ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

APPROVAL OF MAJOR PROJECT NO. 07_0149

(FILE NO. S07/01854)

CONCEPT PLAN FOR THE REDEVELOPMENT OF 630-726 PRINCES HIGHWAY, TEMPE FOR BULKY GOODS RETAIL STORE AND WAREHOUSE, COMMERCIAL OFFICES, PARKING, INFRASTRUCTURE WORKS AND ASSOCIATED SIGNAGE

The Planning Assessment Commission of New South Wales (the Commission) under the *Environmental Planning and Assessment Act* 1979 determine:

- (a) under section 75O, to approve the concept plan for the project referred to in Schedule 1 subject to the conditions of approval in Schedule 2 and the Proponent's Statement of Commitments in Schedule 3.
- (b) under section 75P(1)(c), that the project described by the Concept Plan requires no further environmental assessment, or approval subject to conditions of consent imposed pursuant to section 75J(4) and, provided conditions of consent are complied with, and as outlined in Schedule 2;
- (c) under section 75P (1) (b), that all future development on the site be subject to Part 4 or Part 5 of the Act and Marrickville Council shall be the consent authority, subject to compliance with (d) below; and,
- (d) under sections 75P(1)(a) and 75P(2)(c) that future development be subject to the requirements set out in Schedule 2.

The reason for the imposition of these conditions are:

- (1) To ensure the site is appropriately managed for the proposed use;
- (2) To adequately mitigate the environmental and construction impacts of the development;
- (3) To reasonably protect the amenity of the local area; and
- (4) To protect the public interest.

Member of the Commission

Member of the Commission

Member of the Commission

Sydney, 27 April 2009

SCHEDULE 1

PART A — TABLE

Application made by:	Valad Property Group Pty Ltd
Approval Authority	Planning Assessment Commission of New South Wales
Major Project Application:	MP 07_0149
On land comprising:	630-726 Princes Highway, Tempe (Lot A in DP 399884, Lot B in DP 399884, Lot A in DP 385209, Lot E in DP 385210, Lot 201 in DP 1097238 and Lot 200 in DP 1097238).
Local Government Area	Marrickville
For the carrying out of:	Bulky goods retail store and warehouse, commercial offices (IKEA corporate headquarters), parking, infrastructure works and associated signage.
Estimated Cost of Works	\$120,000,000
Type of development:	Major Project
S.119 Public inquiry held:	No
Determination made on:	

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 07_0149

Responsibility for other approvals / agreements

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

PART C—DEFINITIONS

In this consent,

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

Advisory Notes means advisory information relating to the approved development but do not form a part of this consent.

Certifying Authority means a Certifying Authority and has the same meaning as Part 4A of the Act.

Council means Marrickville Council.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department.

Environmental Assessment means the Environmental Assessment prepared by Urbis on behalf of Valad Commercial Property Pty Ltd and dated October 2008 and as amended by the Preferred Project Report prepared by Urbis and dated February 2009.

Minister means the Minister for Planning.

MP No. 07_0149 means the Major Project described in the Proponent's Environmental Assessment Report.

PAC means Planning Assessment Commission of New South Wales.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Preferred Project means the Preferred Project report and appendices prepared by Urbis on behalf of IKEA and dated February 2009.

Proponent means Valad Commercial Property Pty Ltd or any party acting upon this consent.

Regulation means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2

RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 07_0149

PART A — TERMS OF APPROVAL

A1 Development Description

(1) Development consent is granted only to carrying out the development described in detail below:

- 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.

A2 Development in Accordance with Plans

The approval shall be in accordance with Major Project No. 07_0149 and with the Environmental Assessment dated October 2008 prepared by Urbis including all Appendices, except where amended by the Preferred Project Report and appendices dated February 2009 and prepared by Urbis, and the Statement of Commitments prepared by Urbis dated 19 February 2009 and the following drawings:

