

Our ref: SP0022

1 June 2009

Andrew Smith
Team Leader
Urban Assessments
Department of Planning
GPO Box 39
Sydney NSW 2001

Dear Andrew,

RE: Wolli Creek Part 3A Application - 78-96 Arncliffe Street & 31-45 Princes Highway, Wolli Creek

This correspondence requests the Department of Planning permit the inclusion of a temporary supermarket and associated specialty shops as the first stage (stage 1) of the Part 3A Application for 78-96 Arncliffe Street & 31-45 Princes Highway, Wolli Creek. The inclusion of Stage 1 will allow the economic use of existing buildings and the land until the overall concept is delivered. The temporary supermarket and associated specialty shops being the first stage of the overall development project is considered to be 'related development' as provided under Section 75B(3) of the *Environmental Planning and Assessment Act 1979* (EPA Act).

Given the current difficult economic climate the development of stage 1 will allow the temporary use of existing buildings that will generate revenue from the site until conditions improve. The application for this first stage will precede the lodgement of the overall concept plan and environmental assessment.

Description of Stage 1

Stage 1 (refer to **Attachment 1**) will comprise of approximately 5,000 sq.m of commercial/retail uses made up a temporary supermarket (of approximately 3,500 sq.m in size), with the remainder made up of convenience based retail uses and an at grade car park for approximately 200 car parking spaces. It is proposed to limit the approval of the supermarket operations to 15 years after the date of approval. It should be noted that all leases are subject to relocation clauses for tenants to be relocated into the up lift scheme that would be provided under the concept plan approval.

S73(B) Related Development

Section 73(B) of EPA Act provides that, *"If only part of any development is a project to which this Part applies, the other parts of the development are (subject to subsection (4)) taken to be a project to which this Part applies. The development is to be dealt with under this Part as a single project"*.

We consider Stage 1 as described above to be wholly part of the overall project for the following reasons:

- Stage 1 will provide a supermarket, a service that is currently lacking in Wolli Creek and a significant part of the overall concept for the site,
- The uses, being a supermarket and small scale retail speciality are consistent with the retail uses within the overall concept plan,

- Stage 1 will secure the tenants that will be part of the larger concept plan application therefore being part of future economic viability of the overall project,
- Leases will include relocation clauses for the relocation of retail tenants into the concept plan scheme once delivered.

Part 4

Given that Stage 1 is part of the overall vision to redevelop the site, we do not consider Part 4 (of the *Environmental Planning and Assessment Act 1979*) to be an appropriate pathway for the approval of Stage 1 of the project. Moreover, the size of the proposed supermarket being 3,500 sq.m may service more than local needs as required by the 10(a) zone of *Rockdale Local Environmental Plan 2000*.

In addition to statutory reasons why the project should be assessed under Part 3A of the EPA Act, we believe the use of Part 4:

- Would likely lead to community confusion over the development of the site with concurrent applications being dealt with by the Department of Planning and Rockdale City Council. Lodging a project application for stage 1 with the Department will allow our client to demonstrate how Stage 1 fits within the overall redevelopment/concept plan vision. An application with Council would likely lead to significant community confusion over the future development of the site.
- May confuse Council over the role of the approval in the concept of the broader Concept Plan application being managed by the Department of Planning, and
- Could lead to inconsistencies in the assessment and interpretation of key controls and requirements between Council and the Department of Planning.

It trust this submission clarifies our position in regard to the first stage of development of the site. We now wish to move quickly to the lodgement of stage 1 plans and environmental assessment. Please contact me on 0414 236 174 if you wish to discuss this matter in more detail.

Yours sincerely,



Ben Hendriks

