

29 January 2016

Director Infrastructure Projects
Planning Services
Department of Planning and Environment
Application number SSI 14_6788
GPO Box 39
Sydney NSW 2001

CC: Botany Bay Council

Dear Sir/Madam

RE: SSI 14_6788 – West Connex New M5 East – Environmental Impact Statement

Executive Summary

The proposed upgrading of Gardeners Road will have a significant and detrimental impact on our clients' established businesses on the south side of Gardeners Road. No account or consideration has been made as to the direct impact that the road upgrading will have on the ongoing operation of these businesses. This impact will have material and direct consequences on their commercial viability and places at risk a significant number of jobs.

Introduction

We refer to the West Connex New M5 East Environmental Impact Statement (EIS) that is currently on exhibition. On behalf of our clients', thank you for the opportunity to make a submission. This submission is made on behalf of the following businesses:

- Vag Group Pty Ltd (Lonsdale) – 2 Kent Road, Mascot (Lot 1 DP 529177)
- F.J Chickens (Farmer Joe's Chicken) – 685 Gardeners Road, Mascot (Lot 2 DP 529177)
- Netty Investments Pty Ltd (Cue Clothing Company) – 687 Gardeners Road, Mascot (Lot H DP 361852)
- PAL Group Pty Ltd (Gold Ice) – 689 Gardeners Road, Mascot (Lot 1 DP 1098547)

These properties will be directly affected by the West Connex proposal via the proposed widening of Gardeners Road and the new Gardeners Road Bridge connecting with the St Peters Interchange. These properties will collectively be referred to in the submission as "the subject sites". Their location on Gardeners Road, Mascot is illustrated in Figure 1 below.

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Figure 1: An aerial view of the subject sites on Gardeners Road. (Source: Sixmaps)

With the exception of Gold Ice as a new business, the businesses operating within the subject sites are well established. The individual uses are consistent with the relevant development approvals. The following summarises the nature of the businesses operating within each of the sites:

Lonsdale – 2 Kent Road, Mascot

Lonsdale currently operates within the site and is a wholesaler and retailer of clothing and accessories, founded in 1976. The company has approximately 400 wholesale customers and 18 retail shops in Australia. The company purchased the site in September 2007 and commenced operations from early 2008. The site houses their office staff and warehouse. The warehouse is open to the public twice a year for a 1 week period where they run a warehouse sale.

Lonsdale has 50 full time equivalent (FTE) employees working at the premises supporting 105 FTE employees in their retail stores.

The business relies on vehicular ingress and egress into the site directly from Gardeners Road. Vehicle movements into and from the site includes an average of 2 container trucks per week (carrying 20 foot and 40 foot containers), 2 pallet loading trucks per week and 2 freight loading trucks per day. The dimensions of the container trucks require them to reverse into the site.

The Lonsdale site has approximately 58 car parking spaces used by its employees and visitors and is fully utilized the majority of the time. During the warehouse sale, employees are required to use the available on-street parking on Gardeners Road to allow customers to use the car park.

The site is strategically important to the Lonsdale business as it:

- Is well connected to both sea and air freight for incoming goods transported by heavy vehicles
- Has a central location for outgoing freight by both trucks and couriers
- Allows good access into the site for heavy vehicles – the local traffic characteristics of this section of Gardeners Road allows heavy vehicles to safely manoeuvre into the site
- Provides ample on-site and on-street parking for their customers during warehouse sales
- Has good connections to public transport links for employees (proximity to Mascot station)

Farmer Joe's Chicken – 685 Gardeners Road, Mascot

Farmer Joe's Chicken currently operates at the site and is a privately owned Australian company which provides poultry products throughout NSW and the ACT and has been operating for over 25 years. The business has been operating on the site since 2004. The company provides wholesale poultry to a wide range of customers including hotels, restaurants, caterers, schools, hospitals, corrective services, government and ANZ Stadium. The site is in operation 24 hours a day, 6 days a week.

Farmer Joe's Chicken has approximately 90 FTE employees working at the premises.

The business relies significantly on a high volume of daily vehicular movements into the site. Vehicle movements entering and exiting the site include an average of 4 semi-trailers per day, 2 six-tonne trucks per day and 18 delivery vans per day. The access arrangements of the site require the trucks to reverse into the site off Gardeners Road.

