VINNER WEST COUNCIL

DEVELO	OPMENT ASSESSMENT REPORT	
Application No.	DA201600464	
Address	634-726 Princes Highway, Tempe	
Proposal	To remove 261 parking spaces from the north-western corner of	
	the Ikea car park resulting in a total of 1,522 car spaces	
	remaining and to construct a single storey building for bulky	
	goods retail (Decathlon) with associated office and signage in	
	this location with an outdoor display/play area.	
Date of Lodgement	13 September 2016	
Applicant	IKEA Pty Ltd	
Owner	IKEA Pty Ltd	
Number of Submissions	4 submissions	
Value of works	\$13,387,000	
Reason for determination at	Value exceeds officer delegation	
Planning Panel		
Main Issues	No significant issues identified	
Recommendation	Approval subject to conditions	
Cubicct Citor	Objectors:	
Subject Site: Notified Area:	Objectors:	
Notified Area:		

Note: Some submissions were received from properties outside of the map area.

1. Executive Summary

This report concerns an application to remove 261 parking spaces from the north-western corner of the Ikea car park resulting in a total of 1,522 car spaces remaining and to construct a single storey building for bulky goods retail (Decathlon) with associated office and signage in this location with an outdoor display/play area. The application was notified to surrounding properties and 4 submissions were received.

The main issues that have arisen from the application include:

- Non-compliance with maximum signage permissible and hours of illumination for signage; and
- Reduction in supply of car parking

During the assessment of the application, amended documentation was submitted to address comments raised by Council officers. The amended plans did not require renotification in accordance with Council's notification policy.

The reduction in car parking is acceptable given the over-supply of car parking on the site.

The proposal generally complies with the aims, objectives and design parameters contained in State Environmental Planning Policies (SEPPs), Marrickville Local Environmental Plan 2011 (MLEP 2011) and Marrickville Development Control Plan 2011 (MDCP 2011).

The potential impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the development are considered to be acceptable given the context of the site. The application is suitable for approval subject to the imposition of appropriate conditions.

2. Proposal

Approval is sought to remove 261 parking spaces from the north-western corner of the Ikea car park resulting in a total of 1,522 car spaces remaining and to construct a single storey building for bulky goods retail (Decathlon) with associated office and signage in this location with an outdoor display/play area. The development application seeks consent for the following works:

- Demolition of a portion of the at-grade carpark at the north eastern portion of the site;
- Earthworks and construction for the development of a single storey bulky goods premises with a height of 7.7m and reconfiguration of the existing carpark;
- Provision of ancillary outdoor display areas and multi-use games/play areas that will support the experiential use of the Decathlon products prior to purchase;
- Vehicle and pedestrian access will be provided utilising the existing crossovers, with Princes Highway as the primary access, and secondary access provided from Bellevue Street; and
- Landscaping works and new portion of car park.

Amended Plans were submitted to Council on 4 October 2016 indicating a reduction in the overall height of the building to have a maximum height of RL 20.05 AHD in accordance with the requirements of Sydney Airport.

<u>Uses</u>:

The development amounts to a gross floor area (GFA) of 3,667sqm for the purpose of bulky goods retailing.

Hours of Operation:

The application seeks consent to operate between the hours of Monday to Sunday from 7:00am to 10:00pm.

Parking:

The entire site accommodates 1,522 car parking spaces, 10 motorcycle parking spaces and 36 bicycle parking spaces for use by the proposed Decathlon building and the existing IKEA store.

Loading/Unloading:

1 loading/unloading facility is located to the rear (eastern side) of the warehouse component accessible from both Bellevue Street and Princes Highway. The application seeks consent for loading/unloading to occur 24 hours a day, with 1 delivery expected daily.

Signage:

The application seeks consent to erect the following signage:

- 3 x internally illuminated flush wall signs identifying 'Decathlon.com.au' with measurements 12 metres (width) and 3.6 metres (height); and
- 3 x decorative flush wall signs identifying the proposed use through illustrative graphics.

All proposed signs have a depth of 150mm, and will be permanently attached to the building façade.

Tree Removal

The application involves the removal of 95 trees from the existing car park on the site. A Landscape Plan was submitted to Council indicating compensatory planting of 98 trees on the site.

3. Site Description

The site is located on the southern side of the Princes Highway between Bellevue Street and Smith Street, Tempe. The subject site is legally described as Lot 1 DP 1167751, having a frontage of 636 metres to Princes Highway and is approximately 99,877sqm in area.

The improvements on the property are comprised of mainly two buildings, the lkea store and car park component which have been recently constructed and the Ateco building which is currently used by lkea for administration purposes.

Surrounding development is generally industrial in nature to the south, south west and north east. To the north on the opposite side of Princes Highway and to the north east on the opposite side of Bellevue Street is characterised by single dwelling houses.

The site contains a heritage item, namely Part of Westpac Stores Department and Penfolds Wine Cellars (former) (Item I299) in the north eastern corner of the site and is located within the vicinity of a heritage item, namely Westpac Stores (former Penfolds Wine Cellars) (Item I299) which is located on the adjoining site to the west.

4. Background

4(a) Site history

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

Subject Site

Application	Proposal	Decision & Date
Major Project No. 07_0149 issued by the Department of Planning	Application for the construction of an IKEA store and Service office.	Approval subject to conditions, dated 27 April 2009
Determination No. 201300248	Application to install photovoltaic cells on roof of the 'new' Ikea building	Approval subject to conditions, dated 16 December 2013

Surrounding properties

Application	Proposal	Decision & Date
DA201500027	Application to construct a single storey	Deferred Commencement
	bulky goods and warehouse premises	Consent, dated 29 June
	with associated car parking and signage	2015
	relating to property situated at 5	
	Bellevue Street, Tempe	

4(b) Application history

The following table outlines the relevant history of the subject application.

Date	Discussion / Letter/ Additional Information
4 October 2016	Amended plans submitted to Council indicating the overall height of the development being reduced to RL 20.05 AHD in accordance with advice provided by Sydney Airport.
16 January 2017	A Landfill Gas Protection System Design & Validation Plan submitted to Council for assessment.
20 January 2017	Amended Landscape Plans and details submitted to Council for assessment.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

5(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- State Environmental Planning Policy No. 55 Remediation of Land
- State Environmental Planning Policy No. 64 Advertising and Signage
- State Environmental Planning Policy (Infrastructure) 2007

The following provides further discussion of the relevant issues:

5(a)(i) State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) and Part 2.24 of MDCP 2011 provides planning guidelines for remediation of contaminated land. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

A Preliminary Site Investigation (PSI) was prepared and submitted with the application. The report presents the following findings:

- History uses of the site include shale quarry, brick pit, brickworks, Tempe Landfill, scrap metal processing and more recently rehabilitation and redevelopment for the IKEA development;
- The subsurface condition of the site comprised asphaltic concrete pavement, road base, inert silty sand, clay fill and uncontrolled landfill material overlying siltstone and sandstone;
- The site was identified as suitable for commercial and industrial use subject to management in accordance with TenixEMP, now superseded by the WSP (2013) EMP;
- Separately, works were required to address the potential for offsite landfill gas migration in accordance with relevant approvals. Installation of a Gas Venting Trench along the eastern and northern boundaries of the Tempe Landfill was carried out to address these requirements; and
- Therefore any proposed buildings are likely to require similar protection with the implementation of a site specific design capable of landfill gas protection measures commensurate with CIRIA (2007).

The report makes the following recommendations to ensure that the site is suitable for the proposed use as a bulky goods premises:

- Conduct landfill gas monitoring from the boreholes previously installed to confirmed the required level of gas protection measures for the proposed building;
- Prepare a Landfill Gas Design and Validation Plan based on the monitoring findings;
- Design and construct a bulky goods retail development to comply with the requirements of WSP EMP, in particular maintenance of existing capping and protection of the Gas Venting Trench installed along the eastern and northern boundaries;
- Upon completion of a development, a site specific EMP will need to be prepared that incorporates the requirements of the existing EMP but updates it with relevant site specific details; and
- Due to shared responsibilities of management of the landfill gas issues at the site contact should be made with Council and NSW EPA to determine whether they have additional requirements associated with redevelopment of former landfill.

A Landfill Gas Protection System Design & Validation Plan was submitted to Council on 16 January 2017. The applicant also provided certification by SDA Structures to verify that the design of the development complies with the requirements of the WSP EMP.

Considering the recommendations provided by the Preliminary Site Investigation carried out on the site and further documentation provided, it is considered that the application is suitable for approval subject to appropriate conditions which have been included in the recommendation.

