

Draft amendment No. 26 to Liverpool LEP 2008 - Part of Cross Roads Bulky Goods Precinct, Casula

Proposal Title : Draft amendment No. 26 to Liverpool LEP 2008 - Part of Cross Roads Bulky Goods Precinct, Casula

Proposal Summary : The Planning Proposal seeks to permit Costco retail premises/warehouse within the Crossroads Homemaker Precinct at Casula, by adding additional uses for "retail premises", "business premises", "service stations" and "vehicle repair stations" on part Lot 200 DP 1090110 Beech Road, Casula in the Schedule 1 - Additional Use of the Liverpool LEP 2008.

The Planning Proposal is at Tag 1. The Site's locational context is shown at Tag 2 and an aerial photo is at Tag 3.

The rezoning application was supported by an economic impact assessment, flood assessment and preliminary traffic investigation (Tag 1).

The site

The land area subject to the proposal is approximately 5.9 hectares which forms part of the 17.6 ha "Cross Roads Homemaker" centre bulky goods precinct which is one of the largest homemaker centres in NSW consisting of a number of well known mid-large format bulky goods premises including Bunnings, Flower Power, The Good Guys, Freedom Furniture, Bing Lee and a 26 speciality stores. Further details of the site and the businesses on the site are at Page 130 of Council's City Planning Report dated 28 September, 2011, at Tag 1.

The land is currently zoned B5 Business Development under Liverpool LEP 2008 (zoning map at Tag 4) and "Cross Roads Homemaker" centre precinct is one of the 3 precincts identified by Liverpool Council as an appropriate cluster for bulky goods.

The site is vacant and cleared of any significant vegetation. The Planning Proposal will allow for a Costco retail warehouse to be constructed in the north western part of the Crossroads precinct.

Vehicular access to the site is via the internal road network within the Cross Roads precinct to Camden Valley Way and Campbelltown Road. There are no bus services that enter the crossroads precinct, however, the nearest bus stop is approximately 400 metres away on Camden Valley Way.

PP Number : PP_2011_LPOOL_012_00 **Dop File No :** 11/18412-1

Proposal Details

Date Planning Proposal Received :	11-Oct-2011	LGA covered :	Liverpool
Region :	Sydney Region West	RPA :	Liverpool City Council
State Electorate :	MACQUARIE FIELDS	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

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Street : Part of Lot 200 DP 1090110 Beech Road
Suburb : Casula City : Liverpool Postcode : 2170
Land Parcel : Located within the Crossroads Home Improvement Centre, Casula.

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro South West subregion	Consistent with Strategy :	No
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	13,500.00	No of Jobs Created :	250

The NSW Government Yes
Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? : No

If Yes, comment : To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney Region West has not met with any lobbyist in relation to this proposal, nor has the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning the proposal.

Supporting notes

Internal Supporting
Notes :

Proposed Zoning

The site is currently zoned B5 Business Development under Liverpool LEP 2008. The B5 Zone permits a number of uses relevant to Costco (including hardware, automotive supplies, furniture and household electrical goods) but does not support the proposed retail elements for the sale of books, apparel and jewellery etc. The site zoning map is at Tag 4.

The Costco proposal for the site will include approximately 13,500 square metres of general retail area, a tyre fitting service and a service station with over 600 car parking spaces. Council, therefore, seeks to amend Schedule 1 of the LEP to permit these additional uses on site for "retail premises", "business premises", "vehicle repair stations" and "service stations".

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment :

Council advises that the primary objective of this planning proposal is to facilitate the development for a Costco retail warehouse on the site.

The Costco business model is that of a "retail warehouse" which is not recognised as an individual form of land use/development under the Standard Instrument. These proposed uses would be defined as "bulky good premises", "retail premises", "business premises", "service station" and "vehicle repair station" under the Liverpool LEP 2008. Except for "bulky goods premises", other uses are currently not permissible within the B5 Business Development Zone in the LEP.

