

JRPP Reference	2012SYW062
DA Number	DA-968/2012
Local Government Area	Liverpool
Proposed Development	Construction of a building for Costco consisting of a mix of uses including retail, business, vehicle repair station, a Costco service station; installation of business identification signs; site works including car parking and landscaping; public road works and intersection improvements
Street Address	Lot 200 Beech Road, Casula (Lot 200 DP 1090110), corner Beech Road and Parkers Farm Place
Applicant	Costco Wholesale (Australia) Pty Ltd (C/- Patrick Noone)
Owner	AMP Crossroads Pty Ltd
Lodgement Date	13 April 2012
Cost of Work	\$39,074,666
Capital Investment Value	\$37,193,424
Recommendation	Approval with Conditions
Assessing Officer	Venetin Aghostin, Senior Development Planner



Perspective from Parkers Farm Place looking south-east

1. EXECUTIVE SUMMARY

1.1 Reasons for the Report

The proposal has a capital investment value (CIV) of more than \$20 million. Pursuant to Schedule 4A(3) of the Environmental Planning and Assessment (EP&A) Act, 1979 the Joint Regional Planning Panel (JRPP) retains the role as the determining Authority in accordance with the provisions of State Environmental Planning Policy (SEPP) (State and Regional Development) 2011.

1.2 The proposal

The development application seeks consent for the construction of a building for Costco consisting of a mix of uses including retail, business, vehicle repair station, a Costco service station; installation of business identification signs; site works including car parking and landscaping; public road works and intersection improvements. The development is nominated Integrated under Water Management Act, 2000 – requiring approval from NSW Office of Water. Details of each component of the development are provided later in this report.

The subject application was lodged in April 2012 concurrently with the Planning Proposal which is referred to as Amendment No. 26 to the Liverpool Local Environmental Plan (LLEP), 2008. Accordingly, the subject application was not able to be determined until the resolution of the Planning Proposal – Amendment No. 26.

The Planning Proposal has now been resolved as Amendment No. 26 to the LLEP was gazetted on 18 January 2013. The amendment to the LLEP resulted in the addition of a new Clause 20 to Schedule 1 Additional Permitted Uses, to facilitate this development application and the development of a Costco establishment (see Attachment 8.1). In this regard, the subject development application can now be determined.

1.3 The site

The subject site is known as Lot 200 in DP 1090110, and is located in the south-western quadrant formed by the intersection of Beech Road and Parkers Farm Place with frontages to both streets. The proposed development is only over the east part of Lot 200.

1.4 The issues

The main issues are identified as follows:

- Amendment No. 26 to the LLEP, zoning and other provisions
- Works to the natural watercourse (Nominated Integrated Development under Water Management Act, 2000),
- Vegetated buffer to watercourse (Greater Metropolitan Regional Environmental Plan (GMREP) No. 2 Georges River Catchment),
- Consultation with NSW Roads and Maritime Services (RMS) requirements,
- Traffic impacts (traffic safety, road congestion and parking implications)
- Variation to Liverpool Development Control Plan (LDCP): front setbacks to the street and setback to the watercourse,
- Economic impacts, and
- Public submissions.

1.5 Exhibition of the proposal

In accordance with Liverpool Development Control Plan (LDCP) 2008 and the Gateway Determination, the application (being Integrated development) and the Planning Proposal were concurrently exhibited for 30 days between 1 August 2012 and 30 August 2012. A total of five submissions were received. Two submissions were in support of the proposal and three submissions raised concerns/objections mainly relating to rezoning issues and potential economic impacts.

1.6 Conclusion

The application is for the construction of a building for Costco and the construction of a Costco service station as well as ancillary on-site and external-site works. The application is accompanied by a number of specialist reports which have identified issues relating to LLEP provisions, works to the natural watercourse, traffic impacts and economic impacts. There are a number of numerical non-compliances with the LDCP however none of these matters are considered to be of such significance to warrant refusal of the application.

In this regard, based on an assessment of the application in accordance with the legislative provisions of the EP&A Act, it is recommended that the development application be approved subject to the recommended draft conditions of consent in Attachment 8.3.

1.7 Recommendation

That the Joint Regional Planning Panel (JRPP) approve Development Application No. DA-968/2012 subject to the attached recommended draft conditions.

Please note that the draft conditions have been forwarded to the applicant for perusal and that any comments to be made by the applicant in relation to the conditions will be tabled at the JRPP determination meeting to be held on 07 March 2013.

2. SITE DESCRIPTION AND LOCALITY

2.1 The Site

The subject site is known as Lot 200 in DP 1090110, and is vacant and irregular shaped lot located in the south-western quadrant formed by the intersection of Beech Road and Parkers Farm Place with frontages to both street (see Figure 1).

The total site area of Lot 200 is 17.61 hectares. However the part of Lot 200 the subject of this application, that is, the development site, has a total area of 59,910m².

The frontage to Beech Road is over 165m and the frontage to Parkers Farm Place is over 280m.

The site has a gentle slope which falls from the south (RL 40.0m) to the north boundary along Parkers Farm Place (RL 37.8m). The site appears to have been cut and filled to achieve its existing levels.

Existing public footpaths immediately adjacent to the site are limited to the cul-de-sac section of Parkers Farm Place only. New footpaths will be constructed by the development.

A natural waterway runs in a north-south orientation directly adjacent to the western boundary known as Maxwell's Creek, a tributary of Georges River. The development proposes to discharge runoff into the watercourse and is therefore an Integrated Development under Section 91 of the EP&A Act, and also requires approval of the NSW Office of Water.

There are a few small insignificant trees scattered across the site which will be removed. However new landscaping of the site will substantially increase the number of trees on the site.

A separate application has been lodged with Council (DA-1656/2012) and recently determined, involving the subdivision of the site into two separate allotments, consistent with the area of the development site.

An investigation of Council's available records has not revealed any other previous approvals for development of this site.

Photographs of the existing site conditions are provided in Figures 2 to 10 below.

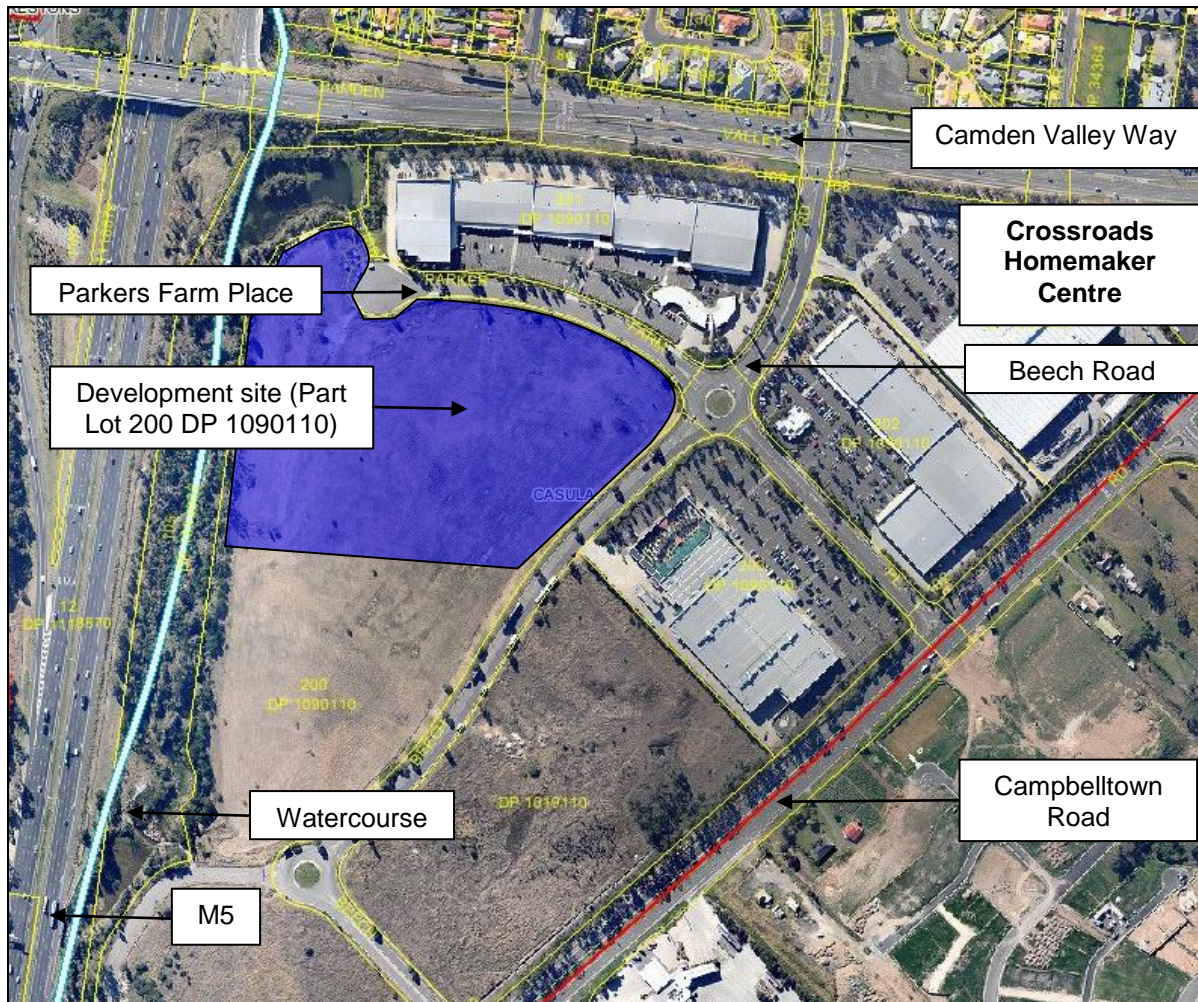


Figure 1: Aerial photograph of the subject site



Figure 2: View of site from Beech Road looking north-west



Figure 3: View of site from Parkers Farm Place looking south



Figure 4: View of remainder of Lot 200 to the south



Figure 5: Asbestos containing material identified on the site



Figure 6: Beech Road



Figure 7: Parkers Farm Place looking east



Figure 8: Parkers Farm Place



Figure 9: Parkers Farm Place



Figure 10: Parkers Farm Place

2.2 Easements and Restrictions Affecting Site

(a) DP 1090110 (subject lot)

The DP 1090110 registered on 20/06/2008 identifies numerous easements affecting Lot 200 (see Figure 11), however only one Covenant is identified as affecting the development site identified as 'Q' Covenant – M623334i along the west boundary. The details of the Covenant are only stipulated in DP 1033932 which is the adjacent watercourse lot. Further detail is provided in the next section.

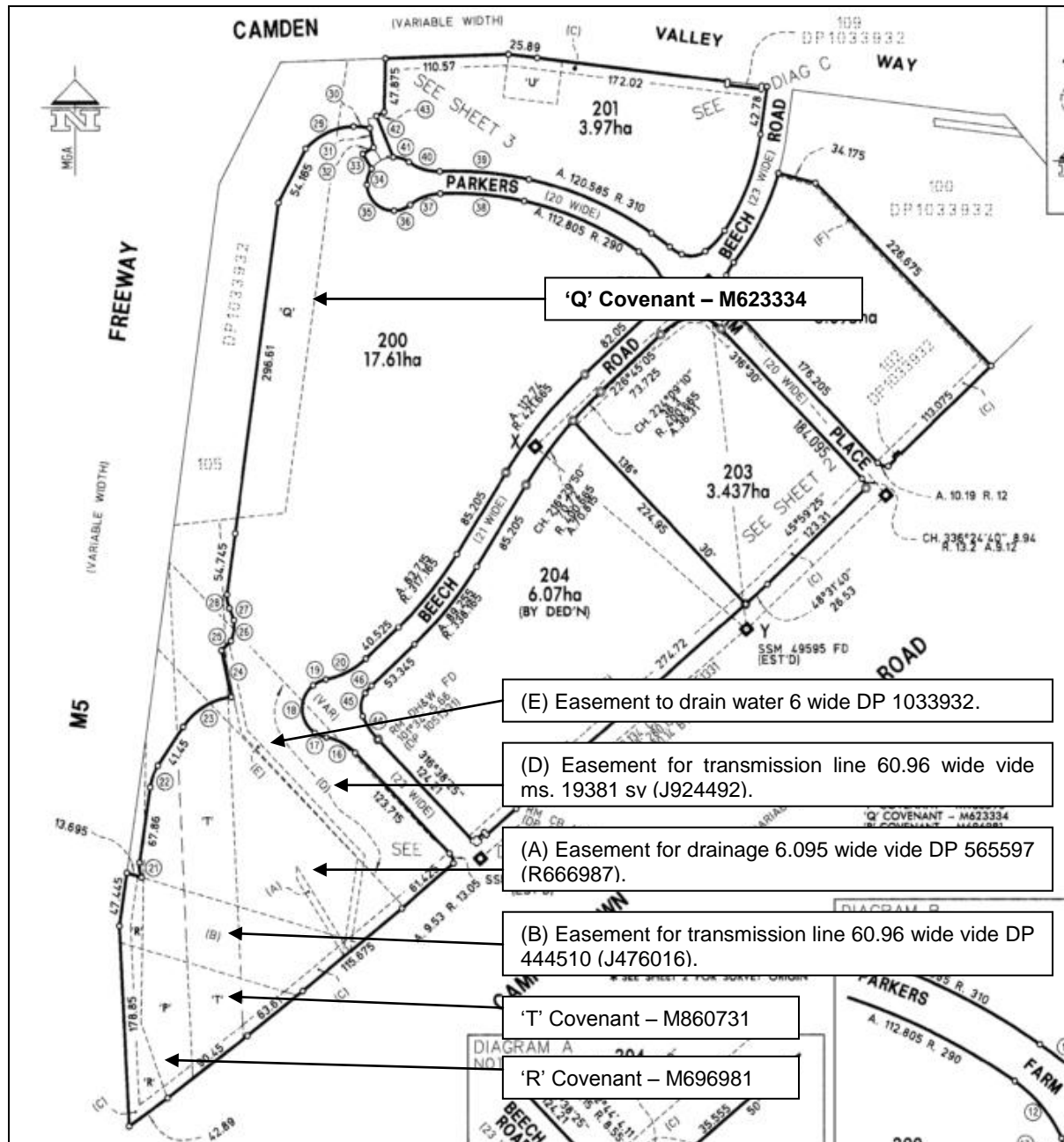


Figure 11: Extract from DP 1051331 identifying some of the easements over Lot 200, and the Covenant 'Q' affecting the site.

