



3 March 2010

Mr Adam Coburn
Director Planning – City Planning
Liverpool City Council
1 Hoxton Park Road
Liverpool NSW 2170

Dear Adam,

**RE: Former Hoxton Park Airport – Proposed Mirvac Development
Woolworths Distribution Centres**

Further to Council's letter of 26 February 2010 and our meeting of 3 March 2010, please find below Mirvac's position with respect to the timing for the provision of works contained in the VPA.

Items 1A & 1B – Remediation of Land Zoned RE1 Public Reserve
No change.

Item 2A – Management of Land Zoned RE1 Public Reserve

We are happy for this item to be removed from the VPA or if easier for Council, this item remain in the VPA and Council provide written confirmation that this item has been satisfied.

Items 2B & 2D – Management & Vegetation Management of land zoned RE1 Public Reserve
No change.

Item 8A Local Drainage Facilities
No change.

ITEM 9A – Stormwater detention

	Item	Description of works	Timing for the provision of works	Amount of Bond or Bank Guarantee	Percentage of Bond or Bank Guarantee retained during (any) defects Liability Period	Amount of Bond or Bank Guarantee retained during (any) defects Liability period
9a	Stormwater detention	Construction of a detention basin with a minimum capacity of 122,000m ³ on land zoned Sp2 Infrastructure (drainage). Located on the subject Land and adjacent land to the west Basin area to be embellished in accordance with Water Sensitive Urban Design Principles and Council's Satisfaction.	Prior to (whichever occurs first): (1) the issue of a subdivision certificate for a plan that when registered would create the first (1st) Residential Lot of the Development; or (2) the development (other than super-lot subdivision) of Land zoned B1 Neighbourhood Business; or (3) the development of more than 25 hectares of Land zoned either IN1 General Industrial or IN2 Light Industrial.	\$2,010,000	10%	\$201,000

MIRVAC PROPOSED CHANGE TO ITEM 9A:

The current requirement in the VPA links the detention basin completion to the development of the 25th hectare of industrial land. Mirvac is seeking to amend item (3) of the Timing for the Provision of Works as follows;

1. Mirvac will provide LCC a bond to cover the works (as agreed by an appropriately qualified independent quantity surveyor) upon Occupation Certificate of the BIG W building if works to the Stormwater detention has not been completed.
2. Mirvac will complete the Stormwater detention no later than 18 months following Occupation Certificate of the BIG W building.
3. If delays are encountered in obtaining required approvals for the Stormwater detention, LCC agree to re-consider (acting reasonably) a revised completion date.

ITEM 10A – Stormwater drainage

	Item	Description of works	Timing for the provision of works	Amount of Bond or Bank Guarantee	Percentage of Bond or Bank Guarantee retained during (any) defects Liability Period	Amount of Bond or Bank Guarantee retained during (any) defects Liability period
10a	Stormwater drainage	Construction of "Drainage Channel" on land zoned SP2 Infrastructure (drainage) and RE1 Public Recreation as shown on the plan attached as Annexure 1 between the detention basin and Hinchinbrook Creek. Channel to be embellished in accordance with Water Sensitive Urban Design Principles and Council's satisfaction.	Prior to (whichever occurs first): (1) the issue of a subdivision certificate for a plan that when registered would create the first (1st) Residential Lot of the Development; or (2) the development (other than super-lot subdivision) of Land zoned B1 Neighbourhood Business; or (3) the development of more than 25 hectares of Land zoned either IN1 General Industrial or IN2 Light Industrial.	\$1,890,000	10%	\$189,000

MIRVAC PROPOSED CHANGE TO ITEM 10A:

The current requirement in the VPA links the detention basin completion to the development of the 25th hectare of industrial land. Mirvac is seeking to amend item (3) of the Timing for the Provision of Works as follows;

1. Mirvac will provide LCC a bond to cover the works (as agreed by an appropriately qualified independent quantity surveyor) upon Occupation Certificate of the BIG W building if works to the Stormwater drainage has not been completed.
2. Mirvac will complete the Stormwater drainage no later than 18 months following Occupation Certificate of the BIG W building.
3. If delays are encountered in obtaining required approvals for the Stormwater drainage, LCC agree to re-consider (acting reasonably) a revised completion date.