Costco stores typically operate from traditional purpose built retail warehouse buildings. It comprise a large retail floor plate and a number of ancillary uses/ services within its premises of approximately 13,500 sqm in area. These comprise:

- Small cafe
- Tyre centre - a drive-in tyre fittings and balancing facility;
- Optometrists - a reception kiosk and examination rooms;
- Photo processing;
- Hearing facility, hearing aid service/sales; and
- Service Station.

The general retail product range comprises; groceries, liquor, appliances, televisions and media, automotive supplies, toys, hardware, sporting goods, office supplies and office equipment, jewellery, cameras, books, homewares, apparel, health and beauty aids and furniture. Majority of these uses can be retailed under "bulky goods premises" under the current zoning.

It is considered that Council's statement of the objective is adequate.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? No

Comment :

The aims of this planning proposal will be achieved through an amendment to Schedule 1 Additional Permitted Uses within the Liverpool Local Environmental Plan 2008 (LLEP 2008) by adding additional uses of "retail premises", "business premises", "service stations" and "vehicle repair stations". These uses are not permissible within the current B5 Business Development Zone.

Under the proposal, the current B5 Business Development Zone will be maintained and Council has advised that no changes are proposed to the zoning, floor space ratio, height of buildings or minimum lot sizes controls. No alterations are proposed to the LEP maps to facilitate the Planning Proposal.

It should be noted that Section 4.2.4 of the Planning Proposal (page 11) prepared by the consultants for Costco - JBA Planning (attached at Tag 1) seeks to amend the Flood planning area map (FLD - 013) as the proposed Costco site is no longer affected by flooding as a result of its preliminary flood assessment as well as Council's investigation. However, the Planning Proposal has not addressed the need for amending the Flood planning area map.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? Yes

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified?

N/A

e) List any other matters that need to be considered :

The regional team agrees with Council that there are no inconsistencies with the relevant section 117 directions 3.4 Integrating Land Use and Transport and 6.1 Approval and Referral Requirements as identified by Council.

Further consideration is given to Directions 1.1 Business and Industrial Zones, 4.3 Flood Prone Land, 6.3 Site Specific Provisions and 7.1 Implementing the Metropolitan Strategy, as follows:

1.1 Business and Industrial Zones

The direction applies when a RPA prepares a planning proposal that will affect land within an existing business zone.

The Planning Proposal is technically inconsistent with clause (4)(c) of the direction as the proposal will reduce the total potential floor space area for employment uses that are permissible under the B5 zone.

Council has contended that the proposal is not inconsistent with the direction as it will broaden the range of employment generating uses and has the potential to create 250 equivalent full time jobs. While this is the case, the proposal - by its presence, to some extent, would reduce the ability of currently permitted uses under the B5 zone to be present on the site. However, as no zoning change is proposed and bulky goods will be continued to be permissible on the land, this extent is considered to be of a minor significance.

Should the Gateway determine that the proposal proceeds, it is considered that the inconsistency is of a minor nature and the delegate's endorsement is recommended on that basis.

4.3 Flood Prone Land

Council has advised that the western part of the land is identified as flood prone in the Liverpool LEP 2008 (Flooding map FLD 013 at Tag 5). However, Council's report advises that its survey in 2008 has established that the land is not within 1 in 100 year flood but has not proposed to amend the flooding map to reflect this.

A preliminary investigation of flooding on the site prepared by Mott MacDonald Trueman

(attached at Tag 1) also established that the site has been filled previously as part of the development of Cross Roads site and confirmed that the site is not affected by the 1% AEP flood. This has been agreed by Council engineers. The Planning Proposal report prepared by JBA has recommended for amendment to the LEP Flood planning area map (FLD 013) accordingly.

Regional Team Comment:

Council will need to amend the flood mapping accordingly to reflect the findings of these surveys.

The Planning Proposal, as submitted by Council, will permit development within flood planning area and, therefore, is inconsistent with the direction. There is no justification in the Planning Proposal of this inconsistency.

6.3 Site Specific Provisions

The direction requires that a Planning Proposal that will amend another environmental planning instrument (EPI), in this case Liverpool LEP 2008, in order to allow particular development to be carried out must either:

- (a) allow that land use to be carried out in the zone the land is situated on, or
- (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
- (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

It is considered that the planning proposal is inconsistent with clauses (a), (b) and (c) (above).