(b) DP 1164930 (watercourse lot)

DP 1033932 registered on 25/03/20012 identifies some of the following restrictions/easements on the adjoining Lot 105 (i.e. watercourse) which burdened the then Lot 104 (now Lot 200):

- (T) Easement to drain water 55 wide and variable.
- 'Q' Covenant – M623334 – which extends into and burdens the development site Lot 200 (then registered as Lot 104).
- Positive Covenant No. 13.
- Restriction as to User No. 14.
- Restriction on Use No. 15.

The terms of the restrictions that are applicable to the subject Lot 200 are generally as follows:

- 'Q' Covenant – M623334 places a restriction on both the watercourse lot and the western part of the development site. The terms of the restriction as outlined in Memorandum M623334 restricts any access from these lots to the M5. The development does not provide any access way between the site and the M5 and is therefore satisfactory with respect to this restriction.
- Positive Covenant No. 13: maintenance of landscape buffers in accordance with the Vegetation Management Plan. Part 1 of the 88B Instrument which provides definitions states 'landscape buffer' *means the 10m wide landscape buffer along the boundaries with Camden Valley Way, Campbelltown Road and M5.*

Positive Covenant No. 13 is not relevant to this development site as the site is not adjacent to the Camden Valley Way, Campbelltown Road and M5. The Positive Covenant applies only to the Lots currently identified as Lots 201, 202, 203, 204 in DP 1090110 and to the southern part of Lot 200.

- Restriction as to User No. 14: not allow development to encroach the Landscape Buffers without express written authority of the Council. This restriction is also not relevant to this development site as it relates to the landscape buffer which does not affect the development site.
- Positive Covenant No. 15: the land owner complies with the objects and rules of the Crossroads Owners Association Incorporated as if the occupier was the land owner. The document referred to in the Positive Covenant is a private document prepared by the Crossroads Owners Association Incorporated and its terms are not relevant to this application.

(c) DP 1164930 (subject lot)

The DP 1164930 registered on 30/06/2011 (see Figure 12) identifies the an easement for water supply 5m wide affecting the part of Lot 200 the subject of this application.

The 88B Instrument sets out that the easement burdens Lot 200; benefits the Sydney Water Corporation; and the terms are set out in Memorandum Number AE292281 lodged with the Department of Lands, dated 27 October 2008.

The proposal does not conflict with any of the terms of the Memorandum and is satisfactory. The development will keep clear of the easement; and the area around the easement will be for landscaping and small shrubs only.

A term of the Memorandum is that the owner may apply in writing for the written approval of Sydney Water in the event of any proposed works such as landscaping and stormwater services etc., on the affected land. Accordingly, a condition is recommended requiring the land owner to seek Sydney Water consent.

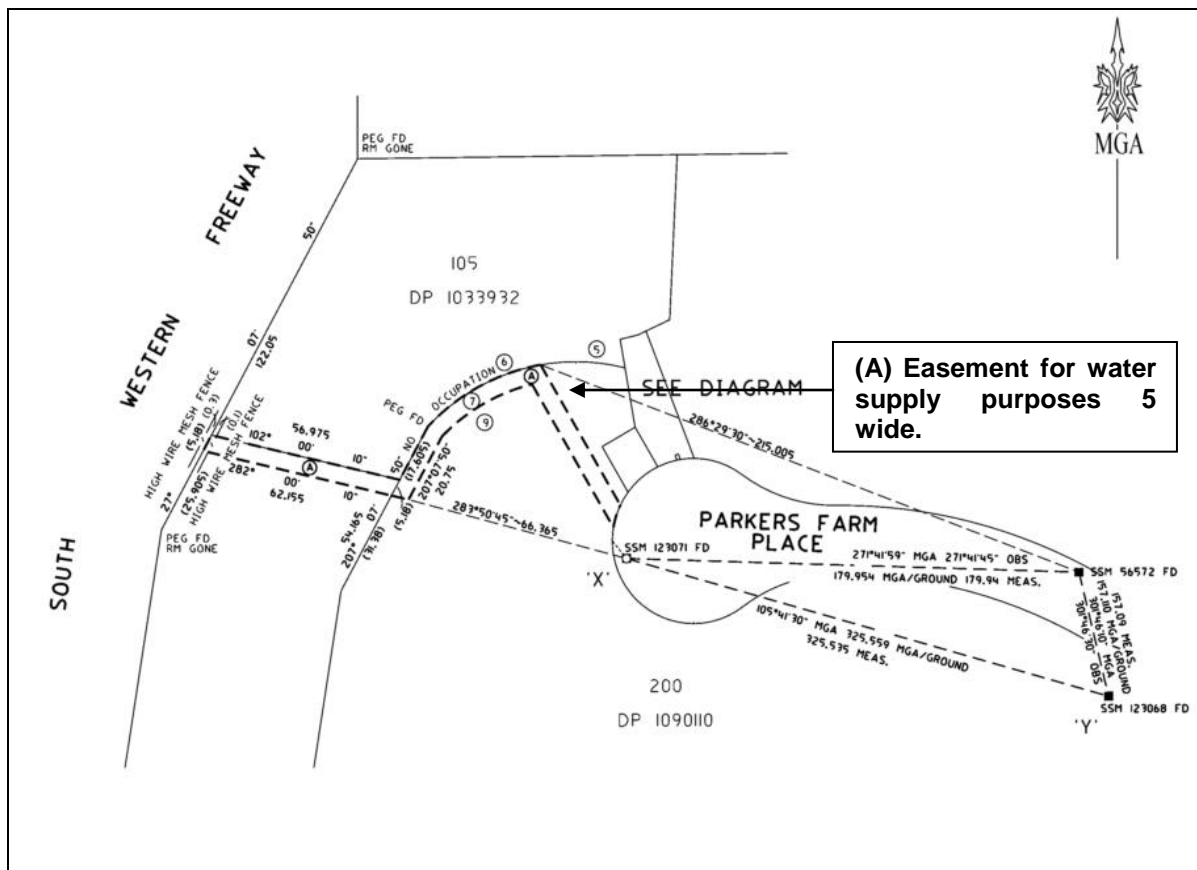


Figure 12: Extract from DP 1164930 identifying the easements over the development site.

2.3 The Locality

The site is located adjacent to the Crossroads Homemaker Centre which is a retail centre for bulky goods establishments to the north, north-east and south-east of the site, providing over 1,500 car parking spaces.

This bulky goods retail precinct is located approximately 6km south-west of the Liverpool CBD. It is bound by Camden Valley Way to the north, the South Western Motorway (M5) to the west, and Campbelltown Road running diagonally to the south-east.

The locality is strategically located having convenient access to major arterial roads connecting the site to the wider Sydney region in all directions. The key arterial roads in the vicinity of the site include the M5, Westlink M7, Hume Highway, Camden Valley Way and Campbelltown Road.

The locality to the immediate west of the site is Edmondson Park and is part of the South West Growth Precinct where future urban expansion will take place. Some development has already taken place, and is likely to continue over the next 20-30 years.

The site is also accessible by regular scheduled bus services travelling along Camden Valley Way to the north. The bus stop serving west-bound buses is located on Camden Valley Way; and the bus stops serving north-bound buses are located on Beech Road. The bus stops are located about 300m from the front entrance of the Costco building and are within reasonable walking distance.

Photographs of the surrounding context are provided in Figures 13 to 16 below.



Figure 13: Roundabout at corner Beech Road and Parkers Farm Place



Figure 14: Homemaker Centre – existing bulky goods outlets at Parkers Farm Place



Figure 15: Opposite side of Parkers Farm place



Figure 16: Cul-de-sac of Parkers Farm Place

3. BACKGROUND

The subject development application was lodged in April 2012 concurrently with the Planning Proposal which is referred to as Amendment No. 26 to the Liverpool Local Environmental Plan (LLEP), 2008. Accordingly, the subject application was not able to be determined until the resolution of the Planning Proposal.

The Planning Proposal has now been resolved as Amendment No. 26 to the LLEP was gazetted on 18 January 2013 (see Attachment 8.1). The amendment to the LLEP resulted in the addition of a new Clause 20 to Schedule 1 Additional Permitted Uses, to facilitate this development application and the development of a Costco establishment. In this regard, the subject development application can now be determined.

3.1 JRPP Briefing

A briefing meeting was held with JRPP on 11 October 2012. The primary points of discussion were in relation to:

- Consideration of the application concurrently with the planning proposal;
- Permissibility of proposal dependant on resolution of planning proposal;
- Public road network improvements as a result of consultation with NSW RMS;
- Traffic generation and impact;

- Adequacy of car parking;
- Design and functionality of access points; car park and circulation;
- Potential queuing on public streets;
- Bicycle/motorcycle parking;
- Urban design;
- Landscape improvements;
- Economic impacts;
- Submissions received; and

The JRPP requested further consideration of the following matters:

- Public submissions received opposing the development to be carefully addressed. This has been addressed in Section 6.9(d) of this report.
- Whether there is potential for an independent economic review to be undertaken. This has been addressed in Section 6.5(d) of this report, however it is noted that an independent economic review was undertaken by Council during the Planning Proposal stage.
- Potential impacts to local streets resulting from queuing at the petrol station on fuel discount days. This has been addressed in Section 6.6(b) of this report.

3.2 Issues Identified in Initial Assessment

In response to the above and after initial review of the application, Council staff sought further information or clarification regarding the following matters:

- Site plan and vehicle circulation plan;
- Improvements to the architectural quality and elevations of the building;
- Detailed floor layout plan;
- Adequacy of car parking spaces particularly for staff;
- Lack of any provision for bicycle and motorcycle parking;
- Details of service truck access, swept paths, frequency and traffic generation;
- Pedestrian access improvements;
- NSW RMS requirements and improvements to Camden Valley Way;
- Detailed landscape concept plan;
- Variation to LDCP setback controls;
- Hours of operation;
- Acoustic assessment if 24-hour operation is proposed;
- Extent of earthworks;
- Greater Metropolitan Regional Environmental Plan (GMREP) No. 2 Georges River Catchment;
- Updated cost of works;
- Submission of land Title Search for subject Lot 200 DP 1090110 and adjoining watercourse Lot 105 DP 1033932;
- Response to the terms of the restrictions affecting the site;
- Written consent of Sydney Water for works over drainage easement;
- Response to issues raised in public submissions.

3.3 Amended Documentation and Design

In response to the concerns and additional information requested by Council staff, the applicant amended the development application and provided additional information as follows:

- Site plan and vehicle circulation plan

An amended Site Plan now identifies the intended vehicle circulation within the site as well as the intended movement in and out of the 5 new vehicle access points into the property. A minor reconfiguration of the car parking in the north-south central band of the site including a relocation of the driveway some 30m to the east is likely to significantly improved vehicle circulation. The amended plan now provides sufficient distance on site to enable queuing of vehicles on the site without impacting the local street network. The amended Site Plan has resulted in a minor reduction from 710 car parking spaces to 701.

Figures 17 and 18 provide a comparison between the amended site plan and the original site plan.

- Building elevations and architectural quality

In order to improve the architectural quality of the building, amended plans propose to enclose the north-east corner of the building through a combination of swing doors and panel lift doors made of aluminium and glazing. This will provide a transparent shop-front which is similar to the neighbouring bulky goods premises while retaining the entry/exit point into the warehouse.

Figures 19 and 20 provide a comparison between the amended main-entry elevation and the original main-entry elevation.

- Floor layout plan

A detailed floor layout plan clearly identifies the location of steel racking, the various display and sales areas and the components of Costco such as the food service area, optical centre, hearing centre, tyre centre which contains 4 hoists, and photo kiosk/processing area.

- Adequacy of car parking spaces

Written response addresses the adequacy of car parking and confirms that Costco's existing business model and experience in developing 600 stores globally identifies that approximately 700 parking spaces is the optimal requirement and for this reason the proposed 701 parking spaces should be adequate.

- B-Double swept paths

A new plan demonstrates that 26m B-Doubles are able to access the site and manoeuvre into and out of the service station in an efficient manner.

- Frequency of deliveries

Written response suggests an average of 20 delivery/service vehicles per day. This includes fuel deliveries, waste pick up and produce deliveries.

- Pedestrian access improvements

An amended Site Plan has improved pedestrian access by provision of a new designated pedestrian access from Parkers Farm Place adjacent to the vehicle access point into the site; and new pedestrian pathways alongside the main north-south vehicle circulation aisle.

- Improvements to Camden Valley Way and NSW RMS requirements
Concept Layout Plan submitted depicting the improvements to be made to Camden Valley Way and the Beech Road intersection primarily involving the provision of dual-right turn lanes into Beech Road of lengths of 100m each.
- Traffic management measures
Written response suggests that an Opening Period Traffic Management Plan will be prepared for the store for the first 3 months and during busy trade periods such as Christmas.
- Variations to LDCP
Written response addresses the variations to the LDCP involving the developments' setbacks to the street and to the watercourse. These matters are discussed in Section 6.3 of this report.
- Hours of operation
Confirmation of hours of operation was provided confirming: 8am-9pm (Costco building), 6am-10pm (service station) and 24 hours for deliveries and stacking operations.
- Landscape details
An amended Landscape Plan and the relocated driveway from Parkers Farm Place enable an existing street tree to be retained. The plans also provide further details relating to quantity of plantings, pot sizes as well as details of how trees will be planted in the medians with widths of 1.5m.
- Noise Impact Assessment
The Noise Impact Assessment concludes that in relation to noise emissions from activities of the development (including 24-hour access for stacking and delivery operations), will comply with the relevant regulatory noise criteria without additional treatments. The closest potentially affected residential receivers which are to the north-east from the site would not be adversely impacted.
- Earthworks
A letter by Mott MacDonald clarifies the extent of earthworks. The letter states that an estimated 11,000m³ of topsoil is to be removed from the site as it is unsuitable from a geotechnical perspective. In addition to the cut material reused on the site, an additional 14,000m³ of fill will be brought in to prepare the platform levels. The areas of fill are located along the west and east sides of the site. The area of cut is located in the central band of the site. A new cut and fill plan illustrates the areas of cut and fill.
- GMREP No. 2 Georges River Catchment:
A letter provided from the consultant Engineer satisfactorily addressing the Specific Planning Principles contained in Part 2, Section 9 of the GMREP.
- Cost Report
An updated Cost Report confirms that the amendments have not altered the cost of construction.
- Sydney Water consent
The developer is liaising with Sydney Water however this can be addressed as a condition of consent.