Architectural (or Design) Drawings prepared by Krikis Tayler Retail at Appendix D of the Environmental Assessment except where superseded by the Preferred Project Report			
Drawing No.	Revision	Name of Plan	Date
DA-001	С	Existing Site Plan Analysis Plan Location Plan	16.10.08
DA-002	D	Proposed Site Analysis Plan	03.02.09
DA-101	G	Lower Ground Floor General Arrangement	16.10.08
DA-102	G	Ground Floor General Arrangement	16.10.08
DA-103	_	Upper Ground Floor General Arrangement	24.02.09
DA-104	F	Roof General Arrangement	11.02.09
DA-111	E	IKEA Office Building Plans	16.10.08

DA-201	G	Overall Site Elevations	03.02.09
DA-202	Е	Overall Site Sections	23.02.09
DA-203	G	IKEA Building Elevations	03.02.09
DA-204	E	IKEA Office Building Elevations	16.10.08
DA-402	С	Signage Details	03.02.09
		ncept Plans prepared by <i>Taylor Th</i> opendix F of the Preferred Project Repo	
Drawing No.	Revision	Name of Plan	Date
C101	P4	Site Works & Stormwater Plan Sheet 1	10.10.08
C102	P6	Site Works & Stormwater Plan Sheet 2	09.02.09
C103	P4	Site Works & Stormwater Plan Sheet 3	10.10.08
C104	P5	Site Works & Stormwater Plan Sheet 4	10.10.08
C105	P5	Site Works & Stormwater Plan Sheet 5	10.10.08
C106	P7	Site Works & Stormwater Plan Sheet 6	16.02.09
C107	P6	Site Works & Stormwater Plan Sheet 7	09.02.09
C108	P4	Site Works & Stormwater Plan Sheet 8	10.10.09
C109	P7	Site Works & Stormwater Plan Sheet 9	16.02.09
Methane Gas Treatment Plans prepared by <i>Taylor Thomas Whitting Consulting Engineers</i> at Appendix M of the Environmental Assessment			
C400	P3	Methane Gas Treatment Plan	10.10.08
C401	P2	Methane Gas Treatment Sections	10.10.08
Landscape Plan prepared by Site Image Landscape Architects at Appendix H of the Preferred Project Report			
101	Н	Landscape Plan	05.02.2009
Traffic Plan prepared by Taylor Thomson Whitting at Appendix A of the Preferred Project Report			
TR-102	D	Proposed Traffic Plan	20.01.09

except for:

- (1) any modifications which are 'Exempt Development' as identified in *Marrickville LEP 2001* or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- (2) otherwise provided by the conditions of this consent.

A3 Inconsistency between plans and documentation

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above including the Statement of Commitments, the conditions of this consent prevail.

A4 Lapsing of Approval

The project approval will lapse 5 years after the approval date in Part A of Schedule 1 of this approval unless specified actions has been taken in accordance with Section 75Y of the Act.

A5 Compliance with relevant Legislation and Australian Standards

The Proponent shall comply with all relevant Australian Standards and Codes (including Building Code of Australia) and obtain all necessary approvals required by State and

Commonwealth legislation in undertaking the project described in Condition A1, Part A, Schedule 2 of this approval.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Design Modifications

Prior to the issue of the Construction Certificate the following modifications are to be made to the approved plans:

- (a) Signage: The pylon sign does not form part of this approval. A separate Development Application for any proposed signs (other than those approved under this approval) must be submitted to and approved by Council prior to the erection or display of any such signs.
- (b) Gas Ventilation Stacks: An amended plan showing details of the proposed heights and locations of the required gas ventilation stacks is to be provided to the Certifying Authority prior to the issue of a Construction Certificate. The ventilation stacks are to be setback a minimum of 5 metres from the adjoining property to the east in order to reduce any potential impacts on the future development of this site.
- (c) The at grade car park layout shall be amended to provide 2 additional north south pedestrian access aisles extending from the entry forecourt to the most northern line of parking bays. The additional aisles shall be of a similar design and dimension to the pedestrian access aisle detailed on Plan No. DA 101 G: Lower Ground Floor General Arrangement, dated 16.10.08 prepared by Krikis Tayler Retail.
- (d) The at-grade car park layout shall be amended to provide for the planting of a total of 270 super-advanced trees (species as nominated on the approved landscape plan) to be planted at even spacing across the carpark at intervals of 1 tree per 4 carparking spaces.