The proposal will:

- (a) introduce a site specific permissible use that will not apply to the B5 zone across the LGA,
- (b) not rezone the site, and
- (c) allow the use of the site without introducing a site specific development standard (i.e. a particular overall floor area and tenancy specific floor area), not specifically and currently included in Liverpool LEP 2008.

Regional Team Comment:

After considering various options, Council is of the view that it is advantageous to retain the B5 zone to allow bulky goods retailing to remain a permissible future land use option and to add additional uses on the site rather than rezoning.

As discussed in the "Statement of Objectives" section, the Costco business model - a "retail warehouse", is not recognised as an individual form of development under the Standard Instrument definitions. Most uses proposed are generally consistent with the general character of the uses permissible within the B5 Zone, except for the proposed retail use, which is considered to be inconsistent with the objectives of the zone and problematic. Under these circumstances, the use of Schedule 1 is considered to be the best way to manage the Planning Proposal. It will allow the proposed uses to be carried out on the specific site rather than in all B5 Zones across the whole LGA. It may also allow the permissibility of retail to be qualified by ensuring that any retail use is accompanied by the other - zone consistent - uses. This will limit the risk of the site being used for stand alone retail purposes if the Costco DA does not proceed.

Should the Gateway determine that the proposal should proceed as proposed, this matter is considered to be of a minor nature and the delegate's approval to the inconsistency is recommended.

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Council considers that the proposal is consistent with the Metropolitan Plan.

Regional Team Comments:

The proposal is considered to be consistent with certain critical elements of the draft centres policy in the Metropolitan Plan as follows.

The Metropolitan Plan notes:

- . Liverpool is identified as the Regional City serving Sydney's south west and parts of the West Central Subregion. It is a major employment destination, transport hub and the main regional shopping centre for the south west. The Strategy notes that it is essential for growth opportunities to be nurtured to make the city increasingly attractive and retain its capacity for employment and investment growth. In doing so, improvements in job containment and promotion of equity of access to jobs will be anticipated, to support the substantial future population (p.34).
- . The Department of Planning and councils will use subregional strategies, local strategic planning and LEPs to carefully identify opportunities for new centres in existing urban areas that are distant from existing centres.
- . Consideration should also be given to the impact of a new centre upon facilities and services in existing centres (see action B3.1 of the 2036 Metropolitan Plan).
- . The Subregional planning and local planning to identify locations for subregional clusters for bulky goods which support the economic development of centres in those subregions.

The Economic Impact Assessment (attached at Tag 1), was prepared for Costco by Access Economics in terms of its impact upon the city centre and whether the subject site is suitable for the type of retail warehouse on the site.

The Access Economics considered that the proposal is consistent with the Metropolitan Plan's Strategic Directions B Growing and Renewing Centres (Objectives and Actions B1, B2 and B3) as follows:

- . the site is located within the B5 Business Zone and seems to be similar to many structural and operational characteristics with bulky goods retailing, which is permissible on the site;
- . the site is located within an Activity Centre - Cross Roads Homemaker Centre;
- . the sequential site assessment has established that there are no suitable alternative sites within nearby major or specialised centres, in addition it is considered that the Costco warehouse development will strengthen the existing Crossroads precinct; and
- . Costco Warehouse will act as a catalyst for visitors and future tenants to the Crossroads Homemaker Centre, which is currently considered to be under performing (vacant for the last 10 years) and includes a number of vacant units.

In terms of Strategic Directions E Growing Sydney's Economy (Actions and Objectives E1, E2 and E5) of the Metropolitan Plan for Sydney 2036, the Access Economic's assessment has concluded that the Planning Proposal:

- . will not significantly impact upon the land supply for economic activity and investment;
- . is expected to have a positive impact on the existing bulky goods precinct as the store will bring in a wider community in the City of Liverpool and beyond who might not otherwise visit the area;
- . is likely to stimulate tenant interest in the Crossroads precinct and provide 250 EFT jobs plus another 225 additional in-direct jobs within the South West Subregion.