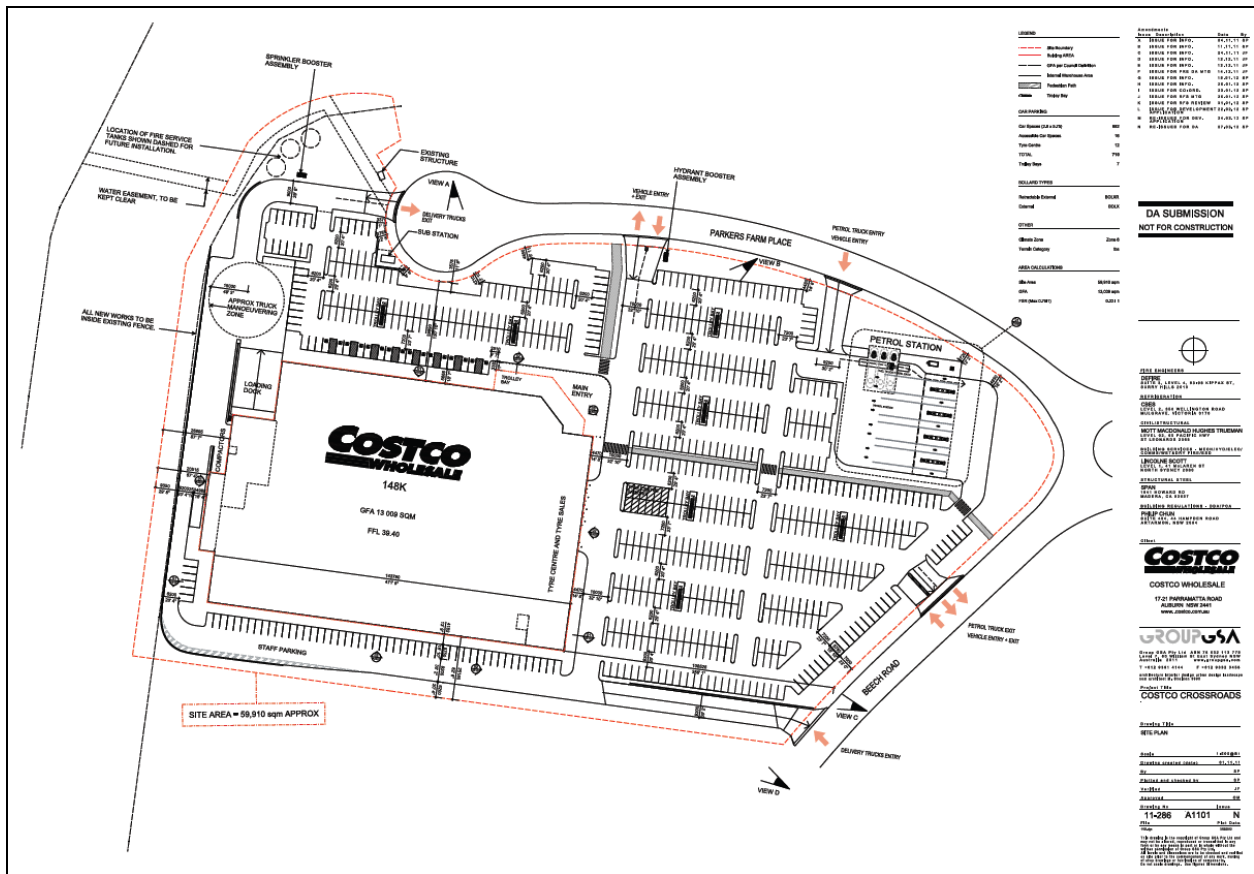


Figure 18. Original site plan



Figure 19. Amended main-entry elevation.

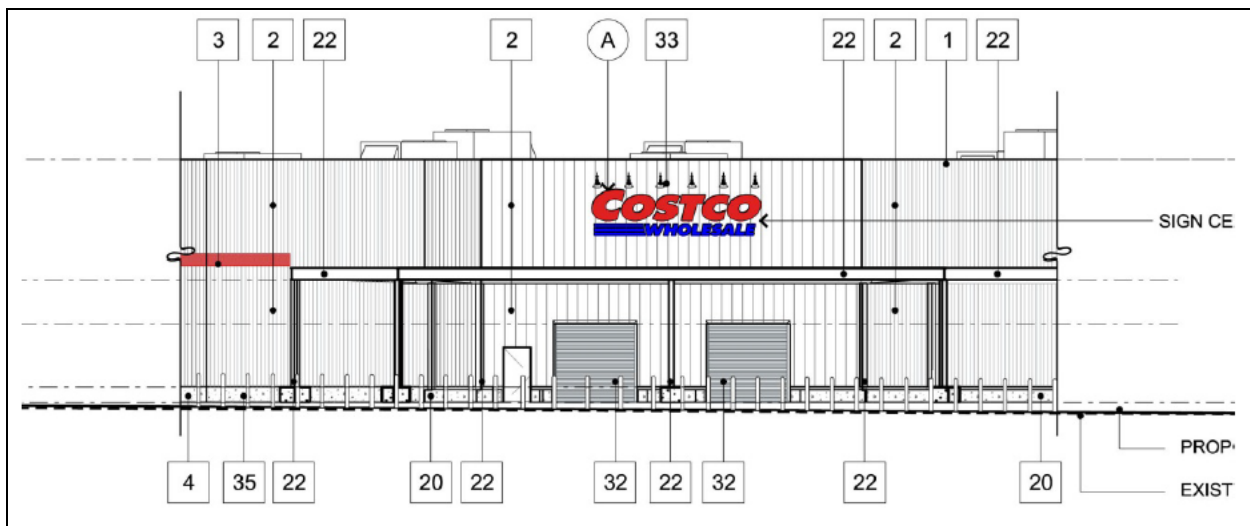


Figure 20. Original main-entry elevation.

4. DETAILS OF THE PROPOSAL

The development application seeks consent for the construction of a warehouse-style building for use by Costco and a Costco service station; all of which provides member-only access. The development is Nominated Integrated Development pursuant to the Water Management Act, 2000 requiring approval of NSW Office of Water.

The operation of Costco is based on a membership-only approach. The membership fee will be \$55 for Business Membership and \$60 for individual members.

4.1 Key Components

The key components are as follows:

- Costco building with a gross floor area (GFA) of 13,604m²,
- Use of the building for retail of groceries, butchery, bakery, tyre sales centre, optometrist, photo processing, hearing facility/hearing aid service/sales,
- Construction of a Costco Service station comprising eight (8) fuel pumps.
- Construction of an at-grade car park area providing 701 car parking spaces, including:
- Ancillary site works including: re-grading to remove existing embankments and adjustments to site levels; construction of stormwater drainage system including connection to the existing natural watercourse; other physical infrastructure; and provision of landscaping.
- Improvements to the intersection of Camden Valley Way and Beech Road to provide dual-right turn lanes onto Beech Road.
- Improvements to Parkers Farm Place including line-marking and construction of public footpaths.
- Installation of eleven (11) business identification signs including a petrol price signage structure under 3m height.

A summary of the key components is provided in Table 1 below followed by detailed information in the subsequent sections.

Table 1: Summary of the key components of the development

Component	Provision
Site Area	59,910m ²
Total GFA	13,604m ²
Total FSR	0.22:1
Car Parking	701 spaces comprising: <ul style="list-style-type: none"> • 674 regular spaces • 15 accessible spaces • 12 Tyre Centre spaces
Motorcycle Parking	<ul style="list-style-type: none"> • 5 spaces
Bicycle Parking	<ul style="list-style-type: none"> • 16 spaces for staff • 16 spaces for customers
Street Setbacks	<ul style="list-style-type: none"> • 108m to 175m to Beech Road • 65m to Parkers Farm Place

A perspective of the proposed development as will be viewed from the corner of Beech Road and Parkers Farm Place is provided in Figure 21 below.

4.2 Costco Building

Details of the Costco building include:

- Maximum building height is 11.3m.
- FSR is 0.22:1.
- Setbacks of the building to site boundaries are as follows:
 - North to Parkers Farm Place: 65m
 - East to Beech Road: varies from 108.53m to 175m
 - South to future boundary of Lot 200: 25.15m
 - West to watercourse: 20.52m
- Building materials primarily comprise pre-finished metal for both the walls and roof. Colours and finishes are consistent with the Costco branding.
- The building will consist of a single level with finished floor level (FFL) of 39.40.
- Types of products on offer include both food and non-food items which are generally packaged in larger quantities per portion; or bulk arrangements. Products include groceries (including butchery and bakery), liquor, televisions and electronics, appliances, furniture, jewellery, books, home wares, automotive supplies, toys, sporting goods, office supplies, apparel, health and beauty aids etc.
- Total number of products carried by typical Costco stores is about 4,000, whereas traditional supermarkets carry over 30,000 products. While there is a wide range of products, the selection in each category is limited.
- Other uses/services that will be contained in the building include: a café/food court serving fast-food type food; a tyre centre offering a drive-in tyre fitting and balancing facility; optometrist; photo processing; and hearing aid services/sales.

4.2 Costco Service Station

Details of the Costco service station include:

- Service station consists of four concrete dispenser islands, each with 2 fuel pumps. There will be a total of 8 fuel pumps.
- Canopy over the service station will have a height of 5.3m. The edge of the canopy is about 30m from the boundary to Beech Road and about 10m from the boundary to Parkers Farm Place.
- 3 underground storage tanks each with a capacity of 110 kilolitres will be located within the extent of the service station.
- Access to fuel will only be available for Costco cardholders who will be required to swipe their membership cards and obtain fuel via a 'pay at pump' system.
- The 'controller booth' is approximately 2m wide x 5m long and less than 3m high. The controller booth allows staff to be on hand for assistance.

4.3 Hours of Operation

The application proposes the following hours of operation:

- Costco building: Monday to Sunday – 8am to 9pm (for public access)
- Service station: Monday to Sunday – 6am to 10pm (for public access)
- Deliveries and stacking operations: Monday to Sunday – 24 hours

4.4 Number of Employees

- Number of employees will be 330-350, including full and part-time staff. However there would generally be no more than 100 staff on site at any one time (with exception of 150 staff during shift changes).

4.5 Servicing, Deliveries and Truck Access

The servicing of the site will be as follows:

- Deliveries will generally occur between 4am-10am and 9pm-10pm but 24-hour access is requested.
- There would be an average of 20 delivery/service vehicles per day, including fuel deliveries, waste pick up and produce deliveries.
- Types of trucks servicing Costco include 26m B-Doubles.
- Deliveries will be made from the Costco warehouse only and not by individual wholesalers.

4.6 Vehicular Access to Site

A total of five (5) new vehicular access points to the site will be constructed: two (2) from Beech Road and three (3) from Parkers Farm Place.

4.7 Ancillary Site Works

Ancillary site works include:

- Earthworks and re-grading of surface contours to remove existing embankments and adjust to site levels;
- Construction of stormwater drainage system;
- Provision of physical infrastructure; and
- Landscaping.

4.8 Stormwater Management

Drainage of the site will involve works both within and external to the site as follows:

- External
 - Stormwater will gravity discharge via a stormwater pipe and headwall directly into the watercourse known as Maxwell's Creek to the west of the site.
 - NSW Office of Water has issued General Terms of Approval for this aspect.
- Internal
 - Stormwater will be collected by an underground stormwater pit and pipe system and directed to the proposed outlet pipe on the western side of the site into the watercourse.
 - Overland flow will be directed out of the site at the Parkers Farm Place driveway.
 - Overland flow for the landscaped area along the southern boundary, along with any existing overland flow from the residual part of Lot 200 will be directed into the watercourse to the west, which is the current situation.
 - No on-site detention is provided as there is an existing regional detention basin.
- Stormwater quality management will be achieved by directing discharge from the site through a GPT and an oil and silt arrestor. The GPT device targets 99% of gross pollutants and sediments, or 85% annually.
- Stormwater from the service station will be treated separately to the main stormwater drainage system.
- MUSIC modelling has been carried out to determine the water quality pre-development and post-development to compare the pollutant loads from the development. The modelling indicates that the suspended solids, nitrogen and phosphorus are all significantly reduced by the treatment train proposed. The suspended solids are reduced to the required level however the phosphorus and nitrogen fall just short of the 45% targets set by Council but given the close value obtained, the levels are considered adequate.

4.9 Public Road Works

Improvements proposed outside of the site boundaries include:

- Improvements to the intersection of Camden Valley Way and Beech Road to provide dual-right turn lanes onto Beech Road. The length of the lanes is over 100m. This was a requirement of NSW RMS to address the traffic that will be generated by this site.
- Improvements to Parkers Farm Place include line marking, parking restrictions and construction of new concrete footpaths.

4.10 Signage

Proposed business identification signage comprises 11 signs in total consisting of wall signs on the Costco building, fascia signs on the service station canopy and a petrol pricing structure with a height of less than 3m situated in the landscaped setback of Parkers Farm Place.



