



***MODIFICATION REQUEST:  
IKEA development  
630-726 Princes Highway, Tempe  
including former Tempe Tip site  
MP07\_0149 MOD 5***



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

July 2011

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*NSW Government  
Department of Planning & Infrastructure*

## EXECUTIVE SUMMARY

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This application seeks to modify the Planning Assessment Commission's approval of the redevelopment of land at Tempe for an IKEA retail store, warehouse and office.

The approved development generally comprises a two storey IKEA showroom and warehouse, at grade car parking, landscaping and signage. Approved vehicular access to the site is from the Princes Highway and Bellevue Street.

Works are required within the Princes Highway and Bellevue Street road reserves, including road works and service relocations. The main road works within the Princes Highway road reserve comprise road widening along the site's frontage to create a slip lane and provision of traffic signals at the new access intersection with the Princes Highway.

The Princes Highway is an arterial road carrying approximately 60,000 vehicles over a 24 hour period. To minimise traffic impacts and ensure road safety, the Proponent requests that the approved construction hours be amended to allow night time works within the road reserve.

The modification request seeks to extend the approved construction hours in order to allow for works within the Princes Highway and Bellevue Street road reserves to be undertaken between 6:00pm and 6:00am, Monday to Sunday inclusive, until 30 September 2011.

The Proponent also requests approval to undertake non-noise generating internal works (including painting, electrical, hydraulic, mechanical and flooring) between 7:00am and 11:00pm, Monday to Friday and between 7:00am and 5:00pm, Saturdays until completion. The proposed modified hours would align with the curfew in place at Sydney Airport.

The Department considers that allowing works to occur at night will ensure minimal interruptions to traffic movements on the Princes Highway and Bellevue Street and to provide for the safety of construction workers and motorists. Further, the Department is satisfied that the internal works will generate minimal noise impacts.

Both Marrickville Council and the Roads and Traffic Authority have been notified of the modification, and neither has raised any objection to the extension of construction hours for works within the road reserve and internal works, subject to conditions.

The modification application is recommended for approval, subject to conditions as detailed in the Instrument of Modification attached at **Appendix D**.

The Proponent (IKEA and Cockram Constructions) have not declared any reportable political donations in respect to this application. However, the Proponent of the original Concept Plan application (Valad Commercial Management Ltd) disclosed a reportable political donation. In this regard, the application is referred to the Planning Assessment Commission in accordance with the Minister for Planning and Infrastructure's delegation of 28 May 2011.

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## 1. BACKGROUND

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### 1.1 Original Approval

On 27 April 2009, the Planning Assessment Commission (PAC) granted approval to the Concept Plan application MP07\_0149 for the following:

- **Redevelopment** of the site for the construction of a two storey rectangular - shaped building to house the IKEA showroom and warehouse. The lower floor consists of a market-hall, self-serve furniture area and warehousing. The **showroom, café and staff amenities** are located on the first floor and **warehouse/bulky goods and light industrial** use on the ground level of the ATECO building;
- **Retention and adaptive reuse** of the façades of the heritage-listed ATECO building and use for **commercial** floor space which will form the IKEA headquarters;
- **Car parking at grade for a maximum of 1,775 vehicles** to service the bulky goods showroom and warehouse and commercial building;
- **Public domain** improvements, infrastructure works and associated landscaping;
- **Demolition** of all buildings and structures on the site comprising of the KAS Auto, Kennard's and former Council tip sites and excavation; and
- **Signage** consisting of signage on each of the warehouse buildings elevations, and a circular configuration of 8 x 12m high flag poles with "IKEA" flags adjacent to the main vehicles entry on the Princes Highway frontage.

The approved project layout is provided at **Figure 1** over page. Approved road works within the Princes Highway road reserve comprise road widening along the site's frontage to create a slip lane and provision of traffic signals at the new access intersection with the Princes Highway (refer to **Figure 2** over page).

The approval was granted under Section 75P(1)(c) of the Act which allows the approval of a Concept Plan without requiring any further environmental assessment. In this regard, there was no requirement for the submission of a separate Project Application to enable the construction and operation of the facility.

