

LIVERPOOL CITY COUNCIL

JRPP No:	2011SYW098
APPLICATION NUMBER:	DA-1321/2011
SUBJECT:	THE DEMOLITION OF EIGHT DWELLINGS, CLEARING OF VEGETATION AND TREES ACROSS THE SITE AND THE CONSTRUCTION OF A HOME IMPROVEMENT CENTRE (TO OPERATE 7AM TO 10PM MONDAY TO FRIDAY AND 7AM TO 8PM SATURDAY AND SUNDAY) AND COMPENSATORY FLOOD STORAGE WORKS TO LOT 1 DP 970591, AND ASSOCIATED CAR PARKING, SERVICE INFRASTRUCTURE, AND LANDSCAPING. LIVERPOOL CITY COUNCIL IS THE CONSENT AUTHORITY, AND THE SYDNEY WEST JOINT REGIONAL PLANNING PANEL HAS THE FUNCTION OF THE DETERMINING AUTHORITY
LOCATION:	LOT 1 DP 1040353 MUNDAY STREET, (LOCATED ON THE CORNER OF WARWICK STREET, MANNING STREET, HUME HIGHWAY & GOVERNOR MACQUARIE DRIVE) WARWICK FARM NSW 2170
OWNER:	AUSTRALIAN TURF CLUB LIMITED
APPLICANT:	HYDROX NOMINEES PTY LTD
AUTHOR:	Maya Elnazer

1. EXECUTIVE SUMMARY

1.1 Reasons for the Report

Pursuant to the requirements of the State Environmental Planning Policy (State and Regional Development) 2011, this application is referred to the Joint Regional Planning Panel for determination as the capital investment value of the development exceeds \$10,000,000. The application submitted to Council indicates a value of \$15,100,000.

1.2. The proposal

The development application seeks Council consent for the demolition of eight dwellings, clearing of vegetation and trees across the site and the construction of a home improvement centre (to operate 6am to 10pm, Monday to Friday, and 6am to 8pm Saturday and Sunday) and associated car parking, servicing infrastructure and landscaping.

1.3 The site

The subject site is identified as Lot 1 DP 1040353 Munday Street, located on the corner of Warwick Street, Manning Street, Hume Highway, and Governor Macquarie Drive, Warwick Farm.

1.4 Background and issues

The subject development application was lodged on 24 June 2011 pursuant to Clause 72J and 72K of the Environmental Planning and Assessment Act 1979 (EP&A Act) in concurrence with a planning proposal lodged on 29 October 2010 and gateway determination received on 4 March 2011 to re-zone certain land within the RE2 Private Recreation zone to B5 Business Development to allow for the use of 'bulky goods premises'.

The development application and associated planning proposal were required to be exhibited concurrently (or as closely together as is practicable) in accordance with the requirements of the EP&A Act 1979. The planning proposal was exhibited between 13 June 2011 - 10 August 2011, and the subject development application was exhibited on two separate occasions, between 3 August 2011 - 18 August 2011, and between 14 March 2012 - 29 March 2012.

Liverpool Local Environmental Plan 2008 Amendment No. 18 (Munday Street Site) was gazetted on 9 December 2011. The amendment rezoned land bounded by Munday Street, Manning Street, Warwick Street, Hume Highway and Governor Macquarie Drive from RE2 Private Recreation and R2 Low Density Recreation to B5 Business Development. Part of the amendment also removed the Warwick Farm Conservation Area from Schedule 5 of Liverpool Local Environmental Plan 2008.

The planning proposal is accompanied by a Voluntary Planning Agreement (VPA) between the developer Australian Turf Club (ATC) and Liverpool City Council which include traffic improvements comprising intersection upgrade of Governor Macquarie Drive and Munday Street

The traffic improvements identified within the VPA included the following:

- Provide new traffic lights at intersection of Governor Macquarie Drive and Munday Street.
- Provide 80 metre new left turn lane from Munday Street to Governor Macquarie Drive.
- Provide 80 metre new left turn lane from Governor Macquarie Drive to Munday Street.

The current application is subject to the abovementioned works outlined within the VPA to be completed prior to the issue of any Occupation Certificate for the development.

The subject application had been lodged concurrently with the following application comprising roadworks:

DA-28/2012: Intersection upgrade road works of Governor Macquarie Drive and Munday Street, Warwick Farm at Lot 1 DP 1040353, and portion of road reserve of Governor Macquarie Drive and Munday Street, Warwick Farm, approved by Council at its meeting of 5 November 2012.

It is noted that additional works under a separate VPA associated with Liverpool Local Environmental Plan 2008 Amendment No.14 (Coopers Paddock and Inglis Site) gazetted on 17 August 2012 incorporated improvements which relate to the subject site. These included the following works:

Bicycle and pedestrian paths are required in addition to the traffic improvements as follows:

- The construction of shared bike/pedestrian paths of a minimum width of 2.5 metres located adjacent to Governor Macquarie Drive on the northern side of the existing carriageway, to run for the length from the existing cycle path near the William Long Bridge to the Hume Highway.

These works are subject to conditions of consent required under separate development consent DA-1089/2011 for stock and sales yard located within the Warwick Farm Racecourse site.

The development was subject to a pre-DA meeting held with Council officers on 6 April 2011. A copy of the meeting minutes is attached to this report.

The development has been considered with regard to the relevant statutory requirements and the codes and policies of Council, and is found to be an appropriate and suitable development for the subject site. The issues raised are satisfactorily addressed and the proposal is thus recommended for approval subject to conditions.

1.5 Exhibition of the proposal

The development application and associated planning proposal were required to be exhibited concurrently (or as closely together as is practicable) in accordance with the requirements of the EP&A Act 1979. The planning proposal was exhibited between 13 June 2011 - 10 August 2011, and the subject development application was exhibited on two separate occasions, between 3 August 2011 - 18 August 2011, and between 14 March 2012 - 29 March 2012.

A total of 8 objections were received in response to the development application. The issues raised in the submissions include:

1. Traffic impact, access, and roadworks upgrades;
2. Hours of operation, noise impacts, development not compatible with existing land uses;
3. Cumulative impacts of all developments within the area;
4. Scrivener Street industrial land use expanding;
5. No benefit to the local community;
6. Loss of potential future recreation space;
7. Built form, bulk, scale, visual impact, and out of character;
8. Ecological impacts, loss of trees and vegetation;
9. Risk of horses and potential conflicts;
10. Lack of community consultation.

The issues raised above have been assessed in accordance with the relevant planning controls and are satisfactorily addressed within the submitted documentation and plans.

1.6 Conclusion

Following detailed assessment of the proposal against the applicable statutory legislations and consideration of the issues raised in the submissions, it is considered that the proposal is an appropriate development for the subject site which will result in an acceptable built form to complement the prime location being earmarked for the B5 Business Development zone. The proposal will encourage business development within the area and provide for employment and economic growth, which meets the objectives of the B5 zone.

The proposed development being for the demolition of eight dwellings, clearing of vegetation and trees across the site and the construction of a home improvement centre (to operate 6am to 10pm, Monday to Friday, and 6am to 8pm Saturday and Sunday) and associated car parking, servicing infrastructure and landscaping, is permissible pursuant to the LLEP 2008 Amendment No. 18 gazetted on 9 December 2011. The site is considered suitable for the proposed development and will also incorporate appropriate measures for flood mitigation, noise impact, acid sulphate soils, and traffic impact.

The development also comprises upgrades to the Governor Macquarie Drive road network (under separate development consent) which will contribute towards the public benefit. It is therefore considered that the proposal is worthy of support.

2. SITE DESCRIPTION AND LOCALITY

2.1 The Site

The subject site is identified as Lot 1 DP 1040353 Munday Street, located on the corner of Warwick Street, Manning Street, Hume Highway, and Governor Macquarie Drive, Warwick Farm. It is noted the land previously formed part of the Warwick Farm Racecourse site, and was annexed under subdivision consent DA-1183/2011.



Figure 1: Aerial photograph of Site

The subject site is situated towards the south-west corner of Warwick Street / Hume Highway and Governor Macquarie Drive comprising an area of approx 2.9ha. The subject site was created under subdivision consent DA-1183/2011 which sought to rationalise lot boundaries and resulted in the 'Munday Street' site, the subject of this development proposal.

The site is bound by commercial development along Hume Highway to the north, the warwick farm racecourse to the east along Governor Macquarie Drive, residential properties and associated horse stables within an established equine industry to the south of Munday Street, and to the west of the site along Manning Street are residential properties and the Warwick Farm railway station.

Existing improvements to the site consist of 8 individual residences within the west portion of the site. Existing vegetation to the site comprises a mix of native and exotic species including mature trees and grass cover. Access to the site is provided via Munday Street and Warwick Street (off Hume Highway).

2.2 The Locality

Located to the north of the subject site is Warwick Street / Hume Highway at the intersection of Hume Highway and Governor Macquarie Drive, with commercial developments to the northern side of Hume Highway comprising the Warwick Farm Shopping Centre, Peter Warren Automobiles and the Masterton Homes Display Village.

Located to the south of the subject site along Munday Street are residential dwellings with associated horse stables within an established equine precinct. Further to the south is an established industrial precinct along Scrivener Street.

Located to the west along Manning Street are residential developments and the Warwick Farm railway station which includes a commuter car park further to the west.

The subject site lies adjacent to the Warwick Farm Racecourse to the east along Governor Macquarie Drive.



Figure 2: Subject site as viewed from Warwick Street / Hume Highway



Figure 3: Subject site as viewed from Munday Street

3. DETAILS OF THE PROPOSAL

The development application seeks consent for the demolition of eight dwellings, clearing of vegetation and trees across the site and the construction of a home improvement centre (to operate 6am to 10pm, Monday to Friday, and 6am to 8pm Saturday and Sunday) and associated car parking, servicing infrastructure and landscaping.

