Highway.

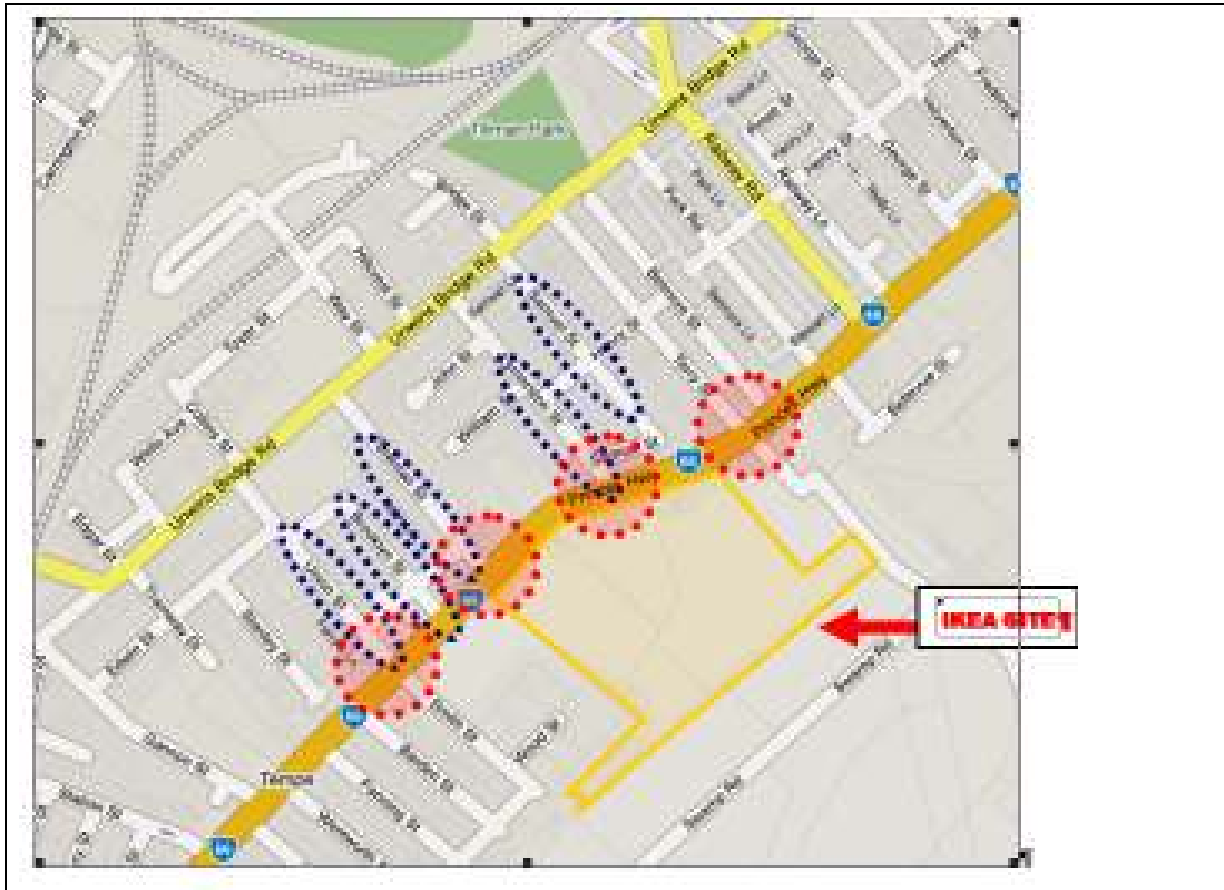


Figure 11 – Residential Streets – Intersections Map

The Proponent has addressed this issue via a range of traffic measures detailed in the EA and PPR, and in particular, it is now proposed to remove the proposed right hand turn arrow into Union Street to discourage the flow of traffic into Union Street by reducing the viability of the option of the right-hand turn, forcing traffic south to more appropriate roads. In addition to the access into Union Street traffic can also presently turn right from the Princes Highway into Samuel Street, Lymerston Street. It is noted Forman Street is one way west to east. No right-hand turn is possible into Terry Street. The proposed road works will also prohibit any right hand turn into Lymerston Street with the creation of a traffic island along this portion of the Princes Highway.

Additionally, the Proponent has also indicated as part of the Statement of Commitments they would provide funding of \$25,000.00 to Council to investigate both “before” and “after” development traffic generation in the local streets in a LATM and that this agreement will be required to be signed prior to the issue of a Construction Certificate. This amount is in addition to the \$1.45million Traffic Management S.94 contribution to be made to Council. The Council’s Traffic Management S.94 plan identifies that a Tempe LATM (Area 20) is programmed for 2012/2013, and the additional funding should help Council to bring forward the commencement of this LATM.

#### RTA - SRDAC and MOT

The traffic assessment report has been reviewed by the RTA and SRDAC and appropriate conditions and modifications were recommended to the scheme in order to ensure the development did not unreasonably affect the existing traffic flows along the Princes Highway and at key intersections. Overall, the RTA and SRDAC are satisfied that the proposal is acceptable,

### **Council**

The Council made two submissions in respect to the proposal, and included a detailed traffic assessment by a consultant engaged by Council (Transport and Urban Planning Pty Ltd). The Proponents Traffic Consultant (Transport and Urban Planning Pty Ltd) had responded the Council's traffic assessment as well comments from the RTA and SRDAC. The Council has raised four areas of concern regarding the issue of traffic generation and considers that traffic generation has been underestimated and therefore potential impacts have been underestimated.

The areas of concern relate to the following;

- Inconsistent calculation of GFA (2.5% variation)
- Cumulative affects of future rezoning of nearby land on the Bellevue Street intersection
- Under estimated generation rate for the 50 staff spaces (2.8% of total of 1,775 spaces)
- Excessive reliance on "linked trips/passing trade discounting"

The Council has noted that variation in GFA is unlikely to have a significant effect of estimated traffic rates.

Similarly, the small percentage of office staff parking spaces and subsequent traffic generation is unlikely to have a significant influence on overall peak rates, considering that office staff will generate movements at traditional AM and PM peak times compared to the counter - cyclical peak hours for the operation of the retail component.

In terms of the Bellevue Street intersection capacity, it is considered unreasonable for one land owner to have to make an assessment of all potential traffic generation from unknown development on land which is not the subject of any firm proposals and which is yet to be rezoned.

The key area of concern and difference between the Proponent and Council relates to the application of "linked trip" discount rates. Discounting of traffic generation for linked trips/passing trade assumes that a certain percentage of traffic flows are already occupying roads and is also traffic flows generated by/shared with other trips being made by shoppers to other localities and stores. While "discounting" is not an exact science, the Proponent has relied on various studies undertaken by the RTA and other research centres, and also applied further discounting relevant to the particular characteristics of an IKEA store operation.

The Proponent's discount rate is 30% in the Thursday peak and 42% in the weekend peak. The Council's traffic consultant suggests a maximum discount rate of 19%. While there is a considerable difference between the two positions, the Council's assessment has not taken into consideration any of the particular characteristics of the IKEA operation, the dissipation of demand expected from having a second store in the metro area, and the significant volume of passing trade expected to divert to IKEA due to IKEA's high visibility and prominent branding.

It is noted that the RTA and SRDAC raised no issue with the traffic analysis provided by the Proponent in the EA.

### **Recommendation/Conclusion**

The inclusion of appropriate road works, traffic management schemes and funding towards local traffic studies will provide mitigation of the excepted traffic generation as a result of the development and thereby is considered to result in an acceptable outcome for the Princes Highway, Bellevue Street, Smith Street and the adjoining local streets to the west. The various measures discussed above are to be imposed via conditions and through the implementation of the TMAP and revised Statement of Commitments.



