

09622
15 December 2009

Mr Sam Haddad
Director General
Department of Planning
23-33 Bridge Street
SYDNEY NSW 2000

Attention: Chris Wilson

Dear Mr Haddad

PART 3A REQUEST FOR MINISTER'S DECLARATION WAREHOUSE AND DISTRIBUTION FACILITIES, HOXTON PARK

We refer to the proposal for the development of warehousing and distribution facilities at Hoxton Park. The project will provide a substantial investment in NSW and net new job creation of approximately 420 people (approximately 800 people will be employed at the site).

We are writing on behalf of the proponent Mirvac Projects Pty Limited, to seek the Minister's opinion that the proposed warehouse facilities are a development of the kind described in Schedule 1 (Classes of Development) of State Environmental Planning Policy (Major Development) 2005 (the Major Development SEPP) and therefore, is a 'major project' to be determined under Part 3A of the *Environmental Planning & Assessment Act, 1979* (the EP&A Act).

Should the Minister form the necessary opinion, we request that the Director General issue the requirements for the preparation of an Environmental Assessment to accompany a Concept Plan and concurrent Project Application for the proposed development.

To support the request for the Director General's requirements relating to the environmental assessments, a Preliminary Assessment relating to the project follows. The Preliminary Assessment provides detail on the site location and an outline of the project, and identifies the key likely environmental and planning issues associated with the proposal.

1.0 SITE DESCRIPTION

Site Location and Context

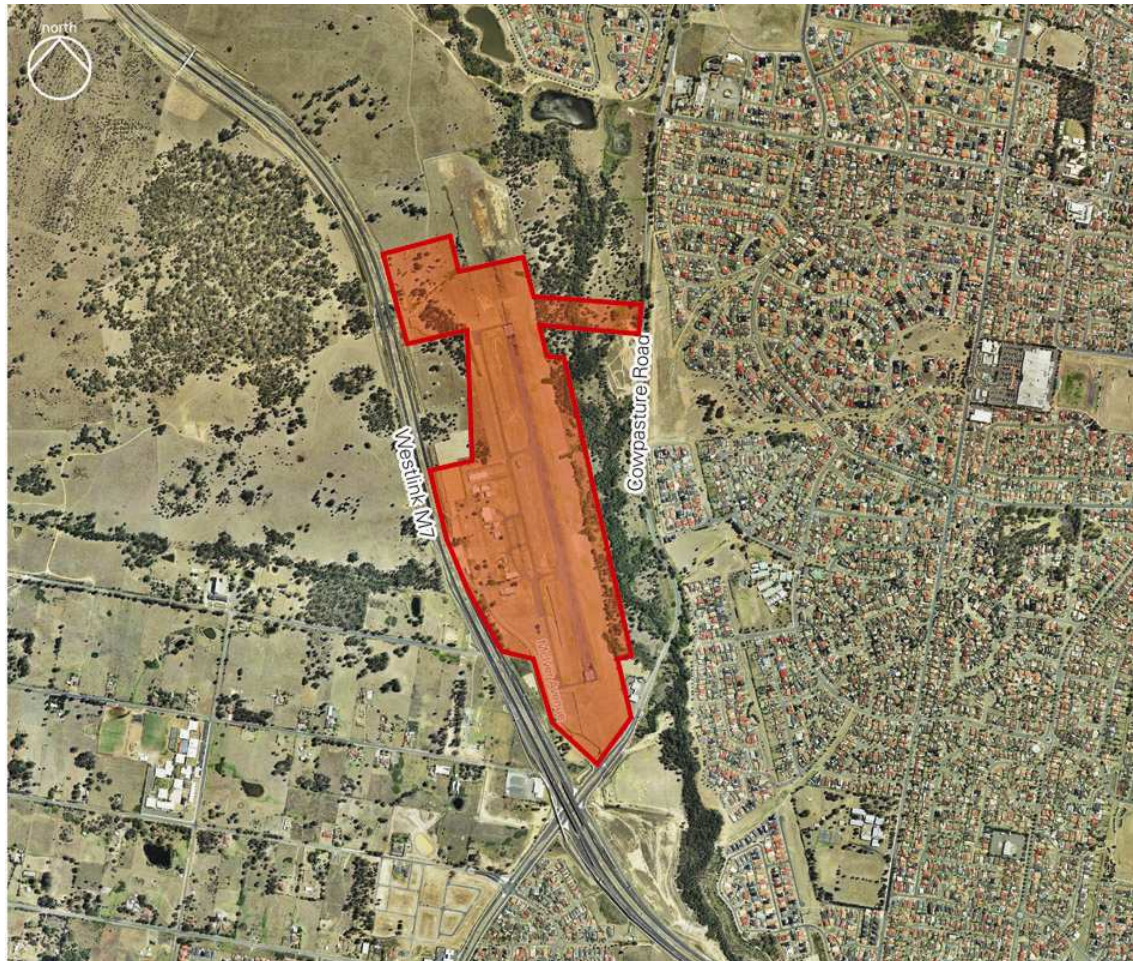
The site is located on part of the former Hoxton Park Aerodrome which is situated at the corner of Cowpasture Road and the M7 Motorway, in the central region of the Liverpool Local Government Area (LGA). The industrial site is shown in **Figure 1** and has an approximate area of 40.83 hectares.