Specific components of the proposal are outlined in detail below:

Demolition and site works

The proposal would involve the demolition of all built structures currently on site including the existing 8 residential dwellings and any associated outbuildings. The majority of existing mature trees are proposed to be cleared, with retention of 14 trees. The development will also require flood storage compensatory works to be carried out on separate land owned by the Australian Turf Club (ATC) for which consent has been provided.

Home Improvement Centre

- General sales area of approximately 7,926sqm for a range of products including hardware, timber and building materials, décor and home decoration, and kitchen / bathroom fittings.
- Nursery area of approximately 1,906sqm for a range of landscaping and gardening products including plants, pots, landscape trimming, and gardening equipment.
- Trade sales area of approximately 1,957sqm for trade sales which will include a drive-in loading area for all stock for sale in other areas of the building.
- Internal restaurant / café of approximately 165sqm including the preparation and sale of food, snacks and hot and cold beverages with associated seating.

- Mezzanine floor for staff offices and amenities of approximately 342sqm including a passenger lift for accessibility.

Service infrastructure

- 860sqm back-of-house area along the northern elevation of the general sales area for loading goods and materials.
- Landscaping along Governor Macquarie Drive, Warwick Street and the car park areas and acoustic treatment and landscaping to Munday Street and Manning Street.
- Sprinkler tanks for fire sprinkler system and pump room are proposed at the western end of the site.
- Pylon sign structure which is to be located at the boundary of the site fronting the intersection of Hume Highway and Governor Macquarie Drive to a height of 12 metres.
- Installation of a substation to the southern boundary to Munday Street.
- On-site stormwater detention will be partly at-grade in the car park and partly underground in detention tanks.

Car parking and vehicular access

- 335 space car park within the northern and eastern portion of the site, including 8 accessible parking spaces located near the customer entry.
- Principle service area (with acoustic treatment) on the western side of the building adjacent to Manning Street, including at-grade loading docks, waste collection area, compactus, and service vehicle turning circle. Principle access from Warwick Street provides a left and right turn into and out of the site.
- Secondary service area from Munday Street for the Garden Area only on the southern side of the building near the south-eastern corner of the building.
- General services will use a separate access with left and right ingress / egress from Warwick Street, enabling all service vehicles entering and exiting in a forward direction
- Garden service vehicles will use the secondary customer access point from Munday Street, moving along the southern side of the building and egressing through a separate service vehicle exist onto Munday Street approximately midway along the Munday Street boundary.
- Pedestrian access to and from the site and the public domain.

Landscaping

The Landscape Plans prepared by Site Image Landscape Architects provide an overall design for the site incorporating trees and shrubs in accordance with Councils DCP and to address both the private and public domain with respect of visual impact and screening. The landscape plans include the following:

- Intensified landscaping along the sites frontage to Governor Macquarie Drive. The landscaping compliments and enhances visual amenity from the main access routes.
- Intensified landscaping along the southern boundary at Munday Street to enhance visual amenity and soften the presentation of the southern façade of the development.
- Trees provide a canopy for the streetscape and soften the appearance of the development to Governor Macquarie Drive.
- Provision of shade and canopy coverage within the car park.
- Planting of shrubs at the proposed entry and exit on Munday Street, with feature planting to punctuate the entry.
- Landscaping within the car parking islands and at the customer entrances/exits of a type which will preserve safe sight lines for entering/exiting vehicles.

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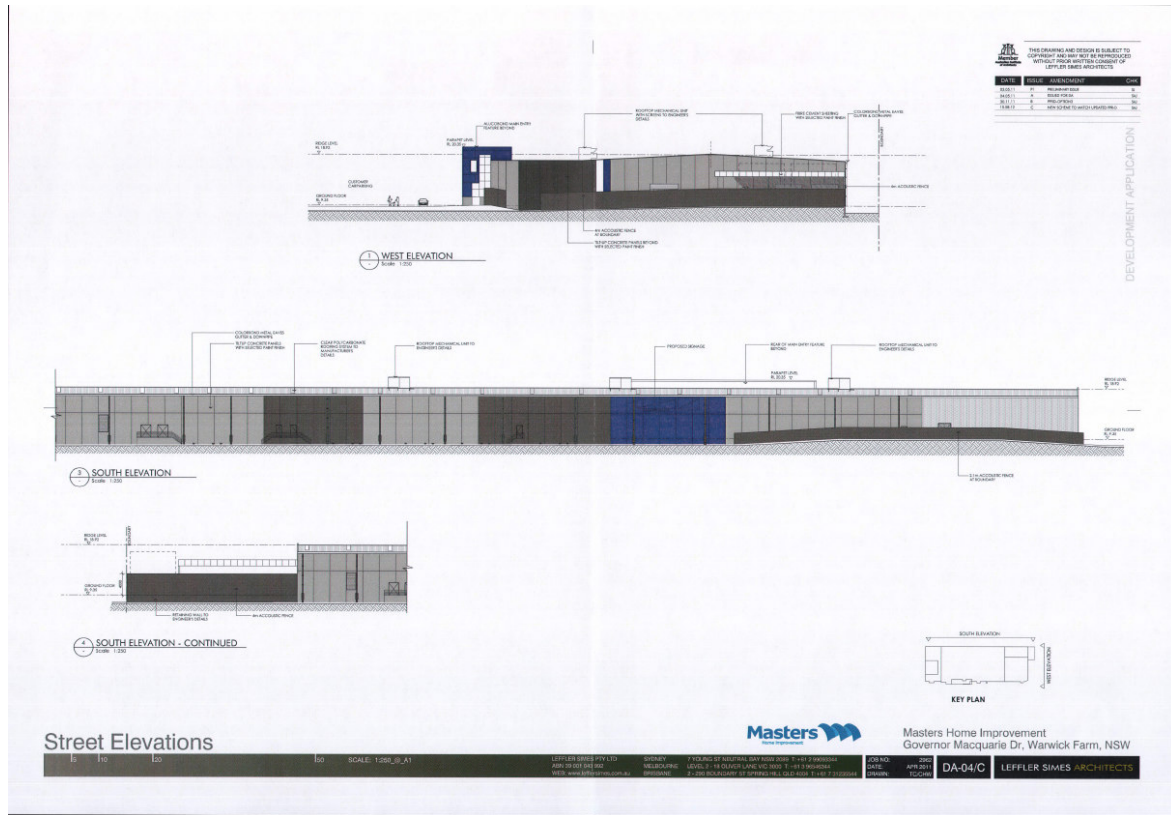


Figure 6: Proposed elevations

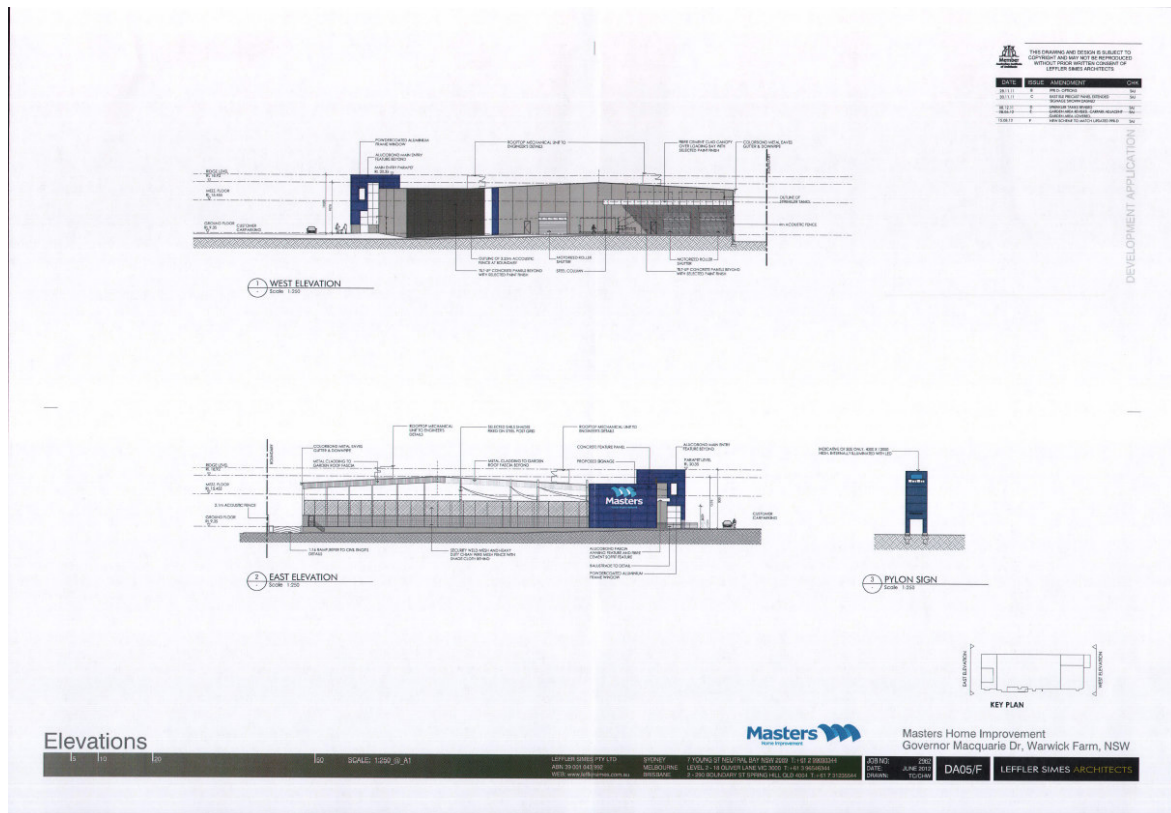


Figure 7: Proposed elevations

4. STATUTORY CONSIDERATIONS

4.1 Zoning

Liverpool Local Environmental Plan 2008 Amendment No. 18 (Munday Street Site) was gazetted on 9 December 2011. The amendment rezoned land bounded by Munday Street, Manning Street, Warwick Street, Hume Highway and Governor Macquarie Drive from RE2 Private Recreation and R2 Low Density Recreation to B5 Business Development.

The subject site is located within the B5 - Business Development zone under the provisions of Liverpool Local Environmental Plan 2008 (LLEP 2008).