### 5.2.3 Construction Traffic Management

The Proponent has indicated in their Statement of Commitments in the PPR that they intend to submit a Construction Management Plan prior to the issue of a Construction Certificate for the development. An appropriate condition has been included in the Instrument. The Plan will make provision for all materials, plant, etc. to be stored within the development site at all times during construction. With the inclusion of this condition in the Instrument the development is able to appropriately mitigate any impacts on the surrounding land uses and road networks.

### 5.2.4 Pedestrian and Cycle Access

The development has provided appropriate levels of pedestrian access to and from the site and within the development. The Revised Statement of Commitments includes the provision for a new pedestrian crossing at the intersection of Princes Highway/Union Street and Smith Street which will be controlled by traffic signals. The Proponent also seeks to relocate an existing crossing from the eastern side of Princes Highway/Bellevue Street intersection to the western side. This will improve pedestrian safety by removing the need for pedestrians to then cross Bellevue Street. A pedestrian crossing is also provided at the new intersection serving the site.

The development proposes one main pedestrian pathway from the main northeast facing entrance of the store across the carpark to the northeast boundary in order to provide safe pedestrian access for customers. Safe and accessible pedestrian access across the car park is a primary requirement for the development given the high usage of private vehicles. In order to ensure an appropriate level of pedestrian access is provided within the site providing connections from the carparking areas, coach bays and Princes Highway an additional two pedestrian pathways are required. The additional pedestrian pathways should run parallel, either side of the primary pedestrian pathway. Appropriate conditions have been included in the Instrument of Approval to ensure pedestrian access is provided in accordance with the relevant Australian Standards.

A cycleway is also proposed to connect to Marrickville Council's existing cycleway network along the Princes Highway frontage between Smith Street and Bellevue Street as identified in the Revised Statement of Commitments.

## 5.3 CONTAMINATION AND REMEDIATION

An assessment in relation to the contamination and remediation of the site with regards to the provisions of *SEPP 55 – Remediation of Land* is provided in **Section 4.8.3** of the report.

Council raised concerns that the required gas ventilation stacks should be setback 5 metres from the adjoining property to the east. Insufficient details have been provided by the Proponent in relation to this matter however it is considered conditions can be included in the Instrument of Approval requiring a detailed plan to be submitted to the Certifying Authority with regards to the impacts on the adjoining property. The stacks should, where possible be setback from the neighbouring property so as to reduce any potential impacts on the future development of this land.

The Department is satisfied that evidence has been produced of the site's suitability in terms of site contamination subject to appropriate conditions requiring further investigation and any subsequent remediation as well as the provision of appropriate details in relation to the location and form of the gas ventilation stacks.

## 5.4 PUBLIC DOMAIN AND LANDSCAPING

### 5.4.1 Signage

A detailed assessment of the proposed signage is provided under **Section 4.9.3** as it applies to *SEPP 64 – Advertising and Signage*. With the exception of the proposed pylon sign, the remaining signage for the development is considered to be appropriate for the scale of the site and land uses and will be partially screened by the additional cluster planting of trees along the Princes Highway frontage without any significant impacts on the surrounding locality.

### 5.4.2 Landscaping

The Proponent submitted a Landscape Plan as part of the application. The landscape plan sought to provide low scale planting along the Princes Highway frontage with medium height trees within the open car park.

Following the submission of the PPR, Council met with the Proponent to discuss the development. As a result of this meeting Council submitted a further letter to the Department advising that their issues with regards to the

landscaping of the site. The key issue relates to the retention of the existing fig tree and landscaping along the Princes Highway.

The retention of the fig tree on the site is supported as it will provide a good scale of mature planting relative to the scale of the development, while retaining a link to the history of the site. Additional planting has been provided along the Princes Highway frontage and within the carpark. Appropriate conditions have been provided in the Instrument of Approval to ensure the fig tree is transplanted and maintained in an appropriate manner to ensure its long term survival and the additional planting is provided. An additional condition has also been provided in relation to the provision of a total of 270 trees within the at grade carpark at the rate of 1 tree per 4 carparking spaces.

With the inclusion of conditions the development will provide an appropriate level of landscaping suitable for the operation of the site enhancing the Princes Highway and providing a wider benefit to the local community through the rejuvenation of the site without compromising security and safety aspects of the scheme in relation to visibility and relevant airport restrictions.

## **5.5 SAFETY AND SECURITY**

As outlined in **Section 4.8.4** of the report the Proponent submitted a Crime Prevention through Environmental Design (CPTED) report as part of the EA documentation for the proposed development. The report recommended a number of key measures to mitigate crime and safety concerns for the development, including, appropriately located external lighting; use of transparent fencing; CCTV cameras through all parking areas and loading docks; regular security patrols; clear signage for pedestrian access and use of security cards for all staff.

The proposed development will also benefit the local area by providing an active frontage to the Princes Highway with pedestrian activity, landscaping and lighting. The store has been designed to provide optimum visibility for customers entering and existing with lighting proposed through out the car park for increased customer safety.

The development can be appropriately mitigated to address community, customer and staff safety through the implementation of the recommendations of the CPTED report. A condition has been included in the Instrument requiring compliance with these recommendations.

## **5.6 HERITAGE**

The ATECO building and clock tower are listed as locally significant heritage items under Marrickville Council's LEP 2001. The Proponent has submitted a Heritage Impact Assessment prepared by Godden Mackay Logan which assessed the heritage significance of the site.

The proposed development seeks to retain the façade of the existing ATECO building and clock tower and the report concludes that while the demolition of some other buildings on the site will have some impact on the significant of the site the overall impact is considered acceptable subject to a number of recommendations. The Proponent has incorporated these recommendations in their Revised Statement of Commitments.

The Departments Heritage Planner has also reviewed the proposed development as outlined in **Section 6.4** and raised no significant concerns subject to appropriate conditions.

## **5.7 ECONOMIC IMPACT**

The application included an Economic Impact Assessment prepared by PitneyBowes MapInfo dated September 2008. The report assessed the demand and market scope of the development of an IKEA store within the inner south-western suburbs of Sydney. The report also included an assessment of the economic impacts that could be expected to result from the development, including competitive impacts and positive benefits for the surrounding community.

Tempe is located on the edge of the former South Sydney area which includes suburbs such as Zetland, Waterloo, Alexandria and Rosebery which are currently part of a major urban renewal process with increased housing density, commercial and retail areas and the removal of many of the older industrial forms of land use which originally typified the area. The report acknowledges that the type of goods IKEA provides appeals to a broad market and based on the existing 26,000m<sup>2</sup> Rhodes store is expected to draw customers from a wide area.

The economic assessment identifies both primary, secondary and tertiary trading areas and the expected impacts on these areas as a result of the development. The assessment indicates that while the operation of the IKEA store will compete with a number of the bulky goods retailers no one individual store will be significantly affected and that its most likely any impacts on the other centres will be absorbed within a year.

The development is not considered to have a significant impact on the existing bulky goods stores along Princes Highway as they primarily cater to a different market focusing on the auto industry or provision of more specialised retail goods.

The economic impact assessment demonstrates that the development will, as a whole, provide a community benefit to the region in creating an economic draw card for other businesses to relocate to the area and provide additional employment opportunities both during the construction phase as well as the ongoing operation of the development. Based on this assessment the development is unlikely to unreasonably impact on the viability of any existing bulky goods retail centres. The proposed land use and likely economic benefits for the region are in keeping with the general objectives of the Draft South Subregional Strategy and will assist in achieving those key objectives identified in the vision for the region.

