

1 December 2011

The Director General  
Department of Planning  
23-33 Bridge Street  
SYDNEY NSW 2000

*Attention: Mark Brown*

Dear Mark,

## **Section 75W Modification Application to IKEA, Tempe (MP07\_0149)**

### **1. INTRODUCTION**

This letter comprises an application made under Section 75W of the Environmental Planning and Assessment Act 1979 with respect to a proposed modification to Major Project Approval MP07\_0149 – mixed use bulky goods retail (IKEA) and commercial development at the Princes Highway, Tempe. The proposed modification is outlined below and relates to the landscaping along the Princes Highway frontage.

Accompanying this letter is the following:

- A completed copy of the 'Application to Modify a Development Consent' including signed landowner's consent and political disclosure.
- 4 x copies of large scale landscape plans prepared by *Stevens Landscape Architects*.

It is our understanding that the Department will invoice the applicant for the relevant assessment fees after an initial review of the application following the lodgement of the application. As this application is considered to be of minimal impact, under the EP&A Regulations, this amount will be less than \$5,000.

### **2. BACKGROUND**

#### **The Site**

The development site is located at 630-726 Princes Highway, Tempe. The legal description of the land is Lot A DP 399884, Lot B DP 399884, Lot A DP 385209, Lot E DP 385210, Lot 201 DP 1097238 and Lot 200 DP 1097238.

#### **Approved Development**

Development consent was granted (on 27 April 2009) to carrying out the development described 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 is to consist 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 floor of the ATECO building.

- Retention and adaptive reuse of the facades 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 1775 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.
- Signage consisting of signage on each of the warehouse buildings elevations, and a circular configuration of 8 x 12 metre high flag poles with 'IKEA' flags adjacent to the main vehicles entry on the Princes Highway Frontage.

The approved development has been modified three times and the modifications are summarised as:

- Mod 1 – approved on 7 November 2009, comprising addition of “associated offices” and other minor changes.
- Mod 2 – approved 1 October 2010, comprising minor increase in building envelope, minor changes to heritage building, revised car park, minor changes to landscaping, revised signage plan, inclusion of a consultation strategy.
- Mod 3 –approved 11 March 2011, comprising an amendment to fire stairs.

The proposed modification is considered to be minor in nature and will not significantly move away from the approved development detailed above.

### 3. PROPOSED MODIFICATION

This application seeks approval for an amended scheme to enable the removal of a decorative landscaping feature along the Princes Highway frontage comprising of:

- Removal of four (4) sandstone blade walls in Area 1 (the south eastern corner of the site)
- Removal of four (4) sandstone blade walls in Area 2 (the central area of the site to the south of the entrance driveway)
- Removal of four (4) sandstone blade walls in Area 3 (the north eastern corner of the site)

No soft landscaping is proposed to be removed or amended as part of this proposal.

The changes considered to be minor in nature and will not significantly move away from the approved development.

The Section 75W application seeks to modify **Condition A2** in Schedule 2 to include the revised drawing references, as shown in the table below, to be read in conjunction with the references to the previously approved drawings.

Drawing Number	Revision	Name of Plan	Date
L01	B	Landscape Master Plan	30.11.11

## **4. STATUTORY CONTEXT**

### **Schedule 6a of the Environmental Planning & Assessment Act**

As part of the repeal of Part 3A of the EP&A Act, Schedule 6A of the EP&A Act was created to allow the application of the repealed Part 3A provisions to certain projects that were approved or undetermined under Part 3A. These projects are known as “Transitional Part 3A projects” and approved major projects may be modified under the previous Section 75W modification framework.

Major Project No. MP07\_0149 was approved on the 27 April 2009 by the Minister for Planning and is a transitional Part 3A project. The submitted Mod 4 seeks approval under the previous Part 3A provisions, notably Section 75W.

Section 75W of the Environmental Planning and Assessment Act 1979 allows the proponent to request the Minister to modify approval for a project.

Section 75W also provides for the Director-General to notify the proponent of specific environmental assessment requirements with which the application must comply. For the purposes of assessing this 75W application we have considered the relevant issues raised in the Director General's Environmental Assessment Requirements (DGRs).

## **5. ENVIRONMENTAL ASSESSMENT**

### **5.1 Minor Environmental Impact**

Although the test of ‘substantially the same development’ does not apply to Section 75W applications, it is still considered a relevant matter to address when determining the magnitude and impacts of the changes.

In this case, it is considered the proposed modifications are minor in nature and therefore will remain substantially the same development as the use, scale and nature of the development will not materially change from the approved development.

### **5.2 Assessment Criteria**

Under Section 75W of the Act, the Minister may provide specific environmental assessment requirements to be addressed by the proponent to any application under this Part being determined.

In this respect, given the minor nature of works proposed, in our opinion there is no need for new Director-General Requirements to be prepared.

The key assessment aspects of the modification relate to visual impact along the Princes Highway and provision of adequate site landscaping. The amount of soft landscaping, the use and layout of certain tree species, retention of the relocated Fig Tree are unchanged in this proposal representing a compatible landscape treatment along the Highway frontage. An appropriate design and presentation can still be achieved with the use of a consistent and integrated landscape theme along the Princes Highway. Importantly as there is no reduction in soft landscaping, there is also no reduction in permeable surfaces or increase in stormwater runoff.

The proposed removal of the decorative blade elements have arisen due to a critical review of the landscaping project budget. The approved sandstone blades require piered footings detailed by a structural engineer and have been determined to be excessive in cost and well beyond what was expected at the time of submission of the Landscape Plan.

Further, the proposal will not undermine or diminish the intent of the landscape plan or its fundamental elements as the removal will have a negligible visual effect on the landscape amenity of the site.

The proposed modification is still able to comply with the consent conditions, specifically:

- Condition B7 – Landscaping of the site
- Condition E6 – Landscaping

For the reasons outline above, the proposed modification is considered to be acceptable.

## 6. SUMMARY AND CONCLUSION

The proposed modifications are considered to be minor and can be determined in accordance with the provisions of Section 75W of the EP&A Act. The proposed changes have been assessed in accordance with the relevant DGRs and it is concluded that the proposed works represent an appropriate modification to the major project as follows:

- The proposed modified scheme will retain the use of the site for IKEA and associated works as per the Concept Plan approval. The intent of the Concept Plan approval will still be served following the modification.
- The proposed modification is considered to be a minor matter that will not result in an increase of the building scale (height or form), an intensification of the approved use or a reduction of the landscape area.
- The proposed modification satisfies the matters for consideration as specified in the Director General's Requirements therefore it does not necessitate the preparation of modified requirements.
- The proposed modifications stem from a critical review of the project's budget that was not envisaged at the time of the original application.
- The proposed changes are entirely consistent with the Concept Plan approval, its conditions and its intended building outcomes.
- No reduction in soft landscaping is proposed and a consistent and integrated landscaping will remain along the Princes Highway frontage.
- No additional environmental impacts will arise as a result of the proposed changes.
- The proposal is considered to be entirely within the public interest and is recommended that approval be granted to the proposed modification.

If you would like to discuss the matter further, please phone Stephen White or the undersigned on (02) 8233 9900.

Yours sincerely,



Naomi Daley  
Senior Urban Planner

Encl.