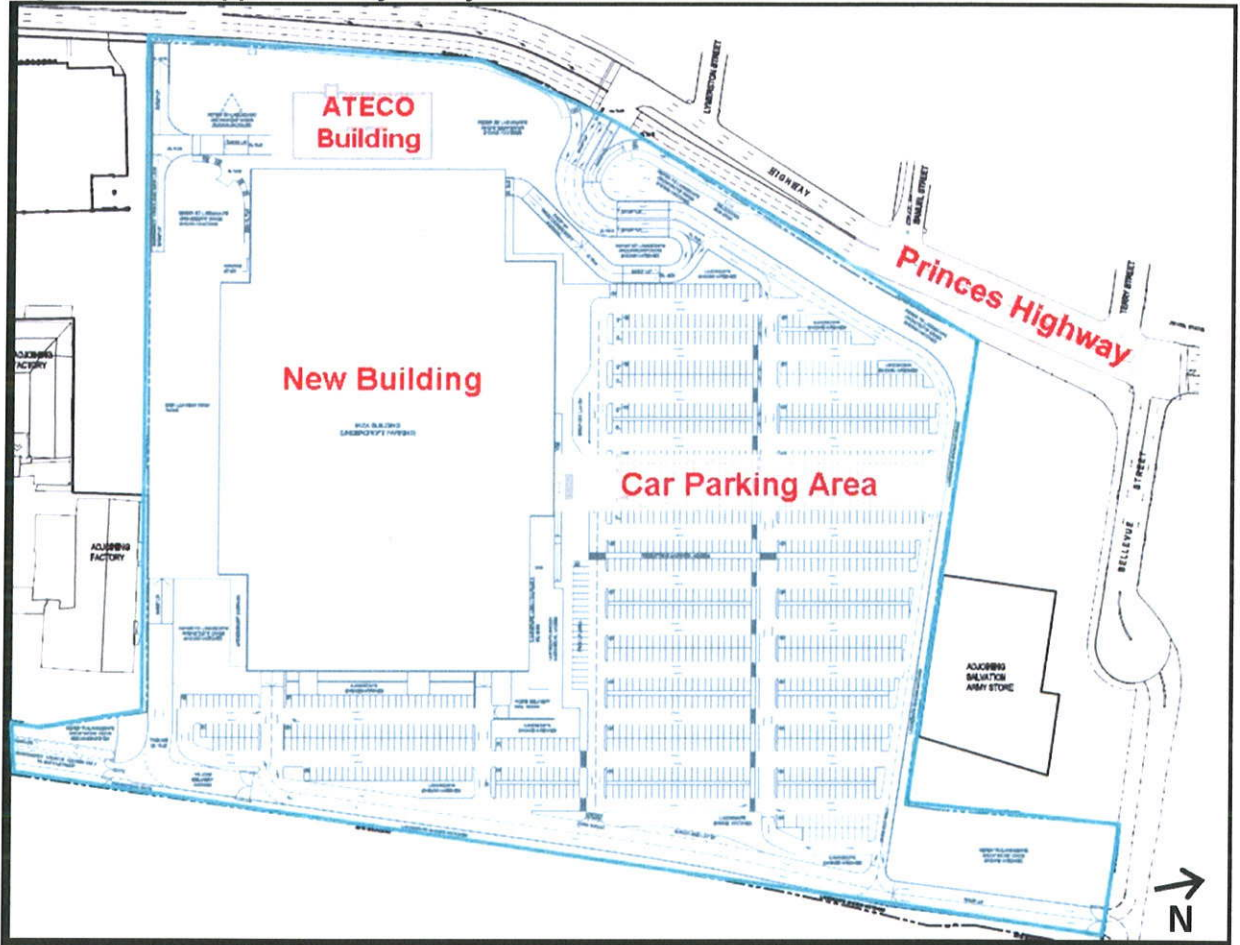
### 1.2 Previous Modifications

- **On 7 August 2009**, the approval was modified (MOD 1) to: amend the timing of certification to facilitate construction staging; vary conditions in regard to timing and final requirements of the remediation of the site; and the modification of a number of conditions to rectify minor typographical errors and duplications.
- **On 1 November 2010**, the approval was modified (MOD 2) to make minor design changes to the approved building; minor changes to the retained heritage building; a revised car park layout; a revised signage plan including three new signs; a revised landscaping plan including tree relocation; and the inclusion of a consultation strategy in the Statement of Commitments.
- **On 11 March 2011**, the approval was modified (MOD 3) to enable the replacement of an existing fire stair located on the northern elevation of the ATECO to ensure compliance with Building Code of Australia and fire safety standards.
- **On 21 June 2011**, the approval was modified (MOD 4) to allow operation of cranes (up to 24 metres in height) and associated construction work between 6:00pm and 6:00am, 7 days until 30 June 2011 in accordance with the SACL approval dated 8 February 2011; and operation of cranes (up to 40 metres in height) and associated construction work between 11:00pm and 5:00am, until 15 July 2011 in accordance with the SACL approval