5(a)(i) State Environmental Planning Policy No. 64 - Advertising and Signage-

The following is an assessment of the development under the relevant controls contained in State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64). SEPP 64 specifies aims and objectives and assessment criteria for signage as addressed below.

The application seeks consent to erect the following signage:

• 3 x internally illuminated flush wall signs identifying 'Decathlon.com.au' with measurements 12 metres (width) and 3.6 metres (height); and

• 3 x decorative flush wall signs identifying the proposed use through illustrative graphics.

Schedule 1 of SEPP 64 specifies assessment criteria for signage relating to character of the area, special areas, views and vistas, streetscape, setting or landscaping, site and building, illumination and safety. The proposed signage is generally considered satisfactory having regard to the assessment criteria contained in Schedule 1 of SEPP 64.

Notwithstanding, the application seeks consent for the internally illuminated wall signs to be illuminated 24 hours a day. The site has a frontage to a classified road and there are residential dwellings located on the opposite (western) side of Princes Highway. In accordance with the assessment criteria prescribed in Schedule 1 of the SEPP, it is considered that the illumination would detract from the amenity of the residential accommodation in the vicinity of the site, due to the large nature of the sign, having an area of 36sqm. Illuminated flush wall signs are also subject to a curfew period from 10:00pm to 7:00am as per Part 2.12 of MDCP 2011.

As such, a condition is included in the recommendation requiring that no illumination of the flush wall sign fronting Princes Highway, being that sign on the western elevation of the building, take place between 10:00pm and 7:00am daily.

The proposed sign is discussed further within this report under the provisions of Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan 2011.

5(a)(ii) State Environmental Planning Policy (Infrastructure) 2007

<u>Clause 101 – Development with Frontage to Classified Road</u>

The site has a frontage to Princes Highway, a classified road. Under Clause 101 (2) of State Environmental Planning Policy (Infrastructure) 2007, (Infrastructure SEPP) the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that the efficiency and operation of the classified road will not be adversely affected by the development.

Vehicular access to the property is provided from existing vehicular crossings on Princes Highway and Bellevue Street. It is considered that the proposed development would not affect the safety, efficiency and ongoing operation of the classified road. The development is a type of development that is not sensitive to traffic noise or vehicle emissions.

The proposal is assessed as being acceptable in respect of those matters considered under Clause 101 of the Infrastructure SEPP.

Clause 104 – Traffic Generating Development

The proposal constitutes traffic generating development and the application was referred to NSW Road and Maritime Services (RMS) in accordance with Clause 104(3). RMS raised no concerns to the proposal subject to conditions which have been incorporated into the recommendation. The development is considered unlikely to cause any adverse potential traffic safety, road congestion or parking implications associated with the development and as such the proposal satisfies Clause 104(3)(b)(iii).

All relevant matters under Clause 104 of the Infrastructure SEPP have been taken into consideration and the proposal is considered to be acceptable.

5(a)(iii) Marrickville Local Environment Plan 2011 (MLEP 2011)

The application was assessed against the following relevant clauses of the Marrickville Local Environmental Plan 2011:

- Clause 2.3 Land Use Table and Zone Objectives
- Clause 2.5 Additional permitted uses on particular land
- Clause 4.3 Height
- Clause 4.4 Floor Space Ratio
- Clause 5.9 Preservation of Trees or Vegetation
- Clause 5.10 Heritage Conservation
- Clause 6.1 Acid Sulfate Soils
- Clause 6.5 Development in areas subject to Aircraft Noise
- Clause 6.6 Airspace Operations

The following table provides an assessment of the application against the development standards:

Standard (maximum)	Proposal	% of non- compliance	Compliances
Floor Space Ratio			
Required: 0.9:1	0.48:1	N/A	Yes
Height of Building			
No standard	7.7 metres	N/A	N/A

The following provides further discussion of the relevant issues:

• Land Use Table and Zone Objectives (Clause 2.3)

The property is zone B6 - Enterprise Corridor under the provisions of MLEP 2011. *Bulky good premises* are permissible on the site in accordance with Clause 2.5 – Additional Permitted Uses, as discussed below. The dictionary accompanying MLEP 2011 defines *bulky goods premises* as follows:

"bulky goods premises means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods."

In considering whether the premises meets the definition of bulky goods retailing, it is important to note that the definition of *"bulky goods salesroom or showroom"* in an environmental planning instrument was discussed in *Sutherland Shire Council v Telope Pty Limited* (1993) 85 LGERA 103. The Chief Justice recognised that there are 2 specific consequences which may result from the size, shape, or weight of goods being sold:

- One consequence is that there is a requirement for a large area for handling, storage or display; and
- The other consequence is that there is a requirement for direct vehicular access to the site by members of the public for the purpose of loading items into their vehicles after purchase.

The case then considers the nature of the goods being sold by the business and considers whether the size, shape, or weight of goods being sold necessitate the 2 consequences above. The case concludes that:

- The trader may have for sale a range of goods, varying in size from small to large, and whether having available such a range is an ordinary incident of the type of business in question,
- Provided a substantial number of bulky items are available for sale, so that their sale could not be regarded as merely incidental to the business, their availability would relevantly characterise the use of the premises.

Therefore, the following general principles have been established by case law as to what will satisfy the definition of bulky goods:

- A range of goods, of all shapes and sizes, can be displayed;
- Bulky goods must comprise a 'substantial number' of the items available for sale, so that their sale would 'relevantly characterise' the use of the premises or constitute the 'principal purpose' of the premises;
- The sale of any small and portable goods, however numerous, must be regarded as ancillary or incidental to the bulky goods;
- Those goods classified as bulky goods must be of such size or weight as to require:
 - (a) a large area for handling, display or storage, and
 - (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire; and
- The provision of (a) and (b) above does not need to be an absolute physical necessity of the operation of the business, rather the above needs to be relevantly required by the business.

The Statement of Environmental Effects submitted with the application addresses the relevant case law and provides the following in support of the permissibility of the bulky goods development:

"Principal purpose of the premises

In order to establish whether the 'principal purpose' of the premises will be for the sale, hire or display of bulky goods, an analysis of the proposed Decathlon concept and product range has been undertaken.

...Of the twenty (20) Passion Brands, thirteen (13) offer a significant quantity of bulky items within their product range... Where smaller items or clothing and footwear is part of these Passion Brand ranges, they are considered to be ancillary to the bulky items within the range, or a natural extension of the product range to ensure that the Passion Brand conforms to their 'all sports under one roof' philosophy... Accordingly, approximately 80% of the total display area is typically allocated to the 13 'bulky goods' Passion Brands.

Furthermore, it is also noted, that a key requirement for a Decathlon store is the ability for customers to trial goods prior to purchase. For example, customers are able to ride bicycles around the store, play a game of tennis on the multi-use games area/ play area to test the tennis racquets, sit in a kayak or trial climbing equipment on a climbing wall. The ability to fully display the products and for customers to test prior to purchase is an international requirement, which differentiates Decathlon from other sports retailers.

Based on the range and quantity of items which are intended to be sold, the requirements for the display of goods and the alignment of the Decathlon concept with typical bulky goods retailers, it is evident that the principal purpose of the store will be for the sale and display of bulky goods. Whilst a comprehensive and extensive range of goods of all shapes and sizes will be displayed, a significant quantity of items will be bulky in nature

Nature of goods offered for sale

Based on the bulky goods definition within MLEP 2011, bulky goods are items that are of such a size, shape or weight as to require a large area for handling, display or storage, and require direct vehicular access to the site by members of the public for the purpose of loading items into their vehicles.

... It is evident that the bulky items which will be for sale within the proposed development will necessitate a large area for handling, display and storage and will require direct vehicular access for the purpose of loading items into their vehicles. In line with the planning principles established within relevant case law, Council can be satisfied that the sale of bulky goods is the primary purpose to be conducted and the sale of smaller items (and any clothing or footwear) will be ancillary or incidental to this primary purpose.

It is therefore considered that the proposed development satisfies the definition of bulky goods premises and is permissible with development consent."

Considering the above discussion, it is recognised that the principal purpose of the premises is for the sale of goods, a significant proportion of which are of a size, shape, or weight for which a large area for handling, storage or display and direct vehicular access to the site by members of the public for the purpose of loading items into their vehicles after purchase is relevantly required by the business.

The development is considered to satisfy the definition of bulky goods premises and as such is permissible on the site. The development is acceptable having regard to the objectives of the B6 – Enterprise Corridor zone.