The Hoxton Park Aerodrome was most recently used as an uncontrolled airfield for light aircraft and helicopters for private flight training and flying. As the aerodrome was never used for commercial flights, the aerodrome does not have a passenger terminal. Several airport hangers and sheds which were occupied by the flying school and other similar companies have been erected to the west of the runway and still exist on the site today. These buildings are low scale in nature and are generally constructed out of corrugated metal sheeting.

This use ceased in December 2008 and the site is currently unoccupied.

With exception of the hangers and buildings which are currently being demolished and the airstrip which has been decommissioned, the site is generally cleared, and predominantly comprises grassed areas.

Vehicular access to the site is via Cowpasture Road.



■ The Site
Figure 1 – Site Plan

Surrounding Development

To the immediate east of the site is the Hinchinbrook Creek riparian corridor which will be the subject of riparian rehabilitation works (to be carried out in accordance with a VPA signed between the landowner and Liverpool City Council). A Flora and Fauna Assessment has identified Cumberland Plain Woodland within the riparian corridor which is an Endangered Ecological Community under the EPBC Act. Also within the corridor, are several trees have been identified as providing potential habitats for threatened fauna species and migratory species listed under the EPBC Act.

Beyond Hinchinbrook Creek is Cowpasture Road and the suburb of Hinchinbrook which predominantly comprises low density residential development.

North of the site is the future development, which will accommodate commercial / retail uses immediately adjacent to the site which will eventually provide a buffer for the future 200 (approximately) dwellings which are being considered further north on the same site.

The M7 adjoins the western boundary of the site. The M7 is a 4 lane motorway providing an uninterrupted journey between the M2, M4 and M5 motorways. Beyond the M7 is a Mirvac / Landcom joint venture called Parkbridge which will accommodate approximately 700 residential lots.

Cowpasture Road, which is currently being upgraded by the RTA, bounds the southern part of the site. Beyond Cowpasture Road is vacant land which is zone RU1 – Primary Production.

2.0 BACKGROUND

Big W's distribution facilities are currently located in Warwick in Queensland and Monarto in South Australia. The new Hoxton Park facility will be Big W's national facility, with those in other states closing down and moving to NSW.

Dick Smith's distribution facilities are currently located in Villawood and Chullora, NSW. These buildings will be vacated by Woolworths Ltd and the operations centralised into the new Hoxton Park facility that will become the national facility for Dick Smith.

Once in full operation, the two warehouse facilities will employ approximately 800 employees.

3.0 THE PROJECT

Consent will be sought for the construction, operation and use of two warehouse buildings which will be occupied by Big W and Dick Smith Electronics. Both companies are subsidiary companies of Woolworths Limited which is one of the largest companies in Australia, employing more than 191,000 people in Australia.