Figure 21: Perspective from Parkers Farm Place looking south-east (not depicting the amended main store entry)

4.11 Development Application Documentation

The development application is accompanied by a number of specialist documents and reports, including:

- Architectural plans, elevations and sections.
- Site survey plans,
- Vehicle swept paths plans,
- Stormwater concept plans and report,
- Earthworks: cut and fill plans,
- Landscape plans,
- Signage plans,
- Statement of environmental effects,
- LDCP compliance report,
- Quantity surveyor's report,
- Environmental site assessment (Phase 1 and Phase 2),
- Geotechnical investigation,
- Building Code of Australia assessment,
- Fire safety report,
- Accessibility assessment,

- Economic impact assessment,
- Traffic assessment,
- Bushfire risk assessment,
- Preliminary hazard analysis,
- Noise impact assessment,
- Statement addressing ecologically sustainable development,
- Utilities report,
- Waste management report,
- Title search.

5.1 Zoning

Table 2: Land use definitions and permissibility based on LLEP, 2008

Land Use Term	LLEP Definition	Permissibility	Compliance
Retail premises	<p>Retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:</p> <ul style="list-style-type: none"> (a) bulky goods premises, (b) cellar door premises, (c) food and drink premises, (d) garden centres, (e) hardware and building supplies, (f) kiosks, (g) landscaping material supplies, (h) markets, (i) plant nurseries, (j) roadside stalls, (k) rural supplies, (l) shops, (m) timber yards, (n) vehicle sales or hire premises, <p>but does not include highway service centres, service stations, industrial retail outlets or restricted premises.</p>	Permissible via Clause 20 Schedule 1 of LLEP	<p>Yes</p> <p>The development is primarily a 'shop' as the items in the Costco warehouse are sold by retail.</p> <p>The development also includes 'food and drink premises'</p> <p>Both 'shops' and 'food and drink premises' fall under the definition of 'retail premises'.</p>
Business premises	<p>Business premises means a building or place at or on which:</p> <ul style="list-style-type: none"> (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or (b) a service is provided directly to members of the public on a regular basis, <p>and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.</p>	Permissible via Clause 20 Schedule 1 of LLEP	<p>Yes</p> <p>The components that are defined as 'business premises' include the optometrist, photo processing and the hearing aid service/sales.</p>
Service station	<p>Service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:</p> <ul style="list-style-type: none"> (a) the ancillary sale by retail of spare parts and accessories for motor vehicles, (b) the cleaning of motor vehicles, (c) installation of accessories, (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration), (e) the ancillary retail selling or hiring of general merchandise or services or both. 	Permissible via Clause 20 Schedule 1 of LLEP	<p>Yes</p> <p>The 'service station' is located at the north-east corner of the site.</p>
Vehicle repair station	<p>Vehicle repair station means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.</p>	Permissible via Clause 20 Schedule 1 of LLEP	<p>Yes</p> <p>The 'vehicle repair station' is located on the east side of the building.</p>
Food and drink premises	<p>Food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:</p>	Permissible in B5 zone	<p>Yes</p> <p>The 'food and drink premises'</p>

	(a) a restaurant or cafe, (b) take away food and drink premises, (c) a pub.		comprises a 'café' type premises contained inside the building.
Business identification sign	Business identification sign means a sign: (a) that indicates: (i) the name of the person or business, and (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and (b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place.	Permissible in B5 zone	Yes The signs comprise wall signs for business identification.

5.2 Relevant Matters for Consideration

The relevant planning considerations for the proposed development are listed below and are discussed in further detail in Section 6 of this report:

- Environmental Planning and Assessment Act, 1979
- Environmental Planning and Assessment (EP&A) Regulation, 2000;
- Water Management Act, 2000;
- Greater Metropolitan Regional Environmental Plan (GMREP) No. 2 – Georges River Catchment (deemed SEPP);
- SEPP (Infrastructure), 2007;
- SEPP (State and Regional Development), 2011;
- SEPP No. 33 Hazardous and Offensive Development;
- SEPP No. 55 – Remediation of Land;
- Draft SEPP (Competition), 2010;
- LLEP, 2008;
- LDCP, 2008:
 - Part 1.1: General Controls for All Development
 - Part 1.2: Additional General Controls for Development; and
 - Part 6: Development in Business Areas.
- Liverpool Contributions Plan, 2009.

6. 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 (EP&A) Act, 1979 and the EP&A Regulation, 2000 as follows:

6.1 Section 79C(1)(a)(1) – Provisions of Any Environmental Planning Instrument

(a) Water Management Act, 2000

The Water Management Act applies to the proposal. The Act aims to *'provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations...'*

Under Chapter 3, Part 3 of the Water Management Act works on waterfront land (i.e. within 40m of waterfront) require a Controlled Activity Approval (CAA) from the NSW Office of Water.

The proposal involves works within a watercourse adjacent to the west boundary of the site known as Maxwell's Creek. The application was referred to the NSW Office of Water for concurrence. The Office of Water issued its General Terms of Approval (GTA) which are included as an attachment to the recommended draft conditions of consent (see Attachment 8.4).

It should be noted that Office of Water did not raise objections or concerns with the proposed buffer to the watercourse which is only 12m to 20m to the top of the bank instead of 40m as suggested in the LDCP and in the GMREP. The proposed buffer is therefore considered to be satisfactory however further discussion is provided below (Section 6.1(b)) and in Section 6.3.

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

The GMREP is a deemed SEPP that applies to all of Liverpool LGA as the LGA forms the region that is part of the Georges River catchment. The general aims of the GMREP are to maintain and improve the water quality and river flows of Georges River and its tributaries.

The principles prescribed in Part 2 of GMREP; as well as the planning requirements in Part 3 must be taken into consideration by Council before determining the development application. The GMREP provisions have been taken into consideration and it is considered that the proposal is satisfactory with respect to the policy. The development incorporates water quality treatment procedures and demonstrates that nutrient runoff levels will be reduced by the method of treatment, thereby contributing to a cumulative improvement to the quality of the tributary and achieving the aims of the policy.

In relation to the policy's principles contained in Clause 21 relating to vegetated buffer areas, please note that the policy suggests that a 40m wide buffer should be provided from the edge of the development to the top of the bank of the watercourse. However, the 40m wide buffer is specifically applicable to land that has not been previously developed or cleared.

The development is not strictly consistent with this guideline and the proposed buffer ranges between 12m to 20m from the top of the bank of the water course. The development maintains an existing densely vegetated buffer of 12m along the west boundary of the site. This existing vegetation is not identified by the LLEP as environmentally sensitive land and mapping does not identify the vegetation as significant or potential habitat for threatened species. Also, this existing buffer is already fence off and not accessible from the development site.

As per the provisions of the policy, the 40m buffer is not strictly applicable to this site as the land has already been filled and cleared, with the exception of the existing buffer.

Further, the NSW Office of Water has issued its General Terms of Approval without any objection to the proposed 12m to 20m buffer.

The matters for consideration relating to provision of vegetated buffer areas have been considered and it is concluded that the 12m to 20m vegetated buffer proposed is satisfactory on the basis of GTAs from NSW Office of Water and on the basis that the development: satisfies the intent of the control by maintaining the existing vegetated buffer, satisfying bush fire risk measures, ensuring runoff will be filtered via an on-site system before being conveyed to the watercourse, not causing any loss of existing vegetation and incorporating measures to ensure there will be no adverse impact to the existing riparian corridor.

The following Table 3 summarises the relevant matters for consideration and addresses compliance with the principles and planning requirements.

Table 3: Consideration of GMREP No. 2 – Georges River Catchment

Clause 8 General Principles	Comment
<i>When this Part applies the following must be taken into account:</i>	Planning principles are to be applied when a consent authority determines a development application.
<i>(a) the aims, objectives and planning principles of this plan,</i>	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
<i>(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,</i>	The proposal provides soil and erosion control measures, and a stormwater concept plan which has been reviewed by Council's technical officers and the NSW Office of Water and is generally satisfactory.
<i>(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,</i>	The proposal provides a stormwater management system that will connect to the existing system with a small capacity being directed to the watercourse. A Stormwater concept plan also outlines proposed sediment and erosion control measures. The treatment of nutrients will be significantly reduced when compared to the pre-development scenario.
<i>(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),</i>	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy, 2004.
<i>(e) the Georges River Catchment Regional Planning Strategy (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),</i>	There is no evidence that with imposition of mitigation measures, the proposed development would affect the diversity of the catchment. The site has been investigated with respect to contamination and the conclusion is that there is no significant contamination.
<i>(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,</i>	General Terms of Approval have been issued by the NSW Office of Water. The NSW Rural Fire Service has also issued conditions. The NSW RMS has also issued conditions.
<i>(g) whether there are any feasible alternatives to the development or other proposal concerned.</i>	The site is located on cleared, filled and vacant land. The development of the site represents a good opportunity improve the site by incorporating methods to treat and improve the quality of runoff that is conveyed to the watercourse.
Clause 9 Specific Principles	Comment
<i>(1) Acid sulfate soils</i>	The LLEP does not identify the site as containing acid sulphate soils and the construction works are unlikely to lower the water table which is 3m to 4m below ground level.
<i>(2) Bank disturbance</i>	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed with the exception of the stormwater outlet to the creek which will be via a head wall and scour protection.
<i>(3) Flooding</i>	The PMF flood levels are below the existing site levels and the development does not impact existing flood levels.
<i>(4) Industrial discharges</i>	No industrial waste is disposed from the proposed development. Grease traps are provided for cooking facilities and will connect to the Sydney Water sewer system.
<i>(5) Land degradation</i>	An erosion and sediment control plan aims to manage salinity and minimise erosion and sediment loss. All exposed soil will be landscaped to prevent erosion.
<i>(6) On-site sewage management</i>	Sewer drainage will connect to the existing Sydney Water sewer main which runs along the west boundary of the site.

(7) River-related uses	Not applicable as the site is not foreshore land.
(8) Sewer overflows	Sewer drainage will connect to the existing Sydney Water sewer main.
(9) Urban/stormwater runoff	A Stormwater Concept Plan proposes connection to existing services with some runoff conveyed to the watercourse. As a regional detention basin serves the site, no on-site detention is required. The majority of overland flow is directed to Parkers Farm Place with a lesser portion directed to the watercourse.
(10) Urban development areas	The site is not identified as being located within the South West Growth Centre within the Metropolitan Strategy. The site is not identified as being an Urban Release Area under LLEP 2008.
(11) Vegetated buffer areas	<p>The site is located within a Vegetated Buffer Area as defined within the GMREP (<i>Development on land within the Catchment that adjoins, and is within 100 metres of, a drainage line, creek, wetland or river foreshore area within the Catchment</i>).</p> <p>Further comment in relation to the vegetated buffer area is provided in the next section of this Table.</p>
(12) Water quality and river flows	A drainage plan proposes a reduction to the amount of gross pollutants conveyed into the watercourse thereby improving the water quality.
(13) Wetlands	Not applicable.
Part 3 Planning Requirements Section 11 Planning Control Table	Comment
Clause 4 <i>Chemical or fuel storage on land</i> <u>Specific matters for consideration</u> <ul style="list-style-type: none"> • Adequate provisions made to contain water that may be contaminated by its use for fire control purposes. • Whether proposal meets requirements of the council's stormwater management plan or, if no such plan is prepared, the council's stormwater management objectives or policy determined by the council. • Whether proposal is in accordance with council's soil erosion and sediment management plan or policy. • Any impacts on groundwater. • Provision for on-site bush fire hazard reduction where relevant. 	Satisfactory.
Clause 20 <i>Stormwater Management System or Works</i> <u>Specific matters for consideration</u> <ul style="list-style-type: none"> • Untreated stormwater is not disposed into Georges River or its tributaries. • Likely impact of stormwater disposal on quality of any receiving waters. • Levels of nutrients/sediments entering waterway are not increased. • Whether proposals to manage stormwater are in accordance with council's stormwater management plans and the Managing Urban Stormwater series of documents and meet the council's stormwater management objectives. • Whether principles outlined in Managing Urban Stormwater Soils and Construction Handbook (1998) prepared by and available from Landcom and Department of Housing are followed during each stage of a development (including subdivision). • Whether the proposal satisfies local council's sediment control plan or, if no such plan has been prepared, any erosion and sediment policies adopted by the local council. 	Satisfactory.

<p>Clause 21 <i>Development in Vegetated Buffer Areas</i> <u>Definition</u> <i>Development on land within the Catchment that adjoins, and is within 100 metres of, a drainage line, creek, wetland or river foreshore area within the Catchment.</i> <u>Specific matters for consideration</u></p> <ul style="list-style-type: none"> • Bushfire hazard reduction measures not to be confined to the vegetated buffer area. • Whether proposed vegetated buffer will act as a buffer between developed land and environmentally sensitive areas, including adjacent waterways. • Whether the following specifications have been satisfied for the proposed vegetated buffer area: <i>(b) 40 metre minimum buffer width from the edge of the gorge or the top of the banks of the Georges River and its tributaries on freehold land that has not been previously developed or cleared,</i> • Requirements of Planning for Bush Fire Protection, prepared by NSW Rural Fire Service in co-operation with Department of Planning, dated December 2006. • Requirements of NSW State Rivers and Estuaries Policy prepared by and available from Department of Land and Water Conservation and the NSW Wetlands Management Policy prepared by and available from that Department where development proposals are likely to impact on quality of water and river flows of Georges River or its tributaries. • Need to filter runoff from developed areas to improve water quality within Georges River and its tributaries. • Need to reduce loss of riparian vegetation and remove invasive weed species. • Need to minimise damage to river banks and channels so as to reduce bank erosion. • Need to increase or maintain terrestrial and aquatic biological diversity and provide fauna habitat and corridors. 	<p>Satisfactory, as already discussed above.</p> <p>The development maintains an existing densely vegetated buffer of 12m along the west boundary of the site. This existing buffer is already fence off and not accessible from the site. Development works will range between 12m to 20m from the top of the bank of the water course. The 40m wide buffer stipulated in the GMREP is specifically applicable to land that has not been previously developed or cleared. It is considered that the 40m buffer is not strictly necessary for this site as the land has already been filled and totally cleared, with the exception of the existing buffer along the west boundary.</p>
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(c) State Environmental Planning Policy (SEPP) (Infrastructure), 2007

The Infrastructure SEPP is applicable to the development and has been taken into consideration. The general aim of the SEPP is to facilitate the effective delivery of infrastructure across the State. The proposal is satisfactory with respect to provisions of the SEPP.

