

## Section 75W Modification MP10\_0010 Environmental Assessment Report



### Len Waters Industrial Estate (Former Hoxton Park Aerodrome)

Modification to the Dick Smith Warehouse approval to include Masters Home Improvement use and amend signage details to Masters Home Improvement

Submitted to NSW Department of Planning and Infrastructure  
On Behalf of Mirvac Projects Pty Ltd

9 December 2011 ■ 11348

Reproduction of this document or any part thereof is not permitted without prior written permission of JBA Urban Planning Consultants Pty Ltd.

JBA Urban Planning Consultants Pty Ltd operates under a Quality Management System. This report has been prepared and reviewed in accordance with that system. If the report is not signed below, it is a preliminary draft.

This report has been prepared by: Kyeema Doyle

Signature



Date 08/12/11

This report has been reviewed by: Gordon Kirkby

Signature



Date 08/12/11

# Contents

Executive Summary	i
<b>1.0 Introduction</b>	<b>1</b>
1.1 The Site	1
1.2 Background to the Original Approval	1
1.3 Approval Sought Under the Modification	2
<b>2.0 Description of Proposed Modification</b>	<b>3</b>
2.1 Need for the Modification	3
2.2 Proposed Works	3
2.3 Proposed Modifications to the Approval	4
<b>3.0 Environmental Assessment</b>	<b>5</b>
3.1 Consistency with Relevant EPIs, Policies and Guidelines	5
3.2 Preliminary Hazard Analysis	7
3.3 Traffic	7
3.4 Signage	7
3.5 Lighting	7
<b>4.0 Conclusion</b>	<b>8</b>

## Figures

<b>1</b> Figure 1 – The site	<b>1</b>
------------------------------	----------

## Appendices

<b>A</b> Project Approval (MP 10_0010)	
<i>NSW Department of Planning</i>	
<b>B</b> Architectural Drawings	
<i>MNIA Architects</i>	
<b>C</b> Preliminary Hazard Analysis	
<i>AECOM</i>	
<b>D</b> Traffic Report	
<i>Colston Budd Hunt &amp; Kafes Pty Ltd</i>	
<b>E</b> Lighting Report	
<i>Shelmerdine &amp; Partners</i>	



## Executive Summary

This Environmental Assessment Report (EAR) is submitted to the Minister for Planning pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Specifically this application seeks to modify Project Application MP 10\_0010 to include Masters Home Improvement as a new business unit which includes the storage of landscape and garden supplies and timber and building supplies in addition to minor external changes to the approved signage. This report amends the Section 75W applications previously submitted on 29 November 2010 and 2 September 2011.

### Proposed Modifications

The following amendments are sought to the Dick Smith Warehouse Project Application (MP10\_0010):

- Amendment to warehouse use to include a new business unit - Masters Home Improvement storage and distribution within the facility. This amendment of use will include the storage of landscape and garden supplies and timber and building supplies;
- Change signage details from "Dick Smith Electronics" to "Masters Home Improvement";
- Relocate a sign from the western elevation to the southern elevation; and
- Delete a sign from the northern elevation.

### Environmental Assessment

The proposed inclusion of Masters Home Improvement as an additional business unit within the facility requires development consent as the additional proposes to store landscape and garden supplies and timber and building supplies. As such a Section 75W application was necessary. The proposed additional business unit will not involve any retail sales from the site.

The proposed modification to change the signage details from "Dick Smith Electronics" to "Masters Home Improvement" is considered Exempt Development as stated within *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. However, details of this modification have been included within the Section 75W application for consistency.

Of the remaining modifications the environmental assessment found:

- the proposal to include Masters Home Improvement as a new business unit will not result in any additional traffic or parking impacts.
- no potential hazards or risks were identified as a result of the inclusion of Masters Home Improvement which includes the storage of landscape and garden supplies and timber and building supplies.
- the relocation of the approved sign from the west to south elevation of the warehouse is minor in nature and will not have any adverse impact on the surrounding area;
- the removal of the sign at the northern entrance will result in an overall reduction in the building identification signage and will have little impact on the overall development; and
- signage lighting will remain as previously assessed and not generate any adverse impacts.

In light of the proposed modifications and in the absence of any adverse environmental impacts, the proposed development is recommended for approval.