The economic assessment considered that the land is unlikely to be suitable for traditional industrial uses as encouraged by the sub-regional strategy and the Planning Proposal will not lead to a reduction in employment opportunities within the Precinct. The Planning Proposal is site specific and will therefore ensure that the economic growth generated by a Costco Warehouse will be located within an existing activity centre.

The proposed development is therefore considered by the studies to be appropriate within the proposed location.

Detailed analysis and findings of the economic impact assessment is attached at Tag 1.

The Metropolitan Plan advises:

- . that retailing should be in centres and that these centres are to have at their disposal high capacity public transport services, and
- . that while bulky goods areas may cluster outside centres, these clusters are for bulky goods purposes and not for other retail uses.

Centres are seen as growing into viable mixed use locations. Although the Cross Road site is not within a centre, it is identified in the draft Subregional Strategy as a strategically located employment land. It is one of the areas (along with Orange Grove Road and Sappho Road precincts) zoned B5 under Liverpool LEP 2008 - and is one of the areas in the LGA with greatest potential to operate as a bulky goods cluster.

As discussed in the earlier sections, it is considered that most of the uses proposed by Costco on the site (e.g. appliances, furniture, television and media, hardware and automotive supplies etc.) are similar in structural and operational characteristics with bulky goods retailing, which are already operating on the site. Many of these uses can be retailed under "bulky goods premises" under the current zoning.

Relevant extract for the Metropolitan Plan are at Tag 6.

Apart from "retail premises", other additional uses proposed (e.g. "business premises", "vehicle repair station" and "service station") are considered to be consistent with the uses which are generally permissible in the B5 Zones and the uses already operating in the precinct. The inconsistency of the Planning Proposal with the Metropolitan Plan for Sydney 2036 is, therefore, of a minor significance and is unlikely to undermine the strategic importance of the site as a bulky goods cluster.

Inconsistency with the direction

The direction 7.1 permits inconsistency with the direction only if the Relevant Planning Authority can satisfy the Director General (or delegate) that the extent of the inconsistency with the Metropolitan Plan is of:

- (a) minor significance, and
- (b) the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.

It is considered that the Planning Proposal is inconsistent with the direction, however, the inconsistency with the Metropolitan Plan for Sydney 2036 only relates to the retail uses (e.g. groceries, toys, jewellery and books etc.). Provided the proposed retail use is part of the other uses and Schedule 1 only allows this use in conjunction with other uses as part of one business, this inconsistency can be considered to be of a minor significance. Should the Gateway determine that the proposal proceeds, the delegate's endorsement is recommended on this basis.

Have inconsistencies with items a), b) and d) being adequately justified? Yes

If No, explain :

The proposal's supporting studies have adequately considered how the proposed Costco

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can co-exist within an existing bulky good centre and has demonstrated how the proposal can contribute and encourage the existing centre to become a vibrant activity centre, should the proposal proceed.

Mapping Provided - s55(2)(d)

Is mapping provided? No

Comment : No mapping amendments are proposed by Council, as the current planning proposal does not entail any alterations to the zoning, floor space ratio, height of buildings or minimum lot size maps.

However, a site map, location aerial photo and zoning extract have been provided - which are sufficient for the purposes of the proposal.

As discussed in S117 Direction 4.3 Flood Prone Land, Flood Planning Map 13 will need to be amended as part of this Planning Proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : Council has advised: 'The Gateway Determination will stipulate the required community consultation. The written notice and display materials will be in accordance with the document 'A guide to preparing local environmental plans'.

Additional Director General's requirements

Are there any additional Director General's requirements? Yes

If Yes, reasons : There is a need for Council to review its commercial/retail activities and centres in the area. This matter is discussed further in the report.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment : This matter is further discussed.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Liverpool Principal LEP was made in August 2008. The planning proposal seeks to make an amendment to the Principal LEP.

Assessment Criteria

Need for planning proposal : Liverpool Council received an application to amend Liverpool Local Environmental Plan 2008 to facilitate a Costco retail premises on Part of Lot 200 DP 1090110 Beech Road Casula. The site is within the existing "Cross Roads Homemaker" centre bulky goods precinct.