The proposed development is identified as: *hardware and building supplies, bulky goods premises, garden centre, landscaping material supplies, and restaurant / café* which are all permissible land uses within the B5 zone.

An extract from the LLEP 2008 zoning map updated per Amendment No. 18 is provided below:

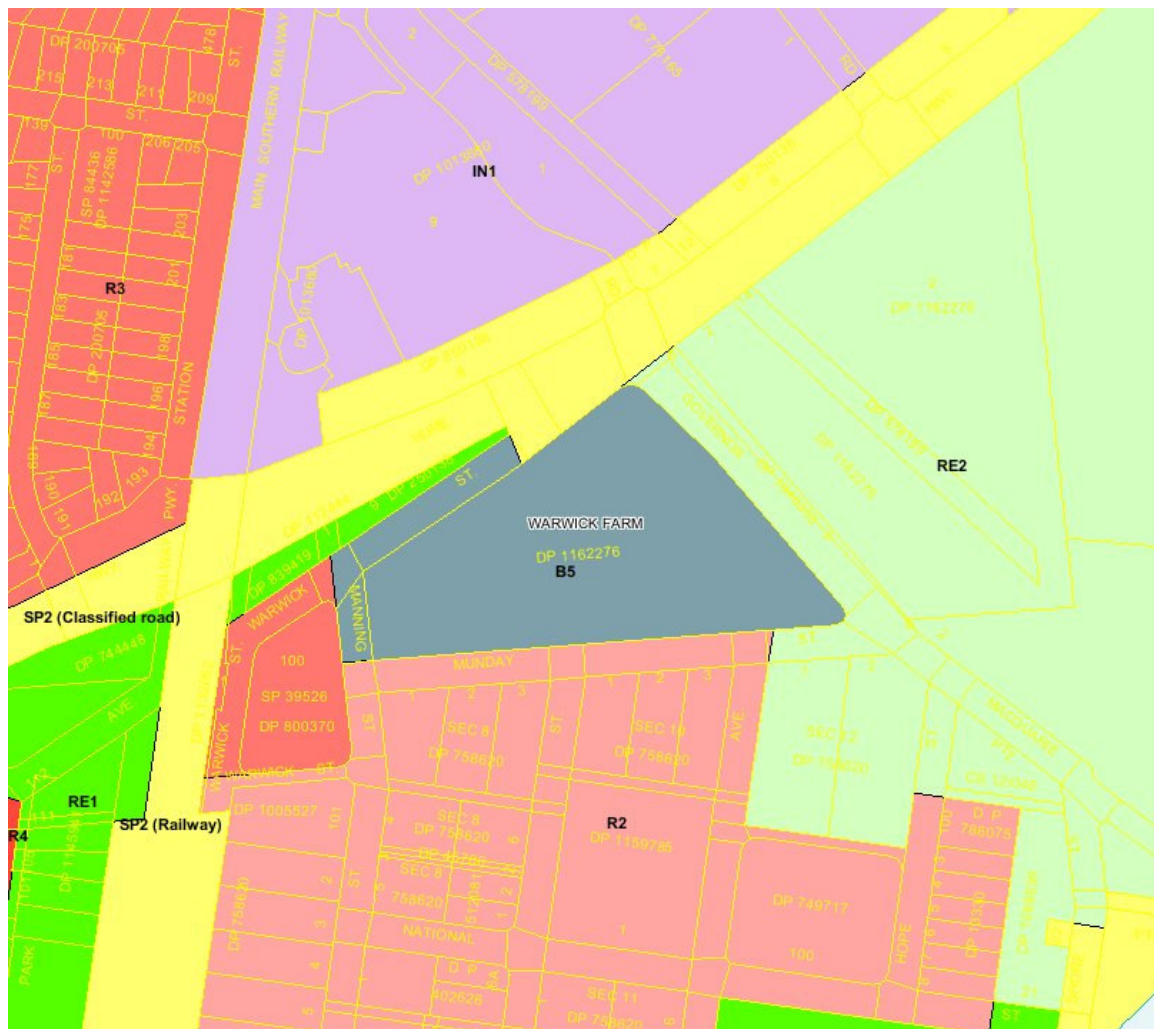


Figure 6: Extract of LLEP 2008 zoning map

4.2 Relevant matters for consideration

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The following Environmental Planning Instruments (EPI's), Development Control Plan and Codes or Policies are relevant to this application:

1. Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP);
2. State Environmental Planning Policy (Infrastructure) 2007;
3. State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55);
4. State Environmental Planning Policy No. 64 - Advertising and Signage
5. Liverpool Local Environmental Plan 2008;
6. Liverpool Development Control Plan 2008, specifically:
 - o Part 1.1 General Controls for all development;
 - o Part 1.2 Controls for all development; and
 - o Part 6 Development in Business Zones

5. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 79C of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation as follows:

5.1 Section 79C(1)(a)(1) – Any Environmental Planning Instrument

(a) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP)

The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

When a consent authority determines a development application planning principles are to be applied (Clause 7(2)). Accordingly, a table summarising the matters for consideration in determining a development application (Clause 8 and Clause 9) is provided below:

Clause 8 General Principles	Comment
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
(a) the aims, objectives and planning principles of this plan.	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries. The proposed development will not adversely affect the environmental quality of the catchment subject to the adequate mitigation measures outlined within the Concept Surface Water Management Plan and Waste Water Management Plan and associated documentation which accompanies this application.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas.	An Erosion and Sediment Control Plan has been submitted as part of the proposal. The proposal is not considered to result in adverse effects on adjacent or downstream local government areas.
(c) the cumulative impact of the proposed	A Cumulative Flood Impact Assessment

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development or activity on the Georges River or its tributaries.	along with a Civil Engineering Plan are submitted as part of the proposal.
(d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments).	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004. The development is considered to have minimal impact with implementation of Erosion Control and Stormwater management systems.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning).	The <i>Sydney Metropolitan Catchment Action Plan (CAP)</i> aims to focus investment on sustainable management of the natural resources that underpin the landscape of the Sydney Metropolitan Catchment region. The proposed development is not in conflict with the identified targets of the CAP.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice.	These matters have been considered in the assessment of the proposal.
(g) whether there are any feasible alternatives to the development or other proposal concerned.	The development is situated within an area already developed for urban land use and deemed suitable for the current proposal.

Clause 9 Specific Principles	Comment
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
(1) Acid sulfate soils	Civil Engineering Plans have been submitted by ACOR Consultants and further amended by Henry & Hymas Consultants. It is noted that the level of excavation required does not trigger the requirement for an acid sulfate soil management plan.
(2) Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed.
(3) Flooding	The development is accompanied by a Flood Assessment Report prepared by FloodMit Pty Ltd dated April 2011 which provided the calculation of compensatory flood storage required for the proposed Home Improvement Centre. The calculated compensatory flood storage required (1% AEP event) for the development of Home Improvement Centre at Munday Street was 11,400 cubic metres. The development has been further

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	<p>amended where the required quantity of fill has been further reduced.</p> <p>Councils flood engineers have reviewed the flood impact report and cumulative impact assessment submitted with the documentation and raise no objections to the carrying out of the development subject to conditions. The flood storage compensatory works are to be carried out as indicated in the Flood Assessment Report, Proposed Home Improvement Centre Warwick Farm by FloodMit dated April 2011 and further Reports by FloodMit dated 31 August 2012. Furthermore, conditions of consent will require that prior to Issue of Construction Certificate, the developer shall submit drawings providing the details of flood storage compensatory works and calculations of cut and fill volume. The proposed development is supported subject to fulfilling flood related developments controls.</p>
(4) Industrial discharges	Not applicable.
(5) Land degradation	Land degradation processes have been avoided where possible, and minimised through management plans.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	An Erosion and Sediment Control Plan and Civil Engineering Plans been provided to minimise any potential impacts of runoff on streams within the Catchment.
(10) Urban development areas	Not within an Urban Release Area.
(11) Vegetated buffer areas	Not applicable.
(12) Water quality and river flows	An Erosion and Sediment Control Plan and Civil Engineering Plans been provided to minimise any potential impacts of runoff on streams within the Catchment.
(13) Wetlands	Not applicable.

The provisions of Part 3 are also applicable to the development as the works involve Stormwater Management System Works. The development has taken into consideration the provisions within the matters for consideration and seeks to ensure that appropriate measures are implemented for the purpose of stormwater runoff.

It is considered that the proposal satisfies the provisions of the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP).

(b) State Environmental Planning Policy (Infrastructure) 2007

The proposal is identified as a traffic generating development within Column 1 of Schedule 3 of SEPP Infrastructure. Clause 104 of the SEPP requires a consent authority to consider traffic generating development with regard to the following:

Clause 104 (3) Before determining a development application for development to which this clause applies, the consent authority must:

- (a) give written notice of the application to the RTA within 7 days after the application is made, and*
- (b) take into consideration:*
 - (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
 - (ii) the accessibility of the site concerned, including:*
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - (iii) any potential traffic safety, road congestion or parking implications of the development.*

In accordance with the above, written notice was provided to the RTA dated 2 August 2011. Council received comments from the RTA dated 1 June 2012 which raised no objections to the development and included conditions and advisory comments for Councils consideration (a copy of the RMS advice is attached to this report). The comments have been incorporated into the draft conditions of consent. Furthermore, Councils traffic engineers have considered the proposal and raise no objections to the development based on accessibility, traffic safety, road congestion, and parking implications. Traffic and parking considerations are canvassed in detail further within this report. The proposal is considered satisfactory with respect of the provisions of SEPP Infrastructure.

(c) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

Pursuant to Clause 7 of SEPP 55, a consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether the consent authority is satisfied that the land is suitable in its contaminated state, or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

The subject site has historically and continually been used for residential purposes and accommodation purposes for horse trainers and Warwick Farm Racecourse staff. On this basis it is considered that there is no known contamination of the site from current or past land use and therefore no further assessment is required with respect of SEPP 55.

