



***MODIFICATION REQUEST:
Dick Smith Distribution Warehouse
Cowpasture Rd, Hoxton Park
(10_0010 Mod 2)***

***Change of use from Dick Smith Electronics
Distribution Warehouse to Masters Home
Improvement Distribution Warehouse***

Proposed by Mirvac Projects Pty Ltd



Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

March 2012

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EXECUTIVE SUMMARY

On 3 June 2010, the Planning Assessment Commission approved a proposal from Mirvac under Part 3A of the Environmental Planning and Assessment Act 1979 (the Act), for the Hoxton Park Warehouse Project, located in the Liverpool local government area (LGA). As part of this approval, Mirvac was granted Concept Approval (10_0007) and approval for three separate project applications, to enable the development of the site for industrial use. The Project Approvals include: the Stage 1 Infrastructure Project (10_0008), the Big W Warehouse Facility Project (10_0009), and the Dick Smith Warehouse Facility Project (10_0010).

This modification request relates to the Dick Smith Warehouse Facility project approval only (10_0010), and seeks to include a new use of the warehouse under the existing approval. The request proposes to include use of the facility as a Masters Home Improvement distribution warehouse, in addition to the current use of the facility by Dick Smith Electronics. It is proposed use of the site by Dick Smith Electronics will phase out and be relocated elsewhere. No retail sales are permitted from the site. A copy of the request for modification was placed on the department's website. No public submissions have been received. Submissions were received from both Liverpool City Council and the Roads and Maritime Service and they raised no major issues with the proposed modification.

The department has assessed the merits of the project in detail, in accordance with the relevant requirements of the Act.

The assessment found that the main issues associated with the project relate to hazardous and dangerous goods, traffic, and visual amenity. The Department is satisfied however, that these impacts can be adequately mitigated and/or managed to ensure an acceptable level of performance and safety and has recommended a range of conditions to ensure this occurs.

The department is of the view that the application to modify the project application approval may be considered and approved under section 75W of the Act given that:

- The proposed use of the warehouse as a Masters Home Improvement distribution centre is consistent with the terms of the concept plan and project approval which designate and authorise the site to operate as an industrial park for distribution centres and warehouses.
- The proposed modifications will involve minimal environmental impact, and the use of the site as a distribution warehouse remains substantially the same as originally approved.

1. BACKGROUND

Mirvac Projects Pty Ltd (Mirvac) owns and operates a warehousing and light industrial estate on the former Hoxton Park Aerodrome on the corner of Cowpasture Road and the M7 Motorway, in the Liverpool local government area (LGA).

The former Hoxton Park Aerodrome comprises of 88 hectares of land and is identified in the Metropolitan Plan for Sydney as planned employment land. The aerodrome ceased operations in December 2008. The site is further identified in the draft South West Subregional Strategy as a suitable site for warehousing, logistics and manufacturing. Consequently, the site has been subject to several strategic studies as part of Liverpool City Council's Industrial Lands Strategy which formed the basis for the *Liverpool Local Environmental Plan 2008* (Liverpool LEP).

The Liverpool LEP subsequently rezoned the former Hoxton Park Aerodrome site for a mix of uses including infrastructure, industry, residential and public recreation. This also included an environmental management buffer zone between the public recreation and industrial zones.

On 3 June 2010, the Planning Assessment Commission approved a proposal from Mirvac under Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act), for the Hoxton Park Warehouse Project, located in the Liverpool local government area (LGA).

As part of this approval, Mirvac was granted Concept Approval (10_0007) and approval for three separate project applications, to enable the development of the site for industrial use. The Project Approvals include: the Stage 1 Infrastructure Project (10_0008), the Big W Warehouse Facility Project (10_0009), and the Dick Smith Warehouse Facility Project (10_0010).

The project location is shown in Figure 1 below.