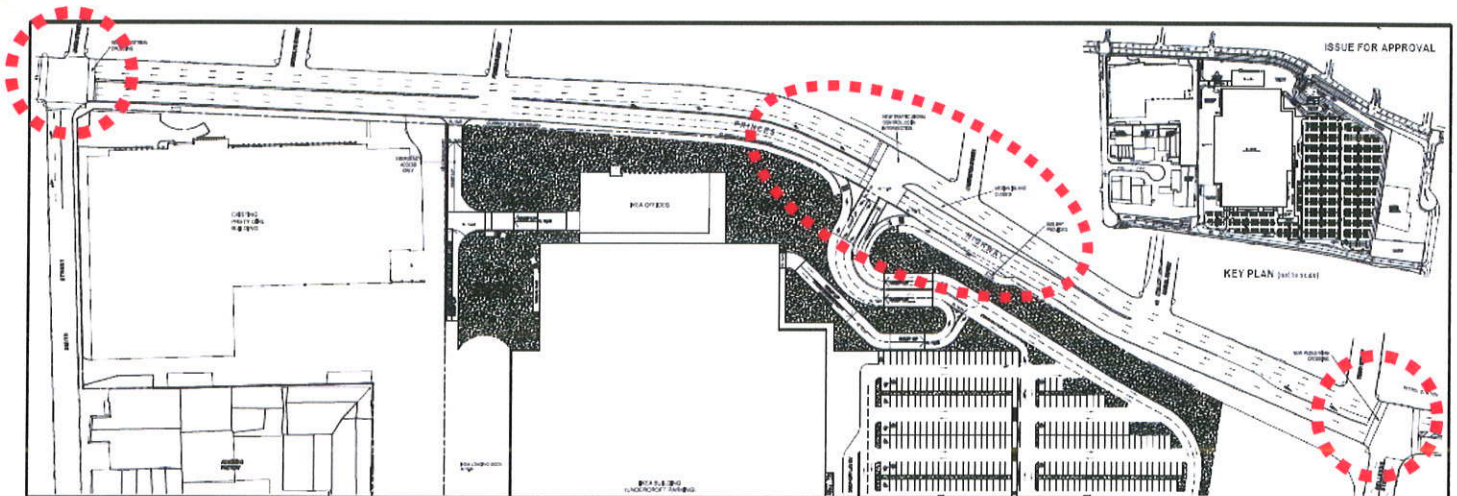
dated 26 May 2011. Conditions were imposed restricting the related construction work that may be carried out and requiring a Management Plan for night time crane operations.

Consolidated Conditions of Approval are provided at **Appendix C**.

**Figure 1: Approved Project Layout**



**Figure 2: Approved road and intersection works**



### 1.3 Site and Current Status

The subject site is located on the eastern side of the Princes Highway in Tempe, approximately 7km southwest of the Sydney CBD and 350 metres north of Sydney Airport (refer to **Figure 3** below). The site has an area of approximately 10ha, including the former Tempe Tip, with a frontage of approximately 160 metres to the Highway and a side access to Bellevue Street to the north.

Construction of above ground works are well advanced and overhead works to the roof and plant rooms have been completed. These works were associated with the approved crane operating hours which lapsed on 15 July 2011 (in accordance with Condition D7(a) of the Approval issued by the PAC, and the approvals issued by the Sydney Airport Corporation Limited).

It is understood that remediation work is being undertaken by both the Proponent and Marrickville Council (former operator of the Tempe Tip) on the northern portion of the site.

Landscaping works have also commenced, with the large Moreton Bay Fig Tree relocated due to the extent of earthworks required by the remediation.

The Proponent has advised that the intended store opening date is 27 October 2011.

**Figure 3: Site location**



## 2. PROPOSED MODIFICATION

### 2.1 Modification Description

Condition D7 of the Concept Plan Approval allows general construction work to occur on site between 7:00 am and 6:00 pm Mondays to Fridays and between 8:00 am and 1:00pm, Saturdays.