## 5.8 SALVATION ARMY SITE

The Salvation Army site is located to the immediate northeast of the subject site, on the corner southwest corner of Bellevue Street and Princes Highway (refer Figure 12).

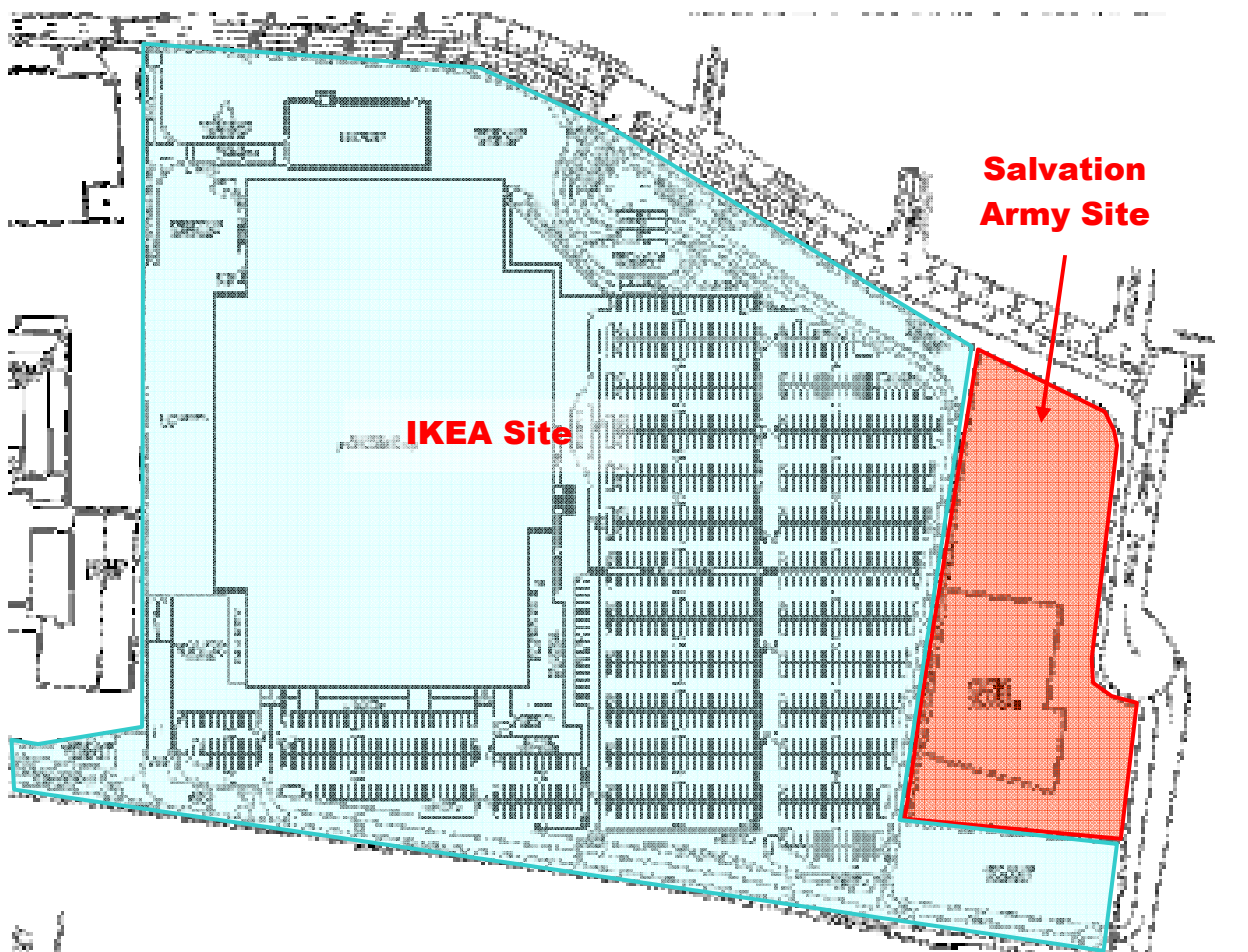


Figure 12 - Salvation Army Site on corner of Bellevue Street and Princes Highway

The Salvation Army do not object in principle to the proposed development, however raise concerns in relation to the following key matters:

- Pedestrian and vehicular access be made (via a condition of consent) available from the IKEA car park to the Salvation Army's site in response to the expected heavy IKEA delivery traffic using Bellevue Street;

- The proposed deceleration arrangements along the Princes Highway as part of the proposed new intersection to the development do not adversely affect the Salvation Army's existing access from the Princes Highway; and
- No changes are made to the Princes Highway/Bellevue Street intersection that would adversely impact on the access to the Salvation Army site from either the Princes Highway or Bellevue Street.

The development is not expected to restrict the existing vehicular access arrangements to the Salvation Army site from Bellevue Street. Truck and delivery vehicles to the IKEA site are not expected to generate the suggested high level of traffic impacts to Bellevue Street. The Proponent has indicated in the EA that they anticipate most delivery/truck vehicles will access the site during the night thereby limiting impacts on daily operations of the surrounding developments. However, a condition has been imposed requiring that a right-of-access be provided in the future in the event the RTA requires the removal of the existing direct access to Princes Highway.

## 5.9 ESD MEASURES

The proposed development provides a number of key provisions with regards to ESD requirements in the development. The commitments made by the PPR and the Revised Statement of Commitments to achieve high sustainability targets for both the corporate headquarters and IKEA store components of the development will contribute to achieving a sustainable design for the site. As discussed in **Section 4.5.1**, the Proponent has demonstrated they are committed to achieving a development that improves the existing environment and is ecologically sustainable. The Proponent will also provide a new pedestrian/cycle path along the entire Princes Highway frontage of the site to link with existing cycleways within the Council area.

The Concept Plan is compliant with the objects of the Act, including the five (5) accepted ESD principles and is therefore considered to satisfactorily address this issue. An appropriate condition has been included in the Instrument to ensure appropriate mitigation measures are in place for the sustainable management of the development. A condition has also been included requiring the planting of a total of 270 super-advanced trees within the at-grade carpark to improve the landscaping on the site.

## 5.10 DEVELOPER CONTRIBUTIONS

Contributions are to be levied in accordance with the provisions of Marrickville Council's 'Section 94 Contributions Plan 2004 (including Amendment 1)'. The Contributions Plan provides for open space, park infrastructure, sport and recreation facilities, public libraries and community recreation facilities, traffic management and road works and plan admin fee. However for commercial, industrial and other development the plan only stipulates contributions towards traffic management and road works (plus a plan admin fee).

The contributions applicable to the proposed development under this plan are traffic management, road works and the plan admin fee. The Proponent agreed to pay the following contributions in the original EA as follows:

- Works in Kind contribution of \$2,031,294 – for the proportion of costs to upgrade Bellevue Street;
- A Traffic Management contribution of \$1,454,948.13 - as a contribution to various capital works projects including the Tempe LATM (monetary); and
- A Plan Administration fee of \$83,669.80 – being 2.4% of the combined monetary total of the above two plans (monetary).

Total Section 94 contribution of **\$3,569,941.93**.

Following discussions between the Department, Council and the Proponent, the Proponent included in their PPR to contribute an additional \$25,000 cash contribution to Council to be used directly for the preparation of the Tempe LATM. An appropriate condition has been included in the Instrument.

Council are however seeking an additional contribution of \$148,823.22, which is outside their Contributions Plan to accommodate the anticipated increased demand the employment generated as a result of the development may place on open space and recreational facilities within the Council LGA. Council's Section 94 contributions plan does not provide any avenue for the levying of this money and Council has relied on a contributions plan produced by neighbouring Leichhardt Council ('*Leichhardt Developer Contributions Plan No. 1 – Open Space and Recreation*') in order to justify the additional contribution.