The site is currently zoned B5 Business Development which does not permit the Costco proposal. Council has taken the view that it is preferable to facilitate the proposal by amending the Schedule 1 of the LEP to permit retail, business premises, vehicle repair station and service station is the appropriate mechanism to permit the proposal.

Council contends that by amending Schedule 1 of the LEP, the underlying zone is maintained (i.e. B5) and consequently, the ability to use the site for bulky goods retailing is

retained without requiring another subsequent LEP amendment, should this use be proposed in the future.

The Planning Proposal is not a result of any strategic study or report. The proposal is in response to an identified development opportunity on the site.

Studies:

The proposal is, however, supported by a number of studies, which include a sequential test, site suitability criteria and a net community benefit test. These studies are:

Preliminary Flood Assessment

This matter is discussed as part of the assessment under S117 Direction 4.3 Flood Prone Land in the "Justification - S55 (2)(c)" section. It is considered that the site is not flood affected and Council's Flood planning area map (FLD 013) needs to be amended.

Economic Impact Assessment

An Economic Impact Assessment has been prepared by Essential Economics (Appendix A of the Planning Proposal at Tag 1) and is discussed under S117 Direction 7.1 Implementation of Metropolitan Plan for Sydney 2036 in the "Justification - S55 (2)(c)" section.

The Economic Impact Assessment analysed the potential economic impacts associated with the construction and operation of a Costco Warehouse on the site. Overall, in terms of retail trading impact, it is considered to have a very low impact on the other centres within the retail trade area, including Liverpool CBD, and is not expected to lead to the loss of major tenants or a change in the role of other centres (refer to pages 30 to 39 of the Economic Impact Assessment). In terms of economic outcomes it is considered to generate considerable benefits for the precinct and for the wider community in the City of Liverpool and beyond (refer to pages 40 - 43 of the Economic Impact Assessment).

In accordance with the draft Centres Policy a sequential test assessment has been undertaken to assess whether there are any alternative sequentially preferable sites to the Crossroads Site for a Costco development. Several sites have been analysed using the site suitability criteria assessment (refer to Section 2, on pages 6 - 21 of the Economic Impact Assessment). These analysis presented that:

- . no alternative sites are available in surrounding centres such as Liverpool and Casula Mall, and other centres such as Campbelltown and Bankstown are not suitable to serve the required catchment;
- . the lack of alternative in-centre sites reflects the normal difficulty in identifying large development sites of around 4ha or more in the established urban area;
- . where large properties can be identified, they are typically unsuitable because of other factors such as the location, poor regional transport access, or simply because they have a current use and are not available for redevelopment;
- . the opportunity to consolidate land is usually not possible in major centres such as Liverpool where the land costs would make a Costco development unviable;
- . edge-of-centre sites identified are considered unsuitable because they involve high development cost (e.g. El Toro estate), do not have good exposure to the regional catchment (e.g. Bridges Road, Moorebank), or have interface issues with adjoining residential land (e.g. Memorial Drive); and
- . alternative out-of-centre sites identified are generally unsuitable because they have poor exposure to the regional catchment and are too small, have existing uses, or have interface issues with adjoining uses.

Overall, the analysis by Essential Economics supports the conclusion that the subject land is an appropriate location for the proposed development, and performs well when assessed against the Site Suitability Criteria.

Extracts from the Centres Policy related to the requirement of Sequential Test, Site Suitability Criteria, Net Community Benefit Test and the 6 key principles of the Centres Policy are attached at Tag 10.

Community and Economic Benefit

A Net Community Benefit Test was provided (refer to Section 5, on pages 40-43 of the Economic Impact Assessment at Tag 1). It is considered that the Planning Proposal will result in a net community benefit by facilitating a new development which will generate a number of social and economic benefits for the precinct and the wider community in the City of Liverpool and beyond.

Metropolitan Plan for Sydney 2036

The Metropolitan Plan identifies the site as an existing Neighbourhood Centre and existing zoned employment land. Council has advised that, with the proposed Costco store having the potential to create approximately 250 full time employment positions, the proposed development satisfies the goal of providing jobs in an employment zone.