Figure 1: Project Location



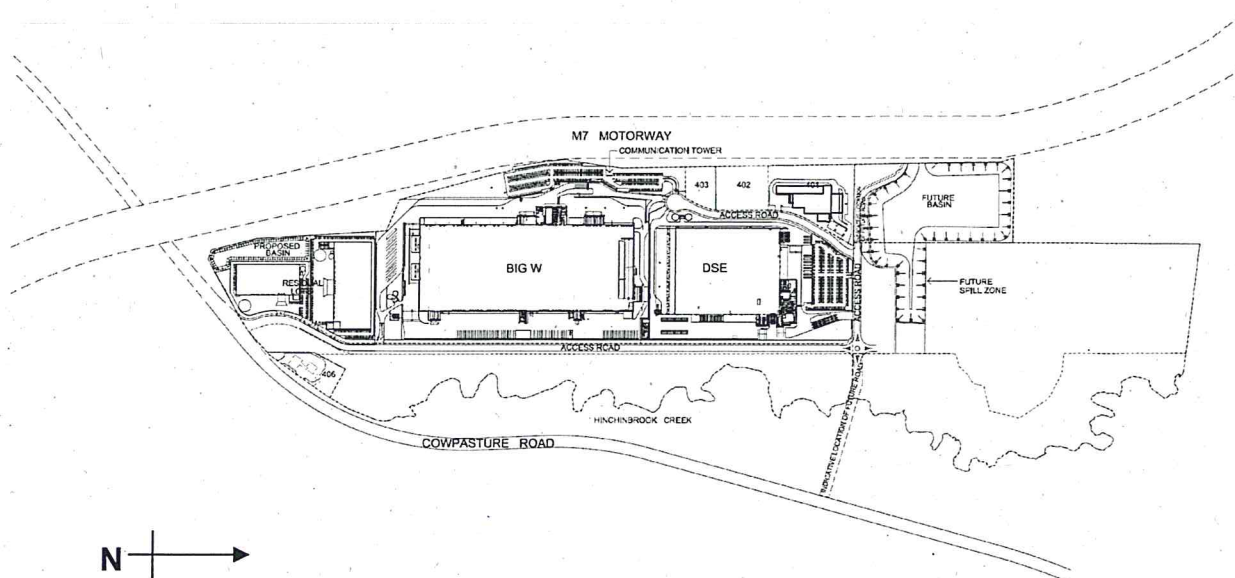
 The Site

The Dick Smith Warehouse approval (10_0010) was further modified on 23 January 2011 following the detailed design phase for the warehouse. A number of minor external changes were required which

included the addition of a gate house, driveway and boundary adjustments, cladding and roof colour changes and external lighting adjustments.

The approved site layout is set out in Figure 2 below.

Figure 2: Approved Project Layout



The Dick Smith Warehouse and Distribution Centre covers an area of around 10.62 hectares within the newly formed "Len Water Industrial Estate".

The site is located adjacent to major transport routes, including the M7 Motorway to the west and Cowpasture Road to the south. Hinchinbrook Creek is located immediately to the east of the site. Established residential areas in the vicinity of the site include Hinchinbrook (~200-300m to the east) and Hoxton Park (300-400m to the south), with a new residential area located at Middleton Grange (~200m to the west).

2. PROPOSED MODIFICATION

2.1 Modification Description

Mirvac now seeks to amend the existing approval to accommodate an additional use of the warehouse by a Masters Home Improvement business unit. A portion of the warehouse is currently operating as Dick Smith Electronics, however it is anticipated that this business will eventually be replaced by Masters Home Improvement. The modification therefore seeks to allow both businesses to operate out of the warehouse for a time until Dick Smith Electronics finally vacates the building and Masters Home Improvement can eventually utilise the whole warehouse area. Associated with this change of use is a change to the signage external to the warehouse. Illumination and dimensions of the proposed signage are not proposed to be altered. The key aspects of the proposed modification are listed in Table 1 below.

The proposed new business unit will not undertake any retail sales from the site.

Table 1: Key Proposed Modifications

Aspect	Description
Use of facility	Amendment to the warehouse use to include a new business unit within the facility – Masters Home Improvement storage and distribution. This will include the storage of landscape and garden supplies and timber and building supplies.

Aspect	Description
Signage	Change signage details from "Dick Smith Electronics" to "Masters Home Improvement", relocate a sign from the western elevation to the southern elevation of the building and delete a sign from the northern elevation.