ITEM 11A – Bridge

	Item	Description of works	Timing for the provision of works	Amount of Bond or Bank Guarantee	Percentage of Bond or Bank Guarantee retained during (any) defects Liability Period	Amount of Bond or Bank Guarantee retained during (any) defects Liability period
11a	Bridge	<p>Construction of bridge over Hinshinbrook Creek to provide access from Cowpasture Road to the M7 underpass.</p> <p>- 2 vehicle lanes with shoulders between Cowpasture Road and western boundary of the Land on the southern side of the basin.</p> <p>- 2.5 metre wide shared bike/pedestrian path</p> <p>- Flood free level (1% ARI)</p> <p>- All services to be included eg. street lighting, drainage etc</p> <p>- Bridge to connect to Cowpasture Road adjacent to the northern boundary of Lot 101 CS 04/86.</p>	<p>Prior to (whichever occurs first):</p> <p>(1) the issue of a subdivision certificate for a plan that when registered would create the first (1st) Residential Lot of the Development; or</p> <p>(2) the development (other than super-lot subdivision) of Land zoned B1 Neighbourhood Business; or</p> <p>(3) the development of more than 25 hectares of Land zoned either IN1 General Industrial or IN2 Light Industrial.</p>	\$6,300,000	10%	\$630,000

MIRVAC PROPOSED CHANGE TO ITEM 11A:

The current requirement in the VPA links the detention basin completion to the development of the 25th hectare of industrial land. Mirvac is seeking to amend item 3 of the Timing for the Provision of Works as follows;

1. Mirvac will provide LCC a bond to cover the works (as agreed by an appropriately qualified independent quantity surveyor) upon Occupation Certificate of the BIG W building if works to the Bridge has not been completed.
2. Mirvac will complete the Bridge no later than 18 months following Occupation Certificate of the BIG W building.
3. If delays are encountered in obtaining required approvals for the Bridge, LCC agree to re-consider (acting reasonably) a revised completion date.

ITEM 12A & 12B - Signalised Intersections

	Item	Description of works	Timing for the provision of works	Amount of Bond or Bank Guarantee	Percentage of Bond or Bank Guarantee retained during (any) defects Liability Period	Amount of Bond or Bank Guarantee retained during (any) defects Liability period
12a	Signalised Intersections	Signalised intersection at the future bridge intersection at Cowpasture Road immediately north of Lot 101 CS 04/86	By the earlier of the development of more than 25 hectares of Land zoned either IN1 General Industrial or IN2 Light Industrial or at the request of the RTA made in response to the consideration of a development application for the land, whichever occurs last	\$276,132	10%	\$27,613
12b		Signalised intersection at Cowpasture Road adjacent to the southern boundary of Lot 310 DP 870967.				

MIRVAC PROPOSED CHANGE TO ITEM 12A & 12B:

The current requirement in the VPA links the detention basin completion to the development of the 25th hectare of industrial land. Mirvac is seeking to amend item 3 of the Timing for the Provision of Works as follows;

Item 12A – New Intersection Associated With Bridge

This item should reflect 11A above as the two are linked.

Item 12B – New Intersection on Cowpasture Road at Southern Boundary

This item to be completed prior to completion of the Big W & Dick Smith buildings.

Adam, we trust the above simplifies an acceptable position to Council and look forward to Council's concurrence at your earliest convenience.

Yours Sincerely,



STUART PENKLIS
National Industrial Director



Liverpoolcitycouncil
creating our future together

Office Ref: 2010/0343
Trim Ref: 036809.2010-01
Contact: Adam Coburn
02 9821 9347

10 February 2010

Mirvac
Attn: Stuart Penklis
Level 26, 60 Margaret Street
SYDNEY NSW 2000

Dear Mr Penklis

Re: Proposed amendments to the Voluntary Planning Agreement – former Hoxton Park airport site

I refer to your letter dated 3 March 2010 in respect to proposed amendments to the Voluntary Planning Agreement (VPA) for the former Hoxton park airport site and the Woolworths Limited development proposals.

Council accepts the further proposed amendments that you have identified in your letter of 3 March 2010.

The proposed amendments to the VPA are intended to facilitate the development of the site for the purpose of the Dick Smith and Big W distribution centres. These facilities will provide significant economic and social benefit to the region, as well as assisting the orderly development of the former airport Hoxton park precinct and associated infrastructure.

In this regard Council would insist on a clause being inserted into the VPA that specifically relates the proposed changes to the VPA being solely for the purpose of satisfying the delivery of the Woolworths distribution centres. Should the Woolworths proposal not proceed, then the VPA should revert back to its current form.

I trust this satisfies you and I await the above amendments being drafted into the VPA by your solicitor. As previously advised in Council's letter dated 26 February 2010, the formal adoption of the amended VPA will require Council resolution.

Should you need any further assistance in meantime please contact Adam Coburn, Director City Planning on the above number.

Yours sincerely

Phil Tolhurst
General Manager



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