

25 May 2009

Our ref: 209.058.4L3

Ms Kristina Keneally MP
Minister for Planning
Level 31, Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000



TOWN PLANNING
AND URBAN DESIGN

**RE: REQUEST UNDER CLAUSE 6 OF STATE ENVIRONMENTAL
PLANNING POLICY (MAJOR PROJECTS) 2005 – CONCEPT PLAN AND
PROJECT APPLICATION AT 91 THE LAKES WAY, FORSTER**

Dear Minister,

1.0 INTRODUCTION

This letter has been prepared on behalf of Fabcot Pty Ltd (Proponent) which is a wholly owned subsidiary of Woolworths Limited, to request the Minister form the opinion under Clause 6 of *State Environmental Planning Policy (Major Projects) 2005* (Major Projects SEPP) that the proposed development at 91 The Lakes Way, Forster is development of a kind described in clause 13 of Schedule 1 of the Major Projects SEPP as a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies (Part 3A Project).

This letter also represents the Proponent's request for authorisation from the Minister under Section 75M of the *Environmental Planning and Assessment Act, 1979* to submit a Concept Plan for the site.

In the event that the Minister forms the opinion that the development is a Part 3A project and authorises the submission of a concept plan, the Proponent seeks approval for a Project Application and Concept Plan and requests the Director-General's requirements for the preparation of the environmental assessment for the Concept Plan and Project Application. The completed application forms for the Concept Plan and Project Application are enclosed.

The proposed retail development has a Capital Investment Value of \$53.5 million and will generate an additional 450 jobs when operational and 275 jobs during the construction phase.

The attached Preliminary Assessment provides information to address the Department of Planning's "*Guidelines for Part 3A of the Environmental Planning and Assessment Act, 1979 – Criteria for declaring development to be a Major Project under Clause 13 of Schedule 1 of the Major Projects SEPP*".

2.0 MAJOR PROJECT CRITERIA

2.1 Major Projects of State or regional planning significance

Clause 6 of the Major Projects SEPP enables the Minister to form an opinion with respect to a proposed development under Part 3A of the *Environmental Planning and Assessment Act, 1979* based on the following:

6 Identification of Part 3A projects

- (1) Development that, in the opinion of the Minister, is development of a kind:
- (a) that is described in **Schedule 1** or 2, or
 - (b) that is described in Schedule 3 as a project to which Part 3A of the Act applies, or

(c) to the extent that it is not otherwise described in Schedules 1–3, that is described in Schedule 5,
is declared to be a project to which Part 3A of the Act applies.

Clause 13 of Schedule 1 under the Major Projects SEPP identifies residential, commercial or retail developments considered to be projects to which Part 3A applies with the Minister as the approval authority, as follows:

Group 5 Residential, commercial or retail projects

13 *Residential, commercial or retail projects*

- (1) *Development for the purpose of residential, commercial or retail projects with a capital investment value of more than \$50 million that the Minister determines are important in achieving State or regional planning objectives.*
- (2) *This clause does not apply to major development within the meaning of section 31 of the City of Sydney Act 1988.*



2.2 Capital Investment Value

The Proponent has engaged Rider Levett Bucknall (RLB), quantity surveyors, to calculate the Capital Investment Value (CIV) of the proposed retail development. A copy of the RBL calculation for the CIV can be found at **Appendix D** of the *Preliminary Assessment Report*. The CIV has been calculated at \$53.5 million which satisfies the minimum value requirement under the Major Projects SEPP.

2.3 Preliminary Assessment Report

A "Preliminary Assessment Report" has been prepared for the site which addresses the existing planning controls, the State and local strategic planning for the locality and region, the economic needs and employment generating capacity of the proposed development, infrastructure investigations and environmental considerations.

The report concludes that the proposed retail project is important in achieving State and regional planning objectives.

2.4 Preliminary Concept Plan

To assist in understanding the nature of the proposal a preliminary concept plan in sketch form for the proposed retail development has been prepared and can be found at **Appendix C** of the *Preliminary Assessment Report*.

3.0 CONCLUSION

The Proponent respectfully requests that the Minister form an opinion and grant authorisation as requested based on the support information, given the Proponent's commitment to providing jobs and services for the community at Forster.

Should you have any queries or require clarification on any matters please do not hesitate to contact the undersigned on 02 9925 0444 or 0488 221082.

Yours sincerely

THE PLANNING GROUP NSW PTY LTD

Marian Higgins
(Principal Planner)