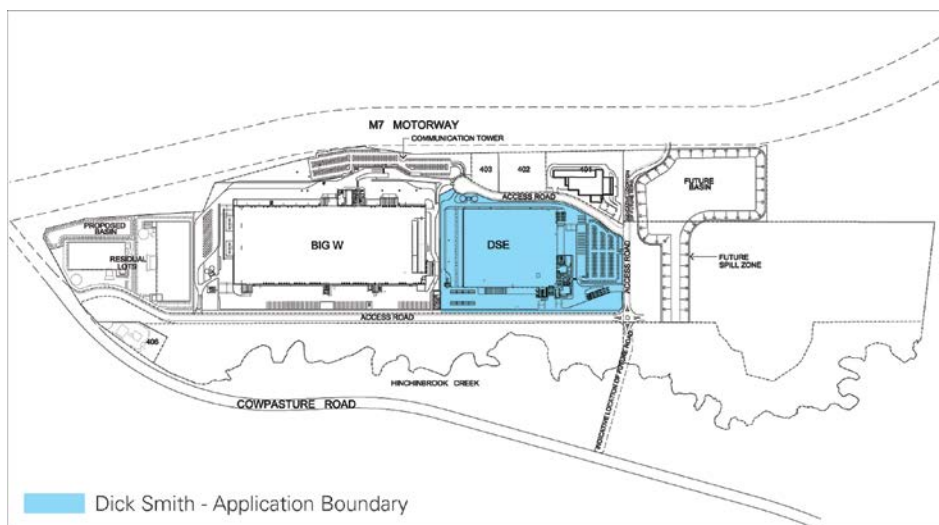
## 1.0 Introduction

This Environmental Assessment Report (EAR) is submitted to the Minister for Planning pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Specifically this application seeks to modify Project Application MP 10\_0010 to amend the warehouse use to include Masters Home Improvement as a new business unit in addition to minor external changes to the approved signage and exterior lighting. This report amends the section 75W application previously submitted on 29 November 2010 and 2 September 2011.

This report has been prepared by JBA Urban Planning Consultants Pty Ltd on behalf of Mirvac Projects. The report describes the proposed modifications and the reasons it is required and includes an assessment of the potential environmental impacts. It should be read in conjunction with the appended supporting plans and reports.

### 1.1 The Site

The site is located approximately 6.5km west of the Liverpool CBD on Cowpasture Road within the new industrial suburb, Len Waters Estate. The site is bound by the M7 Motorway and the newly developed warehouse to the west, Cowpasture Road and the proposed residential suburb of Elizabeth Hills to the north. The site is located within the Liverpool LGA and is shown in **Figure 1** below.



**Figure 1** – The site

### 1.2 Background to the Original Approval

On June 3, 2010 the Planning Assessment Commission (PAC) granted Concept Plan approval (10\_0007) for the development and operation of a distribution park at Len Waters Industrial Estate (formally known as Hoxton Park). Concurrent with the Concept Plan Approval, the PAC approved three separate Project Applications to enable the development of the site for industrial use.

The Project Approvals included: Stage 1 Infrastructure (10\_0008), Big W Warehouse Facility (10\_0009) and the Dick Smith Warehouse Facility (10\_0010).

The Dick Smith Warehouse Project Approval was subsequently modified on January 23, 2011 following the detailed design phase for the warehouse. A number of minor external changes were required which included the addition of a gatehouse, driveway and boundary adjustments, cladding and roof colour changes and external lighting adjustments. A copy of the modified consent is provided at **Appendix A**.

### 1.3 Approval Sought Under the Modification

This application seeks to modify the Dick Smith Warehouse Project Approval (10\_0010) in the following manner:

- Amendment of warehouse use to include a new business unit “Masters Home Improvement” which includes the storage of landscape and garden supplies and timber and building supplies;
- Change of signage details from “Dick Smith Electronics” to “Masters Home Improvement”;
- Relocate the sign positioned on the western elevation to the southern elevation of the warehouse.; and
- Delete the sign from the northern elevation.

All signage dimensions and lighting are to remain the same as originally approved.



## 2.0 Description of Proposed Modification

The proposed modification to the approved Project Application is described in this section and illustrated in the plans at **Appendix B**. It essentially seeks to include a new business unit “Masters Home Improvement” and modify the details of the approved signage.

### 2.1 Need for the Modification

The modification is required because Woolworths seek to also accommodate the Masters Home Improvement business unit within the approved warehouse. The modification to the consent is required as Masters Home Improvement will house landscape and garden supplies and timber and building supplies for distribution. The proposed new business unit will not involve any retail sales from the site. Further there are no changes proposed to access, loading, unloading or vehicle circulation on the site as a result of this modification. Minor modification to the approved signage is also sought to reflect this change.