B2 Structural Details

Prior to issue of the Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (a) the relevant clauses of the BCA,
- (b) the relevant development consent,
- (c) drawings and specifications comprising the Construction Certificate, and
- (d) the relevant Australian Standards listed in the BCA (Specification Al.3).

Prior to works commencing, structural details and a Structural Certificate for Design in accordance with Clause A2.2(a)(iii) of the Building Code of Australia must be submitted to the satisfaction of the Certifying Authority.

B3 Stormwater and Drainage

Prior to release of any Construction Certificate, details of the proposed stormwater disposal and drainage relating to the carpark as it relates to the approved buildings on the site (MP07_0149), in accordance with Council's standard requirements, and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way.

B4 Sydney Water Notice of Requirements

Prior to issue of a Construction Certificate, a Notice of Requirements under Part 6, Division 9 of the *Sydney Water Act 1994* shall be obtained and a copy must be submitted to the Certifying Authority (Council or a private accredited certifier).

B5 Sustainability Management Plan

A Sustainability Management Plan is to be developed for the development and is to identify and monitor the sustainability initiatives throughout the design, construction and operational phases of the project. The plan is to incorporate the ESD principles outlined in the Statement of Commitments and the Sustainability Statement prepared by Cundall dated 16 September 2008. The Plan is to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

B6 Construction Management Plan

Prior to release of the Construction Certificate, the Proponent shall provide the Construction Management Plan to Council, the Department and the Certifying Authority in accordance with the Proponent's Statement of Commitments (attached Schedule 3).

The Construction Traffic Management Plan shall address the following key issues:

Description of anticipated impact of the construction works on:

- local traffic routes:
- pedestrian circulation adjacent to the building site; and
- on-street parking in the local area.

Describe the means proposed to:

- manage construction works to minimise such impacts,
- provide for the standing of vehicles during construction,
- provide for the movement of trucks to and from the site, and deliveries to the site.

Show the location of:

- any site sheds and any anticipated use of cranes and concrete pumps,
- any areas of Council property on which it is proposed to install a Works Zone (Construction Zone),
- structures to be erected such as hoardings, scaffolding or shoring,
- any excavation.

Describe any proposed excavation impacts on the area including:

- Number and types of trucks to be used
- Time frame
- Streets to be used
- Routes to be taken
- Directions of travel
- Truck storage areas

Provide details in relation to landscaping as follows:

- Measures to address the relocation of the Moreton Bay Fig.
- Measures to address the protection of built and landscape elements.

The Plan shall also make provision for and identify all materials, plant, etc. to be stored within the development site at all times during construction.

B7 Landscaping of the Site

Prior to the issue of a Construction Certificate, a detailed landscape plan, drawn to scale, by a landscape architect or approved landscape consultant, shall be submitted to and approved by the Department. The plan is to include specifies details in relation to:

(a) Location of existing and proposed structures on the site including existing trees;

(b) Details of earthworks including mounding and retaining walls and planter boxes;

- (c) Location, numbers and type of plant species;
- (d) Details of planting procedure and maintenance;
- (e) Details of drainage and watering systems;
- (f) An ongoing maintenance plan;
- (g) Proposed irrigation systems and location of water outlets; and
- (h) details of height, colour and material of all fencing within the development.

In particular the landscape plan is to demonstrate the following:

- Relocation of the existing Moreton Bay fig to the staff outdoor recreation area;
- Provision of a minimum of sixteen (16) trees along the Princes Highway frontage in cluster planting;
- Appropriate landscape screening of the gabion walls with climbing plants;
- A minimum of twelve (12) trees in planters at the entrance to the store; and
- A variation of tree species within the car park.

All new landscaping should be locally endemic species where appropriate.

B8 Accessibility

The development shall meet the requirements of AS1428 Parts 1, 2 and 4, AS 2890.1 with regards to accessible parking and AS 1735.12 in relation to lifts as identified in the "Access Report: IKEA Tempe, Princes Highway, Tempe" prepared by Accessibility Solutions dated 10 October 2008. A detailed plan demonstrating compliance with these requirements is to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

B9 Accessible Car Parking Spaces

Of the 1,775 car spaces to be provided as part of the development a minimum of 28 accessible spaces with dimensions of 3.2m x 5.5m (with a minimum headroom of 2.5m) and must be clearly marked and appropriately located as accessible parking for people with mobility impairment.