The site has 11 car parking spaces used by employees or customers during the day. During the evening, some delivery vans park within the site and remaining delivery vans (approximately 15) park on Gardeners Road. It is estimated that approximately 65 employees park in Gardeners Road during the course of the day and night depending on their shift time.

The site is strategically important to the business as it:

- Has high accessibility to major roads
- Has minimal traffic as it is a "dead end" street and allows heavy vehicles to safely enter and exit the site
- Provides good availability and accessibility to on-street parking
- Is in close proximity to suppliers
- Is central to their customer base and in close proximity to customers in the Sydney CBD
- Is in close proximity to Sydney Airport for interstate deliveries
- Has adequate space to expand the business operations in the future
- Is in a central location for employees
- Good connections to public transport

Cue Clothing Company – 687 Gardeners Road, Mascot

Cue Clothing Company has operated within the site since 2002 following a significant expansion of their retail store operations. The site is the sole warehouse for the storage and distribution of Cue clothing and

Veronika Maine garments in Australia. Dion Lee, a Cue majority owned high end designer brand also operates their warehousing and distribution from the site.

The warehouse supports over 210 retail locations in Australia and New Zealand and in excess of 1200 employees. Cue is a 100% Australian owned company and a significant percentage of their garments are made in Sydney. The Cue, Veronika Maine and Dion Lee online stores also operate from this warehouse site.

Cue has 13 FTE employees working at the premises, 1 part time employee and up to an additional 5 FTE employees during peak trade periods.

The site has 6 car parking spaces used by employees. Employees also utilise the on-street car parking on Gardeners Road.

The company relies significantly on a high volume of daily vehicular movements into the site. Vehicular movements include 1 semi-trailer per week, 2 twelve-tonne trucks per day, an additional twelve-tonne truck every second day carrying 14 pallets, 10-15 delivery vans per day or 4 six-tonne trucks per day and approximately 10 courier vehicles daily. There is no provision or space for trucks or vans to turn on the premises and are typically required to reverse in off Gardeners Road.

The site is strategically important to Cue as the location and accessibility of this warehouse for their manufacturers is a critical component of their Australian made program. The site is well connected and in close proximity to Sydney Airport and key roads for distribution to their retail locations. The quiet nature of Gardeners Road adjacent to the site allows safe access for the high volume of vehicles entering and exiting the property on a daily basis.

Gold Ice – 689 Gardeners Road, Mascot

The site at 689 Gardeners Road, Mascot received approval in 2014 from Botany Bay Council for part demolition and alterations and additions to an existing industrial building comprising upgrades to the building façade, construction on an onsite car park for 68 vehicles and change of use for an indoor ice skating rink and café. The ice skating rink is currently under construction and is nearing completion with an anticipated opening date in February 2016.

Gold Ice will have approximately 10 FTE employees working at the premises.

The site will have 68 off-street car parking spaces and will rely on the existing on-street car parking on Gardeners Road to cater for their customers during busy periods.

The site is strategically important to the business as it is centrally located and well connected to major roads for their customer base, employees and deliveries. Gardeners Road provides ample off-street parking when car parking on site is at capacity. The use can operate with minimal impact on the amenity of the surrounding land uses and has good connections to public transport for customers and employees.

Issues

The widening of Gardeners Road and subsequent connection to the Gardeners Road Bridge and St Peters Interchange as detailed in the EIS raises numerous issues for the subject sites including:

- Impact on access to site for heavy vehicles during road upgrade works to Gardeners Road and long term
- Restricting right hand turn movements from all sites which are currently possible and with a subsequent major practical impact on the operating of each business
- Loss of on-street parking
- Impact on pedestrian safety and amenity/Loss of patronage
- Permanent acquisition of land
- Lack of consultation with our clients despite each being directly and significantly impacted by the proposed road upgrades
- Impact on overall business operation, cost of relocation/closure, potential job loss
- Amenity impact on office uses
- Impact on future use of the sites for airport related uses

The above concerns are discussed in detail below.

Impact on Access into Subject Sites

The widening of Gardeners Road will significantly restrict access for heavy vehicles into the subject sites. The nature of the businesses operating within the sites involves numerous vehicular movements per day. The type of vehicles entering and exiting the sites are detailed above and include semi-trailers and trucks carrying 20 and 40 foot containers which are required to reverse into the site off Gardeners Road due to limitations on turning within the sites.