Additional permitted uses on particular land (Clause 2.5)

The property is referred to in Schedule 1 of MLEP 2011 which permits additional uses. The site is identified on the Key Sites Map contained in MLEP 2011 as being located in Area "I" which permits development for the purpose of bulky goods premises in accordance with Schedule 1 of MLEP 2011. As discussed earlier in this report he development is considered to satisfy the definition of bulky goods premises. The development is acceptable having regard to the objectives of the B6 - Enterprise Corridor zone.

• <u>Height (Clause 4.3)</u>

There is no maximum building height applying to the property on the Height of Buildings Map that accompanies MLEP 2011. The development would have a maximum height of

approximately 7 metres which is considered to be acceptable having regard to the character of the area and the Obstacle Limitation Surface set for the site.

• Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 0.9:1 applies to the land as indicated on the Floor Space Ratio Map that accompanies MLEP 2011.

The development has a gross floor area (GFA) of 3,667sqm. The existing buildings on the site have a GFA of 43,286sqm. As such, the combined GFA on the site equates to a FSR of 0.48:1 on the 99,877sqm site which complies with the FSR development standard.

• Preservation of Trees or Vegetation (Clause 5.9)

Clause 5.9 of MLEP 2011 concerns the protection of trees identified under Marrickville Development Control Plan 2011.

There are no trees on the property covered by and protected under Marrickville Development Control Plan 2011. Notwithstanding, there are numerous small to medium size trees that have were planted in accordance with the approved landscape plan for the IKEA development and as such are protected under that development consent. The application was referred to Council's Tree Management Officer who requested that an audit of existing trees be provided to Council.

A Landscape Plan and audit was provided to Council on 17 November 2016. The Landscape Plan indicates the removal of 95 trees from the site and replacement of 48 trees in the new portion of the carpark. The Landscape Plan was referred to Council's Tree Management Officer advised that the proposed compensatory planting was insufficient.

Amended Landscape Plans and details were submitted to Council on 20 January 2017 indicating a substantial increase in the provision of compensatory planting, providing 98 compensatory trees. The amended plans were referred to Council's Tree Management Officer who provided the following comments:

"The applicant submitted a revised landscape package that has satisfactorily addressed the concerns previously raised by Council. The number of new trees has been increased from 41 to 98 which the applicant estimates will achieve in excess of 30% canopy cover. One hundred litre planting size has been proposed and is considered acceptable. Soil volume, aeration and irrigation have been satisfactorily addressed and it is considered that a significantly superior outcome will be achieved if appropriate maintenance is sustained whilst the tree fully establish."

Council's Tree Management Officer has provided appropriate conditions which are included in the recommendation.

Heritage Conservation (Clause 5.10)

The site contains a heritage item, namely Part of Westpac Stores Department and Penfolds Wine Cellars (former) (Item I299) in the north eastern corner of the site and is located within the vicinity of a heritage item, namely Westpac Stores (former Penfolds Wine Cellars (Item I299) which is located on the adjoining site to the west.

The development is not located within the visual catchment of the heritage item and is sufficiently distanced so as to not cause any negative impact on the heritage significance of the item. The proposal is therefore satisfactory in respect of MLEP 2011 and the objectives and controls for heritage as contained in Part 8 of MDCP 2011.

• Acid Sulfate Soils (Clause 6.1)

The property is identified as land being affected by Class 1 and 2 acid sulfate soils on the MLEP 2011 Acid Sulfate Soils Map. The applicant has submitted a Geotechnical Investigation Report and Preliminary Site Investigation which concludes that the development will be constructed at grade and therefore will not disturb, expose or drain acid sulfate soils.

• Development in areas subject to Aircraft Noise (Clause 6.5)

The property is located within the 30-35 Australian Noise Exposure Forecast (2033) Contour and as such is likely to be affected by aircraft noise.

An Acoustic Report was submitted with the application which details that the development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021:2000. The report contains recommendations to be incorporated into the development in order to mitigate acoustic impacts. Appropriate conditions are included in the recommendation to ensure the requirements recommended within the Acoustic Report are incorporated into the development.

• <u>Airspace Operations (Clause 6.6)</u>

The development has a maximum height of RL 20.05 AHD and as such would not penetrate the Obstacle Limitation Surface.

The application was referred to Sydney Airport Corporation Limited in accordance with the requirements of Clause 6.6 of MLEP 2011 who raised no objection to the construction of the development subject to appropriate conditions which are included in the recommendation.

5(b) Draft Environmental Planning Instruments

There are no relevant Draft Environmental Planning Instruments.

5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Marrickville Development Control Plan 2011.

Part	Compliance
Part 2.5 Equity of Access and Mobility	Yes
Part 2.6 Visual and Acoustic Privacy	Yes
Part 2.9 Community Safety	Yes
Part 2.10 Parking	Yes – see discussion
Part 2.12 Signage and Advertising Structures	No, but acceptable – see discussion
Part 2.16 Energy Efficiency	Conditioned to comply
Part 2.17 Water Sensitive Urban Design	Conditioned to comply
Part 2.18 Landscaping and Open Spaces	Yes

Part 2.20 Tree Management	Yes
Part 2.21 Site Facilities and Waste Management	Yes
Part 2.23 Acid Sulfate Soils	Yes
Part 2.24 Contaminated Land	Yes
Part 2.25 Stormwater Management	Yes
Part 5.3 Commercial/Light Industrial/Residential Interface	Yes
Part 9.33 Strategic Context	Yes

The following provides discussion of the relevant issues:

(i) Parking (Part 2.10)

Car, Bicycle and Motorcycle Parking Spaces

The site is located in Parking Area 2 under Part 2.10 of MDCP 2011. The following table summarises the car, bicycle and motorcycle parking requirements of the new development:

Component	Control	Required	Proposed	Complies?
		Car Parking		
Bulky goods	1 per 125sqm GFA	3,667sqm GFA –	1,522	See discussion
premises	for customers and	30 spaces	spaces	
	staff			
Bicycle Parking				
Bulky good	1 per 150sqm GFA	25 spaces for staff	36 spaces	See discussion
premises and	for staff;	and 4 spaces for		
warehouse	1 per 1000sqm GFA	customers		
centre	for customers			
Motorcycle Parking				
Motorcycle	5% of the total car	2 spaces	10 spaces	See discussion
Parking	parking requirement			

Table 1: Car, Bicycle and Motorcycle Parking Control Compliance Table

The existing development on the site, including the IKEA store, offices and car parking was approved as part of Major Project No. 07_0149, dated 27 April 2009, issued by the Department of Planning that approved an application for the construction of an IKEA store and Service office.

The present IKEA development has a total of 1,783 parking spaces located in at-grade and basement areas and the parking provisions include:

- 27 accessible spaces;
- 30 family spaces;
- 6 car share spaces; and
- 10 motorcycle spaces

The proposed development reduces the existing number of car parks from 1,783 spaces to 1,522 spaces, a reduction of 261 spaces. The provision of car parking spaces provided by

the IKEA consent was prescribed as a maximum number of parking spaces. The Traffic Report submitted with the application indicates that the new development will provide a total of 1,522 spaces on the site and these spaces will be shared between IKEA and Decathlon customers and staff and there will be no designation of spaces except for:

- 36 accessible spaces;
- 30 pram/family spaces;
- 6 car share spaces;
- 10 motorcycle spaces; and
- 36 bicycle spaces, including shower and locker facilities for staff.

As indicated above, there is no loss of designated spaces, bicycle spaces of motorcycle spaces, however there is a loss of 261 car parking spaces. Notwithstanding, the site currently accommodates car parking in excess of the requirements of MDCP 2011 and as such the car parking provided on site is considered to be sufficient for the operation of the site.

The application was referred to Council's Local Traffic Committee Meeting of 1 December 2016. The Committee assessed the development in relation to traffic, parking and access related issues and raised no objection to the proposal in regards to the provision of car parking.

Given the above, the development is reasonable having regard to parking.

Loading/Unloading

A loading dock is provided at the rear (eastern) side of the site, with access form both Bellevue Street and Princes Highway that is capable of being utilised as a delivery area with sufficient circulation space. Details submitted with the application indicate that loading/unloading is likely to occur once daily from the loading dock, and Bellevue Street is to be used as the principal service entry. A single truck movement daily is not likely to significantly add to congestion on Bellevue Street or the intersection with Princes Highway.

Given the above, the loading/unloading is considered acceptable in this regard.

(ii) <u>Signage and Advertising Structures (Part 2.12)</u>

Part 2.12 of MDCP 2011 specifies Council's objectives and requirements for the erection and display of advertising signs. Those provisions are intended to protect the significant characteristics of retail/commercial strips, neighbourhoods, buildings, streetscapes, vistas and the skyline. The provisions include general controls for signage, prohibitions, preferred options for signage and size restrictions for signage.