The design and layout of the accessible car parking is to be provided in accordance with Australian Standard AS/NZS 2890.1 – 2004 Parking facilities Part 1: Off-street car parking. The details must be submitted to and approved by the Certifying Authority prior the issue of a Construction Certificate.

B10 Section 94 Contributions

A total contribution of \$3,569,941.93 has been assessed as the contribution for the development under Section 94 of the *Environmental Planning and Assessment Act 1979* and shall be paid prior to the issue of a Construction Certificate or as agreed by the Department. The contribution is towards:-

- (a) \$2,031,294.00 for upgrade to Bellevue Street (works-in-kind);
- (b) \$1,454,948.13 for Traffic Management Contribution (monetary) to fund the Tempe LATM study, implement recommendations contained in the LATM study and other nomiated works within sub-area 7 of the Marrickville Council's Section 94 Contributions Plan 2004 (as amended); and
- (c) \$83,669.80 Plan Administration Fee (monetary).

Contributions will be adjusted at the time of payment in line with any change in the Consumer Price Index: All Groups Index Number for Sydney provided by the Australian Bureau of Statistics. The adjusted contribution payable will be the rate in the Council's adopted Fees and Charges Schedule for the financial year in which the contribution is paid.

Indexing: The above Contributions apply to the end of the 2007/2008 Financial Year after which the Contributions will be indexed.

B11 Local Area Traffic Management Study

The Proponent shall enter into a Deed of Agreement or other legally binding instrument with Council for funding of an additional \$25,000 towards the preparation of a Local Area Traffic Management Study (LATM) order to address local traffic conditions. Details of the agreement are to be provided to the Department and the Certifying Authority prior to the issue of a Construction Certificate.

B12 Long Service Levy

Prior to the issue of a Construction Certificate for the works approved by this approval, the Building and Construction Industry Long Service Corporation levy of \$420,000.00 under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 must be paid to Council (or, where such a levy is payable by instalments, the first instalments of the levy).

B13 Secure Bicycle Storage and Facilities

Details of the layout, design and security of bicycle facilities off-street are to be provided to the Certifying Authority prior to the issue of a Construction Certificate. The parking must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 *Parking Facilities Part 3: Bicycle Parking.* Bicycle parking for the development is to be provided in accordance with the requirements of Marrickville Council Parking Strategy DCP 19.

The plan shall also include details of the location and number of showers (with change area) and personal lockers available.

B14 Outdoor Lighting

All outdoor lighting shall comply with, AS/NZS1158.3.1: 2005 Pedestrian Area (Category P) Lighting and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*, where relevant. Details demonstrating compliance with the relevant requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the development.

B15 Car Parking Spaces and Dimensions

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities (including driveways, grades, aisle widths, turning paths, sight distance requirements and parking bay dimensions) must comply with the minimum requirements of Australian Standard AS 2890.1 - 2004 and AS 2890.2 – 2002 for heavy vehicles. The details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

B16 Vehicle Manoeuvrability

The swept path of the longest vehicles (including garbage trucks) entering and existing the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. A detailed plan is to be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

B17 Waste Management Plan

A Waste Management Plan addressing demolition, construction and ongoing operational waste management measures shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate. The plan shall address the requirements of Council's Waste Management DCP 27 Parts 1 and 2 as well as the details provided in the Report titled "Meeting the Customer – Guidelines for Environmental Work in IKEA Retail".

B18 Stormwater Discharge

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RTA and the Certifying Authority for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management Roads and Traffic Authority PO BOX 973 Parramatta CBD 2124

B19 Mechanical Ventilation

Prior to the issue of a Construction Certificate details of all mechanical ventilation systems designed in accordance with Part F4.5 of the Building Code of Australia complying with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection shall be submitted to the satisfaction of the Certifying Authority.