Consultation with NSW Roads and Maritime Services (RMS)

Being a traffic-generating development, the application was referred to the RMS for comments. The RMS reviewed the application and raised no objection to the development subject to conditions being incorporated into the consent (see Attachment 8.5).

The conditions relate primarily to the provision of dual right-turn lanes with a minimum 100m storage length in each lane on the Camden Valley Way west approach at the intersection of Beech Road. Subsequent advice from Council's Manager, Traffic and Transport Planning who in consultation with RMS has requested the imposition of a minimum 110m storage length.

Further discussion is provided in Section 6.6(b) of this report which discusses the potential impacts of the development on the built environment.

Traffic Safety, Road Congestion and Parking Implications

Clause 104 of the SEPP with respect to traffic-generating development stipulates that prior to determination of an application, Council must take into consideration *any potential traffic safety, road congestion or parking implications of the development*. Due to the size and nature of the application, the traffic impacts have been considered in consultation with the RMS.

While detailed discussion is provided in Section 6.6(b) of this report the following is a summary of these considerations:

- Traffic safety:

The amended site plan includes pedestrian improvements including additional designated pathways and improved vehicle circulation and queuing lengths. Additionally, parking restrictions will be incorporated along the site's frontages. A condition is recommended requiring a pedestrian refuge to be constructed in Parkers Farm Place just north of the main driveway access.

Access by service vehicles is likely to be outside of normal business hours but is also arranged such that service access occurs at the rear of the building and would not conflict with the customer parking areas.

A Traffic Management Plan will be required to be submitted by the applicant which outlines how the site will be managed to appropriately deal with safety, congestion and parking during the opening period and during busy trade periods.

These and other measures increase the safety of the development from traffic and would reduce the potential for traffic hazards. Vehicle manoeuvring areas will be designed in accordance with the Australian Standards and is satisfactory.

- Road congestion:

Based on the applicants' revised traffic impact assessment which is based on the similar Costco development at Auburn, this development is expected to generate a peak traffic volume of approximately 1,110 vehicles on a Saturday afternoon and between 520-550 vehicles during the morning and afternoon peak periods. Traffic modelling carried out by the applicant's consultant indicates that the external road network has spare capacity to accommodate the traffic impact. However, the modelling also indicates that by 2026, the Camden Valley Way and Beech Road intersection would require improvements.

The required improvements negotiated with RMS involve the provision of dual right-turn lanes with a minimum 110m storage capacity. These are requested by RMS to be incorporated as conditions of consent. Additionally, line-marking along Beech Road and Parkers Farm Place is also proposed to be incorporated into the development to improve circulation around the site and minimise road congestion.

- Parking implications:

Parking demand has been based primarily on the demand generated at the existing Costco development in Auburn, Sydney. The optimal parking demand for Costco has been established to be in the order of 700 spaces. Council's LDCP only requires 537 spaces. As the development proposes 701 parking spaces, the parking implications are considered to be adequate and acceptable.

The following Table 4 summarises the relevant matters for consideration contained in the SEPP.

Table 4: Consideration of SEPP (Infrastructure) 2007

Provisions of SEPP (Infrastructure), 2007	Comment
<p>Clause 45 Determination of Development Applications – Other Development In relation to development in the vicinity of electrical infrastructure, sub-clause (2) states that <i>before determining a development application the consent authority must:</i> (a) <i>give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and</i> (b) <i>take into consideration any response to the notice that is received within 21 days after the notice is given.</i></p>	<p>The development application was referred to Endeavour Energy for comments however no comments have been received to date specifically responding to the application.</p> <p>Notwithstanding this, Endeavour Energy was consulted as part of the Planning Proposal phase and advised Council's Strategic Planning section that there is no objection to the development.</p>
<p>Clause 101 Development with frontage to classified road (1) <i>The objectives of this clause are:</i> (a) <i>to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</i> (b) <i>to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</i></p>	<p>Satisfactory.</p> <p>The site is directly adjacent to the M5 Motorway which is a classified road, however the site does not have any access to the M5.</p> <p>In this regard, the site does not strictly have a frontage to the classified road. Despite this, the provisions of the clause have been considered. .</p>
<p>(2) <i>The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:</i> (a) <i>where practicable, vehicular access to the land is provided by a road other than the classified road, and</i> (b) <i>the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:</i> (i) <i>the design of the vehicular access to the land, or</i> (ii) <i>the emission of smoke or dust from the development, or</i> (iii) <i>the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i></p>	<p>Satisfactory.</p> <p>The site is directly adjacent to the M5 Motorway however the site does not have any access to the M5. The distance of access to the M5 by road is about 700m to the south.</p>
<p>(c) <i>the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i></p>	<p>Satisfactory.</p> <p>The development is not sensitive to noise or emissions from the adjacent M5 Motorway.</p>
<p>Clause 104 Traffic-generating development (1) <i>This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:</i> (a) <i>new premises of the relevant size or capacity, or</i> (b) <i>an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</i></p>	<p>The development is classified as a traffic-generating development by Schedule 3 of the SEPP which has as its triggers commercial premises over 10,000m² floor area and car parking areas with over 200 spaces. The development has under 14,000m² floor area and just over 700 parking spaces.</p> <p>Access to the site from the classified road (i.e. Camden Valley Way) is approximately 200m.</p>
<p>(3) <i>Before determining a development application for development to which this clause applies, the consent authority must:</i> (a) <i>give written notice of the application to the RTA within 7 days after the application is made, and</i></p>	<p>Written notice to the NSW RMS was provided at the time the application was lodged.</p>
<p>(b) <i>take into consideration:</i> (i) <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</i></p>	<p>NSW RMS provided a submission outlining the issues that were required to be addressed by the developer including improvements to the intersection of Camden Valley Way and Beech Road. These were addressed and agreed to by the developer.</p> <p>RMS's final comments raise no objection to the proposal subject to RMS requirements incorporated into the Consent. The requirements have been reviewed and imposed as draft conditions.</p>

(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	Satisfactory.
(iii) any potential traffic safety, road congestion or parking implications of the development.	Satisfactory, as already discussed above.
(4) The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.	This will be completed when the application is determined.

(d) SEPP (State and Regional Development), 2011

Part 4 of the SEPP (State and Regional Development) applies to the application on the basis that the proposal has a capital investment value (CIV) of more than \$20 million.

Pursuant to the provisions of this SEPP and Schedule 4A(3) of the Environmental Planning and Assessment (EP&A) Act, 1979 the Joint Regional Planning Panel (JRPP) retains the role as the Determining Authority for this development.

(e) SEPP No. 33 Hazardous and Offensive Development

Given the proposal includes a service station which will store 253 tonnes of fuel on site, consideration has been given to SEPP No. 33 which only applies to development that is potentially hazardous or offensive. However, based on a careful assessment of the SEPP provisions, it is considered that the development is not a hazardous or offensive development and that the provisions of SEPP 33 do not apply. Notwithstanding this, consideration has been given to the SEPP as discussed below.

The relevant aims of the SEPP include: to ensure that measures proposed to be employed to reduce the impact of the development are taken into account; to ensure that the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and to require the advertising of applications to carry out any such development.

The SEPP provides the following definition of a 'hazardous storage establishment':

hazardous storage establishment means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on the other land in the locality), would pose a significant risk in relation to the locality:

(a) to human health, life or property, or
(b) to the biophysical environment.

Clause 12 of the SEPP requires that any application for the purposes of a 'potentially hazardous industry' be accompanied by a Preliminary Hazard Analysis (PHA). Although the underground storage of potentially hazardous petroleum product is ancillary to the primary use of the service station for retail of fuel and would not strictly constitute an 'industry' or 'storage establishment', a PHA was submitted with the application.

The PHA has been reviewed by Council's technical officers and considered against the matters for consideration listed under Clause 13, which are required to be considered prior to determination of an application. Overall the proposal is satisfactory and unlikely to create a hazard or any adverse impacts.

The following Table 5 summarises and addresses the relevant matters for consideration.

Table 5: Consideration of SEPP No. 33 Hazardous and Offensive Development

Provisions of SEPP No. 33 Part 3 Potentially Hazardous or Potentially Offensive Development	Comment
Clause 11 Development to which Part 3 applies <i>(1) This Part applies to:</i> <i>(a) development for the purposes of a potentially hazardous industry, and</i> <i>(b) development for the purposes of a potentially offensive industry, and</i> <i>(c) development notified, for the purposes of this Part, by the Director in the Gazette as being a potentially hazardous or potentially offensive development.</i>	SEPP No. 33 is not strictly applicable as the proposal is not for development that is 'potentially hazardous industry' or 'potentially offensive industry'.
Clause 12 Preparation of preliminary hazard analysis <i>A person who proposes to make a development application to carry out development for the purposes of a potentially hazardous industry must prepare (or cause to be prepared) a preliminary hazard analysis in accordance with the current circulars or guidelines published by the Department of Planning and submit the analysis with the development application.</i>	A PHA has been prepared by the applicant and is in accordance with the circulars and guidelines published by NSW DP&I.
Clause 13 Matters for consideration by consent authorities <i>In determining an application to carry out development to which this Part applies, the consent authority must consider (in addition to any other matters specified in the Act or in an environmental planning instrument applying to the development):</i>	Although the SEPP does not strictly apply to this development, consideration has been given to the provisions under Clause 13.
<i>(a) current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and</i>	Satisfactory.
<i>(b) whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and</i>	Not required as the development is not 'potentially hazardous industry' or 'potentially offensive industry'.
<i>(c) in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and</i>	Although the development is not a 'potentially hazardous industry', a PHA was submitted by the applicant.
<i>(d) any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and</i>	The location of the service station and fuel storage is in the most appropriate location which is wholly outside the bushfire prone land and the risk from a natural source has been minimised.
<i>(e) any likely future use of the land surrounding the development.</i>	Future uses in the land surrounding the development are likely to be industrial and bulky goods type retail uses contained in warehouse-style buildings, thereby the proposed service station does not represent a conflicting land use.
Clause 14 Advertising of applications <i>Pursuant to section 30 (4) of the Act, the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development to which this Part applies in the same way as those provisions apply to and in respect of designated development.</i>	As the SEPP does not strictly apply to this development, while advertising was conducted, advertising was not required to be undertaken in the manner described by Clause 14.

(f) SEPP No. 55 Remediation of Land

The SEPP No. 55 has as its general aims to provide for a State-wide planning approach to the remediation of contaminated land; and to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Clause 7 prescribes the contamination and remediation matters that must be considered by Council before determining the development application. Specifically, Council must consider:

- whether the land is contaminated; and
- if the land is contaminated, the Council must be satisfied that the land is suitable in its contaminated state (or will be suitable after remediation); and
- if the land requires remediation to be made suitable, Council is satisfied that the land will be remediated before it is used.

As there is a limited knowledge of the historical land uses at this site in order to determine whether the land may be contaminated, the applicant submitted a detailed Phase 1 and Phase 2 Environmental Site Investigation report with the application.

The investigation concludes that there does not appear to be widespread chemical contamination of the soils at the site sourced from the current or historical uses. A limited quantity of fibrous cement fragments, confirmed via laboratory analysis to be asbestos containing material were identified on the ground surface in the north-west section of the site and within near surface fill material at the west of the site. However the report suggests that the site can be made suitable for the commercial use subject to management of the identified contaminant concerns being principally asbestos.

Council's technical officers have reviewed the report and concur with its conclusions. In this regard, it is satisfied that the land will be suitable for the development and that there is unlikely to be any adverse impacts to human health or the environment if appropriate management measures imposed as draft conditions of consent are followed.

All matters of the SEPP have been taken into consideration and the proposal is satisfactory.

The following Table 6 summarises and addresses the relevant matters for consideration.

Table 6: Consideration of SEPP No. 55 – Remediation of Land

Provisions of SEPP No. 55	Comment
Clause 7 <i>Contamination and remediation to be considered in determining development application</i> <i>(1) A consent authority must not consent to the carrying out of any development on land unless:</i> <i>(a) it has considered whether the land is contaminated, and</i>	Satisfactory, as consideration has been given to whether the land is contaminated. The applicant submitted an Environmental Site Assessment (Phase 1 and Phase 2) which has been reviewed by Council's technical officers.
<i>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</i>	Satisfactory.
<i>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</i>	Council's Environment and Health Section have reviewed the Environmental Site Assessment and raise no issues or objections to the proposal subject to conditions relating to appropriate management of the asbestos contaminants.

(g) Liverpool Local Environmental Plan (LLEP), 2008

As stated previously the subject site over which the development is proposed is zoned B5 Business Development under LLEP, 2008.

The components of the development defined as *retail premises*, *business premises*, *service station* and *vehicle repair station* are permissible with Council consent, subject to compliance with Schedule 1, Clause 20 of the LLEP which was recently gazetted, specifically that the gross floor

area of the development is not greater than 14,000m². These components of the proposal are therefore permissible as the gross floor area is approximately 13,604m².

The other components of the development defined as 'food and drink premises' and 'business identification sign' are permissible in the B5 zone with Council consent.