The application seeks consent to erect the following signage:

- 3 x internally illuminated flush wall signs identifying 'Decathlon.com.au' with measurements 12 metres (width) and 3.6 metres (height); and
- 3 x decorative flush wall signs identifying the proposed use through illustrative graphics.

All proposed signs have a depth of 150mm, and will be permanently attached to the building façade.

2.12.4.2 Signage in commercial zones

MDCP 2011 states that the total permissible area of all signs must not exceed 1sqm of advertising per 1.5 metre of street frontage. The portion of the site containing the proposed bulky goods premises has a frontage of approximately 80 metres to Princes Highway to the north east.

The total area of the signage fronting Princes Highway equates to 43.2sqm. Whilst not complying with the total maximum area, the development has a frontage to Princes Highway along its northern frontage and relates to a bulky goods premises, therefore a larger area of signage is to be expected than in commercial centres. The signage along the western and southern elevations faces car parking and thus no concern is raised in regards to the size of the signage.

Notwithstanding, the application seeks consent for the internally illuminated wall signs to be illuminated 24 hours a day. The site has a frontage to a classified road and there are residential dwellings located on the opposite (western) side of Princes Highway. C1 of Part 2.12.2 of MDCP 2011 prohibits the illumination of signage that front residential areas between 10:00pm and 7:00am. It is considered that the illumination would detract from the amenity of the residential accommodation in the vicinity of the site, due to the large nature of the sign, having an area of 43.2sqm. As such, a condition is included in the recommendation requiring that no illumination of the flush wall sign fronting Princes Highway, being that sign on the western elevation of the building, occur between 10:00pm and 7:00am daily.

Subject to the above, the signage is considered acceptable having regard to the controls contained in MDCP 2011.

(iii) <u>Water Sensitive Urban Design (Part 2.17)</u>

Part 2.17 of MDCP 2011 contains objectives and controls relating to Water Sensitive Urban Design (WSUD) including requirements for commercial, retail, and industrial development. The application was accompanied by a Water Cycle Management Report which was referred to Council's Development Engineer who has recommended the inclusion of appropriate conditions to ensure that the development is in conformity with Part 2.17 of MDCP 2011.

(iv) Landscaping and Open Spaces (Part 2.18)

2.18.11.11 Landscaping in car parks

Control C32 of Part 2.18.11.11 of MDCP 2011 specifies the following for landscaping in car parks:

"C32 All outdoor parking areas must incorporate landscaped areas in accordance with the following requirements:

- *i.* Any outdoor ground level car park containing five or more parking spaces must provide one shade tree for every five car spaces, with foliage or canopy with a clean trunk to 2 metres.
- ii. Parking and circulation areas must be delineated by planter beds at the ends of parking bays. Planter beds must be a minimum width of 1.5 metres, surrounded by a 150mm concrete kerb and must contain both trees and shrubs.
- *iii.* Trees in parking bays must be located in areas no less than the size of one car space or, preferably, in a continuous planter bed at least 1.5 metres wide separating the bays.
- v. A fully automatic irrigation system is required in all car park planter beds."

The application includes modifications to the existing car park on the site to reduce the number of spaces and reconfigure the spaces to allow the new premises. Amended landscape plans and details were provided to Council in response to Council's concerns regarding insufficient compensatory planting.

The plans indicate the provision of 98 replacement trees, equating to a canopy cover in excess of 30%. The 98 replacement trees provide canopy cover for 232 car parking spaces, and thus provide one shade tree for every 2.3 trees in a continuous planter bed with an appropriate irrigation system, which complies with Council's controls.

5(d) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

5(e) The suitability of the site for the development

The site is zoned B6 - Enterprise Corridor. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) Any submissions

The application was notified in accordance with Council's Notification Policy for a period of 14 days in the form of newspaper advertisement, on-site notice and resident notification. A total of 4 submissions were received.

The following issues raised in submissions have been discussed in this report:

- Increased traffic as a result of the proposal see Section 5(c)(i)
- Reduction in parking on the site see Section 5(c)(i)
- Proposal is not in the public interest Section 5(g)

All relevant matters raised in the submissions able to be considered under the provisions of Section 79C of the Environmental Planning and Assessment Act have been discussed in the report.

5(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The development is consistent with the aims, and design parameters contained in Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan and other relevant Environmental Planning Instruments. As discussed throughout this report, the development will not result in any significant impacts on the amenity of adjoining premises and the streetscape and thus the development is considered to be in the public interest.

6. Referrals

6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in Section 5 above.

- Heritage Officer
- Development Engineer
- Tree Management Officer
- Waste Services
- Local Traffic Committee
- Environment Officer

6(b) External

The application was referred to the following external bodies and issues raised in those referrals have been discussed in Section 5 above.

- Roads and Maritime Services
- Sydney Airport Corporation

7. Section 94 Contributions

Section 94 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$444,953.05 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan 2011. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

That Council, as the consent authority pursuant to S80 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: 201600464 for to remove 261 parking spaces from the north-western corner of the Ikea car park resulting in a total of 1,522 car spaces remaining and to construct a single storey building for bulky goods retail (Decathlon) with associated office and signage in this location with an outdoor display/play area at «Primary_Location»subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

<u>GENERAL</u>

1. The development must be carried out in accordance with plans and details listed below:

Plan and Revision No.	Plan Name	Date Issued	Prepared by	Date Submitted
91786_2590S CP Sheets 1 & 2 of 2	Survey Plan	16 July 2010	ESO Surveyors	13 September 2016
DA02 C	Site Plan	7 September 2016	Leffler Simes Architects	30 January 2017
DA03 B	Floor Plan	6 September 2016	Leffler Simes Architects	30 January 2017
DA04 F	Elevations	4 October 2016	Leffler Simes Architects	30 January 2017
DA_001 A, DA_002 A, DA_003 A, DA_004 A, DA_005 A, DA_006 A, DA_007 A, DA_008 A	Landscape Plan & Details	20 January 2017	Place Design Group	30 January 2017
-	Access Review	18 August 2016	Morris-Goding Accessibility Consulting	13 September 2016
161007 SKC02 P2	Erosion & Sediment Control Plan	10 August 2016	Taylor Thomas Witting	13 September 2016
161007 SKC03 P2	Stormwater Concept Plan	10 August 2016	Taylor Thomas Witting	13 September 2016
161007P	Water Cycle Management Plan	16 August 2016	Taylor Thomas Witting	13 September 2016
TJ303-01F02 Rev. 2	Aircraft Noise Assessment	30 August 2016	Renzo Tonin & Associates	13 September 2016
Ref. 16117 9 Rev. B	Assessment of Traffic and Parking Implications	August 2016	Transport and Traffic Planning Associates	13 September 2016
Ref. 15136	Preliminary Site Investigation	August 2016	ZOIC Environmental Pty Ltd	13 September 2016
Ref: 29224Zrpt Rev. 1	Geotechnical Investigation	2 August 2016	JK Geotechnics	13 September 2016
Ref. 15136	Landfill Gas Protection System Design and Verification Plan	January 2017	ZOIC Environmental Pty Ltd	16 January 2017
Ref. 16-	Heritage Impact	20 August AGE 46	GML Heritage	13 September

0269jyl1	Statement	2016	2016

and details submitted to Council on 13 September 2016, 16 January 2017, 20 January 2017, and 30 January 2017 with the application for development consent and as amended by the following conditions.

- 2. Where any plans and/or information forming part of a Construction Certificate issued in relation to this consent are inconsistent with:
 - a) the plans and/or information approved under this consent; or
 - b) any relevant requirements of this consent,

the plans, information and/or requirements of this consent (as the case may be) shall prevail to the extent of the inconsistency.

All development approved under this consent shall be carried out in accordance with the plans, information and/or requirements of this consent taken to prevail by virtue of this condition.

- 3. The area to be used for the purpose of bulky goods retailing must not be adapted to any other use without the prior approval of Council.
- All parking spaces and turning area thereto must be provided in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, and must be used exclusively for parking and not for storage or any other purpose.
- 5. No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
- 6. The use of the premises must not give rise to:
 - a) transmission of unacceptable vibration to any place of different occupancy;
 - b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).
- 7. A separate application must be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures other than the signage approved in this consent. The shop windows must not be painted with advertisements and no flashing lights must be installed on the premises.
- 8. The advertising structure(s) and associated advertisement(s) must be properly and safely maintained at all times.