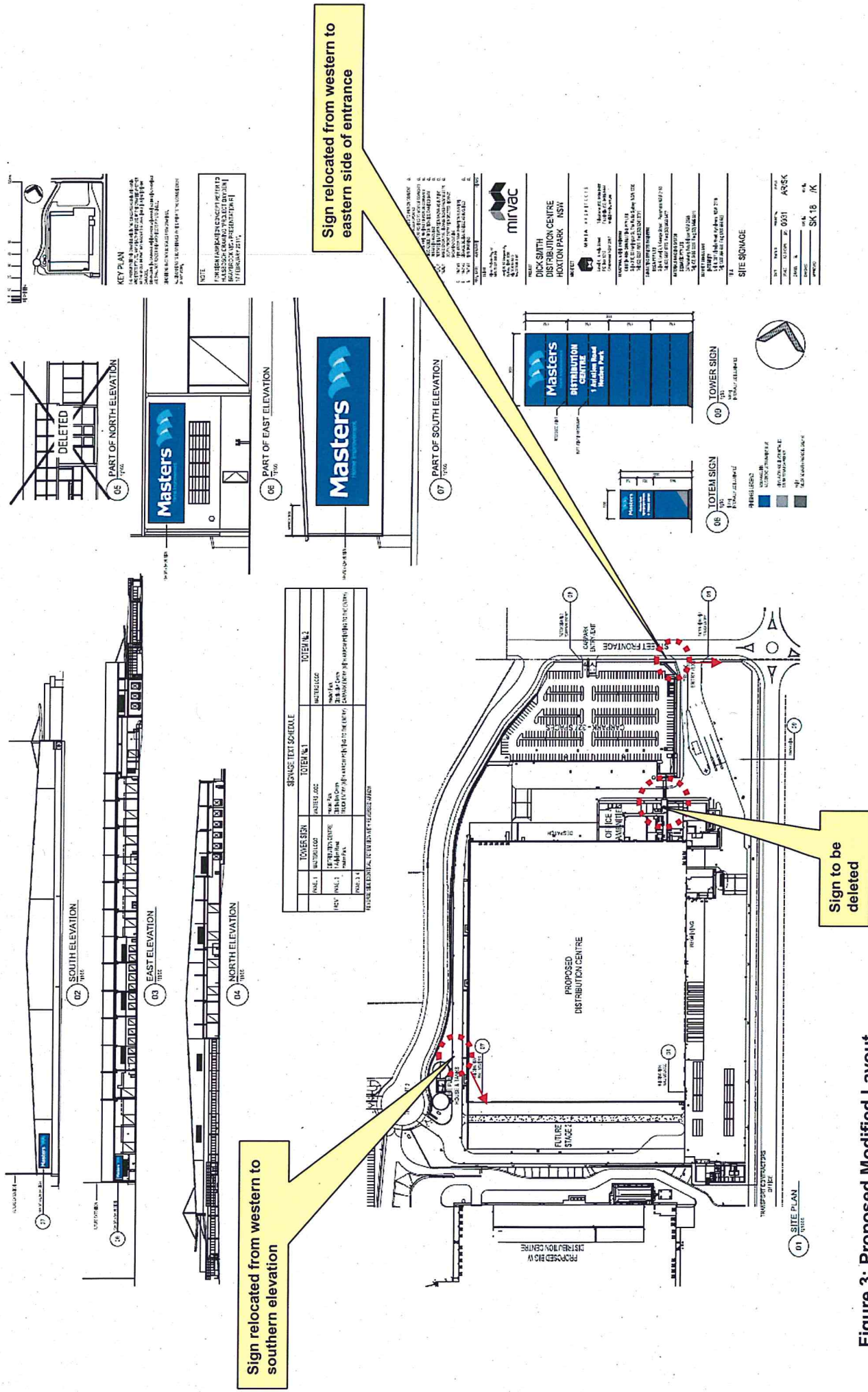


Figure 3: Proposed Modified Layout

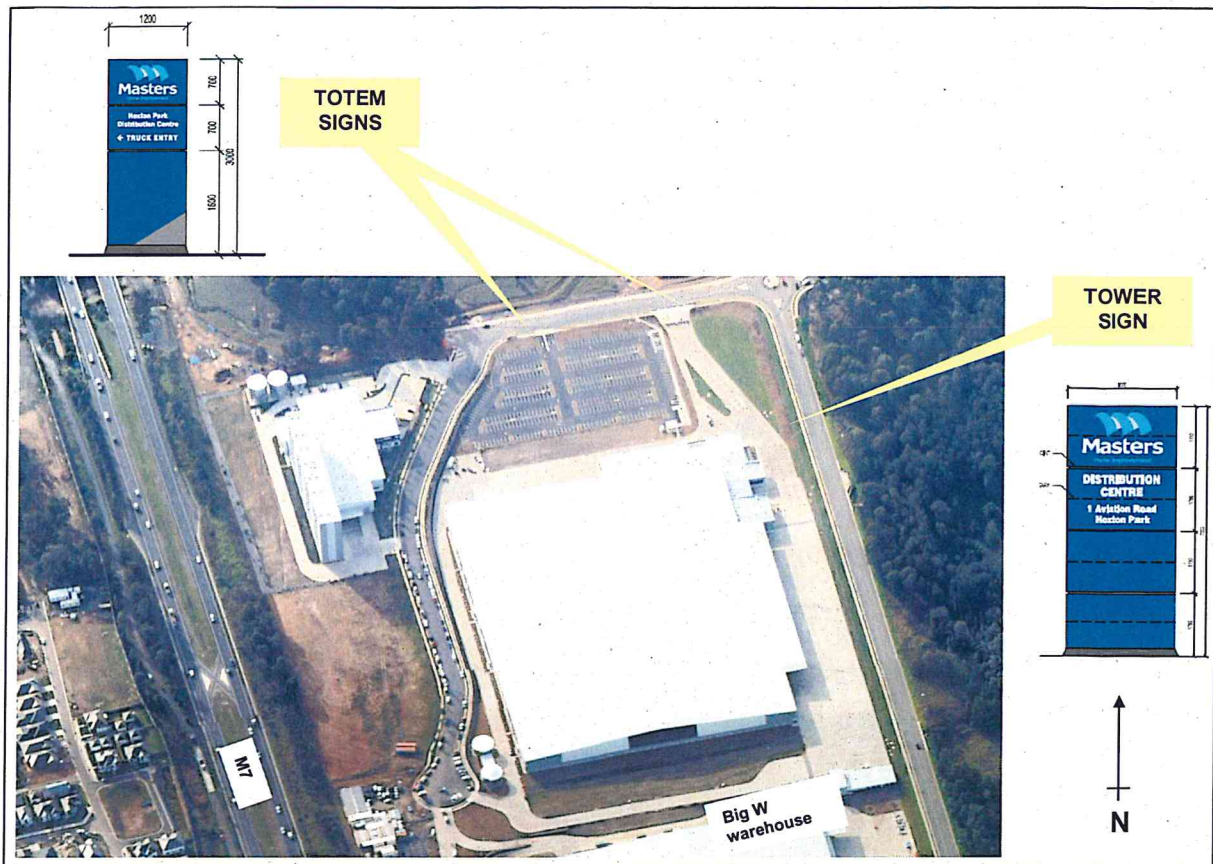


Figure 4: Dick Smith Warehouse in existence currently. Proposed sign locations and design inset.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

The application seeks to modify the project approval under section 75W of the Act in the manner set out in section 2 above.

In accordance with clause 3 of Schedule 6A of the *Environmental Planning and Assessment Act 1979* (the Act), section 75W of the Act as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A, continues to apply to transitional Part 3A projects. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations.

A modification request is required in this instance because the proposed change of use is outside the scope of the existing approval (that controls operations on the site) and also outside the scope of changes of use allowed as complying development under the *State Environmental Planning Policy (Exempt and Complying Development) 2008*. The SEPP specifically excludes landscape and garden supplies and timber and building supplies in its development standards specifying what can be considered as complying development (clauses 5.4 and 5.5). Because of the storage and handling of potentially hazardous substances used in the home improvement trade (e.g. camping gas – butane, oil-based paint, primers, turpentine etc.) and likely to be a core element of the Masters Home Improvement business, a modification request was required.

The proposed use of the warehouse as a Masters Home Improvement distribution centre is otherwise generally consistent with the terms of the concept plan approval which designate the site as an industrial park for distribution centres and warehouses. The proposed modifications will involve minimal environmental impact, and the use of the site as a distribution warehouse remains substantially the same.

Given all the above, the department considers the Minister, or his delegate/s, could reasonably form the view that the modification request is within the scope of section 75W of the Act and is capable of being approved as a modification under section 75W of the Act.

3.2 Delegated Authority

On 1 October 2011, the Minister delegated his powers and functions under section 75W of the Act to the Deputy Director-General: Development Assessment and Systems Performance in cases where:

- there are less than 10 public submissions (not including submissions from public authorities) in the nature of objections in respect of the modification request;
- the relevant local Council has made no objection; and
- a political disclosure statement has been made but only in respect of a previous related application.

Liverpool City Council has made no objection and no public submissions were received in respect of this application. However previous applications for the site have been determined by the Planning Assessment Commission due to reportable political donations having been made. Given this, delegated authority to determine this modification request may be exercised by Deputy Director-General: Development Assessment and Systems Performance.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under Section 75X(2)(f) of the Act, the Director-General is required to make the modification request publicly available. The application was placed on the Department's website and sent to Liverpool City Council and the Roads and Maritime Service Authority for comment. Due to the minor nature of the modification request no further public exhibition was undertaken. No public submissions were received.