Zone Objectives

The objectives of the B5 Business Development zone are identified by the LLEP 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 proposed development would meet and satisfy the above stated objectives. Specifically, the proposal:

- enables a mix of business, warehouse-type and bulky goods type uses that rely on a large floor area; located close to other centres, including but not limited to the specialist Crossroads Homemaker Centre and Liverpool City Centre.
- supports the viability of nearby centres by potentially generating public interest in other centres.
- would not have adverse impacts on the viability of other centres as demonstrated by the economic assessments.
- limits the total retailing area to a gross floor area of 13,604m² which is consistent with Amendment No. 26 to the LLEP. Further, the range of products to be sold in Costco is diverse and the specific retailing of food and clothing comprises only a portion of the overall gross floor area. In this regard, the proposal will maintain the economic strength of existing centres.
- supports the development of this business development centre at a larger regional scale by attracting customers from all parts of Sydney. Further, it is in a location that is highly accessible to the region by motorways and main roads.
- ensures a reasonable concentration of business activity by providing a mix of uses in the one establishment.

LLEP Provisions and Principal Development Standards

The application has also been considered against the relevant provisions and principal development standards of the LLEP which are listed in Table 7 below. The proposal demonstrates full compliance with the LLEP standards and is satisfactory.

Table 7: Consideration of LLEP, 2008 Provisions and Principal Development Standards

LLEP Clause	Requirement	Comment	Compliance
1.9A Suspension of covenants, agreements and instruments	<i>For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.</i>	There are existing covenants, agreements and easements affecting the site however the development does not conflict with the terms of any restrictions.	Yes
2.3 Zone objectives and	The consent authority must have regard to the objectives for development in a	Objectives of B5 zone have been considered and the proposal	Yes

Land Use Table	zone when determining a development application in respect of land within the zone.	satisfies the objectives.	
2.5 Additional permitted uses for particular land	(1) Development on particular land that is described or referred to in Schedule 1 may be carried out: (a) with development consent, or (b) if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development. (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.	Clause 20 of Schedule 1 permits the proposed development.	Yes
2.6 Subdivision – consent requirement	Land may be subdivided, but only with development consent.	No subdivision proposed with this application, however subdivision is proposed under separate DA-1656/2012.	Yes
2.7 Demolition requires development consent	Demolition of a building or work may be carried out only with development consent.	There are no existing structures requiring demolition	N/A
4.1 Minimum subdivision lot size	Prescribes minimum lot size of 2,000m ² .	Site is approximately 5.9 hectares and complies however no subdivision is proposed under this application.	N/A
4.3 Height of buildings	Prescribes maximum height of 30m.	11.43m high (only 9.3m high from finished floor level to top of parapet if excluding plant equipment)	Yes
4.4 Floor space ratio	Prescribes maximum FSR of 0.75:1.	0.22:1	Yes
4.5 Calculation of floor space ratio and site area	Outlines how FSR is to be calculated.	Calculation of FSR is satisfactory.	Yes
4.6 Exceptions to development standards	Makes provisions for the circumstances when a development standard of the LLEP can be varied.	No variations to LLEP standards are proposed.	N/A
5.6 Architectural roof features	Makes provisions where a roof feature can exceed the maximum building height.	Building height complies.	N/A
5.9 Preservation of trees or vegetation	Council consent is required prior to the removal of any existing trees or vegetation.	Amended plans propose minor relocation of the driveway from Parkers Farm Place in order to retain an existing tree.	Yes
7.7 Acid sulfate soils	Makes provisions where works are proposed over land identified as containing acid sulfate soils.	The LLEP does not identify the site as containing acid sulfate soils	N/A
7.8 Flood planning	Makes provisions where development is proposed over land that is in a flood prone area.	Amendment No. 26 has updated the LLEP to remove any maps identifying the site as flood affected as the site is not flood affected.	N/A
7.31 Earthworks	Before granting development consent for earthworks, the consent authority must consider the following matters: (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, (b) the effect of the proposed development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the proposed	The proposed earthworks are satisfactory as follows: <ul style="list-style-type: none"> the works are unlikely to detrimentally impact existing drainage patterns or soil stability; the works will improve the site and enable it to be developed for the proposed use; conditions are recommended to ensure fill is sourced from appropriate locations and the 	Yes

	development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	quality of the fill is high and does not contain contaminants; <ul style="list-style-type: none"> • earthworks are unlikely to impact adjoining properties; • there are unlikely to be disruptions to relics; • there is unlikely to be any adverse impact on the watercourse or on any natural area. 	
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(h) The Liverpool Contributions Plan, 2009

The Liverpool Contributions Plan, 2009 identifies the site as forming part of the Established Areas Catchment. The plan does not levy Section 94 Contributions for commercial developments in this catchment. As such, there is no Section 94 Contribution applicable to this development.

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

(a) Draft SEPP (Competition), 2010

Consideration has been given to the Draft SEPP (Competition), 2010 which has as its general aims to promote economic growth and competition, and to remove anti-competitive barriers in environmental planning and assessment.

It is understood that the purpose of the Draft SEPP is to clarify the considerations to be undertaken when considering potential economic impacts on the locality, which is a matter for consideration under Section 79C of the EP&A Act.

The relevant provision is contained in Clause 9 of the Draft SEPP which stipulates the following:

9 Loss of trade etc for other commercial development

(1) The likely impact of proposed commercial development on the commercial viability of other commercial development is not a matter that may be taken into consideration by a consent authority for the purposes of determining a development application under Part 4 of the Act to carry out the proposed development.

(2) However, any such likely impact may be taken into consideration if the proposed development is likely to have an overall adverse impact on the extent and adequacy of facilities and services available to the local community (having regard to the likely impact on existing facilities and services and the facilities or services to be provided by the proposed development).

(3) Likely impacts referred to in this clause include likely loss of trade.

The Clause suggests that the likely impact of Costco on other commercial development in terms of likely loss of trade, is not a matter that may be taken into consideration by Council, in determining this application.

However matters that can be taken into consideration are the likely overall adverse impacts that Costco may have on existing facilities and services available to the local community.

An adverse impact may involve the decline of existing facilities and services (such as public transportation and essential services such as food, medical, banking, education etc) to the point that existing facilities or services will no longer be viable.

In considering the clarification of economic impact provided by the Draft SEPP, it is considered that the development of Costco is unlikely to have such overall adverse impacts on existing facilities and services that serve the local community. While Costco may contribute to a percentage of loss

of trade of existing commercial development, the minor loss of trade is unlikely to lead to a significant decline that would in-turn lead to an ultimate loss of the existing service or facility.

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

The application has been considered against the controls contained in the Liverpool Development Control Plan (LDCP), 2008, specifically Part 1.1: General Controls for all Development; Part 1.2: Additional General Controls for Development; and Part 6 Development in Business Areas.

The assessment has identified that the proposal generally demonstrates compliance with the relevant code requirements with the exception of two controls relating to front setbacks and setbacks to the watercourse.

The variations are considered to be acceptable and are supported, for reasons as discussed below.

For further detail, refer to Tables 8, 9 and 10 which detail both compliances and non-compliances with the LDCP.

(a) Variation to Setback to Watercourse for Riparian Corridor

Part 1.1, Chapter 7 of the LDCP stipulates the requirements to be met by developments adjoining natural watercourses.

A requirement for such developments is the provision of a riparian corridor of at least 40m from the top of bank of the watercourse. It is noted that the same provision is suggested in the GMREP however the GMREP stipulates that 40m is only applicable to land that has not been previously developed or cleared. Council's LDCP which has adopted the guidelines of GMREP does not differentiate between developed/cleared land and undeveloped land.

The subject land has been previously cleared and filled and therefore maintaining a 40m corridor is unnecessary and the benefits from enforcing a 40m corridor are likely to be negligible.

Notwithstanding this, there is an existing riparian corridor on the west boundary of the subject site which is already fenced off from the development site and will not be impacted by development. This existing 12m corridor consists of dense vegetation. As mentioned previously, this corridor is already non-compliant with the 40m control and would have been created in this manner as part of historical subdivisions.

Although the proposal does not strictly comply with the LDCP's numerical control of 40m to the watercourse, the development will maintain the existing riparian corridor. Overall, the developments' setbacks range between 12m and 20m from the watercourse.

As the existing vegetation is not identified by the LLEP as environmentally sensitive land and Council's mapping does not identify the vegetation as significant or potentially providing habitat for threatened species, it is considered that the siting of the development is satisfactory and is unlikely to have any detrimental impact.

Further, the NSW Office of Water has issued its General Terms of Approval without any objection to the proposed 12m to 20m buffer (see Attachment 8.4).

On this basis, this variation to the LDCP is supported.

(b) Variation to Front Setback Control

Part 6, Chapter 4 of the LDCP stipulates the front setback requirements for development which are:

- 7.5m to the primary setback (Beech Road), and
- 5m to the secondary setback (Parkers Farm Place).

The proposal does not strictly comply with the LDCPs numerical controls by proposing to exceed the controls as follows:

- 108.53m to 175m to Beech Road, and
- 65m to Parkers Farm Place.

In addressing this variation, the applicant interprets the control as a minimum requirement, not a maximum requirement, and suggests that the building complies with the intent of the controls.

However, the LDCP does not make any reference to suggest the control is a minimum. In the objectives, the LDCP stipulates that the purpose of the control is *to ensure the height and scale of a development complements neighbouring development, and/or the desired character of a commercial centre*. In this regard it is disagreed that the control is a minimum requirement because in order to achieve a consistent character, a control such as a setback must be applied consistently as a fixed control.

Notwithstanding this, after examining the character of the locality established by existing setbacks of neighbouring buildings, it is clear that the existing developments have not maintained 7.5m setbacks to their main frontages or 5m setbacks to their secondary frontages.

All existing developments consist of variable setbacks ranging between 26m and up to 42m. As such, there is an inconsistent character established by existing variable setbacks.

The consistent aspect is that all existing development provide car parking areas between the building and the street frontages, which is replicated by Costco.

As such despite the numerical variation, the development is considered to be consistent with the established character of the immediate locality and the variation to setback controls is supported.

Table 8: Consideration of LDCP, 2008 - Part 1.1: General Controls for All Development

Standard	Requirement	Compliance
Chapter 1 Preliminary	Chapter 1 confirms that Part 1.1 of LDCP applies to all development including the subject application.	N/A
Chapter 2 Tree Preservation	Amended plans ensure all existing trees will be retained.	Yes
Chapter 3 Landscaping and Incorporation of Existing Trees	The site is presently clear of vegetation with the exception of the existing riparian corridor. A concept landscape plan has been submitted and is satisfactory.	Yes
Chapter 4 Bushland and Fauna Habitat Preservation	Not applicable to the site is cleared and the only area of vegetation forms the riparian corridor which is currently fenced off and inaccessible from the remainder of the site.	N/A
Chapter 5 Bushfire Risk	The requirements applicable to applications over bush fire prone land have been addressed. A bush fire risk assessment was submitted with the application which has been reviewed and endorsed by NSW RFS.	Yes
Chapter 6 Water Cycle Management	The concept stormwater plans satisfactorily address the collection and disposal of stormwater and surface runoff including requirements for gross pollutant traps.	Yes

	The stormwater concept plan has been assessed by Council's Engineering Section who raised no issues with the proposal subject to conditions of consent. The NSW Office of Water has also reviewed the proposal with respect to discharge into the watercourse and has provided concurrence via its General Terms of Approval.	
Chapter 7 Development Near Creeks and Rivers	Chapter 7 stipulates requirements to be met by developments adjoining natural watercourses. A requirement is the provision of a riparian corridor of at least 40m from the top of bank of the watercourse. There is an existing riparian corridor of between 12m to 20m to the top of the bank of the watercourse instead of 40m as suggested in the LDCP. The existing corridor is already fenced off from the development site and consists of dense vegetation. This area will be maintained as a riparian corridor by the development. The NSW Office of Water has raised no objections to the proposed setback and has issued its General Terms of Approval.	No, but acceptable
Chapter 8 Erosion and Sediment Control	The application is accompanied by a Soil and Water Management Plan (SWMP) given the floor area is greater than the LDCPs trigger of 2,500m ²	Yes
Chapter 9 Flooding Risk	The site is no longer identified by the LLEP as being flood affected.	N/A
Chapter 10 Contaminated Land Risk	A site investigation report was submitted with the DA and assessed by Council's Environment and Health Section who raised no objections subject to conditions of consent.	Yes
Chapter 11 Salinity Risk	The site is not identified by NSW DP&I as being in an area with salinity potential.	N/A
Chapter 12 Acid Sulfate Soils Risk	The site is not identified by the LLEP as containing and acid sulfate soils.	N/A
Chapter 13 Weeds	Noxious weeds have not been identified on the land.	N/A
Chapter 14 Demolition of Existing Developments	There are no demolition works.	N/A
Chapter 15 On- Site Sewage Disposal	The site will not require an on-site sewage management system as it is capable of being connected to the Sydney Water system.	N/A
Chapter 16 Aboriginal Archaeology	Chapter 16 applies to land in which Aboriginal sites, places or relics have been previously identified; or within an identified cultural landscape; or land that has not been cleared. Council's Heritage Officer has provided advice that sites adjacent to a watercourse would ordinarily require an archaeological assessment. However, as the site has been cleared and contains an average of 2.7m of fill, excavation is not expected to go below the level of existing fill and so any archaeological deposits that remain would be conserved in situ. As such, it is unnecessary to undertake an archaeological assessment.	Yes
Chapter 17 Heritage and Archaeological Sites	The site does not contain a heritage item; is not in the vicinity of a heritage item; is not in a heritage conservation area; and is not an archaeological site.	N/A
Chapter 18 Notification of Applications	The subject application being for Integrated Development was advertised for 30 days as per Chapter 18 and as detailed in the section of this report detailing public consultation requirements.	Yes

Table 9: Consideration of LDCP, 2008 - Part 1.2: Additional General Controls for Development

Standard	Requirement	Compliance
Chapter 1	Chapter 1 confirms that Part 1.2 of LDCP applies to this proposal.	Yes
Chapter 2 Car Parking and Access	The amended plans satisfactorily address the requirements for adequate car parking; access that accommodates the size and volume of vehicles likely to visit the site; provision of adequate loading facilities; separation of car parking from service vehicles; adequate landscaping to improve amenity; and avoids situations that may create queuing etc. <u>The following are the LDCP parking rates:</u> <ul style="list-style-type: none"> Restaurants: 1 space per 20m² of LFA (i.e. 215.6m²) Retail premises: 12,000 to 30,000sqm LFA: 1 space per 25m² of LFA (i.e. 	Yes