- 9. The signage must:
 - a) not flash, move, be animated, or be decorated with rotating or flashing lights, and the flush wall sign fronting the Princes Highway may only be illuminated during the approved hours of operation of the premises;
 - b) not have any apparatus attached to it which will provide sound of any description whether associated with the sign or other object or activity;
 - c) be neatly affixed to the building and any damage to the building caused to the exterior of the building by the erection of the advertising structure must be promptly repaired with materials to match those of the existing building;
 - d) comply with the Advertising Code of Ethics; and
 - e) comply with the requirements of the Roads and Maritime Services Authority.
- 10. The required fee under Council adopted fees and charges for "Signs and Advertising Structures Projecting onto or Over Public Space" must be paid to Council. The advertisement/advertising structures must only remain in place when the annual licensing fee for that year has been paid.

<u>Note</u>: The fee needs to be paid annually.

- 11. Certification by a Structural Engineer as to the adequacy of the method of affixing the sign must be submitted to Council prior to the erection of the sign.
- 12. No storage of goods or equipment external to any building on the site being permitted.
- 13. No signs or goods must be displayed for sale or stored on the footpath in front of the premises at any time without the prior approval of Council.
- 14. All loading and unloading in connection with the use must be carried out wholly within the property and in such a manner so as to not cause an inconvenience to the public.
- 15. All machinery must be installed in accordance with the manufacturer's specifications and being maintained at all times if in use.
- 16. The hours of operation of the premises must be restricted to between the hours of 7:00am to 10:00pm daily.
- 17. The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.
- 18. All trade waste must be stored within the site boundaries and must be contained in such a manner so as not to cause a nuisance.
- 19. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).
- 20. The development is approved to a maximum height of 20.05 metres above Australian Height Datum (AHD). Should the height be exceeded a new application must be submitted in accordance with the Civil Aviation (Building Control) Regulations 1988.
- 21. Should the height of any temporary structure and/or equipment be greater than 7.62 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.
- 22. Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations; Sydney Airport advises that approval to PAGE 48

operate construction equipment (i.e. Cranes) should be obtained prior to any commitment to construct.

- 23. All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2003 'Stormwater Drainage' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems shall be designed to cater for the twenty (20) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths shall be designed to cater for the one hundred (100) year A.R.I. storm.
- 24. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.
- 25. All prescribed trees shall be retained and protected in accordance with these conditions and with the Australian Standard *Protection of Trees on Development Sites* AS 4970—2009 unless their removal, pruning or other works is explicitly approved under the terms of this consent.
- 26. All reasonable directions in writing by the project arborist in relation to tree management and tree protection shall be complied with.
- 27. During construction the project arborist shall undertake periodic inspections of trees and tree protection measures, as detailed in the tree protection plan.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

For the purpose of interpreting this consent, a Principal Certifying Authority (PCA) means a principal certifying authority appointed under Section 109E(1) of the Environmental Planning and Assessment Act 1979. Pursuant to Section 109E(3) of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the National Construction Code (Building Code of Australia).

- 28. No work must commence until:
 - a) A PCA has been appointed. Where an Accredited Certifier is the appointed, Council must be notified within 2 days of the appointment; and
 - b) A minimum of 2 days written notice given to Council of the intention to commence work.
- 29. A Construction Certificate must be obtained <u>before commencing building work</u>. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.
- 30. Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet <u>before</u> work commences.

Facilities must be located so that they will not cause a nuisance.

- 31. All demolition work must:
 - Be carried out in accordance with the requirements of Australian Standard AS 2601 'The demolition of structures' and the Occupational Health and Safety Act and Regulations; and
 - b) Where asbestos is to be removed it must be done in accordance with the requirements of the WorkCover Authority of NSW and disposed of in accordance with requirements of the Department of Environment, Climate Change and Water.
- 32. Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure Services Division must be contacted to determine if any permits or traffic management plans are required to be obtained from Council <u>before work commences</u>.
- A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and must be submitted to and accepted by the PCA <u>before work commences</u>.
- 34. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, <u>before work commences</u>.
- 35. A rigid and durable sign must be erected in a prominent position on the site, <u>before</u> <u>work commences</u>. The sign must be maintained at all times until all work has been completed. The sign must include:
 - a) The name, address and telephone number of the PCA;
 - b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
 - c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.
- 36. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document must be submitted to and accepted by PCA <u>before</u> work commences. The plan must indicate:
 - a) Where the builder's materials and waste are to be stored;
 - b) Where the sediment fences are to be installed on the site;
 - c) What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
 - d) How access to the site will be provided.

All devices must be constructed and maintained on site while work is carried out.

37. <u>Before the commencement of any works</u>, detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval.

Details should be forwarded to: The Sydney Asset Management Roads and Maritime Services PO Box 973 Parramatta CBD 2124. A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

- 38. The person acting on this consent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.
- 39. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit shall be obtained from Council <u>before the carrying out of any works in public roads or Council controlled lands</u>. Restorations shall be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised works as noted in Council's adopted fees and charges.
- 40. The person acting on this consent shall provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent shall submit a hoarding application and pay all relevant fees <u>before commencement of works</u>.
- 41. A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council <u>before commencement of works</u>. Details shall include proposed truck parking areas, construction zones, crane usage, truck routes etc.
- 42. The person acting on this consent shall submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site <u>before commencement of works</u>.
- 43. A project arborist with a minimum AQF level 5 qualification in arboriculture and who does not remove or prune trees in the Inner West local government area shall be engaged <u>before work commences</u> for the duration of site preparation, demolition, construction and landscaping. The project arborist shall provide guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained are not compromised and of tree planting to ensure that the new trees are effectively established.
- 44. The contact details of the project arborist shall be advised to council <u>before work</u> <u>commences</u> and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to Council within 7 days.
- 45. Tree protection shall be established <u>before work commences</u> for all trees being retained within the designated construction zone in accordance with the Amended Landscape Package (Place Design Group, 20/1/17), the Australian Standard *Protection of Trees on Development Sites* AS 4970–2009 and any directions in writing by the project arborist.
- 46. The project arborist shall inspect the tree protection measures and certify in writing to the Principal Certifying Authority <u>before work commences</u> that they comply with the Amended Landscape Package (Place Design Group, 20/1/17), the Australian Standard *Protection of Trees on Development Sites* AS 4970—2009 and any directions in writing by the project arborist. The project arborist shall provide guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained are not compromised.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

For the purpose of interpreting this consent the Certifying Authority (Council or an Accredited Certifier) is that person appointed to issue the Construction Certificate.

- 47. a) This condition is imposed in accordance with Section 94 of the Environmental Planning and Assessment Act 1979.
 - b) Before the <u>issue of a Construction Certificate</u>, the Council must be paid a monetary contribution of \$444,953.05 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 24 January 2017.

***NB** Contribution rates under Marrickville Section 94/94A Contributions Plan 2014 are indexed quarterly (for the method of indexation refer to Section 2.15 of the Plan).

The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

(CONTRIBUTION PAYMENT REFERENCE NO. DC001770)

c) The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Community Facilities	\$12,050.13
Plan Administration	\$8,724.53
Recreation Facilities	\$323,493.57
Traffic Facilities	\$100,684.82

- d) A copy of the CP can be inspected at Council's offices at 2-14 Fisher Street, Petersham or online at <u>http://www.marrickville.nsw.gov.au</u>.
- e) The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card*.
 - *NB A 1% credit card transaction fee applies to all credit card transactions.
- 48. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021-2000 in relation to interior design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction), in accordance with details to be submitted to the Certifying Authority's satisfaction before 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.
- 49. <u>Before the issue of a Construction Certificate</u> an amended plan must be submitted to the Certifying Authority's satisfaction indicating ramped access to the premises, via the principal place of entry and an accessible toilet complying with AS 1428.1- 2001 "Design for access and mobility".
- 50. Evidence of payment of the building and construction industry Long Service Leave Scheme, must be submitted to the Certifying Authority's satisfaction <u>before the issue of a Construction Certificate</u>. (The required payment can be made at the Council Offices).

NOTE: The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.

http://www.lspc.nsw.gov.au/levy information/?levy information/levy calcul ator.stm

- 51. <u>Before the issue of a Construction Certificate</u> an amended plan must be submitted to the Certifying Authority's satisfaction indicating the removal of any signage depicting a firearm or any activity not relevant to the items sold at the premises.
- 52. Payment to Council of \$16,400.00 <u>before to the issue of a Construction Certificate</u> as a Building Security Deposit (B.S.D.) to a provide security against damage to Council's infrastructure. Council may utilise part or all of the B.S.D. to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.
- 53. Before the issue of a construction certificate, a Technical Specification shall be submitted to the certifying authority the detail how the proposed landfill gas protection system will achieve the requirements of the Landfill Gas Protection System Design & Verification Plan, dated January 2017, prepared by Zoic Environmental Pty Ltd.