In addition to the above two warehouses, Mirvac will also be seeking approval for building envelopes on the southern most lots on the site. At this stage a tenant hasn't been secured and as such concept approval for two building envelopes will be sought.

The project comprises a Concept Plan Application and a concurrent Project Application for the construction of two warehouse buildings as shown in **Figure 2**. Architectural Plans of the project are included at **Attachment A**.

The building to the south will be occupied by Big W and is the larger of the two warehouses comprising approximately 89,000m² (GFA). It is proposed that this building will be constructed in one stage and will eventually accommodate approximately 420 employees. This will be a net gain to NSW. The Big W warehouse, as currently proposed, is approximately 200m wide, 400m long and 13.7m high, however these dimensions may vary slightly as the detailed design of the warehouse develops.

The Dick Smith warehouse building, which is located on the northern part of the site, will be constructed in two stages. Initially the building will be approximately 200m wide, 250m long and 13.7m high (Stage 1). As storage requirements increase, the warehouse will be expanded to include a possible 37m highbay facility and will accommodate approximately 50,300m² GFA (Stage 2). At the end of Stage 2 the Dick Smith warehouse is expected to accommodate approximately 325 employees.

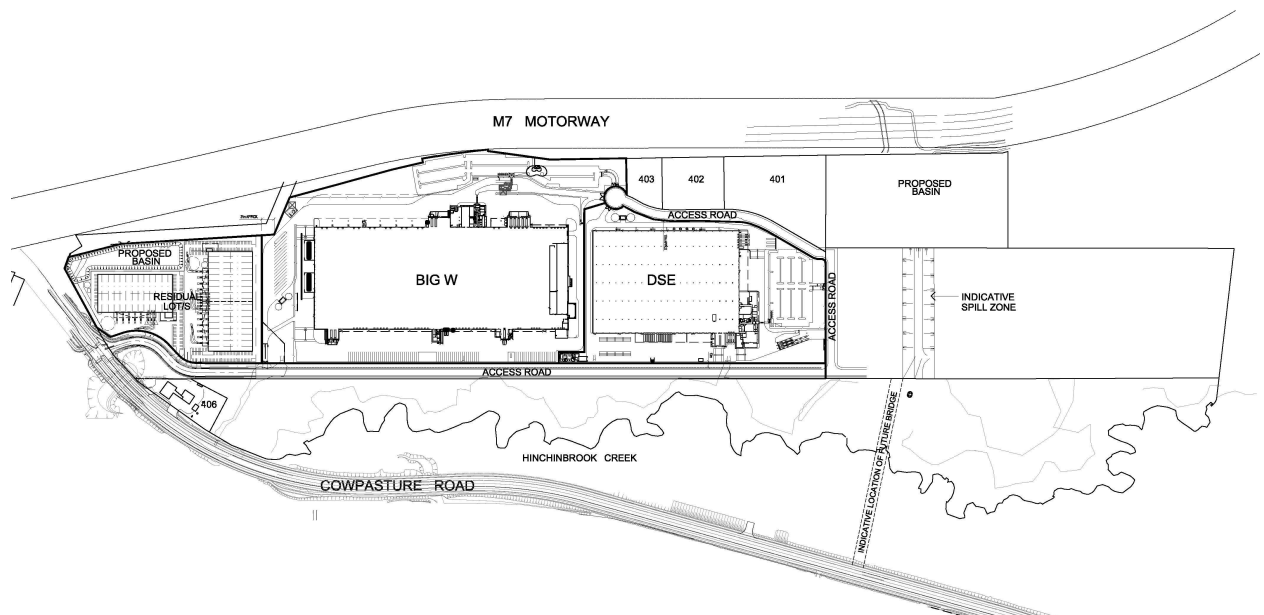


Figure 2 – General layout of proposed development

Source: Mirvac Pty Limited

Internal operations within both warehouses will include the use of a sophisticated automated conveying and sortation systems, order selection in pick to belt halls and pick to pallet with material handling equipment. Consent will be sought for the operation of the facilities 24 hours a day, 7 days a week.