The widening of Gardeners Road during its upgrade and subsequent operation including a median strip restricting right hand turns, will obstruct the entry and exit of all vehicles into the subject sites. As a direct result of the proposed road upgrading, Lonsdale, Farmer Joe's Chickens and Cue Clothing Company businesses will not be able to continue from their current sites.

The impact on access and the consequent direct impacts on the operation of the businesses within these sites have not been adequately considered in the EIS. Furthermore, it appears that no consideration has been given to the likely adverse impact on the commercial viability of each of the sites as a result of the proposed altered traffic movements into and out of each site and the consequent effect on customers, clients and service vehicles. The proposed limit on vehicle access to the sites will have a direct and material impact on their commercial viability.

Loss of On-Street Parking

The EIS indicates that the widening of Gardeners Road will result in a loss of 47 on-street parking spaces. The subject sites heavily rely on the existing on-street parking for their businesses to operate.

The recently approved ice skating rink at 689 Gardeners Road provides 68 off-street car parking spaces however is dependent on the use of on-street parking to cater for customers during their busier operating periods. This is acknowledged by Botany Bay Council in their assessment of the development now being constructed.

Cue provides 6 on-site car parking spaces used by its employees and is at capacity during business hours. The remaining employees rely on the available on-street car parking on Gardeners Road.

Lonsdale provides 58 car parking spaces which are used by its employees and visitors and is fully utilized the majority of the time. However, for 2 weeks a year, the site is open to the public for its warehouse sale. During the warehouse sale, employees are required to use the available on-street parking on Gardeners Road to allow customers to use the car park.

Farmer Joe's Chicken has 11 off-street car parking spaces used by employees and customers during the day. At various times during the day, delivery vans utilise the on-street parking on Gardeners Road while waiting to enter the site to be loaded or cleaned. During the evening, some delivery vans are parked on site and approximately 15 delivery vans park overnight on Gardeners Road. It is estimated that approximately 65 staff employed by Farmer Joe's Chickens use the on-street parking during the course of the day and the evening depending on their shift. The use of on-street parking is vital to the ongoing operation of the business. The business operates 24 hours a day, 6 days a week and as a result, the use of public transport by staff is inconvenient and raises concerns of safety for the staff working the night shift.

For all practical purposes, Gardeners Road at its western end acts as a local access road. The local character of this western end is significant as it facilitates the specific local needs of important employment uses. These local employment uses arguably have metropolitan significance given the confirmed Sydney and national market that a number of the businesses operate in and are headquarters for.

Impact on Pedestrian Amenity/Loss of Patronage

The accessibility of the subject sites by public transport for employees and customers is of significance to the businesses operating within the subject sites. The widening of Gardeners Road and connection to the Gardeners Road Bridge and St Peters Interchange will significantly change the local road character of this section of Gardeners Road.

The widening of Gardeners Road and narrowing of footpaths will reduce pedestrian safety and amenity when accessing these sites from public transport nodes. The proposed road upgrades will discourage pedestrians from using public transport to access these sites and encourages the use of private vehicles. As a result, any available off-street car parking within the subject sites including the car park within Gold Ice will be at full capacity. Adverse pedestrian safety and amenity impacts and increased reliance on off-street parking will see a loss of patronage and significantly impacts on the future commercial viability of the subject sites.

Acquisition of Land

The EIS indicates that a portion of the subject sites along Gardeners Road and Kent Road will be acquired as a result of the widening of Gardeners Road. The landowners of the subject sites have not been notified or consulted of this acquisition. It is critical that the boundaries of the subject sites along Gardeners Road and

Kent Road and the land to be acquired be accurately pegged to allow the appropriate consultation to occur prior to the endorsement of any final plan.

Lack of Community Consultation

The Secretary's Environmental Assessment Requirements include consultation with affected and adjoining landowners during the preparation of the EIS. The landowners of the subject sites were not consulted during this time despite each being directly and significantly impacted by the proposed road widening and upgrades.

The businesses operating within the subject sites inadvertently learnt of the project through the local newspaper and a subsequent phone call to the West Connex information line. Some of the business operators were in attendance at the information session held at Botany Bay Council. The West Connex representatives indicated at this session that a mail out had already occurred. None of the owners of the subject sites have received this communication.