SITE WORKS

- 54. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, must be restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work must be carried out on any Saturday that falls adjacent to a Public Holiday.
- 55. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
- 56. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and must comply with Council's Policy 'Placement of Waste Storage Containers in a Public Place'.
- 57. All demolition work must be carried out in accordance with the following:
 - a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
 - all works involving the demolition, removal, transport and disposal of asbestos cement must be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
 - c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development

Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;

- d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
- e) the generation of dust and noise on the site must be controlled;
- f) the site must be secured to prohibit unauthorised entry;
- g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
- all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only having access to the site during work hours nominated by Council and all loads must be covered;
- i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
- no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
- k) the person acting on this consent must ensure that all contractors and subcontractors associated with the demolition are fully aware of these requirements.
- 58. The works must be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another certifying authority. The last inspection can only be carried out by the PCA. The critical stages of construction are:
 - a) At the commencement of the building work;
 - b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
 - c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
 - d) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

You are advised to liaise with your PCA to establish if any additional inspections are required.

- 59. If it is necessary to excavate below the level of the base of the footings of a building on the adjoining allotments, including a public place such as footways and roadways, the person acting on this consent must ensure that:
 - a) At least 7 days' notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice must include complete details of the work; and
 - b) Any building is preserved and protected from damage.

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report must be submitted to and accepted by the PCA <u>before works continue on site</u>, if the consent of the adjoining property owner can be obtained. Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received must be forwarded to the PCA <u>before work commences</u>.

60. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.

- 61. A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.
- 62. A clear unobstructed path of travel of not less than 1,000mm must be provided to all exits and paths of travel to exits.
- 63. Fixtures for bathroom and kitchen taps, showerheads, dishwashers, toilet cisterns and urinals must have a minimum 3 Star WELS rating.
 - NOTE: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.
- 64. New or replacement toilets must have a minimum 3 Star WELS rating and being 6/3 litre dual flush or more efficient.
 - NOTE: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.
- 65. Any contaminated soil excavated from the site shall be classified in accordance with the NSW Environmental Protection Authority's *Waste Classification Guidelines 2014* and being carried out in accordance with the requirements of the NSW Environmental Protection Authority.
- 66. If during site works there are significant unexpected occurrences, site works shall immediately cease. An environmental consultant shall be engaged to assess the site and determine if remediation is required in accordance with the NSW Environmental Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites 2011*. Any unexpected occurrences and management plans to address these shall be reported to and approved by Council. Note that Council may request that a NSW EPA Accredited Site Auditor review any proposed amendments to remedial or management plans.
- 67. Any water (including water from excavations) shall be discharged to sewer, with the appropriate licence to be obtained; or disposed off-site to a suitably licensed facility. Alternatively, any water to be discharged to Council's stormwater system shall comply with the ANZECC Guidelines for Marine and Freshwater Quality for Protection of Aquatic Ecosystems (95% protection level for marine ecosystems).
- 68. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Princes Highway.
- 69. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Princes Highway during construction activities.
- 70. All roof and surface stormwater from the site and any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code.
- 71. The site stormwater drainage shall be constructed generally in accordance with Stormwater Concept Plan SKC03-P2 dated 10/08/16 submitted by TTW Pty Ltd.

- 72. The tree protection measures shall be implemented and complied with for the duration of works including site preparation, demolition, construction and landscaping (except where these conditions permit otherwise). Any reasonable directions in writing by the Project Arborist relating to tree protection shall be complied with.
- 73. Trees to be removed shall be removed by a practicing arborist who has a minimum qualification of Certificate 3 in Arboriculture, in compliance with the Safe Work Australia Guide to Managing Risks of Tree Trimming and Removal Work, July 2016.
- 74. Landscaping of the site must be carried out prior to occupation or use of the premises in accordance with the approved plan, and must be maintained at all times to Council's satisfaction. Specified tree protection measures shall be complied with for all landscaping works, except where these conditions permit otherwise.

BEFORE OCCUPATION OF THE BUILDING

- 75. You must obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within 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 by the PCA;
 - e) A copy of any missed inspections; and
 - f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.
- 76. Occupation of the building must not be permitted until such time as:
 - a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
 - b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
 - c) An Occupation Certificate has been issued.
- 77. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:
 - a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
 - b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

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

- 78. a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination, and prior to the occupation of the development a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2000 as set down in the subject condition of this consent. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and
 - b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to Council in accordance with the requirements as set down in Part a) of this condition.
- 79. A validation report shall be submitted to Council, prepared by an appropriately qualified landfill gas expert to verify and demonstrate the successful installation of landfill gas measures as identified in the Landfill Gas Protection System Design & Verification Plan, dated January 2017, prepared by Zoic Environmental Pty Ltd.
- 80. Following completion of the development (including installation and validation of the landfill gas protection measures), a site specific EMP will need to be prepared that incorporates the requirements of the existing EMP but updates it with relevant site specific details. Consultation shall be made with relevant stakeholders involved in the management of the EMP for the site.
- 81. If during site works there is a requirement for further remedial works, the person acting on this consent must submit to Council a Validation and Monitoring Report demonstrating compliance with contamination conditions in this consent and suitability of the site for the proposed development. The report is to be prepared in accordance with the NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites 2011*. Note that Council may request the applicant to engage a NSW EPA Accredited Site Auditor to provide a Site Audit Statement to certify site suitability.
- 82. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed <u>before the issue of the Occupation Certificate</u>. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
- 83. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken <u>before the issue of an Occupation Certificate</u>.
- 84. <u>Before the issue of an Occupation Certificate</u> 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 must be submitted to and accepted by Council. The certification shall be accompanied by full works-as-executed plans, prepared and signed by a registered surveyor.
- 85. <u>Prior to issue of the Occupation Certificate</u> the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Civil Works on Council property required to be undertaken as a result of this

development have been completed satisfactorily and in accordance with Council approved plans and specifications.

- 86. <u>Prior to the issue of the Occupation Certificate</u>, at least 98 new trees shall be planted. The new trees shall be planted in accordance with the following criteria:
 - a) The new trees shall be located in accordance with the Amended Landscape Package (Place Design Group, 20/1/17).
 - b) The species of the new tree shall be as listed in the Amended Landscape Package (Place Design Group, 20/1/17).
 - c) The planting stock size shall be at least 100 litres.
 - d) The planting stock shall comply with the Australian Standard *Tree Stock for Landscape Use* AS 2303-2015.
 - e) The new trees shall be planted in accordance with the tree planting detail shown in the Amended Landscape Package (Place Design Group, 20/1/17) and shall be consistent with the Street Tree Installation Specification (Marrickville Street Tree Mater Plan 2014, Section 6.4.3).
 - f) The strata vault system shall be installed by a contractor with appropriate experience in the installation of these systems.
 - g) The new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3 who has appropriate experience.
 - h) Each replacement tree shall be maintained in a healthy and vigorous condition until it attains a height of 5 metres, from which time it is protected by MDCP 2011
 - i) If any tree dies or needs to be removed before that time it shall be replaced with a similar tree in accordance with these conditions at the expense of the applicant.
- 87. The project arborist shall certify in writing to the Principal Certifying Authority (PCA) before the issue of the Occupation Certificate that the conditions of consent relating to tree removal, tree protection and tree planting have been complied with and that the protected trees have not been damaged or, if the recommendations have not been complied with, detail the extent and nature of the departure from the conditions. The Principal Certifying Authority shall report breaches of the conditions to Inner West Council.

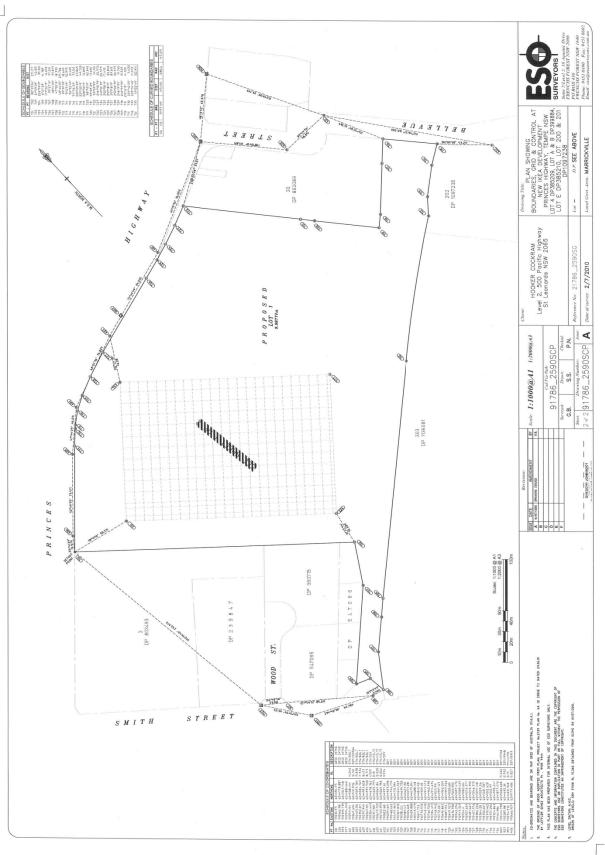
ADVISORY NOTES

- The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.
- A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out.
- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit those plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.