Council have used Leichhardt Council's Contributions Plan in order to demonstrate the likely demand they expect the development will generate for open space and recreation facilities. However, their analysis fails to take account of that under the existing zoning an FSR of up to 1:1 is permissible, whereas the proposed development seeks an FSR of 0.45:1 which is a significantly lesser intensity than that currently allowed by the zoning for permissible uses.

Council argue that their Section 94 Contributions Plan notes that there is likely to be an increase in industrial development in the coming 5-10 years for land referred to as the Tempe Lands (south of the Princes Highway and including the Tempe Tip site) and accordingly Council will monitor the location of new development in the LGA and undertake ongoing consultation to ensure the works meet the needs of the community.

While the Section 94 plans do indeed acknowledge the future potential development of the land (which includes the subject site) Council has not sought to update its Contributions Plan in order to address any potential impacts this may have on the LGA and therefore have not identified a need for the requested contribution towards open space and recreational facilities. Further, Council have not provided sufficient evidence that the development will generate the suggested demand on local public space and recreational facilities to result in the contribution of \$148,823.22.

Accordingly, the request to impose an additional contribution is not supported as it is considered that there is insufficient evidence or justification from Council.

## 6.0 CONSULTATION AND ISSUES RAISED

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### 6.1 PUBLIC EXHIBITION DETAILS

The major project application was exhibited for a period of 30 days from 12 November 2008 to 12 December 2008 and was published on the Department of Planning website. The EA was made available to the public in the Department's Information Centre and at Marrickville Council offices.

### 6.2 SUBMISSIONS RECEIVED ON ENVIRONMENTAL ASSESSMENT

The Department received 7 submissions from public authorities and 100 public submissions including 5 submissions in support, 2 petitions against (94 and 376 signatures respectively) and 9 pro-forma letters.

### 6.3 PUBLIC SUBMISSIONS

The public submissions raised various issues including:

- Traffic Generation including impacts on Prince Highway and surrounding residential streets;
- Development does not encourage environmentally sensitive forms of transport to the site;
- Reduction of number of lanes on Princes Highway;
- Parking overflow in surrounding residential streets;
- Pedestrian safety crossing Princes Highway;
- Emergency exit onto Smith Street;
- Insufficient facilities for secure storage of bicycles and shower facilities;
- Existing level of site contamination;
- Stormwater run off;
- Site security;
- Impact on local cycle paths;
- EA fails to adequately address the DGR's;
- Legibility of documentation available during Public Exhibition period;
- Impact from lighting glare;
- Poor landscaping for the site; and
- Length of public exhibition period.

The key issues are considered in detail below.

*Traffic Generation from the site has not been correctly calculated and will result in adverse impacts on surrounding residential streets and the Princes Highway.*

**Comment:**

A detailed assessment with regards to traffic generation has been provided in **Section 5.2.2** of the report. The assessment concludes that with the inclusion of appropriate conditions to mitigate the development, including the provision of a slip lane into the site south-bound on the Princes Highway, the installation of specific roadworks and the provision of a LATM Plan that the development will not result in an unreasonable impact on the road network and surrounding local streets.

*Development does not encourage environmentally sensitive forms of transport to the site.*

**Comment:** The development can be accessed via a number of transport options. Public transport via bus is available to the development in both directions along the Princes Highway. The Proponent intends to relocate an existing bus stop directly out the front of the site, south bound, as part of the application. Tempe Railway Station and Sydenham Railway Station are also located within 1km walking distance of the subject site.

The Proponent has prepared a TMAP report (dated January 2009) as part of the Revised Statement of Commitments which incorporates measures to encourage reduction in car use for employees and customers and a discounted home delivery service to assist customers who arrive by transport modes which do not provide for the transport of goods.

*Reduction of number of lanes on Princes Highway from 3 to 2 south-bound.*

**Comment:** The Proponent has removed the proposed right hand turning bay into Union Street as part of the PPR. The existing right hand turn arrow is proposed to remain in its current operating capacity.

*Redirection of traffic through adjoining residential streets*

**Comment:** The right hand turning bay from Princes Highway into Union Street was removed by the Proponent in the PPR. The existing right-hand signalised arrow will remain in operation. The removal of the formal right-hand turn lane into Union Street will discourage customers leaving the IKEA store to shortcut through the local street.

The Revised Statement of Commitments also includes a payment of up to \$25,000 to Council for the funding of a LATM. The study will investigate conditions for the local area in relation to both 'before' and 'after' the opening of IKEA. Council can then undertake any appropriate measure in respect to traffic to these local streets.

*Parking overflow in surrounding residential streets*

**Comment:** The Proponent has provided an assessment of the proposed parking in relation to Marrickville Council DCP 19 parking provisions. The Traffic Report argues that the IKEA store component of the development is unique in its traffic generation and has therefore utilised data collected from its existing Sydney store in Rhodes to provide a more accurate assessment of expected parking demand and traffic generation.

The data indicates that the maximum vehicle trips that are likely to be generated per hour will be between midday and 1pm on weekends and that to accommodate this 1,775 car parking spaces are required. The development seeks to provide to cater for this maximum trip generation period. Parking for the store will not be timed and no parking charges will apply. Given the development seeks to meet the maximum parking generation for the site based on experience at the Rhodes IKEA site, it is not expected there will be any significant overflow of parking in adjoining streets.

*Public exhibition period considered inadequate*

**Comment:** The Environmental Assessment was exhibited for a period of 30 days in accordance with the requirements of s75H(3) of the *Environmental Planning and Assessment Act 1979*. The statutory requirements for public exhibition have been satisfied.

*Pedestrian safety crossing Princes Highway*

**Comment:** The development seeks to provide a new pedestrian crossing on the Princes Highway on the eastern side of the intersection of Princes Highway/Union Street/Smith Street. The pedestrian crossing will be controlled by traffic signals and allow improved pedestrian access from the northern side of Princes Highway to the site.

The development also involves the relocation of the existing pedestrian crossing on the eastern side of the intersection of Princes Highway/Bellevue Street to the western side. This will improve pedestrian safety and also allow for direct pedestrian access to the site from the northern side of Princes Highway.

*Emergency exit onto Smith Street should not be used as an overflow or for construction traffic and fails to provide.*

**Comment:** An appropriate condition has been included in the Instrument to ensure that the Smith Street exit shall only be used in emergency situations. All delivery/service/truck vehicles shall only enter and exit the site by the Bellevue Street entrance. Appropriate turning area has also been provided in the loading docks to allow for delivery vehicles to exist the site via the Bellevue Street exit.

*Development fails to provide sufficient cycle facilities and secure storage of bicycles and shower facilities.*

**Comment:** The Proponent has indicated in the PPR and Revised Statement of Commitments that cyclist facilities will be provided within the development. An appropriate condition has also been included in the Instrument to ensure these facilities including secure cycle spaces and locker and shower facilities are provided within the development prior to the issue of an Occupation Certificate.

*Concern over existing level of site contamination*

**Comment:** Section 4.8.3 of the report addresses the contamination issues of the site and concludes that with the inclusion of appropriate conditions to mitigate the contamination levels, the site can be made suitable for the proposed development and therefore meets the requirements of SEPP 55.

*Stormwater run off*

**Comment:** The Proponent provided additional drainage details in the PPR that demonstrate the development is capable of providing appropriate stormwater drainage which will not adversely affect adjoining properties. A detailed Stormwater Design is required to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

*Provision of appropriate site security*

**Comment:** The development will include an appropriate security strategy in line with Crime Prevention Through Environmental Design principles (CPTED). The strategy will incorporate measures including lighting, security patrols, appropriate design and layout of landscaping for the site as well as good lines of sight to the main entrance, security passes for staff and installation of CCTV cameras in appropriate locations including the loading dock and all car parking areas.

