



Our Ref: TRIM No 006141.2012
Contact: Venetin Aghostin 9821 9357
Email: v.aghostin@liverpool.nsw.gov.au

12 January 2012

Tom Fitzgerald, Planner
NSW Department of Planning & Infrastructure
SYDNEY NSW 2001

Department of Planning
Received
17 JAN 2012
Scanning Room

Dear Mr Fitzgerald,

Re: Exhibition of modification request for Dick Smith Distribution Warehouse (10_0010 Mod 2)

I write in response to your letter dated 8 December 2011 inviting Council to make a submission to Mirvac Properties' request to modify the approved and existing Dick Smith Electronics warehouse distribution centre.

While Council staff generally have no objection to the modification on the basis that the new use will be consistent with the land use definition of 'warehouse or distribution centre' provided in the Liverpool Local Environmental Plan (LLEP), 2008, the following issues of concern are highlighted for your attention:

1. Council is currently in receipt of a Development Application (DA No. 629/2012) lodged by Hydrox Nominees Pty Ltd for the adjoining land to the south of the existing warehouse or distribution centre (part Lot 5054 DP 1152675) which is proposing the construction of a Masters Home Improvement bulky goods retail centre. Currently, the industrial zoning prohibits bulky goods retail and as such, the applicant has concurrently submitted a planning proposal to rezone the site to business zoning. However, the applications are both in the early assessment stages and a determination is unlikely to be made for some time.

It is noted that the nearest existing Masters retail outlet in NSW is in Gregory Hills (approximately 18km from the subject site). Council staff have concern that the applicant is seeking to locate the Masters warehouse or distribution centre in the immediate locality of the proposed second retail centre on the assumption that approval for the rezoning and retail centre will be granted.

It is reinforced that while Council staff have no objection to the modification to the Dick Smith Electronics warehouse or distribution centre based on the permissibility of the land use, this should not be interpreted to imply that Council will support the separate proposals for the rezoning of the site to allow for the establishment of the Masters retail centre.

The Department is requested to refer these general comments to Mirvac Properties to note.



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2. The documentation submitted by Mirvac Properties was somewhat unclear in establishing whether the existing warehouse or distribution centre will continue to carry Dick Smith Electronics products as well as the new line of Master's products.

In the absence of a clearly labelled Floor Plan and together with the fact that existing Dick Smith Electronics signage is proposed to be entirely replaced with Masters signage, it is Council staff's assumption that the warehouse or distribution centre is being entirely converted to accommodate Masters products.

If this is not the case and if the warehouse or distribution centre will carry products from both enterprises, there is a question raised as to why the proposed signage identifies one customer only.

3. On a minor note, the wording of the signage refers to the "Hoxton Park Distribution Centre" however the locality is known as the "Len Waters Estate". As such, wording of the signage should be amended to reflect the correct locality.
4. It is requested the Department give due consideration and assessment of the environmental impacts of the additional use including, but not limited to, the quantities of chemicals stored at any one time; appropriate storage of any chemicals; and appropriate waste disposal.

Finally, the only condition that Council staff would suggest to be imposed on the consent, if consent is granted by the Department, would be one that achieves the intent of the following:

"The use of the premises is to operate in accordance with the Liverpool Local Environmental Plan 2008 definition of 'warehouse or distribution centre and as such there shall be no retail sales or access to the premises by the general public".

Should you require any further information on this matter, please do not hesitate to contact Venetin Aghostin, Senior Development Planner on 9821 9357.

Yours sincerely,

Tanya O'Brien
Acting Manager, Statutory Planning