Further, the development will support the viability of Crossroads as bulky goods centre due to increased consumer exposure. The Planning Proposal states that an expected 670,000 shoppers would visit a Costco in this location annually. More detailed assessment against the Metropolitan Plan is discussed in the S117

Direction 7.1 Implementation of Metropolitan Plan for Sydney 2036 of "Justification - S55 (2)(c)" section.

Draft South-West Subregional Strategy, 2007

In considering the provisions of the draft South-West sub-regional strategy, JBA notes that the Planning Proposal is acceptable in the following respects:

- . the strategy identifies the Cross Roads site as being a bulky goods cluster and that consideration should be given to expanding the bulky goods retail offer in this location, whilst limiting expansion in other locations;
- . Retail Activity is encouraged to be concentrated in Business Development Zones and Enterprise Corridors;
- . Crossroads is identified as land to be retained for industrial purposes, particularly, for freight and logistics and bulky goods;
- . The Strategy resists the expansion of bulky goods uses at Crossroads as it considered that it would potentially alienate industrial land uses, however, notes that whilst a third of the land has been developed with bulky goods retailing, the remainder is vacant which indicates that there is little market demand for the vacant sites for these type of uses; and
- . Despite the strategy resisting further retail specifically at Crossroads, it acknowledges that retail activity is an appropriate use within a B5 Business Development zone.

The Planning Proposal seeks to extend the range of permissible uses on the site to include retail premises to specifically enable a Costco Warehouse development to be constructed on the Site. A Costco Warehouse development has many similarities with typical bulky goods retail units and is considered an appropriate use on the Site. A sequential assessment of alternative sites has found that no alternative sites are available or suitable for a Costco development within surrounding centres.

Extracts from the Draft South-West Subregional Strategy, 2007, is at Tag 7.

Liverpool Retail Hierarchy Study (Leyshon Consulting 2006)

The Liverpool City Retail Centres Hierarchy Review conducted by Leyshon Consulting in 2006 identified Crossroads Homemaker Centre as a 'Bulky Goods' specialist centre. Even though the proposal is not in accordance with the traditional "Bulky Goods" premises, Council has advised that "...it is deemed acceptable considering that consumer behaviour for the Costco model somewhat reflects that for bulky goods premises as evidence with high percentage of trips are made by private vehicles, the quantities bought to take advantage of reduced pricing, and the trade catchment of the store exceeds that compared to traditional core retail premises".

Council further considered that:

- . the proposal is an employment generating use within a large floor plate format;
- . the site has been vacant and underutilised for approximately ten years;
- . the proposed development will provide a range of products and a new retailing format opposed to the current situation;
- . the site is ideal to cater for the needs of the regional catchment in South West Sydney with access to arterial road network and bus services from Camden Valley Way; and
- . the 'loss' of land for bulky goods development can be planned for in future release areas in the South West Growth Centre or through the upcoming review of commercial centres hierarchy due to be completed in 2012.

Details of Council's assessment against the Liverpool Retail Hierarchy Study is on page 146 of the Council's Planning Proposal at Tag 1.

Preliminary Traffic Assessment Report (Halcrow, February 2011)

Halcrow has undertaken a preliminary traffic assessment to assess the likely traffic implications of the development of a Costco Warehouse on the Site to support the Planning Proposal. The traffic report considered that that the Planning Proposal would be unlikely to have an significant impact on the road network. Furthermore, intersection improvements (if required following traffic modelling at the DA stage) would only likely be required to the connections onto the wider road network, where additional lanes may be necessary and the internal intersection at Beech Road/Parkers Farm Place may need to be changed to a traffic signal. Further details of the traffic assessment is attached to Council's Planning Proposal at Tag 1.

Planning Team Comments:

It is agreed that:

- . the consumer behaviour and nature of the Costco model generally reflects the nature and behaviour for bulky goods premises;
- . a sequential site analysis test submitted with the proposal confirms that there is a lack of alternative sites and that a retail premises of this nature would improve the viability of the Cross Roads Homemaker Centre;
- . the site has been vacant and underutilised for approximately ten years and the proposed development will enable a new retailing format opposed to the current situation;
- . the site is suitable to cater for the needs of the regional catchment in South West Sydney with access to regional and arterial road network and bus services from Camden Valley Way;
- . the 'loss' of land for bulky goods development on the site is negligible because the proposed uses are essentially the same as the uses which are otherwise permissible in existing zone and are already operating within the Cross Roads Homemaker (bulky goods) Precinct; and
- . the Planning Proposal will result in a net community benefit by facilitating a new development which will generate a number of social and economic benefits for the local area and beyond.