### 2.2 Proposed Works

The proposal seeks to include a new business unit within the approved warehouse. Masters Home Improvement proposes to occupy part of the warehouse for the storage and distribution of its products which include landscape and garden supplies and timber and building supplies. To reflect this change minor modification is also sought to the approved signage.

The following section details the proposed signage modifications (**Appendix B**). It is noted that the dimensions and illumination of the signage are not proposed to change.

#### **Building Sign 05**

- Located on the north elevation, this sign is to be deleted

#### **Building Sign 06**

- Located on the east elevation
- Change signage details “Masters Home Improvement”

#### **Building Sign 07**

- Originally located on the western side of the warehouse this sign is to be repositioned on the south elevation
- Change signage details “Masters Home Improvement”

#### **Building Signs 08**

- Two totem signs located at the northern entrance to the site
- Change signage details “Masters Home Improvement”

#### **Building Sign 09**

- Tower sign located on the north east corner of site
- Modify signage details to “Masters Home Improvement”

## 2.3 Proposed Modifications to the Approval

The proposed modifications described above necessitate amendments to the Dick Smith Warehouse Project Approval 10\_0010 which was modified on 3 June, 2010. Deletions are shown in **bold strikethrough** and insertions are shown in **bold italics**.

### Condition 2 of Schedule 2,:

*The Proponent shall carry out the project generally in accordance with the:*

- (a) *EA;*
- (b) *Site plans DA-01 /F, DA-06, DA-07, DA-10/D and DA-11/E, DA-12 (see Appendix 1);*
- (c) *Preferred project report;*
- (d) *Statement of commitments (see Appendix 2);*
- (e) *Modification application 10\_0010 MOD 1 and accompanying letter and Environmental Assessment titled: Hoxton Park - Dick Smith Warehouse Facility & Associated Infrastructure Project Approval/10\_0010 dated 29 November 2010;*
- (f) ***modification application 10\_0010 MOD 2 and accompanying Environmental Assessment titled: Len Waters Industrial Estate (Former Hoxton Park Aerodrome) Modification to the Dick Smith Warehouse approval to include Masters Home Improvement use and amend signage details to Masters Home Improvement, dated 9 December 2011;***
- ~~(g)~~ *Conditions of this approval.*

### Condition 25 of Schedule 3:

*Business identification signage detailed in plan ~~DA-04 Rev B and dated 25 January 2010~~ **SK/18 Site Signage Revision K dated 22 July 2011**, is approved as part of this project approval. Any changes to the signage, including any addition signage associated with the project, must be approved prior to installation.*

*In seeking approval for any additional business identification signage the Proponent shall submit detailed plans of this signage to the Director-General. These plans must be prepared in consultation with Council. Following approval, the Proponent must ensure that the signage is installed in accordance with the approved plans.*

### Statement of Commitments

No changes are proposed as result of this S75W application to the statement of commitments that relate to Project Approval MP 10\_0010.

## 3.0 Environmental Assessment

This section of the report describes and assesses the potential environmental impacts associated with the proposed works.

### 3.1 Consistency with Relevant EPIs, Policies and Guidelines

The Modification's consistency with the relevant strategic and statutory plans and policies is discussed below.

#### **State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

As detailed within the Exempt and Complying Codes SEPP a change from a warehouse or distribution centre to another warehouse or distribution centre is exempt from requiring development consent. However, if the new use includes landscape and garden supplies development consent is required to be obtained.

#### *Subdivision 10A Change of use of premises*

##### *2.20A Specified development*

- (h) *a warehouse or distribution centre to another warehouse or distribution centre*

##### *2.20B Development standards*

- f) *the new use must not be any of the following:*
  - (v) ***landscape and garden supplies***

Further, under Part 5 General Commercial and Industrial Complying Development it allows a change of use from one warehouse and distribution to another warehouse and distribution except:

##### *5.5 (d) the new use must not be any of the following:*

- (iv) ***landscape and garden supplies,***
- (x) ***timber and building supplies,***

The proposed additional use "Masters Home Improvement" will involve the storage of landscape and garden supplies and timber and building supplies for distribution. As such development consent is sought to amend the warehouse use to include a new business unit.

As stated within the Exempt and Comply Codes SEPP the replacement of signage content on a lawful sign is permitted. As such the proposed modification to replace "Dick Smith Electronics" with "Masters Home Improvement" is permissible and does not require consent. However, this modification to the signage has been included as part of this Section 75W application for clarity and certainty in the development.