B20 Erosion and Sediment Control

Prior to the issue of a Construction Certificate a Soil and Water Management Plan (SWMP) must be submitted to and be approved by the Certifying Authority. The SWMP must identify and respond to all items for Erosion and Sediment Control Plans as follows:

- (a) existing site contours;
- (b) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater; and
- (c) location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

B21 Footpath and Road Damage Bank Guarantee

Prior to release of the Construction Certificate the Proponent must provide a bank guarantee for a sum to be determined by Council as security for rectification of any damage to the public way and roadways adjacent to Princes Highway, Bellevue Road and Smith Street resulting from the works the subject of this approval.

B22 Noise Attenuation

Details of noise attenuation measures are to be incorporated into the design of the development in accordance with Australian Standard 2021-2000 in relation to interior design sound levels. Details are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021- 2000.

B23 Reflectivity

The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B24 Road Occupancy Licence

A Road Occupancy Licence shall be obtained from the RTA for any works that may impact on traffic flows on Princes Highway during construction activities.

B25 Kerb and Guttering

Prior to the issue of a Construction Certificate the Proponent shall sign and submit a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. A copy of the undertaking shall be provided to Council, the Department and the Certifying Authority.

B26 Demolition and excavation

No demolition or excavation shall commence until a Construction Certificate has been issued.

B27 Utility Services

Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.

B28 Relocation of Moreton Bay Fig tree

The existing *Ficus macrophylla (Moreton Bay Fig)* is to be transplanted to the staff courtyard to the immediate northwest of the loading dock. A qualified arborist's report including a plan of management for the transplantation and confirming the health of the species must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.

If the Arborist's report indicates that the tree is in a state of decline, details of appropriate replacement planting shall be provided to the Department for approval.

B29 Crime Management and Safety

Details/plans are to be submitted to the Certifying Authority for approval demonstrating that development has been appropriately addressed with regards to crime management and safety of the development as detailed in the Statement of Commitments in Schedule 3.

B30 BCA Compliance

Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia at outlined in *Condition A14.*

B31 Site Interpretation Plan

A Site Interpretation Plan shall be prepared in accordance with the recommendations of the Heritage Impact Assessment prepared by Godden Mackay Logan dated September 2008.

B32 Security Gates and Bollards – Smith Street Emergency Access

Prior to issue of the Construction Certificate, the Proponent shall submit details showing that the gated access to the loading docks and Smith Street emergency access in keeping with those details shown on the Landscape Plan drawing number 101 (Rev H), dated 05.02.09 and prepared by Site Image Landscape Architects. Bollards at the Smith Street entrance are to be provided in accordance with the details shown on the Site Works & Stormwater Plan Sheet 6 (Rev P7), dated 16.02.09, prepared by Taylor Thomas Whitting Consulting Engineers to the satisfaction of the Certifying Authority.

B33 Public Utility/Relocation Works

The Proponent is responsible for all public utility adjustment/relocation works necessitated by the development as required by the relevant public utility authorities and/or their agents.

B34 Crime Prevention through Environmental Design

The development is to incorporate the mitigation measures outlined in Section 8 of the "Crime Prevention through Environmental Design: IKEA Tempe" report prepared by Urbis dated July 2008 as part of the design and ongoing operation of the development.

B35 Contamination

The portion of the site identified as Lot 200 and Lot 201 in DP 1097238 must comply with the Environmental Management Plan "Tempe Lands, Site Environmental Management Plan for Areas 1A and 1B" dated 19 April 2006 by Tenix Projects.

B36 ESD Principles

The development shall meet the relevant ESD requirements as outlined in Marrickville Council's DCP No. 32 – 'Energy Smart Water Wise' for industrial developments and as detailed in the Statement of Commitments.

B37 Shared Pedestrian/Cycleway

A shared pedestrian/cycleway shall be constructed on the eastern alignment of the Princes Highway between Smith Street and Bellevue Street intersections. The works shall be designed and constructed to meet Marrickville Council standard specifications for such facilities and detailed design plans shall be submitted to and approved by Council prior to the commencement of any works.

B39 Aircraft Safety

All buildings, infrastructure, external lighting and signage on site shall be designed, located, operated and constructed to comply with the requirements prescribed under the Part 12 Division 4 of the Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996 in respect of Obstacle Limitation Surface (OLS), and Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) specification.