*Impact on local cycle paths*

**Comment:** The development will provide a shared pedestrian/cycle path along the northern boundary of the site from Bellevue Street through to Smith Street. A condition has been provided in the Instrument for the construction of this cycle path.

*Impact from lighting glare*

**Comment:** An appropriate lighting strategy will be required to be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

*Legibility of documentation available during Public Exhibition period*

**Comment:** A number of documents contained within the Traffic Report were noted to be of inferior quality and difficult to read. The Proponent provided improved visual electronic images of these documents which were updated to the Department's website and made available during the public exhibition period.

*EA fails to adequately address the DGR's*

**Comment:** The Department undertook a review of the EA documentation in relation to the DGR's prior to the EA being publicly exhibited. The EA was deemed to adequately address the DGR's at the time of public exhibition.

*Poor landscaping for the site*

**Comment:** Following concerns raised by the Department and the community the Proponent submitted a revised Landscape Plan in the PPR for the proposal improving the landscaping for the site. These amendments provide an appropriate greening of the site while ensuring security of the site is maintained and the Sydney Airport height limitations are not compromised.

## **6.4 SUBMISSIONS FROM PUBLIC AUTHORITIES**

The following is a summary of submissions received from public authorities.

### **6.4.1 Ministry of Transport**

The Ministry of Transport has indicated in principle support for the development however raised the following key matters:

- Application has not addressed concerns with regard to the provision of car parking and measures to promote public transport;
- The Draft Statement of Commitments does not include any specific provisions for public transport and has not nominated a target mode share for a shift away from car use;
- The TMAP should include potential assistance for employees to access work by public transport, through salary packaging options and other incentives;
- The Proponent should review the need for 1,775 car spaces on site in line with the mode share target to non-car transport;
- Bicycle parking and storage should be provided as it relates to the development and shown on the plans; and
- The Statement of Commitments should be revised to reflect the TMAP provisions.

**Comment:** The PPR has since addresses these matters with the submission of a TMAP which provides modal split goals as follows:



- 65% of staff to arrive by car and 35% public transport, walking and cycling; and
- customer car travel to 85% and 15% by public transport, walking and cycling.

Given the nature of the development for bulky goods retail the proposed modal split is appropriate. The Proponent has also indicated in the Revised Statement of Commitments that IKEA will offer a discounted Home Delivery Service to further assist and encourage customers who arrive by transport modes which do not provide for the transport of goods. The TMAP identifies a maximum of 50 of the 1,775 parking spaces will be allocated to the commercial office component of the development which is a constraint of 50% of the parking provision required under Marrickville Council's parking controls.

A condition has been incorporated into the Instrument of Approval to ensure the provision of appropriately located and secure bicycle parking.

#### **6.4.2 Marrickville Council**

Marrickville Council have indicated in their submissions that they are generally in support of the proposal with regards to the revitalising the Tempe but have some significant concerns on a number of key matters. Following Council's initial submission the Department met with Marrickville Council on 14 January 2009 to discuss their key concerns outlined in their submission dated 12 December 2008.

Following the submission of the PPR, Council met with the Proponent and submitted a further letter of concern to the Department dated 9 February 2009 outlining those matters which remained unresolved between the two parties.

The Council identified the following key concerns as unresolved:

- Section 94 contribution towards open space and recreation as a result of the intensification of the use of the site;
- The creation of a right-of-way along the south-east boundary of the site to allow for a future pedestrian/cyclist link adjacent to the proposed new roadway;
- Error of calculation of GFA used with regards to the traffic report;
- The provision of 'linked trips' for the bulky goods retail component is too high and not in accordance with the RTA Guidelines or the Queensland research referred to in the Traffic report;
- Insufficient response with regards to proposed traffic generation of the office component of the site;
- The cumulative impacts of future development along the Bellevue Street frontage and the consideration of whether its intersection with Princes Highway has sufficient capacity;
- Requirement for additional traffic modeling to the proposed traffic changes with regards to capacity for future development;
- Funding for the LAMT Study may be insufficient given the potential size of the impacted catchment area;
- Insufficient information has been provided with regards to the vents from the capping of the former Tempe Tip site;
- Pylon sign is excessive and should be reduced in size to no higher than the ATECO clock tower;
- Insufficient information with regards to the proposed additional landscaping scheme for the site and the fig tree should be retained in its current location or if not possible should be relocated at the cost of the Proponent subject to consultation with a heritage specialist;
- Commitments to ESD principles are vague and development should meet Council's DCP 32 Energy Smart Waterwise requirements for industrial buildings; and
- Funding for local community programs and facilities has not been provided.

#### **Comment:**

##### *Section 94 contributions*

On 13 January 2009 the Proponent submitted a response to the Department in relation to Council's submission. The response confirmed they agreed to pay all of the Section 94 contributions identified in Council's contributions plan. However did not agree to the additional contribution of \$148,823.22 towards the '*increased demand on open space and recreational facilities*' which Council argue the development will generate. A detailed assessment of this is provided in **Section 5.10**.

It is noted that following discussions between the Department, Council and the Proponent, the Proponent included in their PPR to contribute an additional \$25,000 cash contribution to Council to be used directly for the preparation of the Tempe LATM. An appropriate condition has been included in the Instrument.

*Right of way for future pedestrian/cycle link*

The proponent has provided a pedestrian/cycle link along the Princes Highway frontage of the site which will add to the existing cycle paths within the Marrickville LGA. The request for the creation of a right-of-way along the rear boundary of the site is not justifiable in relation to the proposed development.

*Traffic Generation*

A detailed assessment of the projected traffic generation from the development has been provided in **Section 5.2**. The assessment specifically addresses those matters raised by Council in their submissions to the Department.

*Stormwater drainage*

Appropriate information has been provided by the Proponent in relation to the proposed stormwater drainage of the site. A condition has been included in the Instrument of Approval.

*Remediation and contamination*

An assessment of the contamination and remediation of the site has been provided in **Section 5.3**. In particular the assessment takes into consideration the matters raised by Council in their final submission to the Department dated 9 February 2009.

*Urban design including proposed pylon signage*

An assessment of the pylon signage has been provided in **Section 4.9.3** which concludes that the proposed business identification signage on the new building is appropriate however the pylon sign will have an unreasonable impact on the heritage building on the site and should be deleted and the Proponent seek alternative locations and forms of signage.

*Landscaping & the Public Domain*

A detailed assessment of the proposed landscaping for the site, with particular reference to the matters raised by Council, specifically with regards to the fig tree, has been provided in **Section 5.4**. The proposed landscaping of the site is appropriate with specific conditions included in the Instrument of Approval.

*Waste Management*

A Waste Management Plan is required to be submitted to the Certifying Authority prior to the release of the Construction Certification. A condition has been included in the Instrument of Approval identifying the specific measures the plan must address.

*ESD*

The Revised Statement of Commitments identifies that the development will comply with the relevant provisions of Council's DCP 32 - Energy Smart Waterwise with respect to industrial developments. This has been discussed in greater detail in **Section 5.9** and appropriate conditions have been incorporated into the Instrument of Approval.

*Social & Community issues*

The Proponent has outlined in the PPR that the request by Council for IKEA to contribute financially towards the creation and support of local community groups and provision of a community centre is not justified as a result of the development. However IKEA have indicated they will consider such requests at a later stage. As discussed under **Section 5.10** the development is not considered to generate sufficient demand for the inclusion of community facilities. The development will create a number of jobs, both during construction and ongoing operation of the development which will benefit the local community. Any additional community partnerships or funding would be a private arrangement between IKEA and the relevant party.