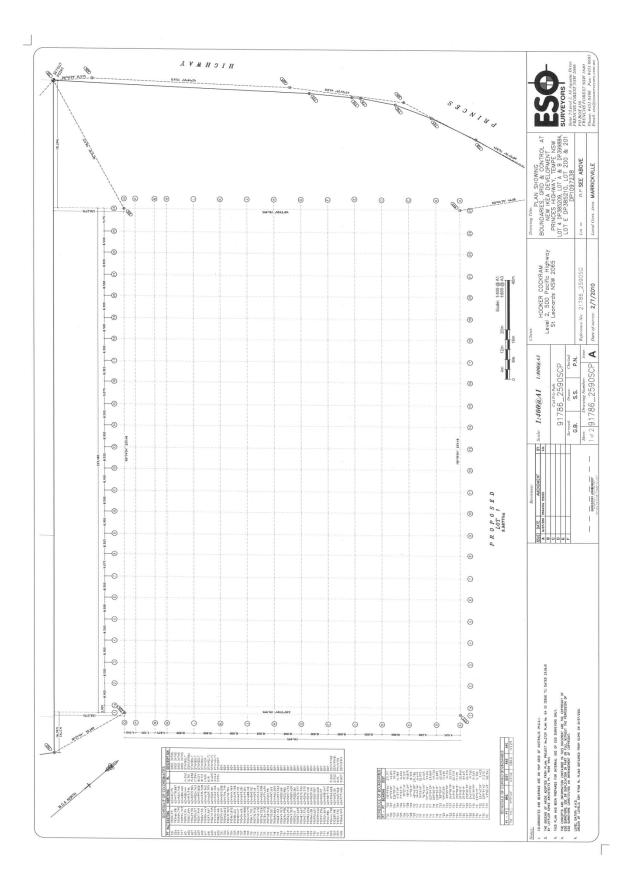
- Contact "Dial Before You Dig" before commencing any building activity on the site.
- Useful Contacts

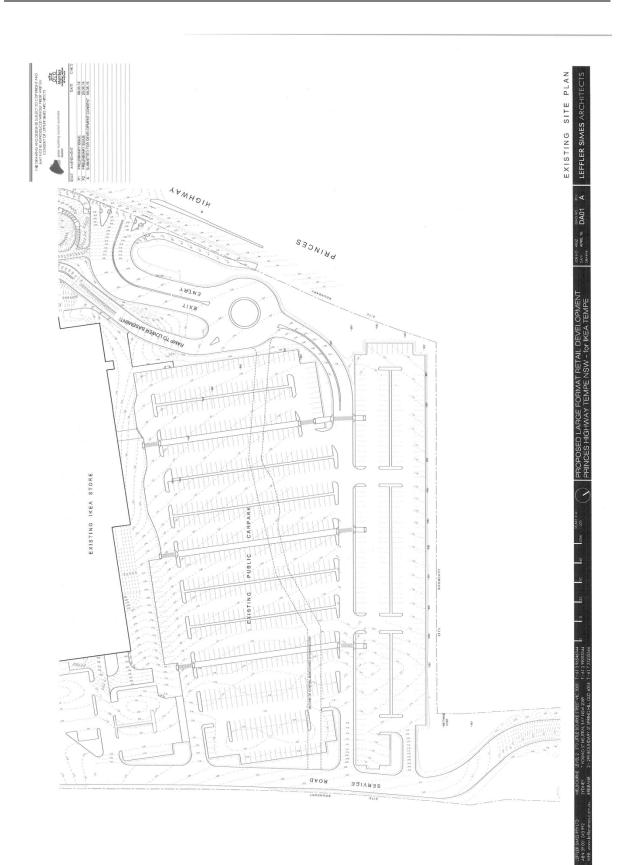
Department of Fair Trading	13 32 20 <u>www.fairtrading.nsw.gov.au</u> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	1100 www.dialbeforeyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 www.lspc.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50 <u>www.workcover.nsw.gov.au</u> Enquiries relating to work safety and asbestos removal and disposal.

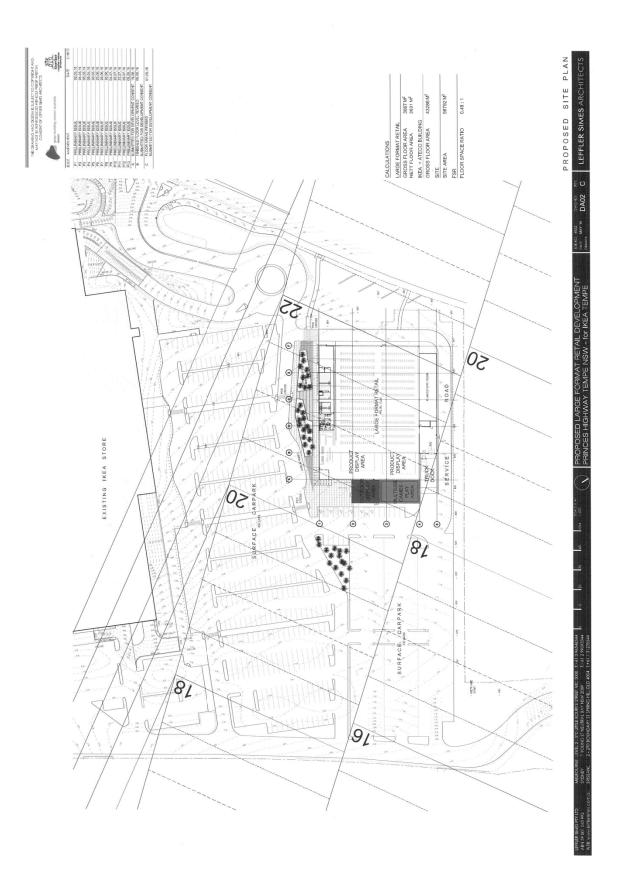
B. THAT those persons who lodged submissions in respect to the proposal be advised of the Council's determination of the application.