PART C—PRIOR TO COMMENCEMENT OF WORKS

C1 Construction Certificate required prior to construction works In accordance with the provisions of Section 81A of the Environmental Planning and Assessment Act 1979 construction works approved by this consent must not commence until:

- (a) a Construction Certificate for the building work has been issued by the consent authority, Council or a certifying authority; and
- (b) a Principal Certifying Authority has been appointed and the Department and Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

C2 Erosion and Sediment Control

All erosion and sediment control measures, in accordance with the Proponent's Erosion and Sediment Control Plan are to be effectively implemented.

C3 Risk Assessment/Management Plan

A Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) shall be prepared for the proposed development and submitted to RailCorp for approval prior to the commencement of any road works along Bellevue Street. A copy is to be provided to Council, the Department and the Certifying Authority.

C4 Barricade Permit

Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

C6 Vehicle Cleansing

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

C7 Utility Services

To ensure that utility authorities are advised of the development prior to the commencement of work the Proponent is to negotiate with the utility authorities (eg. Energy Australia, Sydney Water and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

C7 Contact Telephone Number

Prior to the commencement of the works, the Proponent shall forward to the Department and Council a 24 hour telephone number for the site manager to be operated for the duration of the construction works.

C8 Aircraft Safety

An application for any of the following works must be submitted to the Sydney Airport Corporation Ltd a minimum of 35 days prior to commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293 detailing:

- (a) The location and height of any buildings and signage structures proposed;
- (b) Location of any temporary structure or equipment, i.e. construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994 (MGA94);
- (c) The swing circle of any temporary structure/equipment used during construction;
- (d) The maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment i.e. construction cranes, intended to be used in the erection of the proposed structure/activity;
- (e) The period of the proposed operation (i.e. construction cranes) and desired operating hours for any temporary structures.

C9 Remediation

The site is to be remediated in accordance with the Remediation Action Plan (RAP) prepared by Coffey Environments Pty Ltd, reference ENVILCOV00315AH-R03d and dated 3 February 2009 and the . Any variations to the RAP must be approved in writing by the Accredited Site Auditor and the Certifying Authority prior to the commencement of any work.

Prior to the commencement of any work, other than demolitions or excavation in association with remediation of the site, a Site Audit Statement is to be submitted to and approved by the Certifying Authority clearly stating that the site is suitable for the proposed use.

C10 Contamination

The exportation of waste (including fill or soil) from the site must be in accordance with the provisions of the *Protection of the Environment* Operations *Act 1997* and the Department of

Environment and Conservation's (DEC) Environmental Guidelines Assessment, Classification and Management of Non-Liquid Wastes.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Department, Council and the Certifying Authority.

C11 Temporary Structures

An approval under Section 68 of the Local Government Act 1993 must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the Local Government Act 1993 to certify the structural adequacy of the design of the temporary structures.

PART D—DURING CONSTRUCTION

D1 Construction Management Plan

All works are to be carried out in accordance with the approved Construction Management Plan including but not limited to identification of hours of work, construction noise and vibration management, soil erosion and sediment control plan, air quality and dust control procedures, waste management plan, storage and handling of material, and emergency procedures.

D2 Erosion and Sediment Control

All erosion and sediment control measures are to be maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment. During the construction period:

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

D3 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the Principal Certifying Authority.

D4 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the works period:
- (c) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone

- number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (d) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D5 Location of Vehicles during Demolition and Construction

All demolition and construction vehicles are to be contained wholly within the subject site at all times and vehicles must enter the site before stopping. A construction zone shall not be permitted along the Princes Highway.

D6 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (a) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (b) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- (c) All materials shall be stored or stockpiled at the best locations,
- (d) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- (e) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (f) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- (g) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (h) Cleaning of footpaths and roadways shall be carried out regularly.

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:

- (d) the delivery of materials is required outside these hours by the Police or other authorities;
- (e) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
- (f) 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.

