



***MODIFICATION REQUEST:
IKEA development
630-726 Princes Highway, Tempe
including former Tempe Tip site
MP07_0149 MOD 6***



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

September 2011

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*NSW Government
Department of Planning & Infrastructure*

EXECUTIVE SUMMARY

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.

A modification request (MP07_0149 MOD 5) was approved by the Planning Assessment Commission on 27 July 2011 to:

- extend the approved construction hours to allow night time 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
- permit non-noise generating internal works between 7:00am and 11:00pm Monday to Friday and between 7:00am and 5:00pm, Saturdays, until completion of works.

The subject modification request seeks to extend the currently approved night time road works construction hours from 1 October 2011 until 30 November 2011.

The Department considers that extending the period of night time road works will have minimal interruption to traffic movements on the Princes Highway and Bellevue Street and will have minimal impact on nearby residents.

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, subject to conditions. The modification was placed on the Department's website. No public submissions were received.

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. In accordance with the Minister's endorsement of the Department's policy on 17 August 2011, the application can be determined by the Director General.

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1. BACKGROUND

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.

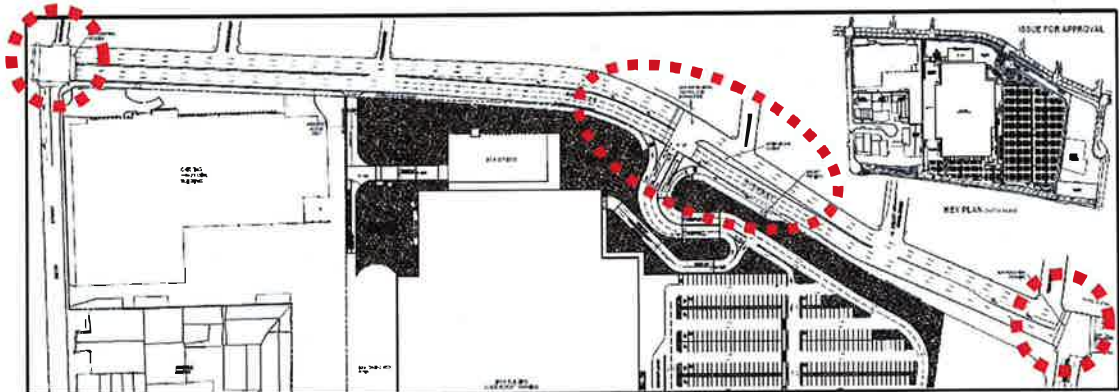
- **On 27 July 2011**, the approval was modified (MOD 5) to extend the approved construction hours to allow night time works within the Princes Highway and Bellevue Street road reserves to be undertaken between 6:00pm and 6:00am, Monday to Sunday inclusive, until 30 September 2011 and permit non-noise generating internal works between 7:00am and 11:00pm Monday to Friday and between 7:00am and 5:00pm, Saturdays, until completion of works. Conditions were imposed to facilitate the night time road works (Condition D7(b)) and requiring a Management Plan for the same works (Condition D17).

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.

The Proponent has advised that although it is intended that the store be opened on 27 October 2011, there will be road surfacing works and central median completion works that will be outstanding beyond that date, requiring the night time road works construction hours to be extended until 30 November 2011.

Figure 3: Site location



2. PROPOSED MODIFICATION

2.1 Modification Description

The modification request seeks to extend the currently approved night time road works construction hours from 1 October 2011 until 30 November 2011.

The Concept Plan Approval was amended by Modification 5 to allow night time works within the Princes Highway and Bellevue Street road reserves to be undertaken until 30 September 2011 and provided approval conditions D7(b) and D17 to facilitate and manage this work. The proposed modification would require the modification of D7(b) to extend the currently approved night time road works to read:

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 November 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 November 2011, all works and construction activity on site shall be carried out strictly in accordance with Condition D7.

3. STATUTORY CONTEXT

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

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 August 2011, Marrickville Council wrote to the Department raising no objection to the proposed modification. 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. This requirement was previously included in the Conditions of Approval under Modification 5 approved by the PAC on 27 July 2011.

On 5 September 2011, the Roads and Traffic Authority wrote to the Department raising no objection to the proposed modification, subject to any necessary revision of the existing Traffic Management Plan and Traffic Control Plan and that the Department ensure that the night time works are undertaken in accordance with the DECC Interim Construction Noise Guidelines (2009). These requirements were previously included in the Conditions of Approval under Modification 5 approved by the PAC on 27 July 2011. The Department does not consider it necessary that the Traffic Management Plan and Traffic Control Plan be further revised.

4.2 Public Submissions

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

5. ASSESSMENT

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

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

5.1 Noise Impacts

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 extension to night time road construction work hours to affect these nearby residential properties. However, the Department considers that Condition D17 appropriately mitigates any potential impacts arising from the night time road works.

5.2 Light Spillage

It is noted that light spillage may potentially impact some nearby residences and motorists. The Department considers that Condition D17 appropriately mitigates any potential impacts arising from potential light spillage.

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. The Department considers that Condition D17 appropriately requires the implementation of measures to minimise vibration impacts.

6. DELEGATION

On 17 August, 2011 the Minister for Planning and Infrastructure endorsed a Departmental policy that the Director General may determine requests under Section 75W of the Environmental Planning and Assessment Act 1979 to modify Part 3A

approvals where there has been a reportable political donation disclosure lodged only in respect to a previous application, and where:

- there are less than 10 submissions by way of objection by members of the public, and
- where the relevant council has not objected to the modification.

The above criteria applies to this Section 75W request as a reportable political donation was declared in relation to the original application, however Council did not object to the proposal and no public submissions were received. No reportable political donations were declared in relation to this Section 75W request. The application can therefore be determined by the Director General under delegated authority.

7. CONCLUSION AND RECOMMENDATION

The modification consists of an extension to the currently approved night time construction hours for works within the road reserve from 1 October 2011 until 30 November 2011.

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

It is recommended that the Director General:

- (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**).

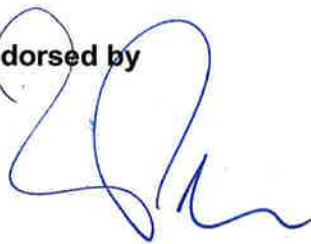
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