Impact on Amenity of Office Uses

The upgrade and widening of Gardeners Road and the subsequent operation of this road connected to the St Peters Interchange will result in a significant impact on the amenity of the ancillary offices uses within the subject sites. The noise impact resultant from the use of the 6 lane carriageway will adversely impact on the ability to conduct business operations.

Strategic Importance of the Subject Sites to Sydney Airport and Port Botany

Direction 1.5 of A Plan for Growing Sydney (the Plan) is to *"enhance capacity at Sydney's gateways and freight networks"*. Action 1.5.1 of this direction is to *"develop and implement a strategy for the Sydney Airport and Port Botany Precincts to support their operation, taking into account land uses and the proposed road transport investments"*.

The Plan emphasises the importance of the land around Sydney Airport and Port Botany in supporting and maximising the contribution of these facilities to the economic activity of Sydney. The Plan states that *"the government will work with local Councils and the airport and port authorities to:*

- *Identify strategically located sites that support freight activity and movements around Sydney Airport and Port Botany*
- *Protect strategically located sites that support the freight network, commencing with areas most affected by aircraft noise"*.

A recent Planning Proposal prepared by Botany Bay Council regarding airport related uses is applicable to the subject sites and confirms their strategic importance in supporting the role and function of Sydney Airport. The Planning Proposal seeks to introduce additional permitted uses relating to Sydney Airport on land located north of the Airport in Mascot. The purpose of the Planning Proposal is to cater for airport related activities and land uses on land near the airport to support its role as a transport gateway. The Planning Proposal is currently awaiting Gateway Determination by the Department of Planning and Environment.

The Planning Proposal states that *“the introduction of additional permitted uses will provide certainty to aviation-related activities and uses presently undertaken on these properties and those that are planned in the future; protect aviation-related uses within the Botany Bay LGA; enable the clustering of airport-related uses and developments; avoid incompatible development or uses in the vicinity of the Airport; and underline the importance of these properties in supporting the role and function of Sydney Airport as the gateway to NSW and Australia”*.

The widening of Gardeners Road and limitations on access to the subject sites for heavy vehicles in particular will significantly restrict future development occurring on the sites relating to the use of Sydney Airport such as the following:

- Freight transport facilities
- Industrial training facilities
- General industries
- Light industries
- Storage premises
- Transport depots.

The Planning Proposal, the future likely permissible uses stated above and the relevant directions and actions in A Plan for Growing Sydney highlights the importance of protecting these sites for future freight network uses servicing Sydney Airport. In this regard, it is vital to maintain adequate access for heavy vehicles along Gardeners Road into these sites. To not do so is inconsistent with both local and State planning and employment priorities.

Overall Impact on Business Operations

The upgrade and widening of Gardeners Road connecting to the new Gardeners Road Bridge and St Peters Interchange will result in a detrimental impact on the operation of the business within the subject sites along Gardeners Road. As discussed previously in this submission, aspects such as accessibility into the site for heavy vehicles will be severely impacted. In addition, the on-street parking which the operation of these businesses heavily rely upon will be lost.

The proposal will result in a significant and material adverse economic impact on the directly adjoining properties which has not been addressed in any manner by the EIS. This will result in the forced relocation and/or possible closure of these businesses on their existing sites. The consequences on the commercial viability of each business will be significant when considering the following:

1. The disruption to operations in the relocating to an alternate location
2. The likelihood of having to locate to less optimal locations when compared to the strategic current location close to Sydney airport, Port Botany and transport.
3. The risk to the retaining of local Mascot jobs including at risk, a large number of semi-skilled jobs.
4. The cost of relocating to suitable alternate locations.

No mention is made as to the manner in which our clients will be compensated for the direct impacts of the proposed road upgrading.

As an example, Farmer Joe's Chickens are unlikely to find a similar fitted-out premise in the vicinity of their current location. The cost of relocating the business would significantly impact on the future viability of the business. Should closure of this business occur, up to 90 local jobs will be at risk of being lost to Mascot.

We request that the Department of Planning and Environment strongly considers our above comments and not support the proposal in its current form given the detrimental economic and social impacts as a result of the proposed widening of Gardeners Road.

Thank you again for the opportunity to comment and we trust that careful consideration will be given to the comments we have made.

Please feel free to contact me on 0400 413 701 should you have any further questions.

Kind regards,



Mark Grayson
Director