	$13,604\text{m}^2 - 215.6\text{m}^2 = 13,388.4\text{m}^2$ <ul style="list-style-type: none"> • Service station: 2 spaces per fuel outlet plus, plus 1 space per employee (i.e. 8 fuel outlets and 1 staff) • Vehicle repair station: 1 space per 70m² of LFA (i.e. 213.7m²) <p><u>LDCP parking required:</u></p> <ul style="list-style-type: none"> • restaurant: 10.78 spaces • retail: 535.536 spaces • service station: 17 spaces • vehicle repair station: 3.05 spaces <p>Total required: 566.36 therefore 567 required spaces by LDCP 701 parking spaces provided based on Costco's business model.</p> <p>The number of accessible parking spaces is required at a rate of 1 per 100 spaces. Only 7 accessible spaces are required however 15 spaces are provided.</p>	
Chapter 3 Subdivision of Land and Buildings	Chapter 3 applies to development which involves subdivision of land or buildings.	N/A
Chapter 4 Water Conservation	Satisfactorily addresses the comprehensive Water Management Plan which is required to be submitted with all non-residential development for any development above \$1 million.	Yes
Chapter 5 Energy Conservation	All Class 5 to 9 non-residential developments are to comply with the BCA energy efficiency provisions. The application addresses this.	Yes
Chapter 6 Landfill	Satisfactorily addresses the requirements relating to landfill.	Yes
Chapter 7 Waste Disposal and Re-Use Facilities	A Waste Management Plan for the ongoing use of Costco has been submitted. A condition is recommended requiring the applicant to submit a plan relating to the construction stage.	Yes
Chapter 8 Outdoor Advertising and Signage	The proposed signs comprising a variety of wall signs, fascia signs and a petrol pricing structure are compatible with the scale of the building and compatible with the locality. The signs are designed and located such that there would be no adverse impact to the safety of motorists and other road users. Signage is satisfactory.	Yes

Table 10: Consideration of LDCP, 2008 - Part 6: Development in Business Areas

Standard	Requirement	Compliance
Chapter 1 Preliminary	Chapter 1 confirms that Part 6 of LDCP applies to all land in business zones.	Yes
Chapter 2 Subdivision, Frontage and Allotment Size	Chapter 2 stipulates the requirements applicable to subdivision of land in business zones however there is no subdivision proposed with the subject application.	N/A
Chapter 3 Site Planning	The proposal satisfactorily addresses the objectives relating to site planning and is compatible with the adjoining business development. The amended plans have improved the appearance of the building.	Yes
Chapter 4 Setbacks	<p>The LDCP stipulates the following front setbacks:</p> <ul style="list-style-type: none"> • 7.5m primary setback, and • 5m secondary setback <p>The proposal does not strictly comply as the following setbacks are proposed:</p> <ul style="list-style-type: none"> • Variable from 108.53m to 175m to Beech Road (primary setback), and • 65m to Parkers Farm Place (secondary setback). <p>In addressing this variation, the applicant interprets the control as a minimum requirement, not a maximum requirement, and as such suggests that the building complies with the intent of the controls.</p> <p>It is disagreed that the control is a minimum requirement. The LDCP does not make any reference to suggest the control is a minimum. In the objectives, the LDCP suggests that the purpose of the control is <i>to ensure the height and scale of a development complements neighbouring development, and/or the desired character of a commercial centre.</i></p>	No, but acceptable

	<p>In this regard, compliance with mandatory setback controls contribute to consistently achieving the desired character and scale of a precinct and on this basis the setback control should be interpreted as a mandatory setback.</p> <p>However, in examining the character of the locality, it is clear that the existing developments have not maintained 7.5m setbacks to their main frontages or 5m setbacks to their secondary frontages. All existing developments consist of variable setbacks ranging between 26m to 42m. As such, there is an inconsistent character established by existing variable setbacks.</p> <p>The consistent aspect of the proposal and all existing developments is that car parking areas are provided between the building and the street frontages. As such despite the numerical variation, the development is considered to be consistent with the established character of the immediate locality and the variation to setback controls is supported.</p>	
Chapter 5 Landscaped Areas and Pedestrian Areas	Satisfactory pedestrian access has been provided including pedestrian linkages between neighbouring commercial developments.	Yes
Chapter 6 Building Form, Streetscape and Layout	<p>The development is generally satisfactory with respect to the objectives of Chapter 6 which are:</p> <ul style="list-style-type: none"> • <i>To ensure the height and scale of a development complements neighbouring development, and/or the desired character of a business centre.</i> • <i>To ensure a development is integrated with the public domain and contribute to an active pedestrian-orientated environment.</i> • <i>To maximise natural surveillance so that people feel safe at all times.</i> • <i>To ensure pedestrian entrances and exits are clearly visible from the street.</i> • <i>To promote high quality architectural design.</i> • <i>To ensure corner sites are developed as visually significant elements in order to promote a strong and legible character.</i> <p>The building is essentially a warehouse typology with minimal glazing and no shop-front appearance. However the applicant has made some effort to emphasise the corner feature of the building which is the main store entry. This has been done by providing glazing that is consistent with that of the surrounding development and screening the industrial type roller doors that were originally proposed.</p> <p>The warehouse typology and internal racking arrangement restricts the placement of glazing. Considering the south adjoining site is zoned for industrial purposes, and considering the character of similar warehouse-type buildings in the locality (e.g. Bunnings), it is considered that the proposal is acceptable and consistent with the character of the existing locality, despite not being strictly consistent with the LDCP, and in such a way is consistent with the objectives of the LDCP.</p> <p>Although the east elevation fronting the car park is not provided with glazing, the tyre centre is located on the east side of the building and faces on to the car park. In this regard, some natural surveillance of the car park is provided. Additionally, the car park will be visible from the shopfronts of the bulky goods premises on the opposite side of Parkers Farm Place.</p>	Yes
Chapter 7 Landscaping and Fencing	A detailed landscape plan has been resubmitted to Council which provides adequate landscaping across the site and demonstrates how it is intended to plant small trees in median strips between the car parking spaces. The proposed landscaping scheme will contribute to softening the appearance of hardstand areas and will provide shade and amenity for customers.	Yes
Chapter 8 Car Parking and Access	Car parking and access is satisfactory in ensuring adequate provision for on-site parking; adequate car parking and loading facilities; attractive landscaped parking areas; and appropriately located service facilities.	Yes
Chapter 9 Amenity and Environmental Impact	Chapter 9 applies to developments that include residential development or are in the vicinity of residential development and therefore outlines controls relating to privacy, access to sunlight, acoustic privacy and lighting. The subject site is not in the immediate vicinity of any residential development.	N/A

Chapter 10 Site Services	Arrangements will be made by the developer to provide the required services on the site.	Yes
Chapter 11 Non Business Uses	Chapter 11 applies to developments for non-business uses such as industrial uses.	N/A
Chapter 12 Shop Top Housing	Chapter 12 applies only to shop top housing developments.	N/A
Chapter 13 Restaurants/Outdoor Cafes	Chapter 13 applies to restaurants where outdoor dining is proposed on public land.	N/A
Chapter 14 Child Care Centres	Chapter 14 applies to proposals for child care centres.	N/A
Chapter 15 Telecommunications Facilities	Chapter 15 applies to proposals for telecommunications facilities.	N/A
Chapter 16 Used Clothing Bins	Chapter 16 applies to proposals involving installation of used clothing bins on any land.	N/A
Chapter 17 Service Stations	<p>The LDCP objectives in relation to service stations are:</p> <ul style="list-style-type: none"> • <i>To preserve public amenity, safety and access.</i> • <i>To limit the impacts upon adjoining land uses such as residential accommodation and business uses.</i> <p>The controls applicable to service stations are as follows.</p> <p>Car parking areas shall:</p> <ul style="list-style-type: none"> • <i>Be located to minimise conflict with vehicle movements for other uses on the site.</i> The location of the service station is appropriately positioned at the corner of the site where there will be least conflict with movements by vehicles accessing the Costco building. • <i>Be located as close as possible to the use generating the need for parking e.g. take away food and/or retailing component to minimise on street car parking.</i> The service station does not provide any associated retail shop and is a self-service facility. Its location is satisfactory. • <i>Be provided in accordance with Part 1.2 of LDCP 2008.</i> Satisfactory. • <i>Drive through areas should be located to minimise conflict with pedestrian movement and impacts on neighbourhood amenity.</i> Satisfactory. • <i>Driveways must be appropriately designed and be located to ensure safe access and egress, particularly in reference to sight lines and pedestrian movements.</i> Satisfactory. • <i>Buildings should be sympathetic to existing setbacks, heights and building envelopes of neighbouring properties.</i> Satisfactory, the only structures are the overhead canopy, a controller booth and the bowsters which are ancillary and would not adversely impact the visual character of the locality. • <i>Appropriate mitigation measures should be provided to limit noise, light overspill, visual impact and odour.</i> Satisfactory. • <i>A Landscape Plan, prepared by a suitably qualified person, is to be submitted with any development application. Landscaping is to provide a visual and acoustic buffer to adjoining development.</i> Satisfactory. 	Yes

6.4 Section 79C(1)(a)(iia) - Any Planning Agreement or any Draft Planning Agreement

There are no planning agreements applicable to this site or the proposed development.

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

Integrated Development – under Water Management Act, 2000

The special procedures relating to Integrated Development prescribed in Sections 90-93B of the EP&A Act have been addressed. The NSW Office of Water who provided its General Terms of Approval will be notified in writing of any decision relating to this application.

Designated Development – Petroleum Products

The proposal is under thresholds prescribed by Schedule 3, Section 27 of the EP&A Regulation relating to petroleum works. The Schedule prescribes a threshold of 2,000 tonnes for storage of petroleum products. The application proposes to store only 253 tonnes associated with the service station.

Building Code of Australia (BCA)

The Environmental Planning and Assessment (EP&A) Regulation, 2000 requires the consent authority to consider the provisions of the BCA. If approved appropriate conditions of consent will be imposed requiring compliance with the BCA.

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

(a) Impacts on the Natural Environment

The impacts of the development on the natural environment have been assessed and the development is considered to be acceptable and unlikely to cause any adverse impact to the natural environment.

Consideration has been given to site-specific and broader issues such as, but not limited to the bushfire prone land; potential soil contamination; impact of earthworks; stormwater management; impact of works on the natural watercourse; water quality; overland flow management; erosion and sediment control; impact on the existing riparian corridor; tree removal; provision of new landscaping and the potential for hazards resulting from fuel storage associated with the service station. Further discussion on these issues is provided below.

Bush fire risk

As the site is classified as bushfire prone land, a Bushfire Protection Assessment was submitted by the applicant. The report assesses the proposal against the NSW RFS' Planning for Bush Fire Protection, 2006.

It confirms that the predominant vegetation class is at least 140m to the west of the development and is categorised as 'Low Hazard' and that other vegetation in all other directions is categorised as 'Managed Lands'.

The report confirms that the slope that would most significantly influence fire behaviour is over a distance of 100m to the west and falls within the category of 'Downslope 0-5 degrees' for approximately 30m before rising gently.

The following Bushfire Attack Levels (BALs) are identified for the development:

- Costco building: partly BAL-19 and BAL-12.5 with an Asset Protection Zone (APZ) of 20.5m from the low hazard vegetation.
- Service station: BAL-LOW with an APZ of 300m from the low hazard vegetation.

This aspect of the proposal was referred to the NSW RFS for comments. The RFS raised no objections to the proposal subject to bush fire safety conditions.

Potential soil contamination

As there limited knowledge of historical uses of the site and because the site has previously been cleared and filled, the application was accompanied by an Environmental Site Assessment.

The report has investigated the site for potential contamination by examining the historical and current uses and by undertaking soil sampling and laboratory analysis. The findings of the report include:

- That there does not appear to be widespread chemical contamination of the soils. Concentrations of chemical contaminants are less than adopted site assessment criteria for commercial and industrial use.
- A limited quantity of fibrous cement fragments confirmed by laboratory analysis to be asbestos containing material (ACM) were identified in the north-west section of the site and near surface fill material at the west of the site.
- Asbestos fibres were not detected in soil samples analysed.

The report concludes that the site can be made suitable for the use subject to management of the identified contaminant concerns via implementation of a Construction Environmental Management Plan (CEMP) which would include procedures for identification, management and removal of contaminants during site works.

This aspect was assessed by Council's technical environmental officers who accept the conclusions of the report and have raised no objections or issues with this aspect of the proposal subject to conditions of consent.

Impact of earthworks

The applicant submitted a geotechnical investigation report and further information clarifying the extent of earthworks. The report concludes that there are no significant geotechnical constraints that would prevent construction.

Investigation of the existing filled areas of the site indicate that the depth of fill is greatest across the central, west and south-west parts of the site, ranging between 300mm to 4.9m with average depths of 2.7m.

To facilitate this development, there will be an estimated 11,000m³ of topsoil to be removed from the site as it is unsuitable from a geotechnical perspective. In addition to the cut material reused on the site, an additional 14,000m³ of fill will be brought in to prepare the platform levels. The areas of fill are located along the west and east sides of the site and the area of cut is located in the central band of the site.

An addendum to the report confirms that the existing water table will not be impacted or lowered by this development.

The proposed earthworks have been assessed in accordance with the provisions of Clause 7.31 of the LLEP discussed earlier, and are considered to be acceptable and unlikely to adversely impact the environment or neighbouring properties. No objections to the earthworks have been raised by Council's technical officers or the NSW Office of Water.

Stormwater management

The stormwater management of the site including drainage works and discharge to the watercourse, water quality and overland flow have been assessed by Council's technical Engineering officers as well as the NSW Office of Water who is the authority to issue approval for works impacting the water course. Both Council's Engineering officers and the NSW Office of Water raise no objections to the proposed drainage system subject to conditions of consent.