D8 Loading and Unloading during Construction

The following requirements apply:

- (a) all loading and unloading associated with construction must be accommodated on site:
- (b) the structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development;
- (c) no construction zone will be permitted along the Princes Highway
- (d) if a construction zone is warranted an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to meet the particular need of the site for such a facility at various stages of construction. The approval

will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

D9 Public Way to be Unobstructed

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

D10 Asbestos Removal

All demolition works involving the removal and disposal of asbestos cement must be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission (NOHSC: "Code of Practice for the Safe Removal of Asbestos" and any Council guidelines

D11 Classification of Waste

Prior to the exportation of waste from the site, the waste materials must be classified to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility.

D12 Disposal of Asbestos

All asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos.

D13 Asbestos Removal Signage

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.

D14 Compliance with Arborists Report

All recommendations contained in the Arborist's Report approved under Condition B31, must be implemented during construction and use of the development.

D15 Archaeologist Monitoring

The site is be monitored during the initial earthworks phase of construction by a qualified archaeologist in accordance with the Archaeological Assessment and Research Design prepared by Godden Mackay Logan, dated August 2008.

PART E—PRIOR TO OCCUPATION

E1 Occupation Certificate to be Submitted

An Occupation Certificate must be obtained from the Certifying Authority and a copy submitted to the Department and Council prior to the commencement of occupation or use of the building.

The following documents should be forwarded to the Department and council within two (2) days of the date of the Certificate being determined:

- (a) A copy of the determination;
- (b) Copies of any documents that were lodged with the Occupation Certificate application:
- (c) A copy of Occupation Certificate, if it was issued;
- (d) A copy of the record of all critical stage inspections and any other inspection required
- (e) by the PCA;
- (f) A copy of any missed inspections; and

(g) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

E2 Fire Safety Certificate to be Submitted

A Fire Safety Certificate must be submitted to the Principal Certifying Authority for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued. A copy of the Fire Safety Certificate and Fire Safety Schedule shall be displayed in a prominent position in the building (i.e. adjacent to the entry or any fire indicator panel).

Every twelve (12) months after the Final Fire Safety Certificate is issued the owner shall obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate shall be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

E3 Aircraft Noise

A report is to be submitted to the Certifying Authority prior to the issue of an Occupation Certificate certifying that the buildings meet the relevant internal noise criteria stipulated in AS2021-2000.

E4 Kerb and Guttering

All redundant driveways all the subject sites road frontages shall be removed and replaced with kerb and gutter to match the existing prior to the issue of an Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".

E5 Parking Management Plan

Prior to the issue of an Occupation Certificate, the Proponent shall provide the following to the Department for approval:

- (a) a Plan of Management for the car park which specifies the allocation of parking spaces to the occupants of the buildings;
- (b) the Plan of Management shall detail the proposed uses of the portion of the car park provided to the building, including any provision of public/visitor car parking.

E6 Landscaping

All landscaping in the approved plan referred to in this approval is to be completed in accordance with the requirements of Condition B8, the Statement of Commitments and the requirements of the maintenance plan, prior to an Occupation Certificate being issued.

The landscaping of the site is to be maintained at all times in accordance with the approved Maintenance Plan.

E7 Relocation of Tree

The relocation and establishment of the *Ficus macrophylla* (Moreton Bay Fig) is to be completed prior to the issue of an Occupation Certificate. A report prepared by an Arborist is to confirm that the relocation of the tree has been carried out in accordance with the recommendations and requirements of the Arborist's Report approved under Condition B28 and outline ongoing management of the tree.

E8 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact consent authority for specific electronic format) shall be submitted to the consent authority and the Council after:

(a) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,

(b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

E9 Works-as-executed plan

Work-as-executed plans of the stormwater drainage system prepared and certified by a Registered Surveyor together with certification by a qualified practicing Civil Engineer with NPER registration with the Institution of Engineers Australia to verify that the required drainage works have been constructed in accordance with the approved design and relevant Australian Standards.

E10 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is be met in full by the Proponent/developer prior to the issue of any Occupation Certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.

E11 Sydney Water

Prior to issue of an Occupation Certificate a (Developer) Compliance Certificate under Section 73A of the *Sydney Water Act 1994* shall be obtained and a copy must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).