The Proponent seeks to modify the Condition D7 to allow:

- works within the road reserve of the Princes Highway and Bellevue Street between 6:00pm and 6:00am, Mondays to Sundays until 30 September 2011; and
- non-noise generating internal works (including painting, electrical, hydraulic, mechanical and flooring works) between 7:00am and 11:00pm, Monday to Friday and between 7:00am and 5:00pm, Saturdays, until completion.

It is noted that the proposed modification to allow night time works within the road reserve is sought on a temporary basis until 30 September 2011. The extended construction hours to complete internal works are requested until completion. It is noted that IKEA intend to open the store on 27 October 2011.

The amended application seeks to modify the approval as outlined in **Table 1** below:

**Table 1: Key Proposed Modifications Sought**

Day	Approved construction hours (Condition D7)	<u>Works within the road reserve</u> (proposed construction hours)	<u>Non-noise generating internal works</u> (proposed construction hours)	Resultant overall construction hours
<b>Monday to Friday</b>	7:00am – 6:00pm	6:00pm – 6:00am	7:00am – 11:00pm	7:00am – 6:00am (no work between 6:00am and 7:00am)
<b>Saturdays</b>	8:00am – 1:00pm	6:00pm – 6:00am	7:00am – 5:00pm	7:00am – 6:00am the following morning (no work between 6:00am and 7:00am)
<b>Sundays and Public Holidays</b>	No works permitted	6:00pm – 6:00am	No works	6:00pm – 6:00am (no work between 6:00am and 6:00pm)

The extension of construction hours as described above requires the modification of **Condition D7**.

The existing condition reads as follows:

**“D7 Hours of Work**

*The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:*

- (a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;*
- (b) between 8:00 am and 1:00 pm, Saturdays;*
- (c) no work on Sundays and public holidays.*

*Works may be undertaken outside these hours where:*

- (a) The delivery of materials is required outside these hours by the Police or other authorities,*
- (b) It is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and*
- (c) Residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.”*

In order to allow for the proposed works within the road reserve and internal works it is proposed to insert the following conditions:

**“D7(b) Hours of Work within the Road Reserve**

*Notwithstanding the requirements of Condition D7, work within the road reserve may occur between 6:00pm and 6:00am, Mondays to Sundays, inclusive until midnight on 30 September 2011, strictly in accordance with the requirements of Condition D17.*

*All other work must be undertaken strictly in accordance with the hours of work outlined in Condition D7.*

*After midnight 30 September 2011, all works and construction activity on site shall be carried out strictly in accordance with Condition D7.”*

**“D7(c) Hours of Work – Internal works**

*Notwithstanding the requirements of D7, non-noise generating internal works within the approved building (including painting, electrical, hydraulic, mechanical and flooring works) may occur between 7:00am and 11:00pm, Mondays to Fridays and between 7:00am and 5:00pm, Saturdays until completion.*

*All work external to the building and any noise generating works (audible at the property boundary) must be undertaken strictly in accordance with the hours of work outlined in Condition D7.*

An additional condition is recommended to ensure that any potential noise and vibration impacts and light spillage associated with the works undertaken in accordance with D7(b) are appropriately mitigated and that traffic controls are put in place to the satisfaction of the RTA as follows;

**“D17 Night time works within the road reserve**

(a) *The Proponent shall prepare and implement a Management Plan for night time works within the road reserve undertaken in accordance with Condition D7(b) which shall include, but not be limited to:*

- (i) *measures to achieve best practice noise and vibration control, in accordance with the DECC Interim Construction Noise Guidelines (2009);*
- (ii) *measures to minimise light spillage, including all lighting to be directed and/or shielded away from residential properties and used in a manner to not distract motorists;*
- (iii) *procedures for notifying residents in advance of construction activities that are likely to affect their noise and vibration amenity; and*
- (iv) *procedures for handling and dealing with complaints.*

*The Plan shall be submitted for the information of the Director-General within 7 days of this modification approval, or as otherwise agreed to by the Director-General.*

(b) *The Proponent shall submit a revised Traffic Management Plan and Traffic Control Plan prepared by a suitably qualified practitioner to the RTA Transport Management Centre for approval prior to the commencement of night time works within the road reserve”.*

### **3. STATUTORY CONTEXT**

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#### **3.1 Modification of the Minister's Approval**

The modification application has been lodged with the Department pursuant to Section 75W of the Act. Section 75W allows the modification of an approval including *'revoking or varying a condition of the approval or imposing an additional condition of the approval'*.