(d) State Environmental Planning Policy 64 - Advertising and Signage

The aims and objectives of SEPP 64 are generally to ensure that signage (including advertising) is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high quality design and finish.

Specifically, the policy requires that:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

The proposal incorporates a pylon sign structure at the north eastern corner of the site fronting the intersection of Hume Highway and Governor Macquarie Drive with a maximum height of 12 metres. The Statement of Environmental Effects indicates that signage details on the structure will be subject to a future development application.

In response to the matters for consideration above, the proposal indicates that the sign is of an appropriate and modern design that is compatible with the proposed development and use of the site. The sign is also consistent with the scale of existing development and signage along the Hume Highway as intended for the B5 Business Development zone. The pylon sign is designed to present to the streetscape and maintain consistency with surrounding business identification signage which will complement the overall physical appearance of the site.

The proposed signage is not visible to or from any environmentally sensitive areas, natural or other conservation areas, or open space areas and will not obstruct any significant views. The dimensions of the proposed sign is appropriate given the size and overall scale of the proposed building on the site. The proposed signage has been appropriately positioned and proportioned to identify the principal entry points for customers to the site. Furthermore, the sign does not result in visual clutter and is suitably located to ensure they do not dominate the visual appearance of the site and its surrounds.

The proposal has been referred to the Roads and Maritime Services (RMS) for their concurrence given the sites location on a classified road (Hume Highway). No objections were raised by the RMS with respect of the development and associated signage.

In this regard, the development is appropriate and acceptable with respect of the matters for consideration under SEPPP 64.

(e) Liverpool Local Environmental Plan 2008

Clause 2.3 Zone objectives and Land Use Table

The subject site is located within the B5 Business Development zone under the provisions of Liverpool Local Environmental Plan 2008 (LLEP 2008).

The proposed development is identified as: *hardware and building supplies, bulky goods premises, garden centre, landscaping material supplies, and restaurant / café* which are all permissible land uses within the B5 zone.

The objectives of the B5 Business Development zone are as follows:

- *To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*
- *To maintain the economic strength of centres by limiting the retailing of food and clothing.*
- *To provide for a larger regionally significant business development centre in a location that is highly accessible to the region.*
- *To ensure a reasonable concentration of business activity.*

The development is consistent with the objectives of the B5 Business Development zone for the following reasons:

- The proposal will allow for a mix of business uses specifically which require a large floor area, within a prime location off Hume Highway / Governor Macquarie Drive.

- The development limits the retail of food and clothing and will seek to strengthen the economic viability of the area by providing a mix of retail uses.
- The location is highly accessible and in a prominent location being the gateway into the Liverpool CBD.
- The type and number of retail uses proposed will allow for a reasonable concentration of business activity within this particular location.

Therefore, it is considered that the proposal satisfies the relevant objectives of the B5 Business Development zone.

Clause 4.3 Height of buildings

The LLEP 2008 prescribes a maximum building height for the subject site of 15metres. The development proposes a maximum building height of 13metres to the building parapet when measured from natural ground level. The development therefore complies with Clause 4.3 of the LEP.

Clause 4.4 Floor space ratio

The LLEP 2008 prescribes a maximum floor space ratio for the subject site of 0.75:1. The proposed floor space ratio for this development may be calculated according to Clause 4.5 of LLEP 2008. In this regard, based on a site area of 2.93ha, the development has a FSR of 0.432:1. The development therefore complies with Clause 4.4 of the LEP.

Clause 5.9 Preservation of trees or vegetation

The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. The Clause provides that:

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or*
- (b) a permit granted by the Council.*

The proposal involves removal of a number of trees in order to accommodate the proposed development. The application is accompanied by an Arborist Report prepared by Eco Logical Australia dated 9 January 2012. The report provides the following assessment with respect of the proposed tree removal:

In the absence of any development, based on the estimated SULE, it is recommended that the 31 trees which received a SULE class 4 rating should be removed. In addition, the 53 trees identified to have a class 3 rating may also be removed due to their relatively short life expectancy (5 – 15 years). The trees recommended for removal are either of poor health, structure, interfere with the development of more suitable trees or are exotic.

This report focused on the identification, characteristics and SULE of the existing trees at the subject site. The report does not take into account ecological matters that could be impacted upon by the removal of trees. A separate assessment was undertaken to investigate ecological matters. The findings of that assessment are outlined in the accompanied report 'Warwick Farm Supplementary Ecological Report'.

The development application proposes that all trees on site are to be removed, in order to satisfy Council requirements for filling of the site to raise the ground level of the building above

the 1:100 year flood level. Subject to the proposed development, if any trees were to be retained, they should be assessed further and remedial pruning work carried out where necessary upon commencement of civil works, such works may include the removal of dead wood, corrective pruning and/or reducing the weight of horizontal branches, in particular where branches are attached weakly (e.g. contain enclosed bark at the branch junctions). It is further recommended that retained trees are maintained and monitored regularly (e.g. annually) in order to identify senescence and potential hazards.

Councils landscape officer has reviewed the proposed tree removal and associated arborist assessment and raises no objection to the proposed works subject to compliance with the recommendations of the report. It should be noted that significant landscaping is proposed to the site in accordance with the landscape plans prepared by Site Image Landscape Architects which provide an overall design for the site incorporating trees and shrubs in accordance with Councils DCP and to address both the private and public domain with respect of visual impact and screening. Furthermore, a total of 14 mature trees are proposed to be retained and protected as part of this development.

Clause 5.10 Heritage conservation

The subject site is located within the vicinity of a heritage item identified as the Warwick Farm Racecourse. It is noted the subject site was formerly listed as part of the Warwick Farm Racecourse heritage listing group, however this was removed under the re-zoning process to allow for the land to be re-zoned and developed accordingly. In this regard, the application has been accompanied by a Statement of Heritage Impact prepared by Graham Brooks and Associates dated April 2011, as well as an Interpretation Strategy dated December 2011.

The Statement of Heritage Impact concludes following detailed assessment of the proposed development:

- *Following the gazettal of the proposed amendment to the Liverpool LEP 2008 no part of the subject site will be listed as an item of heritage significance in any statutory instrument.*
- *The subject site is located in the vicinity of Warwick Farm Racecourse which is listed as a heritage item in the Liverpool LEP 2008.*
- *The proposal seeks to construct a home improvement centre in Governor Macquarie Drive, opposite Warwick Farm Racecourse.*
- *The proposed development will have no adverse impact on the established heritage significance of Warwick Farm Racecourse.*
- *The proposed development is consistent with the requirements and guidelines of the Liverpool LEP 2008, as amended, and the Liverpool DCP 2008.*

The Interpretation Strategy further makes the following recommendations with respect of identifying elements of significance to be conveyed:

- *The design, production and installation of the heritage marker is to be carried out by a graphic designer with experience in heritage interpretation*
- *This Interpretation Strategy is to be reviewed and endorsed by Council*
- *A copy of the archival photographic recording is to be placed in the local studies library for public access*

Councils heritage officer has reviewed the proposed works and documentation and provides the following comments:

- Prior to commencement of any works at the subject site, photographic archival recording of the eight extant dwellings is to be undertaken in accordance with the guidelines set out by the Heritage Branch, contained within the publication, *Photographic Recording of Heritage Items Using Film or Digital Capture*. Four copies should be produced: two for Liverpool City Council (one for archiving and the other for the Library collection), the third to be held by the ATC and the fourth by the owner of the site. These guidelines are available from the Heritage Branch website - http://www.heritage.nsw.gov.au/docs/info_photographicrecording2006.pdf.
- The external finishes schedule is to be amended to limit the use of blue as this is unsympathetic to the leafy character and subdued colour palette of the adjacent heritage place and Warwick Farm generally. The corporate blue shades should be limited to stand alone signage, the lettering of the business name on the eastern façade and one portion of the northern elevation (as per DA04/F). No panels on the southern, eastern or western facades are to be blue.
- The Interpretation Strategy by Graham Brooks and Associates (dated December 2011) is supported and is to be implemented, including the mural/ motif to the fire sprinkler tanks. The mural, markers and signs are to be designed by a Graphic Designer with experience in the heritage context and final designs are to be approved by Council's Heritage Officer prior to manufacture; and
- A sympathetic signage scheme is to be employed which respects the heritage context. Directional signage should be rationalised to avoid clutter. Flashing, LED, neon or internally illuminated signage is not acceptable in the heritage context.

It is noted that the proposal has been amended to reduce overall floor space ratio and increase the provision of landscaping to minimise visual impact and to retain the landscape character of the nearby Warwick Farm Racecourse precinct.

The proposed frontage of the building is situated approximately 90 metres from the primary frontage of the Hume Highway and landscaping including several tall trees with large canopies are proposed within the car park between the building frontage and boundary.

With respect of built form, the blue colours identify the customer entry points and forms part of the recognised brand as an architecturally designed element. The use of the blue colour represents a small portion of the total external building surface area and the extent of blue colours has been minimised to those elevations facing residential dwellings. In consideration of the above, the proposal is considered to satisfy the provisions of Clause 5.10 of the LEP.

Clause 7.7 Acid sulfate soils

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The land is identified as being affected by Class 4 and Class 5 Acid Sulfate Soils.

Civil Engineering Plans have been submitted by ACOR Consultants and further amended by Henry & Hymas Consultants. It is noted that there is no excavation of the site which would trigger the requirement for an acid sulfate soil management plan.

Clause 7.8 Flood planning

The subject land is identified as being part flood risk affected according to Councils current GIS mapping. This clause therefore requires consideration of the following:

Development consent must not be granted to development on flood prone land (other than development for the purposes of residential accommodation) unless the consent authority is satisfied that the development:

- (a) will not adversely affect flood behaviour and increase the potential for flooding to detrimentally affect other development or properties, and*
- (b) will not significantly alter flow distributions and velocities to the detriment of other properties or the environment, and*
- (c) will enable the safe occupation and evacuation of the land, and*
- (d) will not have a significant detrimental affect on the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of any riverbank or watercourse, and*
- (e) will not be likely to result in unsustainable social and economic costs to the flood affected community or general community as a consequence of flooding, and*
- (f) if located in the floodway, will be compatible with the flow of flood waters and with any flood hazard on that floodway.*

The development is accompanied by a Flood Assessment Report prepared by FloodMit Pty Ltd dated April 2011 which provided the calculation of compensatory flood storage required for the proposed Home Improvement Centre. The calculated compensatory flood storage required (1% AEP event) for the development of Home Improvement Centre at Munday Street was 11,400 cubic metres. The development has been further amended where the required quantity of fill has been further reduced.