Rigid body trucks, single and double axle prime movers and B-Double trailers will service both warehouses. A summary of the estimated truck movements for each facility is provided in **Table 1**. Trucks will primarily access the site from the southern access road however as part of the VPA with Liverpool Council, a new road will be constructed as part of the development towards the north of the site which will cross Hinchinbrook Creek. This will provide an alternate access to the site.

Approximately 790 car parking spaces will be provided on site for staff. Consent will also be sought for construction of the internal roads and installation of associated infrastructure and services.

Table 1 – Estimated Truck Movements

	Big W	Dick Smith
Inbound Truck Quantities (per Day)*	Up to 110 trucks per day by 2016	Up to 120 trucks per day
Outbound Truck Quantities (per day)*	Up to 120 trucks per day by 2016	Up to 60 trucks per day
Distribution of Truck Movements	60% between 6am and 6pm	60% between 6am and 2pm

*Inbound and Outbound trucks are separate movements and are indicative only

Source: Woolworths Ltd

4.0 CONTENTS OF THE CONCEPT PLAN AND PROJECT APPLICATION

Concept Plan

The Concept Plan will seek approval for the following:

- General site layout;
- Building Envelopes;
- Land use;
- Operation of the development 24hrs/per day;
- Staging of the development;
- Location of bridge across Hinchinbrook Creek;
- Location and size of detention basins and associated drainage infrastructure; and
- Land Subdivision.

An overlay of the proposed development over the site zoning is provided at **Attachment B**. As can be seen in the image, some of the on-site parking is located within the E3 Environmental Management zone.

Roads are permissible within the E3 zone, however the proposed parking, which is similar in nature and impact to a road, is not permissible and as such Concept Plan approval is sought for this aspect of the development in accordance with Section 75O(3) of the Environmental Planning and Assessment Act.

Project Application

A detailed project application will be submitted concurrently with the Concept Plan application which will seek consent for:

- The design, construction and operation of the Big W warehouse building;
- The design, construction and operation of the Dick Smith warehouse building in a staged manner;
- Fit out and use of both businesses, including 24/7 operational hours;
- Construction of the required site infrastructure including:
 - Roads;
 - Parking;
 - Drainage;
 - Services and Utilities;
 - Bridge;
 - Detention basins; and
- Earthworks including excavation and fill.

Timing of Development

Mirvac must commence works in May 2010 in order to ensure the Dick Smith warehouse (stage 1) is operational by December 2011 and the Big W warehouse by March 2012. The timing of the delivery of the project is critical in order for the development to proceed.

5.0 PLANNING CONTROLS

5.1 Local and State Planning Controls

The site has been the subject of several studies that the Council has commissioned as part of the preparation of the *Liverpool Industrial Lands Strategy*. The strategy formed the basis for the preparation of the comprehensive Liverpool Local Environmental Plan and included the following description of the Hoxton Park Aerodrome:

“... Given its superior location, the site could be developed as a high-technology park, which is often characterised as an area with a high proportion of professionals and knowledge based activity. Mixed use businesses, particularly transport-related businesses would also be appropriate in this location.”

Following the adoption of the strategy, the site was nominated for the following land use zones under the Draft Liverpool Local Environmental Plan 2008:

- IN1 – General Industrial;
- IN2 – Light Industrial;
- RE1 – Public Recreation; and
- RE3 – Environmental Management.

The Liverpool LEP came into force on 29 August 2008, however the above zoning was delayed under Clause 7.21 of the Liverpool Local Environmental Plan 2008 until such time that airport operations had ceased on the land.

The airport ceased operating in December 2008 and a Voluntary Planning Agreement relating to the dedication of the Riparian Lands, installation of stormwater infrastructure and construction of a new road / bridge crossing was signed between the landowner and Liverpool Council.

As a result of the above the Liverpool LEP 2008 zoning now applies to the site. Warehouse and Distribution centres are permissible within the IN1 zone.