*Subdivision 36A Signage (replacement of identification signs)*

**2.72A Specified development**

*The replacement of:*

- (a) *an existing building identification sign or the content of such a sign, or*
- (b) *an existing business identification sign or the content of such a sign, is development specified for this code.*

**2.72B Development standards**

*The standards specified for that development are that the development must:*

- (a) *replace a lawful sign, and*
- (b) *not be greater in size than the sign that is replaced, and*
- (c) *not be a sign that is flashing or animated, and*
- (d) *not involve any alteration to the structure or vessel on which the sign is displayed, and*
- (e) *not obstruct or interfere with traffic signs.*

**State Environmental Planning Policy No 64 Signage and Advertising**

*Clause 18: Advertisements greater than 20sqm and within 250m if and visible from a classified road.*

The approved sign is currently positioned on the western facade of the warehouse which fronts the M7 motorway. The new position will see the sign relocated from the western facade to the southern facade of the warehouse thus reducing its visibility to the classified road.

The new position of the sign is considered compatible with the scale and proportion of the building.

The new position will not detract from the amenity or visual quality of any environmental sensitive areas, heritage areas, natural or other conservation areas, open space rural or residential areas.

Further the new position will not result in any adverse impacts to the safety of any public road, pedestrian or bicyclists.

**Liverpool Local Environment Plan 2008**

The proposed development is consistent with the Liverpool Local Environmental Plan 2008 in that warehouse and distribution centres and signage is permissible on the site with development consent.

## 3.2 Preliminary Hazard Analysis

A Preliminary Hazards Analysis (PHA) was carried out by AECOM and can be found at **Appendix C**. The proposed modification to include a new business unit Masters Home Improvement storage and distribution was considered not to be hazardous on the basis that the credible risks identified in the PHA are controlled through the implementation of the fire protection measures identified in the Fire Engineering Report.

It is recommended that the Fire Engineering Assessment (Fire Safety Study) for the proposed distribution centre be reviewed and kept up to date consistent with the increase in the proposed quantities of dangerous goods, and/or where the fire load within the facility has increased.

This PHA is based on the design outcomes of the previous Dick Smiths Warehouse Fire Engineering Report (FER). As a result of the increased fire load from the additional business unit Masters Home Improvement, it is recommended that a review of the Dick Smiths FER be carried out in order to identify any 'gaps' between the previous design solution and the currently required design solution. This can be addressed through an appropriate condition of approval.

## 3.3 Traffic

A Traffic Study has been prepared and can be found at **Appendix D**. The current approval comprises of approximately 50,000m<sup>2</sup> of GFA with 330 parking spaces and is estimated to generate approximately 120 trucks per day. The proposed amendment to include Master Home Improvement products is not expected to generate any additional staff numbers or truck movements. The proposed amendment to include Master Home Improvement as a new business unit is to operate in accordance with the conditions of the current approval including the DSE operational traffic management plan and DSE sustainable travel plan.

On this basis the proposal to include Masters Home Improvement as a new business unit will not result in any additional traffic or parking impacts.

## 3.4 Signage

The proposed modification reduces the amount of signage on site. The relocation of one sign from the west to the south side of the building is considered minor in nature and will not have any detrimental impact on the surrounding area. All signage dimensions are to remain consistent with that already approved.

Further all of the proposed signage identifies the occupant of the site and does not advertise any 3rd party unrelated to the development.

## 3.5 Lighting

The proposed signage will be illuminated between dusk and dawn.

Lighting on the site has been designed to comply with ANZ Standard 1158.3.1 2005. As detailed within the original lighting report prepared by Shelmerdine & Partners (refer **Appendix E**). The estimated brightness of the sign face measured in candela per metre squared is 150-300cd/m<sup>2</sup>.

No changes are proposed to the approved lighting levels as part of this modification.

## 4.0 Conclusion

The proposed amendment to include Masters Home Improvement as a new business unit within the Dick Smith Warehouse facility which includes the storage of landscape garden supplies and timber and building supplies and the minor modification to the approved signage is consistent with the current Project Approval MP 10\_0010. The environmental assessment of the proposed modifications has demonstrated that it will not have a detrimental impact on the surrounding area.

The modifications do not detract from the amenity or visual quality of the surrounding area. The Traffic Report and PHA have demonstrated that the additional warehouse use will not result in any adverse impacts to the safety and amenity of the site. Further the relocation of one of the signs will not result in any detrimental impacts to the safety of any public road, pedestrian or bicyclists and finally the signage lighting will not generate any adverse light spill. The proposed amendments are also consistent with the Project Approval issued for this facility.

In light of the minor nature of the proposed modifications and in the absence of any adverse environmental impacts, the proposed development is recommended for approval.