Councils flood engineers have reviewed the flood impact report and cumulative impact assessment submitted with the documentation and raise no objections to the carrying out of the development subject to conditions. The flood storage compensatory works are to be carried out as indicated in the Flood Assessment Report, Proposed Home Improvement Centre Warwick Farm by FloodMit dated April 2011 and further Reports by FloodMit dated 31 August 2012. Furthermore, conditions of consent will require that prior to Issue of Construction Certificate, the developer shall submit drawings providing the details of flood storage compensatory works and calculations of cut and fill volume. The proposed development is supported subject to fulfilling flood related developments controls.

5.2 Section 79C(1)(a)(ii) - Any Draft Environmental Planning Instrument

No draft environmental planning instruments apply to the site.

5.3 Section 79C(1)(a)(iii) - Provisions of any Development Control Plan

Liverpool Development Control Plan Parts 1.1, 1.2, and 6 apply to the development. Parts 1.1 and 1.2 prescribe general controls for all development. Part 6 applies to development within business zones. The main requirements are summarised in the following table:

Standard	Requirement	Proposed	Complies
Part 1.1 – General Controls for all Development			
Clause 2 Tree Preservation	Applies to the protection of trees that contribute to the Liverpool LGA and the protection of significant vegetation.	The proposal involves removal of a number of trees in order to accommodate the proposed development. The application is accompanied by an Arborist Report prepared by Eco Logical Australia dated 9 January 2012.	Yes

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		Councils landscape officer has reviewed the proposed tree removal and associated arborist assessment and raises no objection to the proposed works subject to compliance with the recommendations of the report.	
Clause 3 Landscaping and incorporation of existing trees	Landscaping planting shall be principally comprised of native species. Provide an integrated streetscape appearance with an appropriate mix of canopy trees, shrubs and ground cover in appropriate locations having regard to safe ingress and egress of pedestrians and vehicles.	<p>The proposal includes significant landscaping to the site as per the landscape plans prepared by Site Image Landscape Architects which provide an overall design for the site incorporating trees and shrubs in accordance with Councils DCP and to address both the private and public domain with respect of visual impact and screening.</p> <p>Furthermore, a total of 14 mature trees are proposed to be retained and protected as part of this development.</p>	Yes
Clause 4 Bushland and Fauna Habitat Preservation	Applies generally to specific zones.	<p>The development is accompanied by a Flora & Fauna Assessment Report prepared by Whelan Insites Development Consultants dated 16 June 2011 and a Supplementary Ecological report prepared by Ecological Australia dated 20 January 2012. The report concludes the following with respect of any potential threatened species:</p> <p><i>Given the considerations outlined above, the proposed development on the subject site at Warwick Farm is not "likely" to impose a "significant effect" upon any "threatened species, populations or ecological communities, or their habitats", pursuant to Section 5A of the EP&A Act.</i></p> <p><i>Even if some threatened biota do use the subject site, to some (likely highly limited) extent, there is no likelihood that the vegetation present would support a "viable local population" of any such biota in</i></p>	Yes

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		<p><i>isolation. It is not likely that any such "population", nor indeed any individuals of any such species, would be dependent or reliant solely (or to any relevant extent) on that portion of the subject site proposed for development activities.</i></p> <p><i>As discussed in considerable detail above, there are no EECs (including the CPW or REFCF communities) present on the subject site at Warwick Farm because of the absence of a native vegetation structure and the lack of most species characteristic of those communities.</i></p> <p><i>Even if the stand of canopy trees on the subject site was considered to constitute part of a "local occurrence" of either the CPW or the REFCF communities, the proposal would not result in a "significant effect" upon those communities.</i></p> <p><i>There is no requirement for the preparation of a Species Impact Statement (SIS) for the proposed development at Warwick Farm.</i></p> <p>Councils natural resources planner has reviewed the above reports and raised no objections to the proposed development subject to the recommendation of conditions of consent.</p>	
Clause 5 Bush Fire Risk	Applies generally to bushfire prone land and land that requires bushfire hazard reduction.	The subject land is not identified as being bushfire prone land.	Yes
Clause 6 Water Cycle Management	Stormwater drainage concept plan required to be submitted.	A concept stormwater management and site grading plan prepared by ACOR Consultants and further amended by Henry & Hymas Consultants has been submitted and designed in accordance with Councils codes and policies, with engineering details to be submitted and	Yes

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		approved prior to the release of any Construction Certificate. The development has been reviewed by Councils Development Engineers and no objections were raised subject to the imposition of conditions.	
Clause 7 Development near Creeks and Rivers	Applies to land that may impact upon a watercourse or the removal of riparian vegetation.	Not Applicable	Yes
Clause 8 Erosion and Sediment Control	Soil and water management plan or erosion and sediment control plan required to be submitted.	An Erosion and Sediment Control Plan has been provided to minimise any potential impacts of runoff. Erosion and sediment control is proposed in accordance with Councils codes and policies, with engineering details to be submitted and approved prior to the release of any Construction Certificate.	Yes
Clause 9 Flooding Risk	Applies to flood prone land.	<p>The development is accompanied by a Flood Assessment Report prepared by FloodMit Pty Ltd dated April 2011 which provided the calculation of compensatory flood storage required for the proposed Home Improvement Centre. The calculated compensatory flood storage required (1% AEP event) for the development of Home Improvement Centre at Munday Street was 11,400 cubic metres. The development has been further amended where the required quantity of fill has been further reduced.</p> <p>Councils flood engineers have reviewed the flood impact report and cumulative impact assessment submitted with the documentation and raise no objections to the carrying out of the development subject to conditions. The flood storage compensatory works are to be carried out as indicated in the Flood Assessment Report, Proposed Home Improvement Centre Warwick Farm by FloodMit dated April 2011 and further Reports by FloodMit</p>	Yes

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		dated 31 August 2012. Furthermore, conditions of consent will require that prior to Issue of Construction Certificate, the developer shall submit drawings providing the details of flood storage compensatory works and calculations of cut and fill volume. The proposed development is supported subject to fulfilling flood related developments controls.	
Clause 10 Contamination Land Risk	Applies to potential or actual contamination or known past or current specific land uses.	The subject site has historically and continually been used for residential purposes and accommodation purposes for horse trainers and Warwick Farm Racecourse staff. On this basis it is considered that there is no known contamination of the site from current or past land use.	Yes
Clause 11 Salinity Risk	Salinity management plan required for high risk activities in salinity affected areas.	Not Applicable	N/A
Clause 12 Acid Sulfate Soils	Applies to land with potential acid sulfate soils.	The land is identified as being affected by Class 4 and Class 5 Acid Sulfate Soils. Civil Engineering Plans have been submitted by ACOR Consultants and further amended by Henry & Hymas Consultants. It is noted that there is no excavation of the site which would trigger the requirement for an acid sulfate soil management plan.	Yes
Clause 13 Weeds	Weed management strategy required to be submitted if site contains native weeds.	Not Applicable	N/A
Clause 14 Demolition of Existing Developments	Demolition to comply with AS2601-1991.	The proposal involves the demolition of a number of existing buildings. Appropriate conditions have been imposed to address demolition process.	Yes
Clause 15 On-site sewerage disposal	Applies to land with no access to reticulated sewer system.	The subject land has access to services.	N/A
Clause 16 Aboriginal Archaeology	Applies to land identified as having known or potential Aboriginal archaeological significance.	The subject land is not identified as having any Aboriginal archaeological significance.	N/A

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Clause Heritage	17	Applies to heritage items or land in the vicinity of a heritage site, conservation area or archaeological site.	<p>The subject site is located within the vicinity of a heritage item identified as the Warwick Farm Racecourse. It is noted the subject site was formerly listed as part of the Warwick Farm Racecourse heritage listing group, however this was removed under the re-zoning process to allow for the land to be re-zoned and developed accordingly. In this regard, the application has been accompanied by a Statement of Heritage Impact prepared by Graham Brooks and Associates dated April 2011, as well as an Interpretation Strategy dated December 2011.</p> <p>It is noted that the proposal has been amended to reduce overall floor space ratio and increase the provision of landscaping to minimise visual impact and to retain the landscape character of the nearby Warwick Farm Racecourse precinct.</p> <p>The proposed frontage of the building is situated approximately 90 metres from the primary frontage of the Hume Highway and landscaping including several tall trees with large canopies are proposed within the car park between the building frontage and boundary.</p> <p>With respect of built form, the blue colours identify the customer entry points and forms part of the recognised brand as an architecturally designed element. The use of the blue colour represents a small portion of the total external building surface area and the extent of blue colours has been minimised to those elevations facing residential dwellings. In consideration of the above, the proposal is considered</p>	Yes
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		satisfactory with respect of heritage impact	
Clause 18 Advertising	Development to be notified / advertised.	The development application was advertised in accordance with LDCP 2008. Submissions are addressed in detail further within this report.	Yes
Part 1.2 – Additional Controls for Development			
Clause 2 Car Parking and Access	<p>Car parking to be provided in accordance with the following;</p> <p>Councils DCP does not stipulate car parking rates for Home Improvement Centres. The DCP only provides for Bulky Goods Premises (in the B5 zone) developments of LFA > 3,000sqm: 1 space per 150sqm LFA</p> <p>Disabled car parking: 1 per 100 spaces</p> <p>One tree per 10 parking spaces planted on a bed 2 x 4 metres</p> <p>Must comply with Australian Standards for design and access.</p>	<p>RMS has provided results of recent surveys of the parking demands of home improvement centres. Two of the centres (Bunnings at Bankstown and Minchinbury) have areas (14,111m² and 11,915m² respectively) similar in size to the proposed Warwick Farm Masters of 12,991m².</p> <p>The RMS parking demand surveys found peak parking demands of 318 and 264 spaces at Bankstown and Minchinbury respectively. These demands represent rates of some 2.2 to 2.3 spaces per 100m² at peak times.</p> <p>Based on these rates, the proposed Masters would have parking demands of some 290 spaces. The development proposes a total of 335 spaces.</p> <p>The car parking includes disabled spaces and has been designed to comply with the relevant Australian Standards.</p> <p>Traffic impact assessment is canvassed in detail further within this report.</p>	Yes
Clause 4 Water Conservation	<p>The objectives of this clause are:</p> <p>a) To reduce per-capita mains consumption of potable water.</p> <p>b) To harvest rainwater and urban stormwater runoff for use.</p> <p>c) To reduce wastewater discharge.</p> <p>d) To capture, treat and reuse wastewater where appropriate.</p> <p>e) To safeguard the environment by improving the</p>	<p>A concept stormwater management and site grading plan prepared by ACOR Consultants and further amended by Henry & Hymas Consultants has been submitted and designed in accordance with Councils codes and policies which addressed stormwater runoff control, capture and reuse, and rainwater tanks, in accordance with Council guidelines.</p>	Yes