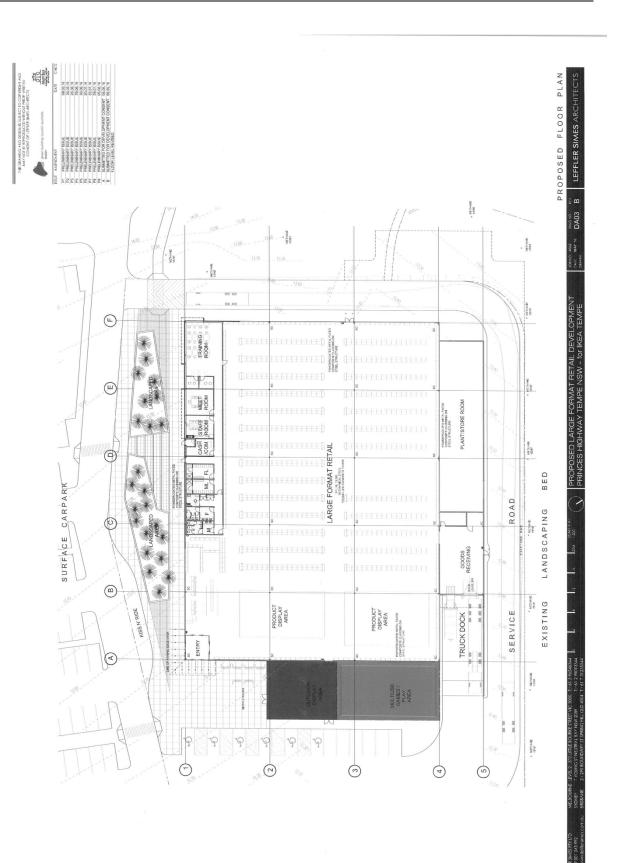


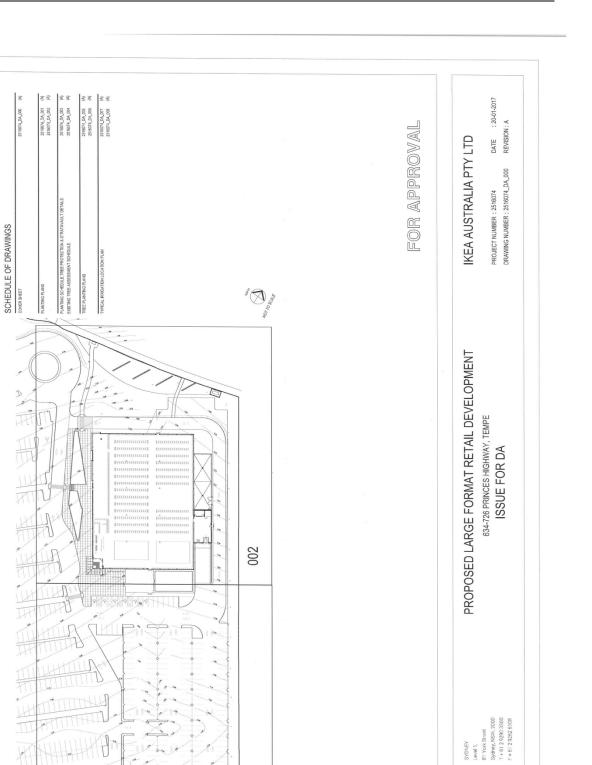
Attachment B – Plans of proposed development









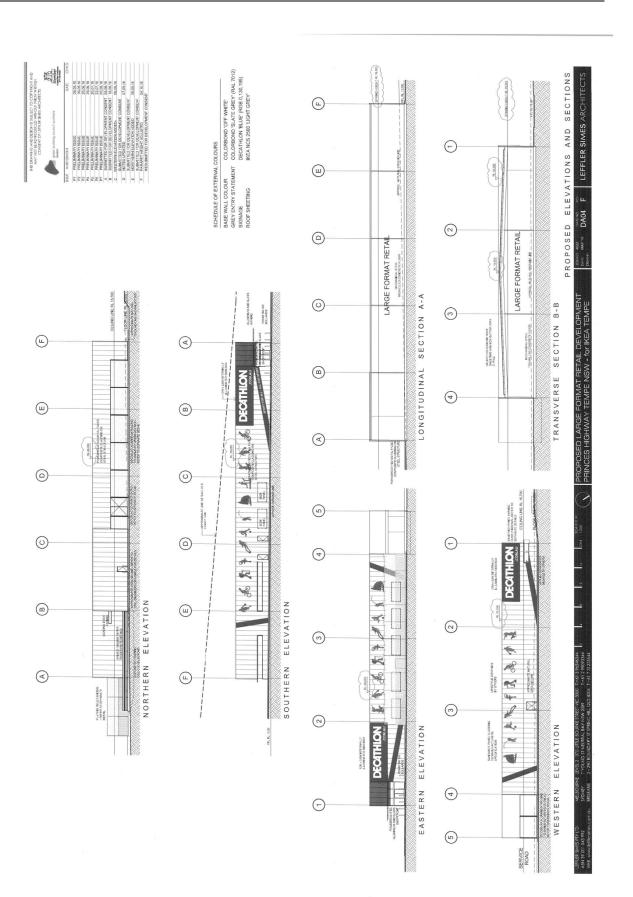


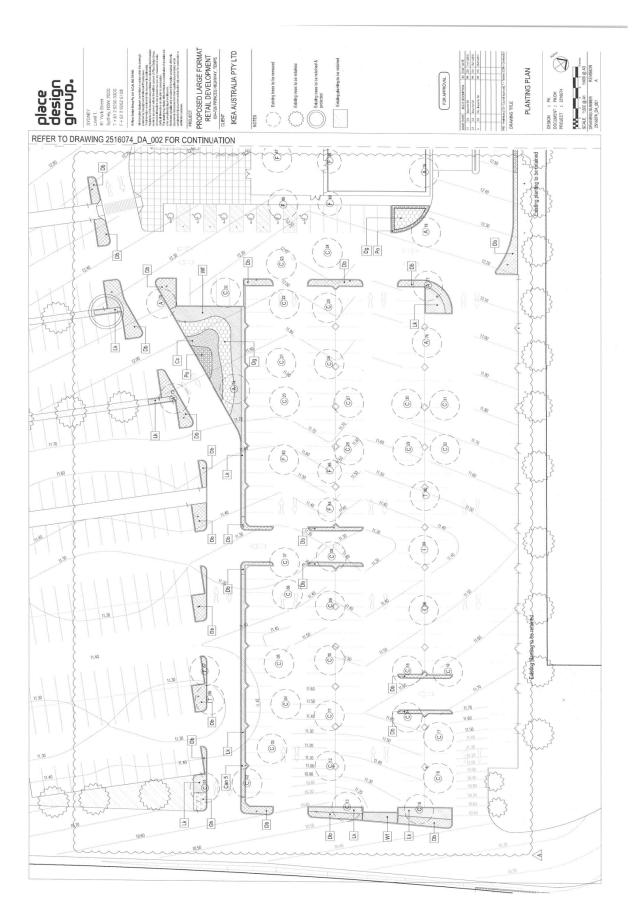
place design group.

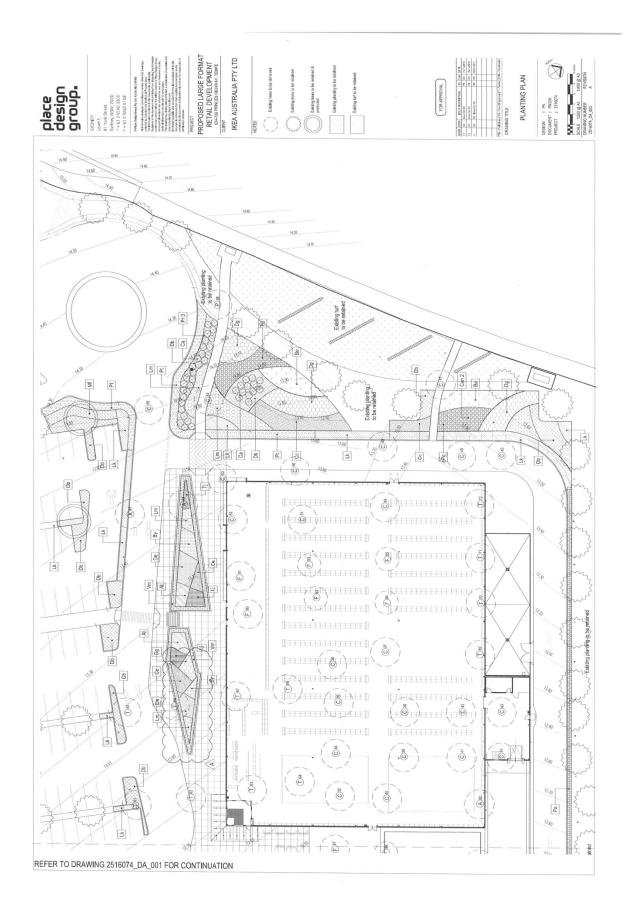
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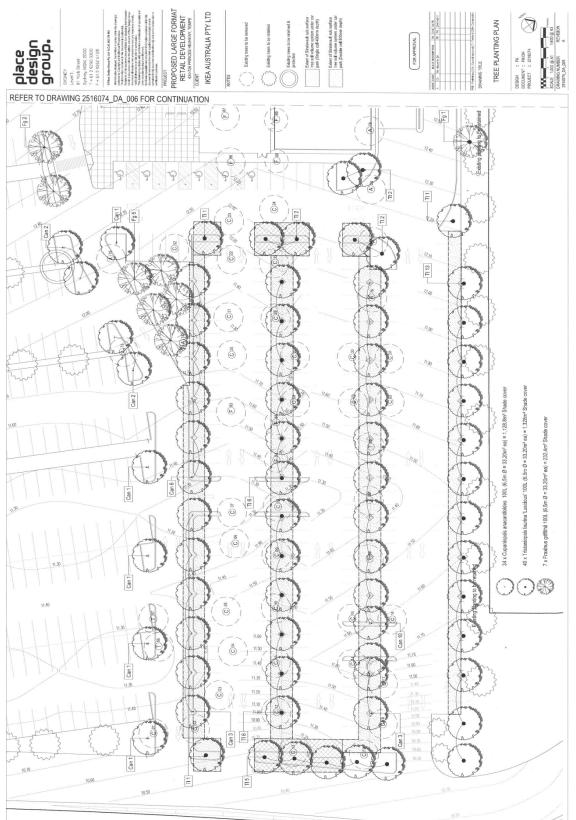






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ITEM 2