Council has several Planning Proposals (see locations at Tag 8) in the process that have been endorsed to proceed by the Gateway, that:

- (1) rezone land from the B5 Business Development Zone to B6 Enterprise corridor at Orange Grove, including lifting the maximum gross floor area from 1,000 sqm to 1,600 sqm for retail development within the B6 Zone;
- (2) create a B6 Zone Enterprise Corridor Zone at Newbridge Road, Moorebank;
- (3) create a B6 Enterprise Zone at Heathcote Road, Moorebank; and
- (4) to permit additional retail use to the existing bulky good zoned premises at Orange Grove Road, Warwick Farm.

Council has advised that the loss of land for bulky goods in the LGA will be addressed as part of its upcoming review for commercial centres hierarchy due to be completed in 2012.

Submission from SJB Planning (copy at Tag 9)

Liverpool Council has received a letter from SJB Planning (consultants for Orange Grove Planning Proposal PP_2011_LPOOL_010_00) dated 28 September, 2011, with regards to the retail potential on Costco Planning Proposal. SJB Planning raises no objection to the Planning Proposal, however, has raised concerns such a decision may:

- . impact on the retail hierarchy of centres; and
- . divert investment from Centres from a retail and business premises perspective.

SJB further emphasised that the technical reports for Cross Roads were based on:

- . a specific Costco outlet;
- . no restriction or application of the proposed uses on the Cross Roads Homemaker site;
- . lack of independent review on the potential impact on the proposed rezoning; and
- . inconsistency with Council dealing with the two Planning Proposals - Orange Grove Road and Cross Roads.

SJB requested that to ensure a consistent and equitable approach to the strategic assessment of Planning Proposals it is considered that Council should, prior to adopting the recommendation and referring it to the Department of Planning and Infrastructure for gateway determination as follows:

- undertake an independent review of the retail impact assessment;
- impose a restriction on the amount of floor space that can be used for retail purposes proposed consistent with the size of the development contemplated;
- impose a restriction to a single tenancy with a floor space of no less than 13,000 sqm; and
- . to ensure the current Planning Proposal applies to the identified location to avoid the application of the new uses to the whole Cross Roads Homemaker precinct.

SJB is concerned that this may lead to retail premises also becoming permissible on the balance of the site which is currently zoned IN3 Heavy Industrial.

It is considered that SJB's two latter recommendations are valid and are supported (see comments below).

Comment:

It is acknowledged that the Liverpool principal plan was made in 2008 and that it is

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reasonable for amendments to be made to the plan over time. However, the number of planning proposals (above) may indicate that there is a need for Council to consider a review of its commercial/retail hierarchy and centres, and its ability to ensure that sufficient land is maintained for future bulky goods retailing (or changing needs) to ensure that there is a contemporary and robust strategic base for future decisions. In this light, it is proposed that the Planning Proposal proceed but not be finalised until this broader study is undertaken. In addition, to address the SJB's two latter recommendations, the proposed Schedule 1 should be conditioned as discussed earlier in this report.

Consistency with strategic planning framework :

The proposed Costco store having the potential to create approximately 250 full time jobs satisfies the goal of providing jobs in an employment zone and is consistent with the objectives in the Metropolitan Plan for Sydney 2036 and the draft South West Subregional Strategy for Cross Roads site.

These are discussed in detail under the headings "Need for planning proposal" and "Justification - s55(2)(c)" section.