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	quality of water run-off. f) To ensure infrastructure design is complementary to current and future water use.	Furthermore, the application will be referred to Sydney Water with respect of Section 73 Compliance Certificate to be issued for the development.	
Clause 5 Energy Conservation	The objectives of this clause are: a) To reduce the necessity for mechanical heating and cooling. b) To minimise greenhouse gas emissions. c) To provide thermal comfort by minimising temperature variations within buildings.	The development has been designed to comply with Building Code of Australia (BCA) and features energy efficient fixtures and fittings.	Yes
Clause 7 Waste Disposal and Re-use Facilities	A Waste Management Plan (WMP) shall be submitted with a Development Application for any relevant activities generating waste. The WMP is to address: Demolition, Construction, and On-going waste management.	A Waste Management Plan has been submitted with the proposal which includes measures relating to construction waste management and ongoing waste management in accordance with Councils codes and policies.	Yes
Part 6 – Development in business zones			
Clause 2 Subdivision, Frontage and Allotment Size	Business Development (B5 zone). The minimum subdivision lot size is 2000sqm (LLEP 2008).	The subject site has an area of approximately 2.93ha which complies with this control.	Yes
Clause 3 Site Planning	Business Development (B5 zone) 1. Where possible, site planning should allow for the retention of trees and vegetation particularly near the street frontage 2. The development must be designed around the site attributes such as slope, existing vegetation and land capability. 3. Development must address the street frontage. 4. Development should provide for articulation and variation of materials to minimise bulk/scale and visual dominance of the streetscape.	The proposal complements existing business uses in the area and will contribute to the mix of commercial uses. The proposed development is compatible with nearby residential development in terms of appearance, overshadowing, privacy, views, setback, access and height. The proposal has been designed to address the Hume Highway and incorporates adequate articulation and landscaping to minimise bulk and scale and to address the streetscape.	Yes
Clause 4 Setbacks	Rear Setbacks: 1. Where the site has rear lane access the building may be built to the rear boundary, at ground and first floor level. Any	The subject site is bound by Warwick Street / Hume Highway to the north, Governor Macquarie Drive to the east, Munday Street to the south, and	Yes

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	<p>floors above the first floor shall be setback equal to the height of the additional floors.</p> <p>2. Where there is no rear lane access and the site adjoins land that is in a residential zone, the building shall be setback from the rear boundary as follows:</p> <ul style="list-style-type: none"> - 5m for non-residential component of building up to 10m high. - 8m otherwise for components of building up to 15m high. <p>Side Setbacks:</p> <p>1. Where the site adjoins land that is also in a business zone there is no setback requirement.</p> <p>2. Where the side boundary of the site adjoins land that is in a residential zone, the building may be required to be setback from the side boundary or limited to one storey near the boundary. Any floors above the ground floor shall be setback equal to the height of the additional floors.</p> <p>Front Setbacks:</p> <p>Classified Road 15m primary, 10m secondary Road with residential opposite 15m primary, 10m secondary All other roads 7.5m primary, 5m secondary</p>	<p>Manning Street to the west. The site is thus bound by public road to all frontages.</p> <p>The rear setback to Munday Street is predominantly 6.4 metres and mostly landscaped to reduce bulk and scale and to address visual impact to the residential properties to the south. These residential properties are also used as animal boarding facilities within the established Warwick Farm equine industry.</p> <p>The setback from Governor Macquarie Drive to the north eastern corner of the building is 26m excluding the landscape strip and car parking spaces.</p> <p>The setback to Warwick Street / Hume Highway to the north western corner of the building ranges from 5m up to in excess of 90m.</p> <p>The proposed setbacks are considered appropriate given the unique shape and location of the site, with respect of any potential impacts to the streetscape and adjoining properties.</p>	
Clause 5 Landscaped Areas and Pedestrian Areas	<p>1. Pedestrian areas should minimise any changes in levels and allow wheelchair access to the shops from the car parking area and public footpaths.</p> <p>2. Pedestrian areas should link all major activity areas of the centre.</p> <p>3. Pedestrian areas should be separate from loading areas.</p> <p>4. Separate pedestrian access should be provided to adjoining public footpaths, community facilities and open space.</p> <p>5. Sufficient area shall be provided to permit landscaping and tree planting within</p>	<p>The proposal is designed to be accessible as per BCA standards. There will be pedestrian access into the building from adjoining public footpaths. The proposal has incorporated appropriate landscaping within pedestrian and car parking areas. A minimum of 1 tree will be planted per 10 car parking spaces.</p>	Yes

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	pedestrian areas and car parking areas.		
Clause 6 Building Form, Streetscape and Layout	<p>Buildings should attempt to minimise the visual impact of car parking from the road.</p> <p>Buildings should use colour, different building materials and effects to make for an interesting architectural building, whilst remaining sympathetic to the surrounding buildings.</p> <p>Pedestrians should have easy access to the buildings, through clever design of car parking, or a clearly marked zebra crossing to the primary entry of the store.</p> <p>To ensure that the height and scale of proposed development is consistent with the character of the area and neighbouring developments.</p>	<p>The building will be constructed from a variety of materials including concrete panels, glazing, alucabond panels and coloured panels which will create visual interest while complementing the proximity to the Hume Highway, Governor Macquarie Drive, the Warwick Farm Racecourse, and residential properties.</p> <p>Pedestrian access is via the main access points and is clearly marked and to be constructed in compliance with BCA standards and Councils codes and policies.</p> <p>The boundary to Munday Street is opposite a residential and horse stabling precinct to the south and the presentation of the built form has been designed accordingly to have minimal impact on the visual amenity of these residents through the use of extensive landscaping and acoustic screening.</p> <p>The proposed landscaping along the southern boundary provides an appropriate interface between the building and the boundary with residential properties to the opposite side of Munday Street. Taller trees are proposed along the southern boundary reaching approximately 15 metres at mature height, planted at regular intervals and interspersed with lower ground cover. This design intends to achieve a softened streetscape presentation along this boundary.</p> <p>The proposed use and built form design is responsive in scale and form to the existing Homemaker Centre at the</p>	Yes

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		Sappho Road Precinct on the northern side of the Hume Highway. The main building frontage seeks to address the Hume Highway / Governor Macquarie Drive corner intersection through the use of appropriate articulation and modulation. The proposal is considered to be of an appropriate and modern architectural design with specific regard to height, scale and overall built form.	
Clause 7 Landscaping and fencing	Landscaped areas within Business Development and Enterprise Corridor zones shall generally involve the provision of trees and shrubs in mulched garden beds. In particular the landscaping shall include trees that provide a canopy for the streetscape, mulched garden beds, and shrubs.	A landscaping plan has been prepared as part of this application. Landscaping will incorporate trees that soften the appearance of the development and garden beds will provide a mix of shrubs and ground covers.	Yes
Clause 8 Car Parking and Access	Refer to Part 1.2 for additional information about car parking and access requirements.	The development proposes a total of 335 spaces. The car parking includes disabled spaces and has been designed to comply with the relevant Australian Standards. Traffic impact assessment is canvassed in detail further within this report.	Yes
Clause 9 Amenity and Environmental Impact	To provide adequate amenity to the occupants of buildings and to neighbouring residential development in terms of solar access, and visual and acoustic privacy.	The impact on the residential properties to the south will be minimised through the use of intensive landscaping to the southern façade and acoustic walls to the loading areas. The proposed development will not impact on residential properties with respect of solar access. External lighting is designed so as to minimise the impact of potential glare on nearby residents and development.	Yes
Clause 10 Site Services	To ensure that the required services are provided and maintained.	The site is adequately serviced.	Yes

5.4 Section 79C(1)(a)(iv) – The Regulations

The EP&A Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). Conditions of consent have been imposed requiring compliance with the BCA.

5.5 Section 79C(1)(b) – The Likely Impacts of the Development

(a) Natural and Built Environment

The scale, density, built form and operation of the proposal is considered to be satisfactory. Given the site's frontage to an arterial road, it is considered that the proposal is not out of character with the area and does not result in any adverse impacts on the natural or built environment. It is considered that the proposal is unlikely to adversely affect the amenity of the locality, nor neighbouring properties.

Potential impacts are discussed in further detail as follows:

Traffic impact

The application is accompanied by a Traffic Report prepared by Colston Budd Hunt & Kafes Pty Ltd dated April 2011 and a supplementary assessment dated 6 September 2012 which examines the existing traffic situation, the proposed development, future traffic and transport situation, and the traffic and transport impacts in relation to road network, pedestrian / cyclists, public transport, adjacent land uses and car parking.