Other applicable planning instruments and policies are:

- State Environmental Planning Policy (Major Development) 2005;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy 55 – Remediation of Land;
- Liverpool Development Control Plan 1998;
- Sydney Metropolitan Strategy;
- Draft South-West Subregional Strategy; and
- Employment Lands for Sydney Action Plan 2007.

5.2 Voluntary Planning Agreement

In addition to the above, a Voluntary Planning Agreement (VPA) applies to the site which has been entered into by the landowner and Liverpool City Council. The VPA requires the following works to be undertaken and contributions to be made:

- Remediation of land zoned RE1 Public Recreation;
- Management of RE1 Public recreation land, including the preparation and implementation of a Vegetation Management Plan and Offset Strategy;
- Provision of public recreation facilities within the RE1 Public Recreation Zone, including play equipment, covered seating areas and park benches;

- Construction of shared bike and pedestrian paths;
- Installation of local drainage facilities;
- Construction of a stormwater detention basin and other stormwater drainage infrastructure;
- Construction of a bridge over Hinchinbrook Creek to provide access from Cowpasture Road to the M7 underpass;
- Installation of a signalised intersection at the future bridge intersection at Cowpasture Road;
- Construction of new bus shelters;
- Dedication of the land zoned RE1 Public Recreation to Council; and
- Dedication of stormwater detention and drainage that is located within the SP2 Infrastructure zone.

As part of the assessment of this application, Mirvac will need to amend the Voluntary Planning Agreement in respect of the timing of the provision of the bridge (Cowpasture Road / M7 access) and also the size of the detention basins. Mirvac will be seeking the assistance the Department of Planning to facilitate agreement with Liverpool Council in relation to this issue.

6.0 MAJOR DEVELOPMENT SEPP 2005

Clause 6 of the Major Development SEPP provides that development that, in the opinion of the Minister, is development of a kind referred to in Schedule 1 (Classes of Development) is declared to be a project to which Part 3A of the EP&A Act applies.

Clause 12 of Schedule 1, *"Other manufacturing industries, distribution and storage facilities"* states:

"Development for the purpose of container storage facilities, or storage or distribution centres, with a capital investment value of more than \$30 million."

The proposed development is for a warehouse and distribution facility with a Capital Investment Value of over \$100 million and is therefore a development of a kind referred to in the Schedule 1. On this basis it is requested that the Minister form the opinion that the proposed development is of a type listed in Schedule 1 of the Major Development SEPP and therefore declared to be a project to which Part 3A of the EP&A Act applies. A Quantity Surveyors Certificate is included at **Attachment C**.

7.0 KEY ISSUES AND ENVIRONMENTAL RISK ANALYSIS

The following section outlines the key issues and impacts potentially arising from the proposed development. Each of these matters is discussed below and will be addressed in detail in the Environmental Assessment Reports (EAR) that will accompany the Project Application.

Traffic and access

As noted in the description above goods will be delivered to and distributed from the warehouse facilities by road. A traffic impact assessment will be prepared and submitted with the environmental assessment report which will include:

- Details of the anticipated daily and peak traffic movements to be generated by the development, including the impact on nearby intersections, in particular the access intersection to the M7 and Cowpasture Road;

- Details of the proposed car/truck parking and loading provisions in terms of the adequacy to accommodate demand as well as an assessment of car parking to accommodate the change in shifts;
- Assessment of the layout of the internal circulation roads and car parking areas in terms of compliance with relevant standards and suitability to accommodate B-Double Trucks.

Noise

The residential properties west of the site are likely to be the only potential noise sensitive receivers. The following acoustic issues pertaining to the construction and operation of the proposed development will be identified in the EAR:

- industrial noise from off loading / loading processes and other machinery;
- mechanical plant noise from refrigerated trucks, building services such as air-conditioning / refrigeration and ventilation fans;
- truck movements and road traffic generated by the operation of the premises;
- truck and forklift movements such as reverse beeping, engine braking etc; and
- construction of the new buildings.