*Aircraft Noise*

An assessment has been made against clause 28 of MLEP 2001 with regards to impact existing aircraft noise would have on the development. **Section 4.8.4** addresses this matter in detail and with the inclusion of specific conditions to appropriately mitigate any impacts. The PPR and Revised Statement of Commitments

appropriately address the matters raised by Council with the inclusion of specific conditions in the Instrument of Approval.

#### **6.4.3 RailCorp**

RailCorp have no objection in principle to the proposed development subject to the inclusion of conditions relation to the following matters:

- Appropriate measures being undertaken during demolition, excavation and construction to ensure there is no impact on RailCorp's adjoining corridor;
- Stormwater run-off and drainage from the site must not enter the existing rail corridor; and
- Any fencing between Bellevue Street and the rail corridor must comply with RailCorp's requirements.

**Comment:** These requirements have been dealt with by way of conditions in the Instrument of Approval.

#### **6.4.4 RTA and Sydney Regional Development Advisory Committee (SRDAC)**

Following a meeting between the Proponents and the RTA on 19 December 2008 and the SRDAC meeting held on 4 December 2008, the RTA provided final comments to the Department on the 22 December 2008 advising the option retaining the three southbound lanes along the Princes Highway and the construction of a slip lane as shown on sketches provided by the RTA was agreed. The RTA raised no further issues to the development subject to a number of conditions being included.

**Comment:** The recommended conditions have been included in the Instrument of Approval where appropriate.

The RTA has raised no issues in relation to the use of that portion of land which is zoned Arterial Road and Arterial Road Widening 9 (C) Reservation for the development subject to all development being clear of the RTA adopted road proposal. The land identified for the road proposal adjoins the site to the south and therefore does not affect the RTA adopted road proposal.

#### **6.4.5 Department of Environment and Climate Change**

The Department raised no objection to the proposed development subject to the inclusion of conditions in relation to the appropriate remediation of the site and waste and stormwater management.

**Comment:** A Remedial Action Plan (RAP) has been submitted by the Proponent as part of the PPR documentation. The Proponent advises that the Site Auditor, Graeme Nyland from Environ will conduct an audit of the RAP as detailed in Appendix C of the PPR. Conditions have been included in the Instrument to ensure appropriate remediation and ongoing of the site is managed in accordance with the relevant requirements.

The Proponent has also submitted additional stormwater plans including a letter from Taylor Thompson Whiting dated 5 February 2009. Appropriate conditions have been incorporated into the Instrument of Approval to address the provision of stormwater from the site. A condition has been included in the Instrument of Approval requiring the submission of a Waste Management Plan prior to the issue of a Construction Certificate.

#### **6.4.6 Heritage**

The Department's Heritage Planner did not raise any objection to the proposal subject to the inclusion of the recommendations contained in **Section 6.3** of the Heritage Impact Statement prepared by Godden Mackay Logan to be incorporated in any consent.

**Comment:** The recommendations have been included into the Instrument of Approval and are also contained in the Revised Statement of Commitments.

#### **6.4.7 Sydney Water**

Sydney Water raises no objection to the development subject a condition requiring a Section 73 Certificate and that the Proponent fund any adjustments needed to Sydney Water infrastructure as a result of the development.

**Comment:** Appropriate conditions have been included in the Instrument.

#### **6.4.8 Sydney Airport Corporation Ltd (SACL)**

SACL has only provided a preliminary response to the development indicating that the development must provide a detailed construction methodology particularly with regard to the proposed use of any cranes for the site.

**Comment:** Appropriate conditions have been included in the Instrument to ensure the development meets the requirements of the *Commonwealth Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*.

## 7.0 NO FURTHER ASSESSMENT/PROJECT APPLICATION

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The documentation provided with the application is comprehensive and well resolved, such that it is considered appropriate in this instance for the Minister to use the discretion available under Section 75P(1)(c) of the Act to approve all aspects of the project without any further environmental assessment. However, a number of specific conditions are recommended to be imposed to ensure development proceeds in an orderly manner as provided for by Section 75J(4) of the Act.

## 8.0 KEY CONDITIONS

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Council was asked to provide a list of conditions for the proposal but have declined to provide any. Council have however raised issues in relation to several key matters which the Department has included as key recommendations to be made to the proposal and included as modifications to the Concept Plan as follows:

- Deletion of the pylon sign facing Princes Highway;
- Inclusion of appropriate ESD measures the IKEA store and commercial office;
- Provision of additional landscaping along the Princes Highway frontage;
- Planting of a total of 270 super-advanced trees within the at-grade carpark;
- Requirement for the creation of a right-of-way across the site for the Salvation Army site in the event the RTA remove the existing Princes Highway crossing;
- Relocation of the Moreton Bay fig tree onsite; and
- Restriction on use of exit onto Smith Street for emergency access only.

## 9.0 PUBLIC INTEREST / PUBLIC BENEFIT

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It is expected that the proposed development will have some impact on the locality in terms of additional traffic generation along the Princes Highway. However, overall the proposal will provide significant benefits to the community, including:

- Activation and rejuvenation of the locality and rehabilitation of the former Tempe Tip site;
- Employment opportunities through the construction and operational phase of the development;
- Improved landscaping of the site, specifically along the Princes Highway frontage and within the at-grade carpark;
- Location of the regional Asian headquarters of a major worldwide retailing chain in southern Sydney;
- Improved pedestrian and cyclist connectivity and accessibility along the Princes Highway to existing pathways; and
- Remediation of the site to a level appropriate for the proposed use.

Accordingly, the proposal is considered in the public interest for the above reasons.

## 10.0 CONCLUSION

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The Department has assessed the Concept Plan application, and considered the submissions in response to the proposal. The key issues raised in submissions relate to traffic generation, parking, landscaping, development opportunities of the adjoining Salvation Army site, security and safety, vehicle movements to and from the site, contamination, and public transport.

A key feature of the Concept Plan is the provision of the revitalisation of a significant site which will have positive economic benefits for the Tempe area and greater region. The public benefit of the redevelopment is highly desirable, as it will activate and rejuvenate the suburb of Tempe and provide employment opportunities through the proposed land use.

In addition, to mitigate likely and potential impacts the Proponent proposes to implement a range of measures that are described in the Revised Statement of Commitments (**Appendix D**). The Department accepts this Revised Statement of Commitments and recommends that they be adopted with the following amendments set out in the recommended Conditions of Approval.

The Department has determined that the Proponent's response to the key issues in their EA, PPR and Revised Statement of Commitments as well as compliance with the conditions imposed within the Instrument will ensure there are minimal environmental impacts as a result of the proposal, subject to modifications.

Given the public benefits the Department has determined that the site is suitable for the proposed development and is in the public interest. Accordingly, the Department recommends approval of the Concept Plan, without the need for any further environmental assessment and subject to conditions.



## 9.0 RECOMMENDATION

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It is recommended that the Minister:

- (A) **Consider** all relevant matters prescribed under Section 75O(2) and 75J(2) of the EP&A Act 1979, including those relevant matters prescribed by Section 75N and 75I(2) as contained in the Director General's Environmental Assessment Report (**Tag A**); and
- (B) **Determine** that under Section 75P(1)(c) of the *Environmental Planning and Assessment Act, 1979*, **the project described by the Concept Plan requires no further environmental assessment**;
- (C) Having considered all relevant matters under the Act in accordance with (A) above, **approve** the concept plan subject to conditions pursuant to Section 75O(4) and 75J(1) of the *Environmental Planning and Assessment Act, 1979*;
- (D) **approve** the demolition and construction works stage of the project, pursuant to Section 75J;
- (E) sign the Instruments of Approval (**Tag B**).