It was not considered necessary to notify the Proponent of environmental assessment requirements pursuant to Section 75W(3) with respect to the proposed modification, as sufficient information was provided to the Department to consider the application.

The proposed modification application does not result in a radical transformation of the proposal as originally approved and relates only to the permissible hours of construction for a temporary period. The application can therefore be approved pursuant to the powers and discretion available under Section 75W of the Act.

## 4. CONSULTATION AND SUBMISSIONS

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In accordance with Section 75J of the *Environmental Planning and Assessment Act 1979* and Clause 8G of the *Environmental Planning and Assessment Regulation 2000*; the modification request was made available to the public on the Department's website and referred to Marrickville Council and the Roads and Traffic Authority for comment.

### 4.1 Public Authority Submissions

The Department received a written submission from Marrickville Council and the Roads and Traffic Authority.

On 29 June 2011, Marrickville Council wrote to the Department raising no objection to the proposed modification to permit internal works between 7:00am and 11:00pm, Monday to Friday and 7:00am to 5:00pm, Saturdays. In relation to the works within the road reserve, Council requested that a Management Plan be required including procedures for notifying residents and other neighbours of the works and that a contact/complaints mechanism is put in place.

The Department has incorporated Council's comments into the recommended Conditions of Approval.

On 13 July 2011, the Roads and Traffic Authority (RTA) wrote to the Department raising no objections to the proposed night time construction hours for works within the road reserve, subject to revisions to the existing Traffic Management Plan and Traffic Control Plan. The requirement for a revised Traffic Management Plan and Traffic Control Plan has been incorporated within the recommended condition of approval (Condition D17).

On 15 July 2011, the RTA provided a further submission to the Department including additional conditions to be imposed in relation to the requirement for a Road Occupancy Licence and compliance with the DECC *Interim Construction Noise Guidelines* (2009). The Department notes that Condition B24 of the Approval requires a Road Occupancy Licence for any construction works that may impact on traffic flows on the Princes Highway. An additional condition is not required. Compliance with the DECC *Interim Construction Noise Guidelines* (2009) has been incorporated within the recommended condition of approval (Condition D17).

### 4.2 Public Submissions

No public submissions were received in respect of the proposed modification.

## 5. ASSESSMENT

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The Department considers that key issues for this modification application to be:

- Noise Impacts;
- Light Spillage; and
- Vibration.

### 5.1 Noise Impacts

#### Works within the road reserve

The Princes Highway carries approximately 60,000 vehicles over a 24 hour period. Due to the high volumes of daytime traffic, it is not appropriate to undertake works within the road reserve during day time hours. It is noted that the RTA frequently undertakes major road maintenance and other works during night time hours to ensure that the safety and efficiency of the arterial road network is maintained.

The land uses immediately adjacent to the site generally comprise of industrial and warehouse uses which are unlikely to be adversely affected by the extended construction hours for works within the road reserve.

There are a number of residential receivers directly opposite the site on the northern side of the Princes Highway. The next nearest residential properties are located in Smith Street (refer to **Figure 3** above) approximately 200 metres south of the site and adjacent to industrial warehouses.

There is the potential for noise impacts associated with the proposed night time road construction works to affect these nearby residential properties.

The Department considers that the separation distance between the properties in Smith Street from the site and the existing physical barriers (Princes Highway and industrial buildings) would reduce noise impacts on residents.

Further, it is noted that surrounding residential properties (in particular those on the other side of the Princes Highway) are generally affected by both background traffic noise and aircraft noise. Many properties have been acoustically treated (or are entitled to treatment) under the Federal Government's *Aircraft Noise Insulation Program*. Dwellings which have been acoustically treated would be further protected from potential noise associated with the night time works within the road reserve.

In order to further mitigate impacts associated works within the road reserve, an additional condition (Condition D17) is recommended. This condition requires best practice noise and vibration control in accordance with the DECC *Interim Construction Noise Guidelines (2009)*, measures to minimise light spillage, traffic control measures, procedures for advance notification of residents and a complaints handling procedure. A Management Plan identifying the measures to minimise night time noise emissions, vibration and light spillage is required.