The traffic report dated April 2011 provides the following assessment:

- i) the proposed development would increase employment densities close to public transport services;*
- ii) the proposed parking provision is considered appropriate;*
- iii) access, servicing arrangements and internal layout will be provided in accordance with AS 2890.1:2004 and AS 2890.2 – 2002;*
- iv) a series of road and intersections works has previously been agreed between the ATC, RTA and Council to cater for traffic from development of a number of sites in the area, including the subject site;*
- v) these works will be implemented by Hydrox Nominees and the ATC at times agreed in the voluntary planning agreement; and*
- vi) the road and intersection works previously identified to cater for the traffic from development of the site will be appropriate for the proposed development.*

The supplementary traffic assessment received on 6 September 2012 made the following further assessment with regard to traffic and parking concerns raised by Council:

Our report submitted with the development application noted that the Liverpool Development Control Plan 2008 does not have a specific requirement for home improvement centres. The DCP indicates that bulky goods developments greater than 3,000m² should provide one space per 150m² LFA.

Since the time of preparation of our report, RMS has provided results of recent surveys of the parking demands of home improvement centres. The results of these surveys are appended to this letter. Two of the centres (Bunnings at Bankstown and Minchinbury) have areas (14,111m² and 11,915m² respectively) similar in size to the proposed Warwick Farm Masters of 12,991m².

The RMS parking demand surveys found peak parking demands of 318 and 264 spaces at Bankstown and Minchinbury respectively. These demands represent rates of some 2.2 to 2.3 spaces per 100m² at peak times.

Based on these rates, the proposed Masters would have parking demands of some 290 spaces. The proposed provision is 335 spaces which satisfies this requirement and is considered appropriate.

Vehicle swept paths are attached to this letter as Figures 1 to 3. The figures show:

- a 19 metre semi trailer entering the loading dock from Munday Street, and exiting to Munday Street in a forward direction (Figure 1);*
- a 19 metre semi trailer turning left in and right out of the loading dock on Warwick Street on the left hand side of the road (Figure 2); and*
- a 19 metre semi trailer turning left from Warwick Street into Manning Street, and left from Manning Street into Munday Street on the left hand side of the road (Figure 3).*

Figure 3 shows that modifications would be required to the corner of Munday Street with Manning Street to provide for a 19 metre semi trailer on the left hand side of the road.

The development application was referred to the Roads and Maritime Services (RMS) on 2 August 2011 for their comments and conditions pursuant to SEPP Infrastructure. Council received comments from RMS on 1 June 2012 providing their approval in principal of the proposed development subject to conditions (a copy of the RMS advice is attached to this report). The comments have been incorporated into the draft conditions of consent.

Furthermore, Councils Traffic Engineers have considered the proposed development and raise no objections subject to the inclusion of conditions of consent. Councils Traffic Engineers provide the following detailed assessment of the subject application and supplementary reports submitted to Council:

Car parking assessment

The justification for the car parking provision of 335 spaces compared to surveyed demand of 290 spaces at the centre has been provided by the applicant. The additional information is based on factoring in the car parking demand and surveys of other existing similar developments at Bankstown and Minchinbury. The approach used in estimating the peak parking demand is considered acceptable.

Based on the additional information, it is considered that the parking provision for the proposed development would be acceptable.

Traffic Generation and Impact

The proposed GMD/Munday signalized intersection are required to be implemented prior to O.C.

Signalisation of the intersection of Munday Street and GMD including resurfacing of both streets is also required prior to O.C.

Footpath and kerb and gutter should be provided along the perimeter of this site.

Warwick Street should be re-surfaced to cater for the additional vehicles generated by this development. A kerb and guttering design plan for Warwick Street is to be submitted for approval and constructed prior to C.C.

Access and car parking design

Swept paths submitted for a 19 metre semi trailer entering the garden loading bay are acceptable.

The 1:16 (6.25%) ramps over a length of 18 to 19 metres satisfies AS 2890.2-2002.

Swept paths submitted for a 19 metre semi trailer entering and leaving the Warwick Street main loading dock in a forward direction are acceptable.

Swept paths submitted for a 19 metre semi trailer entering and exiting Munday Street in a forward direction are acceptable.

Prior to Occupation Certificate, the proposed signals and associated civil works at the intersection Governor Macquarie Drive and Munday Street must be fully constructed and operational.

The proposed landscaping at the corner of Governor Macquarie Drive and Munday Street shall not obstruct any traffic signal lantern and shall have no maintenance requirements in terms of damage to signal and civil infrastructure on GMD.

The 3.25 metre high acoustic fence between the loading area and Manning Street would restrict visibility for all vehicles approaching the dock along Manning Street. Stopping distance could be as little as 5-10 metres, creating an unacceptable hazard.

Construction and operational traffic management plans must be submitted for approval.

An operational traffic management plan, including appropriate directional signage and delineated pedestrian paths must be submitted for approval prior to O.C.

Special Traffic related conditions

RMS comments must be fully addressed.

Based on swept paths submitted by the applicant for a 19 metre semi trailer turning left from Manning Street into Munday Street, the applicant is to prepare a detailed design to modify the corner of Munday Street and Manning Street to allow vehicles to stay on the correct side of the road. In accordance with Figure 3 of the supplementary traffic assessment submitted by Colston Budd Hunt & Kafes dated 6 September 2012 any land required shall be dedicated prior to issue of occupation certificate.

Appropriate parking restrictions should be imposed along all of the perimeter of this site.

Construction and operational traffic management plans must be submitted for approval.

A traffic management plan for the first 2 weeks of operation must be submitted for approval.

In consideration of the above, the proposal is considered acceptable based on traffic grounds, by virtue of the associated improvements to the overall local traffic network and upgrades to pedestrian / cycle access.

Noise impact

A Noise Emission Assessment for the proposal has been carried out by Acoustic Logic dated 2 May 2011. The assessment included background noise monitoring undertaken at locations representative of the nearest noise sensitive receivers located on Munday / Manning Street. The noise assessment identified areas of assessment being loading docks, car park, mechanical services, and increased traffic.

The noise impacts associated with the development are recommended to be treated as follows:

Western loading dock:

- *Construct a noise screen around the perimeter of the loading dock (western and southern sides). Bounding screen is to be no less than 3.25m high on the western side and 4m high on the southern side. Screen must be constructed of imperforate sheeting (Colorbond, lapped and capped timber or masonry). Line the inside face (the side facing into the loading dock) with noise absorptive material such as 50mm thick Bradford Ultratel with Ultraphon facing or other material with an NRC of at least 0.8. Any facing applied to the lining (for protection, for example perforated metal) must be perforated with at least 20% open area).*
- *The underside of the proposed weather canopy roof structure over the loading dock should also be acoustically lined with material similar to that outlined in the bullet point above.*

Southern loading dock:

- *Is only to be used between 7am and 6pm.*
- *Construct a noise screen along the southern boundary. This screen is to be at least 2.1m high and should extend for at least 10m on either side of the loading area. Screen must be constructed of imperforate sheeting (Colorbond, lapped and capped timber or masonry).*
- *Trucks are not to be routed along internal driveway on the southern boundary of the site (parallel to Munday Street) prior to 7am.*

Detailed assessment of mechanical services should be conducted at CC stage, once primary external plant selections are completed.

Council's health officer has reviewed the proposed development and raised no objections to the carrying out of the development and the operations associated with the ongoing use of the premises, subject to the recommendations detailed in the above report to be complied with.

Appropriate conditions will be applied regarding hours of construction work and associated noise as required under the DECCW Interim Construction Noise Guideline 2009. Subject to the above assessment, the proposal is not considered to cause unreasonable noise impacts to surrounding properties.

Ecological impact

The development is accompanied by a Flora & Fauna Assessment Report prepared by Whelan Insites Development Consultants dated 16 June 2011 and a Supplementary Ecological report prepared by Ecological Australia dated 20 January 2012.

The site is identified on the National Parks and Wildlife Services (NPWS) vegetation mapping as containing vegetation communities that would, in some instances, constitute the Endangered Ecological Communities known as River-flat Eucalypt Forest on Coastal Floodplains and Cumberland Plain Woodland.

The report includes the following assessment in relation to the vegetation mapping of the site:

The ground-truthing of the NPWS (2002) vegetation mapping (which is an intrinsic and acknowledged limitation of that vegetation mapping) by Environmental InSites has determined that the CPW community is not present on the subject site, as:

- *There is no native canopy or native shrub layer of species listed as “characteristic” for that community; and*
- *Aside from the few scattered native grass and herb specimens (which, in any case, are highly adaptable, cosmopolitan and widely distributed), there is virtually no native groundcover layer. Absent a native groundcover, the CPW community cannot be present*

The report concludes the following with respect of any potential threatened species:

Given the considerations outlined above, the proposed development on the subject site at Warwick Farm is not “likely” to impose a “significant effect” upon any “threatened species, populations or ecological communities, or their habitats”, pursuant to Section 5A of the EP&A Act.

Even if some threatened biota do use the subject site, to some (likely highly limited) extent, there is no likelihood that the vegetation present would support a “viable local population” of any such biota in isolation. It is not likely that any such “population”, nor indeed any individuals of any such species, would be dependent or reliant solely (or to any relevant extent) on that portion of the subject site proposed for development activities.

As discussed in considerable detail above, there are no EECs (including the CPW or REFCF communities) present on the subject site at Warwick Farm because of the absence of a native vegetation structure and the lack of most species characteristic of those communities.

Even if the stand of canopy trees on the subject site was considered to constitute part of a “local occurrence” of either the CPW or the REFCF communities, the proposal would not result in a “significant effect” upon those communities.

There is no requirement for the preparation of a Species Impact Statement (SIS) for the proposed development at Warwick Farm.

The report accordingly concludes that the proposed development is therefore not likely to impose a significant effect upon any threatened species, populations or ecological communities, or their habitats, pursuant to Section 5A of the EP&A Act. Councils natural resources planner has reviewed the above reports and raised no objections to the proposed development subject to the recommendation of conditions of consent.