Prepared by:

Endorsed by:

Catherine Otto  
**Senior Planner**  
**Urban Assessments**

Andrew Smith  
**Team Leader, Sydney East**  
**Urban Assessments**

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**Director**  
**Urban Assessments**

Jason Perica  
**Executive Director**  
**Strategic Sites & Urban Renewal**

## APPENDIX A. DIRECTOR-GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

### Director-General's Requirements

#### Section 75F of the *Environmental Planning and Assessment Act 1979*

Application number	MP 07_0149
Project	Concept Plan application for a bulky goods retail (IKEA) and commercial development.
Location	Princes Highway between Smith and Bellevue Streets (including the former Tempe tip site) – Tempe
Proponent	Urbis on behalf of Valad Property Group
Date issued	18 September 2008
Expiry date	If the Environmental Assessment (EA) is not exhibited within 2 years after this date, the applicant must consult further with the Director-General in relation to the preparation of the environmental assessment.
Key Issues	<p>The EA must address the following key issues:</p> <ol style="list-style-type: none"> <li><b>1. Relevant EPI's policies and Guidelines to be Addressed</b> Planning provisions applying to the site, including permissibility and the provisions of all plans and policies including: <ul style="list-style-type: none"> <li>• SEPP 55, Draft SEPP 66, Infrastructure 2007;</li> <li>• Draft South Subregional Strategy;</li> <li>• Marrickville Local Environmental Plan 2001, Relevant Development Control Plans;</li> <li>• Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996;</li> </ul> <i>(The proposal will be referred to the Sydney Airport Corporation for comment/approval in relation to the impact on the Obstacle Limitation Surface (OLS), that is, the prescribed airspace protection area for safe aircraft operation around Sydney Airport.)</i> <ul style="list-style-type: none"> <li>• Nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and justification for any non-compliance.</li> </ul> </li> <li><b>2. Retail/Bulky Goods Economic Assessment /Appropriateness of the proposed uses</b> <ul style="list-style-type: none"> <li>• The EA shall address the economic/retail impact of the proposal upon existing and future development along Princes Highway, the surrounding retail centres within Marrickville LGA, having regard to the out-of-centre location, the hierarchy of centres in the Metropolitan Strategy and Draft Subregional Strategy.</li> <li>• The EA shall clearly identify and define each of the proposed uses and their compatibility / appropriateness at the proposed location considering the constraints of the site including obstacle height limitation and aircraft noise and land contamination; and with adjoining land in terms of both location and the types of uses.</li> </ul> </li> </ol>

**Key issues**

**3. Built Form**

The EA shall address the appropriateness of the height, bulk and scale of the proposed development within the context of the surrounding development and mitigate potential amenity impacts upon neighbouring properties. The EA shall provide the following documents:

- Comparable height study to demonstrate how the proposed height relate to the height of the existing development surrounding the subject site and adjacent streetscape;
- Demonstrate measures proposed to mitigate any visual impacts from large expanses of open lot car parking, including landscape treatments, and the removal/retention of existing trees and vegetation; and
- View analysis to and from the site.

**4. Transport and Accessibility / Car parking / Traffic Impacts (Construction and Operational)**

The EA shall address and/or provide the following:

- A Traffic Management and Accessibility Plan (TMAP) prepared in accordance with the Draft Interim TMAP Guidelines, Draft Traffic Study prepared by Transport and Urban Planning and the RTA's Guide to Traffic Generating Developments to address the following:
- Daily and peak traffic movements likely to be generated by the proposed development including the impact on nearby intersections and the need for funding of upgrading or road improvement works. In this regard intersection modelling at 6 intersections to be provided as required by the RTA (refer to letter from the RTA which includes modelling the intersection of Talbot Street and Princes Highway as per the Marrickville Council letter dated 25 June 2008).
- Details of service vehicle movements, access, loading dock(s), car parking arrangements and measures to mitigate potential impacts for pedestrians and nearby residents during construction.
- Traffic and transport infrastructure measures to promote public transport usage (for both staff and visitors) and pedestrian and bicycle linkages.
- An assessment of car parking demand and comparative study of similar operational premises.

**5. Ecologically Sustainable Development (ESD)**

The development is required to incorporate ESD principles in the design, construction and ongoing operation phases.

**6. Contributions**

The EA shall address provision of public benefit, services and infrastructure having regard to the Council's Section 94 Contribution Plan and/or details of any Voluntary Planning Agreement.

**7. Contamination**

The EA shall address and/or provide the following:

- A contaminated site assessment and a remediation strategy with respect to the proposed uses of the site; and
- A Site Audit Statement and the Site Audit Report issued by the site auditor accredited under the *Contaminated Land Management Act* to demonstrate that the site can be made suitable for the proposed uses.

**8. Noise Assessment**

The EA shall address the issue of noise from the airport and provide detail of how this will be managed and ameliorated through the design of the building, in compliance with relevant

	<p>Australian Standards.</p> <p><b>9. Heritage</b> The EA shall provide an Heritage Assessment of the site, and a Statement of Heritage Impact for the site, detailing and evaluating any impacts that the development would have on the heritage significance of the site, including both built and landscape heritage (if applicable).</p> <p><b>10. Archaeological</b> The EA shall provide an Archaeological Assessment of Aboriginal and non-Indigenous archaeological resources, including an assessment of the significance and potential impact on the archaeological resources.</p> <p><b>11. Drainage/Flooding</b> The EA shall provide an assessment of any flood risk on site in consideration of any relevant provisions of the NSW Floodplain Development Manual (2005) including the potential effects of climate change, sea level rise and an increase in rainfall intensity. Consideration should also be given to the requirements of Marrickville Council's Stormwater and on-site detention code.</p> <p><b>12. Utilities</b> In consultation with relevant agencies, address the existing capacity and requirements of the development for the provision of utilities in particular the adequacy of the existing drainage system including staging of infrastructure works.</p> <p><b>13. Construction Impacts/Site Access</b> The EA shall address measures to ameliorate potential impacts arising from the construction of the proposed development.</p> <p><b>14. Staging</b> The EA must include details regarding the staging of the proposed development (where appropriate).</p> <p><b>15. Consultation</b> Undertake an appropriate and justified level of consultation in accordance with the Department's <i>Major Project Community Consultation Guidelines October 2007</i>.</p> <p><b>16. Statement of Commitments</b> The EA must include a draft Statement of Commitments detailing measures for environmental management, mitigation measures and monitoring for the project.</p>
Deemed refusal period	60 days

## **APPENDIX B. ENVIRONMENT ASSESSMENT**

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Refer to attached disk.

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## **APPENDIX C.    PREFERRED PROJECT REPORT**

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Refer to attached disk.

