

PERTH
SYDNEY

20 October 2010

Our ref: 210.065L1

Mr Tony Kelly MLC
Minister for Planning

c/o Director-General
Department of Planning
33 Bridge Street
SYDNEY NSW 2000



TOWN PLANNING
AND URBAN DESIGN

ATTN: Mr Michael File, Director of Major Assessments

**RE: REQUEST UNDER CLAUSE 6 OF STATE ENVIRONMENTAL
PLANNING POLICY (MAJOR DEVELOPMENT) 2005 – PROJECT
APPLICATION AT NIKKO ROAD, WARNERVALE**

Dear Mr File,

1.0 INTRODUCTION

This letter has been prepared on behalf of Fabcot Pty Ltd (Proponent) which is a wholly owned subsidiary of Woolworths Limited, to request the Minister form an opinion under Clause 6 of *State Environmental Planning Policy (Major Development) 2005* (Major Development SEPP). We ask that this opinion be formed in relation to the proposed retail development at Nikko Road, Warnervale being development of a kind described in Part 16 Clause 6 of Schedule 3 of the Major Development SEPP as a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies (Part 3A Project).

In the event that the Minister forms the opinion that the development is a Part 3A project, the Proponent seeks approval for a Project Application and requests the Director-General's Environmental Assessment Requirements (DGEARs) for the preparation of the environmental assessment for the Project Application.

2.0 MAJOR PROJECT CRITERIA

Clause 6 of the Major Projects SEPP enables the Minister to form an opinion with respect to a proposed development under Part 3A of the *Environmental Planning and Assessment Act, 1979* based on the following:

6 Identification of Part 3A projects

(1) Development that, in the opinion of the Minister, is development of a kind:

- (a) that is described in Schedule 1 or 2, or*
- (b) that is described in **Schedule 3** as a project to which Part 3A of the Act applies, or*
- (c) to the extent that it is not otherwise described in Schedules 1–3, that is described in Schedule 5,*

is declared to be a project to which Part 3A of the Act applies.

The proposed development at the corner of Nikko Road and Hakone Road, Warnervale is development of a kind described in Part 16 Warnervale Town Centre, Clause 6 of Schedule 3 of the Major Developments SEPP as a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies (Part 3A Project).

Clause 6 of Part 16 Warnervale Town Centre states:

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6 Part 3A projects

Development for the purposes of retail premises within the Warnervale Town Centre that has a capital investment value of more than \$20 million and a floor space area of more than 5,000 square metres.

The proposed development is for a large retail premises within the Warnervale Town Centre, has a capital value of more than \$20 million, refer to the QS Certificate at **Appendix H** by Rider Levett Bucknell which indicates the Capital Investment Value of the proposed development is \$154.2 million and involves a floor space area of more than 5,000 square metres, being some 46,035 square metres. As such, the proposed development is considered by Fabcot to be a Part 3A Project.

A "Preliminary Environmental Assessment Report" has been prepared for the site which addresses the existing planning controls, the State and local strategic planning for the locality and region, the economic needs and employment generating capacity of the proposed development, preliminary infrastructure investigations and preliminary environmental considerations. The report concludes that the proposed retail project is important in achieving State and regional planning objectives.

To assist in understanding the nature of the proposal, a preliminary concept plan for the proposed retail development has been prepared and can be found at **Appendix G** of the Preliminary Environmental Assessment Report.

The proponent respectfully requests that the Minister make a declaration as requested based on the support information and given the proponent's commitment to providing jobs and services for the community of Warnervale.

Should you have any queries or require clarification on any matters please do not hesitate to contact the undersigned on 02 9925 0444 or 0488 221082.

Yours sincerely

THE PLANNING GROUP NSW PTY LTD



Marian Higgins
(Director)

cc. David Hopper – Woolworths Regional Development Manager