(b) Social and Economic Impacts

The proposed development is expected to create positive social and economic impacts in that the development will enable a higher and better use of otherwise vacant land within a prime location on the corner of Hume Highway and Governor Macquarie Drive for the intended purpose as per the objectives under the B5 Business Development zone.

The resulting social and economic impacts include provision of employment both during construction phase as well as ongoing operational employment opportunities. For these reasons, the development is highly regarded and will positively contribute to the Liverpool local government area.

The applicant identifies the following social and economic impacts as a result of this development:

- *Improved competition and diversity of home improvement products.*
- *Introduce a new home improvement retail offer which will assist in meeting retail floor space targets in the Liverpool Centres Strategy.*
- *The development will improve competition and diversity of home improvement products which will lead to better prices and services to customers.*
- *Increase direct employment opportunities by providing new fulltime, part-time and casual employment for the long-term operating of the business.*
- *Increase employment multiplier, through stimulating demand for ancillary services including building trade during construction, and support services including delivery and service operator employment.*
- *Provision of an internal restaurant / café tenancy as a supporting service for Home Improvement Centre customers.*

In consideration of the above, there is considerable justification to demonstrate that the development will create a number of positive social and economic impacts.

5.6 Section 79C(1)(c) – The Suitability of the Site for the Development

These matters have been considered in the assessment of the development application. The known site constraints are able to be mitigated through appropriate measures which will allow for the development to proceed without resulting in any adverse impacts. The proposal is suitable as it will provide for a permissible use within an appropriate location without resulting in any adverse impacts to surrounding lands.

Accordingly, the site is considered suitable to accommodate the proposed development, being for the demolition of eight dwellings, clearing of vegetation and trees across the site and the construction of a home improvement centre (to operate 6am to 10pm, Monday to Friday, and 6am to 8pm Saturday and Sunday) and associated car parking, servicing infrastructure and landscaping.

5.7 Section 79C(1)(d) – Any submissions made in relation to the development

(a) Internal Referrals

The following comments have been received from Council's Internal Departments:

DEPARTMENT	COMMENTS
Landscape	Satisfactory, with recommended conditions. Refer to detailed assessment within DCP compliance table.
Heritage	Satisfactory, with recommended conditions. Refer to detailed assessment within DCP compliance table.
Environmental Health	Satisfactory, with recommended conditions. Refer to detailed assessment earlier within this report.
Flood Engineers	Satisfactory, with recommended conditions. Refer to detailed assessment within DCP compliance table.
Traffic Engineers	Satisfactory, with recommended conditions. Refer to detailed assessment earlier within this report.
Development Engineers	Satisfactory, with recommended conditions.
Natural Resources Planner	Satisfactory, with recommended conditions. Refer to detailed assessment within DCP compliance table.

(b) External Referrals

The following comments have been received from External Authorities:

DEPARTMENT	COMMENTS
Roads and Maritime Services (RMS)	No objections raised and conditions provided to be included within attached conditions of consent.

(c) Community Consultation

The development application and associated planning proposal were required to be exhibited concurrently (or as closely together as is practicable) in accordance with the requirements of the EP&A Act 1979. The planning proposal was exhibited between 13 June 2011 - 10 August 2011, and the subject development application was exhibited on two separate occasions, between 3 August 2011 - 18 August 2011, and between 14 March 2012 - 29 March 2012.

A total of 8 objections were received in response to the development application. The issues raised in the submissions include:

1. Traffic impact, access, and roadworks upgrades;
2. Hours of operation, noise impacts, development not compatible with existing land uses;
3. Cumulative impacts of all developments within the area;
4. Scrivener Street industrial land use expanding;
5. No benefit to the local community;
6. Loss of potential future recreation space;
7. Built form, bulk, scale, visual impact, and out of character;
8. Ecological impacts, loss of trees and vegetation;
9. Risk of horses and potential conflicts;
10. Lack of community consultation.

The following comments are made in relation to the issues raised in the submissions:

1. Traffic impact, access, and roadworks upgrades

Traffic impacts have been canvassed in detail earlier within this report. The proposal is accompanied by a Traffic Impact Assessment and has been considered by the Roads and Maritime Services (RMS) and Councils Traffic Engineer. The proposed development is considered to be suitable and appropriate for the subject site and has been designed in accordance with Councils code and policies, relevant Australian Standards, and RMS guidelines. Accordingly, subject to the road network upgrades and traffic assessment provided, the proposal is considered acceptable on traffic grounds.

2. Hours of operation, noise impacts, development not compatible with existing land uses

The hours of operation shall be conditioned to be in accordance with the submitted acoustic report and as reviewed by Councils Environmental Health officer as follows:

That the western loading dock operating times be 7am to 7pm with no truck activity outside these operating hours. That the acoustic treatments/ management controls detailed in Part 7 Recommendations be implemented. In addition Part 6.3 Mechanical Services Noise be reviewed at CC Stage ensuring that all plant items will comply with DECCW INP acoustic guidelines.

The development is not considered to be out of context with surrounding development as there currently exists a mix of types of land uses within the precinct and the development will add to the mix of uses as per the objectives of the B5 Business Development zone.

3. Cumulative impacts of all developments within the area

The subject application has been assessed concurrently with a number of applications proposed within the Warwick Farm Racecourse area, including a number of traffic upgrades and the Stock & Sale Yard proposed within the Warwick Farm Racecourse. This has resulted in a cumulative assessment of all impacts of future developments, specifically relating to flood impact and traffic impact. This allows the developments to be assessed holistically and transparently.

4. Scrivener Street industrial land use expanding

The subject development does not relate to any industrial land within Scrivener Street and does not comprise any industrial uses or association with the Scrivener Street industrial precinct.

5. No benefit to the local community

Matters relating to public interest are addressed in detail further within this report. The proposal identifies a number of social and economic benefits as a result of the development, specifically the creation of employment and provision of business services to the community.

6. Loss of potential future recreation space

The subject land is not zoned for any recreational purposes and therefore does not constitute any loss of current or future recreation space.

7. Built form, bulk, scale, visual impact, and out of character

The proposed use and built form design is responsive in scale and form to the existing Homemaker Centre at the Sappho Road Precinct on the northern side of the Hume Highway. The main building frontage seeks to address the Hume Highway / Governor Macquarie Drive corner intersection through the use of appropriate articulation and modulation. The proposal is considered to be of an appropriate and modern architectural design with specific regard to height, scale and overall built form.

The proposed landscaping along the southern boundary provides an appropriate interface between the building and the boundary with residential properties to the opposite side of Munday Street. Taller trees are proposed along the southern boundary reaching approximately 15 metres at mature height, planted at regular intervals and interspersed with lower ground cover. This design intends to achieve a softened streetscape presentation along this boundary.

8. Ecological impacts, loss of trees and vegetation

Ecological impacts have been canvassed in detail earlier within this report. The proposal is accompanied by specialist reports and documentation which demonstrates that the proposed development is not likely to impose a significant effect upon any threatened species, populations or ecological communities, or their habitats, pursuant to Section 5A of the EP&A Act. Councils natural resources planner has reviewed the reports and raised no objections to the proposed development.

9. Risk of horses and potential conflicts

This matter was addressed in the re-zoning application for the subject site which dealt with any land use conflicts and it was deemed that the B5 Business Development was an appropriate and suitable zone for the subject site in consideration of existing and future land uses. It is noted that the equine precinct is situated on the southern side of Munday Street and that the main loading dock and major deliveries will occur from Warwick Street / Hume Highway. Furthermore the equine precinct currently utilises an underground tunnel via Governor Macquarie Drive for the safe passage of horses.

10. Lack of community consultation

The proposal was advertised in accordance with the requirements of the EP&A Act 1979. The development application was exhibited on two separate occasions, between 3 August 2011 - 18 August 2011, and between 14 March 2012 - 29 March 2012 to enable community consultation and transparency.

The issues raised above have been assessed in accordance with the relevant planning controls and are satisfactorily addressed within the submitted documentation and plans.

5.8 Section 79C(1)(e) – The Public Interest

The proposal will contribute to the mix of land uses within the B5 Business Development zone and will ensure the orderly and economic development of what was previously vacant under-utilised land. The proposal will generate positive social and economic impacts by virtue of employment opportunities and the numerous improvements to be undertaken in association with this development which include traffic improvements and landscaping.

The development will not result in any unacceptable amenity impacts to surrounding properties. The proposal incorporates a building of high quality that will address the surrounding spaces and achieve a satisfactory form as presented to the immediate and wider locality.

The development satisfactorily addresses the relevant planning objectives under all the applicable legislations, State Environmental Planning Policies, and Local Environmental Planning Controls. It is therefore considered that the proposal serves the broader public interest.

6. CONCLUSION

The application has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, and the relevant Environmental Planning Instruments including the applicable State Environmental Planning Policies, Liverpool Local Environment Plan 2008, Liverpool Development Control Plan 2008, and the relevant codes and policies of Council.

The proposed development is generally consistent with the standards contained within Liverpool LEP 2008 and the Liverpool DCP 2008. The proposed development for a home improvement centre is a permissible land use that is well within the context of the area and seeks to contribute to the orderly and economic development of land within the locality. The architectural design is appropriate for the subject site and presents well to the streetscape and surrounding spaces.

Following detailed assessment of the proposal and consideration of the issues raised in the submissions, the development application has been assessed on its merits and is considered

satisfactory. Accordingly it is recommended that the development application be approved subject to the attached conditions of consent.

6.1 Recommendation

That Joint Regional Planning Panel Sydney West Region (JRPP) approve Development Application DA-1321/2011 for demolition of eight dwellings, clearing of vegetation and trees across the site and the construction of a home improvement centre (to operate 6am to 10pm, Monday to Friday, and 6am to 8pm Saturday and Sunday) and associated car parking, servicing infrastructure and landscaping at Lot 1 DP 1040353 Munday Street, located on the corner of Warwick Street, Manning Street, Hume Highway, and Governor Macquarie Drive, Warwick Farm, subject to the attached conditions.

7. ATTACHMENTS

7.1 Plans of the proposal

7.2 Recommended conditions of consent