Environmental social economic impacts :

Discussed in detail in the "Need for planning proposal" section.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage
Integral Energy
NSW Fire Brigades
Roads and Traffic Authority
Sydney Water
Waste Service NSW
Adjoining LGAs**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Tag_3_-_Aerial_map_showing_the_site.pdf	Map	Yes
Tag_4_-_Land_Zoning_map.pdf	Map	Yes
Tag_5_-_Clause_7.8_Flooding_of_Liverpool_LEP_2008.doc	Proposal	Yes
Tag_5_-_Flooding_map_FLD_013.pdf	Proposal	Yes
Tag_6_-_Relevant_Objectives_from_the_Metropolitan_Plan_for_Sydney_2036.pdf	Proposal	Yes
Tag_8_-_Diagram_showing_locations_of_other_relevant_Planning_Proposals.pdf	Map	No
Tag_9_-_SJB_Planning_letter_dated_28_September_2011.pdf	Proposal	No
Tag_2_-_Locational_map.pdf	Map	Yes
Tag_1_-_Planning_Proposal_(JBA_Planning_Report).pdf	Proposal	Yes
Tag_1_-_Planning_Proposal_(Economic_Impact_Assessment_Part_2).pdf	Proposal	Yes
Tag_1_-_Planning_Proposal_(Preliminary_Traffic_Assessment).pdf	Proposal	Yes
Tag_1_-_Council's_Covering_Letter_for_the_Planning_Proposal.pdf	Proposal	Yes
Tag_10_-_Extracts_from_draft_Centres_Policy.pdf	Determination Document	No
Tag_7_-_Extracts_from_Draft_SWSubregional_Strategy.pdf	Proposal	Yes
Tag_1_-_Planning_Proposal_(Flood_Assessment).pdf	Proposal	Yes
Tag_1_-_Planning_Proposal_(Economic_Impact_Assessment_Part_2).pdf	Proposal	Yes
Tag_1_-_Council's_Planning_Report.doc	Proposal	Yes
Tag_1_-_Council's_Planning_Proposal_Report_-_Costco.doc	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 6.1 Approval and Referral Requirements
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : It is recommended that the proposal proceeds with the following conditions:

- (1) The Director General's delegate agrees that any inconsistency with section 117 directions:
 - . 1.1 Business and Industrial Zones;
 - . 4.3 Flood Prone Land; and
 - . 6.3 Site Specific Provisions;
 - . 7.1 Implementation of the Metropolitan Plan for Sydney 2036;
 are justified as minor matters.
- (2) Further, the Planning Proposal is to be amended to ensure
 - . development occurs on the identified site;
 - . allowing retail uses only when it is in conjunction with other uses as part of one business;
 - . a minimum floor plate of 13,000 sqm
 - . the flood planning/policy area applying to the site on the Flood

planning area map - 013 is to reflect the investigation carried out by Council

in consultation with the regional team;

(2) Community consultation for 28 days;

(3) Consultation with the Roads and Traffic Authority, NSW Fire Brigades, Integral Energy, Sydney Water, Waste Service NSW and adjoining local government councils.

(4) The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway determination.

In view of a number of recent Liverpool planning proposals involving centres, it would be appropriate for Council to prepare a commercial hierarchy and centres review to ensure that sufficient land is maintained for future bulky goods retailing (or changing needs) to ensure that there is a contemporary and robust strategic base for future decisions. This study should be prepared before the Planning Proposal is finalised.

Supporting Reasons :

It is considered that:

- . the consumer behaviour and nature of the proposed Costco model reflects the nature and behaviour for bulky goods premises;
- . the 'loss' of land for bulky goods development on the site is negligible because the proposed uses are essentially the same as the uses which are otherwise permissible in existing zone and are similar in nature;
- . a sequential site analysis test submitted with the proposal confirms that there is a lack of alternative sites and that a retail premises of this nature would improve the viability of the Cross Roads Homemaker Centre;
- . the site has been vacant and underutilised for approximately ten years and the proposed development will enable a new retailing format opposed to the current situation;
- . the site is suitable to cater for the needs of the regional catchment in South West Sydney with access to regional and arterial road network and bus services from Camden Valley Way; and
- . the Planning Proposal will result in a net community benefit by facilitating a new development which will generate a number of social and economic benefits for the local area.

Signature:

Derryn John - DERRYN JOHN

Printed Name:

21/10/11 Date: _____