4.2 Public Authority Submissions

Liverpool City Council provided no objection to the proposed modification although relayed a number of minor comments relating to clarity over the storage of hazardous substances on-site, and uncertainty over the occupying tenant. Council also noted they were in receipt of DA629/2012 for the construction of a Masters Home Improvement bulky goods retail centre on nearby land and requested the department to ensure that no retail sales occur from the subject site.

The application was referred to the **Roads and Maritime Services Authority** for discussion at the meeting of its Sydney Regional Development Advisory committee (SRDAC) on 18 January. RMS provided no objection to the proposed modification so long as traffic generated from the facility remained the same or less than what was generated during operation of the Dick Smith Electronics warehouse facility.

The department has considered the issues raised in these two submissions in its assessment of the proposed modification.

5. ASSESSMENT

The department considers the key issues for the proposed modification to be hazards, traffic, and visual effects (including signage and lighting).

5.1 Hazardous and Dangerous Goods

The proposed modification relates to a change of warehouse use to include a component that will store and distribute landscape and garden supplies, timber and building supplies used in the home improvement industry. This is likely to include such products as butane, oil-based paint, primers, turpentine, fire lighters etc. Some of the products to be stored are classified as Dangerous Goods (DG) and were of sufficient quantity to trigger the application of *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* (SEPP 33) as a potentially hazardous industry.

The warehouse acts as a Retail Distribution Centre (RDC) and will undertake no 'processing' of dangerous or hazardous goods on-site, only storage and transportation of dangerous goods packaged for retail purposes. Operations undertaken on-site will include:

- transport of bulky goods to and from the RDC;

- movement of bulky goods from semi-trailer to designated storage shelves;
- break-up of bulk packages;
- sealing of packages for re-distribution; and movement of products from shelving to road transport vehicles.

The proponent submitted a Preliminary Hazard Analysis (PHA) with the application as required by SEPP 33. The PHA identified the dominant hazardous goods stored and handled on-site, including Class 2.1 flammable gases and Class 3 flammable liquids (refer Table 1 below).

Table 1 Key dangerous goods proposed to be stored on-site.

Class	Class 2.1	Class 3	Non dangerous
Description	Flammable gas	Flammable liquid	
Tonnes	29.14	14.99	9.21

The Major Hazards Unit identified several deficiencies with the PHA, including a lack of analysis of the likelihood of an event occurring, and no analysis of the effects of such an event. Notwithstanding, the Major Hazards Unit considered that subject to appropriate mitigation measures, and taking into account:

- the relatively minor quantities of DG stored on-site; and
- the relative isolation of the facility from neighbouring residences (approximately 200m away)

the offsite risk would be tolerable.

Subject to the inclusion of additional conditions of approval ensuring an adequate fire safety strategy and compliance with the relevant Australian Standard for storing mixed classes of DG (including separation distances etc.), the department considers this approach will ensure safety is not unduly compromised.

5.2 Traffic

Mirvac has prepared and submitted a traffic statement with the application. The statement notes that the inclusion of the Masters Home Improvement distribution centre is likely to generate the same or less traffic movements to and from the site when compared to the Dick Smith distribution centre. The warehouse will still operate under the conditions of the existing approval including the guidance of the Traffic Management Plan - approved by the department on 9 June 2011.

The application was sent to the Roads and Maritime Services Authority (RMS) for review and they provided no objection to the proposed modification so long as there was no increase in traffic movements as a result.

The department considers that as there will be no increase in traffic movements, then issues with traffic with regard to the proposed modification have been satisfactorily addressed.

5.3 Visual

Stage 1 of the Dick Smith Warehouse has been constructed and is approximately 216 metres long and 180 metres wide with a maximum height of 13.7 metres. Stage 2 of the development has not yet been constructed and consists of a 40 metre wide, 37 metre high bay extension to the stage 1 warehouse on the southern elevation. The approval of this bulky structure and other elements of the concept and project approvals comprise the overwhelming majority of visual impacts experienced and do not form part of this modification application. Business identification signage forms an integral part of the project and comprises a minor proportion of the overall visual impact already approved.