E12 ESD Principles

Compliance with the relevant requirements of Marrickville Development Control Plan No 32-Energy Smart Water Wise as applicable to industrial development is to be demonstrated via completion of the Council's Green Checklist, which is to be completed by the Council or the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate. If completed by a PCA, a copy of the completed checklist must be forwarded to Council for its records.

E13 Stormwater

Prior to the issue of an Occupation Certificate written verification from a suitably qualified professional civil engineer, stating that all stormwater drainage and related work has been and constructed in accordance with the approved plans shall be submitted to and approved by the Certifying Authority.

In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.

E14 Waste and Recycling Management

Prior to an Occupation Certificate being issued the Certifying Authority shall ensure that all waste handling works have been completed in accordance with the approved Waste Management Plan.

E15 Archaeology

Prior to the issue of an Occupation Certificate, a report shall be prepared by a qualified archaeologist documenting the results of the monitoring program. The report shall be submitted to the Department, the Heritage Branch and the Certifying Authority.

E16 Construction of Road Works

Prior to the issue of an Occupation Certificate by the Certifying Authority, written confirmation from the RTA and Council is to be received that all road works as outlined in the TMAP dated

January 2009 and in the Revised Statement of Commitments dated 19 February 2009 have been completed and that any road/footpath realignments and dedication of land has been completed and registered on title as required.

E17 Consolidation of Lots

The separate lots comprising the development being consolidated into one lot and under one title and registered at the Land Titles Office before the issue of an Occupation Certificate.

PART F—ONGOING/OPERATIONAL CONDITIONS

F1 Loading/Parking Kept Clear

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

F2 Compliance Report

The Proponent, or any party acting upon this consent, shall submit to the Department within 12 months of the issuing of the Occupation Certificate, a compliance report addressing compliance with all relevant conditions of consent.

F3 Annual Fire Safety Certification

The owner of the building shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

F4 Loading and Unloading

All loading and unloading of service vehicles in connection with the use of the development shall be carried out wholly within the site at all times and shall be accessed only via Bellevue Street.

F5 Emergency Only Access – Smith Street

The vehicular access road onto Smith Street shall only be used only in an emergency. At no time other than an emergency shall this vehicular access road be used for construction traffic, delivery vehicles or customer egress from the site. This access road shall be appropriately secured and signposted to ensure vehicles do not use this exit for normal egress from the site.

F6 Container Storage

Container storage as shown on Drawing DA-101 (Rev G) 'Lower Ground Floor General Arrangement', dated 16.10.08, prepared by Krikis Tayler Retail shall be no higher than a single level at any time.

F7 Hours of Operation

The bulky goods retail store and associated uses shall be limited to the following hours of operation:

- 10am to 10pm Monday to Friday; and
- 9am 10pm weekends.

F8 Truck/Delivery/Service Access

Truck access to and from the site shall only to occur via the Bellevue Street entrance.

F9 Smith Street Ingress/Egress – Emergency Access Only

Smith Street shall not be used for any form of vehicular access to or from the site other than in emergency. All delivery vehicles and customer vehicles shall use the approved vehicular access point of Bellevue Street and the Princes Highway.

F10 Right-of-way in favour of Salvation Army

In the event that the NSW Roads and Traffic Authority requires the removal of the existing vehicular crossing/access off the Princes Highway to the Salvation Army site, the owner(s) of the IKEA site shall prepare, execute and register the required legal instrument to provide vehicular access (for cars only) across the IKEA site and to the southern (side) boundary alignment of the Salvation Army land. The required instrument providing a right of access shall be registered within 3 months of the removal of the aforementioned vehicular crossing. The owner(s) of the IKEA site shall bear the cost of the preparation and registration of the instrument.

F11 Lighting of Signage

All external lighting of the elevational signage on the building must be turned off between the hours of 11:00pm and 6:00am 7 days a week, including public holidays.

SCHEDULE 3

MP 07_0149

CONCEPT PLAN FOR THE REDEVELOPMENT OF 630-726 PRINCES HIGHWAY, TEMPE FOR BULKY GOODS RETAIL STORE, COMMERCIAL OFFICES, PARKING AND ASSOCIATED SIGNAGE

STATEMENT OF COMMITMENTS

(SOURCE: PREFERRED PROJECT REPORT)

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