#### Internal works

The proposed internal works include painting, electrical, hydraulic, mechanical and flooring works within the approved building. The Proponent has confirmed that the external walls and roof of the building have been installed, and that any noise and light impacts from internal works will be confined to the building.

As discussed above, the adjoining land uses are industrial/warehouses and are not sensitive to any noise impacts. Further, due to the distance between the building and the surrounding residential properties and existing background noise levels, the works are unlikely to cause any unreasonable noise impacts.

#### Conclusion

The Department considers that the likely noise impacts associated with night time roads works and internal works are acceptable given that:

- the works to be undertaken outside of the approved construction hours are limited to works within the road reserve and non-noise generating internal works only. No other construction works are permitted;
- the extended hours are required to allow for works within the road reserve to be undertaken with minimal disruptions to traffic flow and to ensure the safety of motorists and construction workers;
- the locality is characterised by noisy activities and land uses, including the Sydney Airport, Princes Highway and existing industrial uses;

- the nearest properties are occupied by industrial uses which are not sensitive to noise impacts;
- many surrounding properties have been acoustically treated to minimise the impacts of aircraft noise, which will in turn reduce the sensitivity to noise impacts associated with the crane operation outside of the approved construction hours;
- the internal works to be undertaken include non-noise generating works (eg. painting) and any noise that is generated will be within the building with minimal impacts on nearby residential properties;
- the imposition of an additional condition (D17) requiring a Management Plan covering night time works within the road reserve will ensure that these works will be undertaken in accordance with the DECC *Interim Construction Noise Guidelines (2009)* and that excessive levels of noise and vibration are avoided. Further, the Management Plan will require notification of affected residents and a procedure for dealing with complaints; and
- the extended construction hours for works within the road reserve and internal works are sought on a temporary basis until 30 September 2011 and until completion of the store, respectively.

## 5.2 Light Spillage

It is noted that light spillage may potentially impact some nearby residences and motorists. In this regard, an appropriate condition has been recommended to require any lighting to be directed and/or shielded away from residential properties and used in a manner to not distract motorists. On this basis, the Department considers that the impacts are acceptable.

## 5.3 Vibration

The Department considers that the nature of works to be undertaken outside of the approved construction hours is unlikely to cause adverse impacts in terms of vibration. Recommended Condition D17 requires the implementation of measures to minimise vibration impacts.

## 6. DELEGATION

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On 28 May 2011, the Minister for Planning and Infrastructure delegated his powers and functions under Section 75W of the *Environmental Planning and Assessment Act 1979* to the Planning Assessment Commission in cases where a statement was made disclosing a reportable political donation in connection with any previous concept plan or project application.

The previous Proponent (Valad Commercial Management Ltd) provided a statement disclosing a reportable political donation with the previous Concept Plan Application (MP07\_0149).

Accordingly, this modification application is referred to the PAC for determination.

## 7. CONCLUSION AND RECOMMENDATION

The modification consists of an extension to the approved construction hours to allow for works within the road reserve to be undertaken during the night, to minimise interruptions to traffic and ensure safety of motorists and construction workers. The application also seeks to extend the construction hours for non-noise generating internal works to ensure the timely completion of the development. There are no physical modifications to the development, as approved

The proposed extension of construction hours for internal works is unlikely to cause unacceptable impacts in terms of noise, vibration or light spillage. All noise generating, and/or external works will continue to be undertaken within the standard construction hours for the development.

The short term potential noise, vibration and light spillage impacts on nearby residential properties caused by the proposed night time works within the road reserve are considered acceptable given the separation between the site and nearest residential properties, and mitigation measures to be implemented by the Proponent and the Department's recommended conditions.

It is recommended that the Planning Assessment Commission:

- (A) **Consider** the recommendations of this report;
- (B) **Approve** the modification, subject to conditions; under Section 75W of the *Environmental Planning and Assessment Act. 1979*, and
- (C) **Sign** the attached Instrument of Modification (**Appendix D**).

**Endorsed by**

A/Anthony Witherdin  
**Director**  
**Metropolitan & Regional Projects South**

**Endorsed by**

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**A/Executive Director**  
**Major Projects Assessment**

**Endorsed by**

Richard Pearson  
**Deputy Director-General**  
**Development Assessment & Systems Performance**