Besides changing the content of the signage from 'Dick Smith Distribution Warehouse' to 'Masters Home Improvement Distribution Centre', the proposed modification reduces the amount of signage on the site overall. Mirvac proposes to:

- delete one building wall mounted sign located immediately above the main entrance to the office and amenities block on the northern wall (dimensions of 5.3m (W) x 1.8m (H));

- relocate one building wall mounted sign from the western side of the warehouse (adjacent to the fire water tanks and facing the M7 motorway) to the southern side of the building. The dimensions of the sign will remain the same at 14m (W) x 4.3m (H); and
- relocation of the tower sign from the western side of the truck entry/exit to the eastern side.

The relocation of the building wall mounted sign will result in a lesser degree of visual prominence from the M7 motorway and will not detract further from the surrounding character of the area – being a industrial estate and the M7 Motorway. The relocation of the totem sign across the truck entry/exit will have no material effect on visual amenity. No changes are proposed to the lighting levels approved to illuminate the signs.

The department has considered the relevant signage elements of the proposal against the provisions of *State Environmental Planning Policy No. 64 – Signage and Advertising* and the Liverpool LEP and considers the proposal in this regard to be generally consistent with the aims and objectives of each. The department considers that the signage remains compatible with the scale of the warehouse, would not detract further from the visual amenity or quality of the area, and would not result in unacceptable glare or impact on the safety of estate roads or the M7 Motorway.

6. RECOMMENDED CONDITIONS

The department has drafted recommended conditions for the modification. Mirvac has reviewed and accepted these conditions

7. CONCLUSION AND RECOMMENDATIONS

The department has assessed the modification application and supporting information on the proposal in accordance with the relevant requirements of the Act, including the objects of the Act and the principles of ecologically sustainable development.

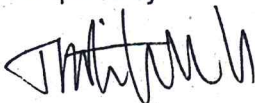
The department is satisfied that the proposed modifications to the use of the warehouse and identification signage are adequately justified. Fundamentally the proposed modification is unlikely to result in any net increase in environmental impacts above and beyond those currently resulting from approved development.

All statutory requirements relating to the proposed modification have been met and the department considers the proposed modification warrants support, subject to conditions.

It is recommended that the Deputy Director-General: Development Assessment and Systems Performance:

- **consider** the findings and recommendations of this report;
- **determine** that the proposed modification falls within the scope of Section 75W of the Act;
- **approve** of the proposed modification under Section 75W of the Act; and
- **sign** the attached instrument (tagged A).

Prepared by



Tom FitzGerald
Planner
METROPOLITAN AND REGIONAL PROJECTS
NORTH



Heather Warton
Director
METROPOLITAN AND REGIONAL PROJECTS
NORTH

APPENDIX A MODIFICATION REQUEST

See the Department's website at <http://majorprojects.planning.nsw.gov.au>

APPENDIX 2 SUBMISSIONS

See the Department's website at <http://majorprojects.planning.nsw.gov.au>



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.

Your Reference: MP10_0010 MOD 2
Our Reference: SYD10/00109
Contact: Stella Qu
Telephone: 8849 2520

SYDNEY
REGIONAL
DEVELOPMENT
ADVISORY
COMMITTEE

SRDAC

Planner/Metropolitan and Regional Projects North
Department of Planning & Infrastructure
GPO Box 39
Sydney NSW 2001

Attention: Tom FitzGerald

**EXHIBITION OF MODIFICATION REQUEST FOR DICK SMITH DISTRIBUTION
WAREHOUSE (10_0010 MOD 2)**

Dear Sir,

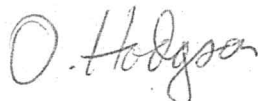
I refer to your letter dated 8 December 2011 with regard to the abovementioned development application, which was referred to Roads and Maritime Services (RMS) (Former Roads and Traffic Authority) in accordance with the State Environmental Planning Policy (Infrastructure) 2007.

I wish to advise that the Sydney Regional Development Advisory Committee (SRDAC) discussed the proposed development at its meeting held on 18 January 2012 and raises no objection to the proposed modification subject to the number of staff and vehicle movements being the same or less than those in the approved Dick Smith DC application.

In addition, all works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

Any inquiries in relation to this development application can be directed to Stella Qu on telephone 8849 2520 or via email at Stella.Qu@rms.nsw.gov.au.

Yours faithfully



Owen Hodgson

Chairman, Sydney Regional Development Advisory Committee

3 February 2012

APPENDIX 3 RECOMMENDED MODIFYING INSTRUMENT