To assess and address the potential acoustic issues, the location of nearby noise sensitive receivers will be identified and confirmed; noise logging will be conducted at the site and the noise sensitive receivers; spectrum noise measurements will be conducted; appropriate noise goals for the development will be established.

If acoustic mitigation measures are required these will be detailed in the Environmental Assessment Report and included in the proposed design where applicable.

Flora and Fauna

A Flora and Fauna Assessment, prepared by a suitably qualified ecologist, will be submitted with the application which will include:

- a 7 part test which would normally be required under Section 5A of the Environmental Planning and Assessment Act (does not strictly apply to a Part 3A application); and
- a review of the proposed construction management measures.

Bushfire

Due to the close proximity of the Hichinbrook Riparian Corridor, Asset Protection Zones were established as part of the rezoning process. A statement will be prepared by a suitably qualified bushfire consultant which will assess the project in terms of the bushfire protection measures identified for the site and the proposed use.

Contamination

The site has been the subject of remediation works and a site audit has been issued by a registered DECC Site Auditor. Evidence of this will be submitted with the Environmental Assessment Report so as to demonstrate that the site has been made suitable for the proposed use.

Visual Impacts

A visual impact assessment will be submitted with the application which will focus on the site's current zoning, contextual and surrounding uses/activities, landscaping, building design, setbacks, and potential night lighting impacts.

Sustainability Performance

The proposed warehouses will include energy and water saving initiatives as well as waste management regimes. A sustainability report will be submitted with the application which will outline the measures to be included in the design and the efficiency these measures will achieve.

Heritage

The site is not listed as an item of Environmental Heritage or being located within a Conservation Area. Notwithstanding this, studies undertaken during the rezoning process have identified that the site does have some heritage aspects which warrant interpretation. An Interpretation Plan will be submitted with the Environmental Assessment Report outlining interpretation measures to be incorporated into the proposed design.

Construction Management

A Preliminary Environmental and Construction Management Plan will be prepared by a suitably qualified consultant and will address the following issues:

- Construction Traffic Management;
- Air Quality;
- Soil and Water Management;
- Site Management; and
- Occupational Health and Safety.

Other matters

Other matters for consideration that will be addressed in the Environmental Assessment and may assist the Director General in identifying the general requirements and key project specific issues to be addressed are as follows:

- Compliance with relevant planning controls
 - Consideration of the relevant planning controls affecting the site and justification for any departures
- Stormwater Management
 - A report will be prepared which demonstrates that the proposal complies with the 2006 Stormwater Management Strategy prepared for the site and other relevant guidelines.
- Light Spill
 - Confirmation that sensitive users are unlikely to be affected due to topography, distance and site design
 - Compliance with relevant Australian Standards
- Infrastructure and Servicing
 - Capacity of surrounding infrastructure
 - Provision of services and easements for services.
- Signage
 - Building signage zones will be nominated on the plans.

8.0 CONSULTATION

As part of the preparation of the environmental assessment the proponent will carry out consultation in accordance with the Department of Planning *Guidelines for Major Project Community Consultation*.

9.0 CONCLUSION

This proposal will provide new warehouse distributing facilities for Woolworths Limited (Big W and Dick Smith) on a site which is highly accessible and appropriately zoned. The proposal will involve significant investment into the NSW economy, will generate approximately 420 net additional jobs and is consistent with the State Government's *Sydney Metropolitan Strategy* and the *Draft South-West Subregional Strategy*.

We trust that this Preliminary Assessment is sufficient to enable the Minister to form an opinion that the proposed development is a Major Project to be dealt with under Part 3A and to allow the Director General to issue requirements for the preparation of the necessary Environmental Assessment for a Concept Plan and concurrent Project Application.

Should you have any queries about this matter, please do not hesitate to contact me on 9409 4912 or gkirkby@jbaplanning.com.au.

Yours faithfully



Gordon Kirkby
Partner

CC: Stuart Penklis, National Industrial Director, Mirvac

Enclosed:

- Attachment A – Indicative design plans and images
- Attachment B – Zoning Overlay Plan
- Attachment C – Preliminary Cost Estimate (CIV calculation)