For more information, contact [info@openstax.org](mailto:info@openstax.org) • 1-814-639-9274

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Item No.	Item title and description	Notes
	<ul style="list-style-type: none"> <li>Proposed parking lot, including associated Princes Highway on-site, to be built on the site of the old Princes Highway building, to be used for the existing traffic, subject to the following:</li> <li>Proposed parking lot, including associated Princes Highway on-site, to be built on the site of the old Princes Highway building, to be used for the existing traffic, subject to the following:</li> <li>Proposed parking lot, including associated Princes Highway on-site, to be built on the site of the old Princes Highway building, to be used for the existing traffic, subject to the following:</li> </ul> <p>General Provisions/Requirements</p> <ul style="list-style-type: none"> <li>The proposed parking lot, including associated Princes Highway on-site, to be built on the site of the old Princes Highway building, to be used for the existing traffic, subject to the following:</li> </ul>	<ul style="list-style-type: none"> <li>Proposed parking lot, including associated Princes Highway on-site, to be built on the site of the old Princes Highway building, to be used for the existing traffic, subject to the following:</li> </ul>
1. Heritage	<p>The proposed parking lot, including associated Princes Highway on-site, to be built on the site of the old Princes Highway building, to be used for the existing traffic, subject to the following:</p> <p>Architectural Heritage</p> <ul style="list-style-type: none"> <li>The proposed parking lot, including associated Princes Highway on-site, to be built on the site of the old Princes Highway building, to be used for the existing traffic, subject to the following:</li> </ul>	<ul style="list-style-type: none"> <li>Proposed parking lot, including associated Princes Highway on-site, to be built on the site of the old Princes Highway building, to be used for the existing traffic, subject to the following:</li> </ul>

Item No.	Item title and description	Notes
	<p>Architectural Heritage</p> <ul style="list-style-type: none"> <li>The proposed parking lot, including associated Princes Highway on-site, to be built on the site of the old Princes Highway building, to be used for the existing traffic, subject to the following:</li> </ul>	<ul style="list-style-type: none"> <li>Proposed parking lot, including associated Princes Highway on-site, to be built on the site of the old Princes Highway building, to be used for the existing traffic, subject to the following:</li> </ul>
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Item No.	Project Description	Priority
6. <b>Archaeological Excavation</b>	<p>This phase will require the following resources and will be a considerable effort for the archaeological team and the local community. The project will be a major effort for the archaeological team and the local community.</p> <ul style="list-style-type: none"> <li>Any archaeological excavation will be a major effort for the archaeological team and the local community. The project will be a major effort for the archaeological team and the local community.</li> <li>On completion of the work, a written report will be prepared by the archaeological team and the local community. The report will be a major effort for the archaeological team and the local community.</li> <li>Written report will be a major effort for the archaeological team and the local community. The report will be a major effort for the archaeological team and the local community.</li> <li>A report will be a major effort for the archaeological team and the local community. The report will be a major effort for the archaeological team and the local community.</li> </ul>	<ul style="list-style-type: none"> <li>Archaeological excavation will be a major effort for the archaeological team and the local community. The project will be a major effort for the archaeological team and the local community.</li> <li>On completion of the work, a written report will be prepared by the archaeological team and the local community. The report will be a major effort for the archaeological team and the local community.</li> </ul>
7. <b>Archaeological Excavation</b>	<p>This phase will require the following resources and will be a considerable effort for the archaeological team and the local community.</p> <ul style="list-style-type: none"> <li>Any archaeological excavation will be a major effort for the archaeological team and the local community. The project will be a major effort for the archaeological team and the local community.</li> <li>On completion of the work, a written report will be prepared by the archaeological team and the local community. The report will be a major effort for the archaeological team and the local community.</li> </ul>	<ul style="list-style-type: none"> <li>Archaeological excavation will be a major effort for the archaeological team and the local community. The project will be a major effort for the archaeological team and the local community.</li> </ul>

Date Log Unit	Site Assessment	Findings
	<p><b>Office Paper:</b></p> <ul style="list-style-type: none"> <li>All paper will be placed in the blue 240 litre wheeltie bin in the production room.</li> <li>All A4 paper that is not recycled or not fully recycled is placed in the blue (recycle) P21 in the Corridorway (off). Please place the printed side up &amp; ensure there are no staples or torn pages for over 100 will jam the printer or it leaks through.</li> </ul> <p><b>Environment:</b></p> <ul style="list-style-type: none"> <li>An Environmental Coordinator will be appointed and will be responsible for the preparation of an Environmental Action Plan which will address EMO measures, such as environmental waste and recycling, water, responsibilities and company targets.</li> </ul> <p><b>Wastewater Control CRP 10</b></p> <p>The proposed system is the following described and follows the Stormwater Control CRP of Energywest Production policy for industrial buildings:</p> <ul style="list-style-type: none"> <li>The new building will comply with CRP standards for installation of assets, sealing and leaks.</li> <li>Hot water systems will meet the minimum 2.0 lit per person per second.</li> <li>Protecting water released by installing steel components.</li> <li>Ensuring water through collection and storage of rain water for reuse in landscaping.</li> <li>Implementing design measures to control the quality of stormwater.</li> <li>Protecting vegetation species outside the building and soil conditions, as they will not require extensive watering.</li> </ul>	

Project	Development	Notes
2. Accessibility	The proponent agrees to a further accessibility assessment of the proposal to achieve the following outcomes during construction: <ul style="list-style-type: none"> <li>• Detailed design of accessible toilet facilities, evaluation of any potential formwork, signage, clear signage, barrier-free access to toilet facilities, lighting levels, clear signage, accessible parking spaces and the like.</li> </ul>	A report assessing toilet compliance will be submitted prior to the issue of a Construction Certificate.
3. Access throughout road works	The proponent agrees to implement the following measures to mitigate potential access and mobility issues: <p><b>Overall safety:</b></p> <ul style="list-style-type: none"> <li>• Installation of COTW cones throughout all on-parking areas.</li> <li>• Implementation of safety zones that require a minimum of 10m COTW, which would be placed to minimise potential blocking of pedestrian crossings in property.</li> <li>• Installation of warning delivery lines and signage to the kerbside road along the Southern Street access road to allow the possibility of emergency shift.</li> <li>• Installation of clear and protected signage, designed to regularly monitor, warning pedestrians to keep their attention on their own.</li> <li>• Use of natural materials to form a boundary between the site and the road and provide a clear view of the site.</li> </ul> <p><b>Health management and pedestrian safety:</b></p> <ul style="list-style-type: none"> <li>• Use of clear signage to indicate to pedestrians where not to enter the site and to avoid the site.</li> <li>• Use of traffic control personnel at the main entry to control vehicle and pedestrian during peak hours or events, e.g. street opening.</li> <li>• Ensuring that vehicles are not parked on the site.</li> <li>• Ensuring that lighting is improved along the length of the site (Princes Highway).</li> </ul>	<ul style="list-style-type: none"> <li>• The installation of COTW, directional signage and lighting will be carried out during the construction phase.</li> <li>• Operational management and other road management will be coordinated by WGA, at its discretion.</li> </ul>

Project	Development	Notes
	Access safety and security <ul style="list-style-type: none"> <li>• The use of security storage units should be selected for all site. This is recommended to be installed at the entrance of the site and to be located in the ground level area. This is necessary to ensure it is not in the way of the ground level area.</li> <li>• Provide access to the site such as COTW and security points.</li> <li>• Lighting used to ensure the site is secure and to ensure the site is secure.</li> <li>• Clear lighting for a public to clearly see the site and to ensure the site is secure.</li> </ul>	
3A. Construction	In accordance with the relevant legislation, the proponent agrees to the following: <ul style="list-style-type: none"> <li>• The Construction Access Plan proposed by Gully (Construction Pty Ltd) (GAP) (2017) to be approved by the Council prior to the issue of a Construction Certificate.</li> <li>• A Site Access Statement (SAS) shall be developed after the implementation of the GAP, certifying that the site is suitable for the proposed use, subject to a condition and appropriate environmental management plan (EMP).</li> </ul>	A GAP could be developed from an Approved Site Access Plan in the form of a Construction Certificate.
3B. Construction Management	The proponent agrees to the following: <ul style="list-style-type: none"> <li>• Preparation of a Construction Management Plan outlining the methods of construction, site management, noise, dust and other site and the like.</li> </ul>	A Construction Management Plan shall be submitted prior to the issue of a Construction Certificate.

## **APPENDIX E. SUBMISSIONS**

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See attached submissions