Drainage of the site involves works within the site and external to the site. Internal works include collection of stormwater by an underground pipe and pit system which will direct water to a proposed outlet pipe on the west side of the site and into the watercourse. The external works include gravity discharge via a pipe and headwall directly into the watercourse.

Overland flow will be directed out of the site at the Parkers Farm Place driveway. Overland flow for the landscaped area along the south boundary, along with any existing overland flow from the residual part of Lot 200 will be directed into the watercourse to the west, which is the current situation.

Stormwater quality management will be achieved by directing discharge from the site through a gross pollutant trap (GPT) and an oil and silt arrestor. The applicants' reports suggest that the GPT device targets 99% of gross pollutants and sediments, or 85% annually. The oil and silt arrestor devices are water quality devices that control petroleum hydrocarbons, oils, grease, total suspended solids, heavy metals and nutrients. They are typically suited to treating run-off from car park areas.

MUSIC modelling has been carried out to determine the water quality pre-development and post-development to compare the pollutant loads from the development. The modelling indicates that the suspended solids, nitrogen and phosphorus are all significantly reduced by the treatment train proposed.

Existing vegetation, riparian corridor and landscaping

There is minimal existing vegetation on the subject site, with the exception of the 12m densely vegetated riparian corridor. The existing riparian corridor is presently fenced off and will be maintained in its current condition. In this regard, the development is unlikely to adversely impact the existing vegetation, particularly as stormwater and overland flow directed towards the riparian corridor will be treated before reaching the vegetation.

The amended plans involving the relocation of the main driveway from Parkers Farm Place has ensured the retention of an existing tree. New landscaping provision across the site will improve the environment. The landscape plan submitted demonstrates that trees are capable of being constructed within the car park area in small landscape medians as opposed to larger landscaped beds that would otherwise reduce the number of parking spaces. The landscape scheme is considered to be a significant improvement to the site in comparison to its current situation.

Potentially hazardous storage of fuels

Consideration has been given to the potentially hazardous storage of fuel and the potential impact on both the natural and built environment.

The Preliminary Hazard Analysis submitted with the application assesses the level of risks associated with the development and the storage of dangerous goods on the site, in the form of petroleum based fuels associated with the proposed service station.

The report confirms that the dangerous goods which will be stored in 3 x 110KL underground storage tanks include:

- Premium unleaded petrol (Class 3 PGII) of 110KL or approximately 82.5 tonnes,
- Diesel (Class 3 PGIII) of 110KL or approximately 88 tonnes, and
- E10 petrol (Class 3 PGII) of 110KL or approximately 82.5 tonnes.

The total quantity of flammable liquids to be stored on-site will be 253 tonnes.

The report concludes that there would be a negligible level of risk to off-site users from the operation of the service station; and that the site is considered not to be a hazardous or offensive development in the meaning provided in SEPP No. 33.

This aspect was considered by Council's Environment and Health officers who have raised no issues or objections to this proposal subject to conditions of consent.

(b) Impacts on the Built Environment

The impacts of the development on the built environment have been assessed and the development is considered to be acceptable and unlikely to have any significant impacts.

Consideration has been given to site-specific and broader issues such as, but not limited to the traffic impacts; built form; compliance with building code of Australia (BCA) and Australian Standards (AS) and fire safety requirements; and site services and utilities. Further discussion on these issues is provided below.

Traffic increase and external site impacts

The traffic impacts of the development have been carefully considered in consultation with the NSW RMS and Council's Manager of Traffic and Transport. Consideration has been given to SEPP (Infrastructure), 2007, the RMS Guide to Traffic Generating Development, the LDCP, 2008, and to the applicants' Traffic Impact Assessment submitted with the application.

The traffic impact assessment report investigates the potential traffic and parking implications of this development by examining existing transport conditions in the locality and the operational and access arrangements of Costco. The report addresses the potential traffic generation of the development by using surveyed data from the Auburn store; and by utilising Paramics Modelling. The report also assesses car parking demand and provides a concept Workplace Travel Plan to reduce reliance on cars by staff.

RMS had numerous meetings with the applicant concerning the methodology for strategic and intersection performance assessments and a revised traffic impact assessment report has now been accepted by RMS. The revised traffic report has outlined that based on the similar Costco development at Auburn the development is expected to generate a peak traffic volume of approximately:

- 518 vehicles per hour during the weekday morning peak,
- 549 vehicles per hour during the weekday evening peak, and
- 1,110 vehicles per hour during the Saturday afternoon peak.

Traffic modelling (Paramics and SIDRA modelling) carried out by the applicant's consultant which has distributed the above traffic generation potential indicates that the external road network has spare capacity to accommodate the traffic impact of the proposed development. A summary of the modelling is as follows:

- The Paramics modelling is used to understand the impacts with regards to growth of the area over time and the presence of Costco. Paramics enables an operational analysis of intersection performance in terms of average delay encountered by vehicles and this in turn can define the 'level of service' in accordance with criteria established by RMS in its Guide to Traffic Generating Developments.
- The Paramics modelling of intersection Levels of Service were carried out for various scenarios including: 2012 without development; 2012 with development; 2016 demand and 2026 demand.
- The Paramics modelling suggests that in the 2012 and 2016 with development scenarios, the road network will operate at Level of Service D or better. However, somewhere between 2016 and 2026, certain intersections will reach capacity.
- The SIDRA analysis was carried out for the intersection of Camden Valley Way and Beech Road due to the capacity of the right-turn lane into Beech Road identified as being exceeded during the morning and Saturday peak periods during the 2026 road network models.
- The SIDRA analysis suggests that the length of the lane needs to be increased by some 65m to accommodate right-turning traffic by 2026.

The modelling indicates that by 2026, the Camden Valley Way and Beech Road intersection would require intersection improvement.

The required improvement has been discussed and agreed to with the RMS and it involves the provision of approximately 110m dual right turn lanes with taper (this implies increase in the existing right turn lane by about 65 metres). The applicant has submitted a concept plan to depict the location of the dual right turn lanes (see Attachment 8.7).

It is noted that these works do not cause any reduction to the number of existing lanes on Camden Valley Way. The required provision of an additional right-turn lane will be provided by replacing an existing central road reserve.

In addition to the RMS' right turn lane, Council officers recommend the existing left turn lane into Beech Road be reline marked to extend the lane as much as possible.

Although these improvements are necessary by 2026, rather than at present, in order to ensure the improvements are implemented by the developer, the recommended conditions require the developer to carry out the works prior to the issue of an Occupation Certificate.

As was the case at the opening of the existing Auburn development it is expected that during the first two to three months of occupation the development would generate significant traffic volumes. To minimise and manage this expected increase appropriately, a recommended condition requires a traffic management plan to be prepared and implemented by the developer.

Based on a detailed assessment of the traffic implications, Council's Manager of Traffic and Transport and the NSW RMS have confirmed support for the proposal. The traffic impacts of the development are reasonable and acceptable subject to improvements to the local street network. With the recommended improvements in place, the traffic generated by this development is unlikely to adversely impact the existing traffic situation in the locality.

Car parking provision

The Traffic report submitted by the applicant assesses the potential demand for car parking against the LDCP rates and Costco's own experience in establishing 4 other Costco stores in Australia. The 4 Australian stores have the following parking provisions:

- Docklands, Melbourne: 544 (which is said to be inadequate)
- Ringwood, Melbourne: 681 spaces
- Auburn, Sydney: 745 spaces
- Canberra, ACT: 629 and

The LDCP rate generates a requirement for parking of some 537 spaces. However the 701 parking spaces proposed is based on the optimal parking rate established by existing Costco stores which is approximately 700 spaces.

The LDCP in this instance does not reflect the most appropriate parking demand. It is agreed that the appropriate demand should be established by comparison to the demand generated by existing Costco stores. In this regard, the proposed 701 spaces are not considered to be excessive and are adequate to accommodate the development without impacting surrounding properties and public streets.

In addition to the car parking spaces, the amended plans now also make provision for 32 bicycle parking spaces and 5 motorcycle parking spaces to encourage the less frequent modes of transport. The applicant has agreed to monitor the use of the bicycle and motorcycle spaces and if found to be in greater demand, the applicant will provide additional space on the-site. This has been recommended as a condition.

The design of the car park includes long sections of parking spaces which could result in speeding within the car park. A condition is recommended which requires the applicant to include traffic calming devices to minimise the possibility of speeding.

Access, vehicle circulation and layout

The proposal as amended is now satisfactory with respect to access points to and from the site, queuing lengths, vehicle circulation, and pedestrian improvements such as additional pathways. A recommended condition requires a pedestrian refuge to be installed in Parkers Farm Place to accommodate pedestrians crossing between the Homemaker Centre and Costco.

There is adequate provision on-site for service vehicles and loading/unloading requirements. Manoeuvrability is adequate and unlikely to create any traffic safety issues. A recommended condition requires the preparation and submission of a Traffic Management Plan outlining how the site will be managed to appropriately deal with safety, congestion and parking during the opening period and during busy trade periods.

Additionally, the plan is to address possible traffic queues into the service station from Parkers Farm Place. However, the lengths of internal driveways are considered adequate and unlikely to impact the local street network, particularly as access to the service station is for Costco members only and not the general public.

Overall, the configuration and layout of the site is considered to be acceptable.

Built form: design, height, bulk and scale

The height, bulk and scale of the development are in proportion to the size and shape of the site. The building is setback away from the street frontages and does not present a dominating form. The provision of car parking areas between the building and the street frontages is consistent with the character of neighbouring commercial developments.

The building is essentially a warehouse typology with minimal glazing and no shop-front appearance. However, amended plans submitted by the applicant have made some effort to emphasise the corner feature of the building which is the main store entry. The corner feature has been significantly improved by the simple measure of incorporating shop front glazing that is consistent with that of the surrounding development and screening the industrial type roller doors that were originally proposed and would have been visible from the street.

The warehouse typology and internal racking arrangement restricts the ability to increase glazing along the building elevations. Considering the south adjoining site is zoned for industrial purposes, and considering the character of similar warehouse-type buildings in the locality (e.g. Bunnings), it is considered that the proposed built form is acceptable and consistent with the character of the existing locality.

Compliance with BCA and AS and fire safety requirements

A BCA assessment submitted with the application concludes that the design of the development is capable of meeting the requirements of the BCA and that any areas of non-compliance can be resolved at the Construction Certificate stage through alternative solutions.

The BCA report reviews aspects of the BCA including construction and fire resistance rating; fire compartment areas and building volume; emergency vehicular access around the entire building; access and egress requirements; fire safety systems including hydrants, hose-reels and sprinklers, warning systems and lighting; sanitary facilities; energy efficiency measures; and further consultation with NSW Fire & Rescue.

An Accessibility Assessment was also submitted with the application which considers the requirements of the BCA, Disability (Access to Premises – Buildings) Standards, 2010 (Premises Standards) and other relevant AS. The report reviews the standards as they relate to access to the building from external areas; building entrances; internal doors, finishes and paths of travel; car parking spaces; signage; tactile indicators; glazing; sanitary facilities; counters; stock access; and public facilities such as seating.

The access report confirms that the design is capable of achieving a high level of access for people with disabilities and that where compliance with the deemed-to-satisfy provisions of the BCA are inappropriate or impractical to achieve, an alternative solution under the performance requirements of the BCA will be investigated. Some exemptions may be sought in terms of accessible facilities for employees.

With respect to fire safety requirements, a Preliminary Fire Safety Engineering Review was undertaken by the applicant that suggests that the development will incorporate alternative solutions to comply with the performance requirements of the BCA.

These aspects have been reviewed by Council's Building officers who have raised no BCA related issues or objections to the proposal subject to conditions of consent. In this regard, recommended conditions of consent ensure that the development is constructed to comply with the BCA and AS.

Noise impacts

The proposed 24-hour operation for deliveries and stacking operations is acceptable on the basis that there are no residential developments in the immediate vicinity of the site that may be adversely impacted by noise emissions.

The applicant submitted a Noise Impact Assessment which concludes that noise emissions from activities of the development would still comply with government noise criteria when measured at the nearest potentially affected residential receivers on the opposite side of Camden Valley Way located to the north-east of the site.

Site services and utilities

Although the site is not currently connected to utilities or services, the applicant has confirmed that arrangements will be made to extend existing infrastructure in the vicinity of the site to make available water, sewer, electricity, natural gas and drainage. The applicant has also indicated that telecommunications services will be arranged by the provider. Recommended conditions require these services to be provided to the site by obtaining approvals from the relevant authorities.

Waste management

A Waste Management Plan submitted with the application outlines the management of waste relating to the on-going operation of the premises, capacity of likely waste generation, method of disposal by contractors and frequency of disposal etc. The plan does not address the waste management processes during the construction stages, as such, a recommended condition includes the requirement for submission of a waste management plan detailing addressing the construction stage.

(c) Social Impacts in the Locality

The proposal is unlikely to cause any adverse social impacts in the locality. Consideration has been given to, but is not limited to, the potential impacts of the development in terms of crime and Safer by Design principles, the proposed retail of liquor and the proposed trading hours.

The proposal is likely to contribute positively to the locality by providing beneficial services to the local and wider community.

The NSW Police have reviewed the proposal in terms of the proposed retail of liquor and the design of the development in terms of its ability to discourage incidents of crime prevention by incorporating Safer by Design Principles. The Police have raised no issues or objections to the proposal and have recommended conditions to be incorporated into the consent.

Council's Community Planning officers have advised that the proposed retail of liquor is unlikely to lead to any negative social outcomes on the basis that Costco being a membership based (\$60 for membership) bulk retail outlet where members must be over 18 years of age is unlikely to appeal to young people.

The proposal is considered to be reasonable in terms of hours of operation as public access will be limited to hours that are appropriate for this type of development and similar to the hours of supermarkets. The 24-hour operation will not be for public access and is only for the purpose of deliveries and stacking activities. Safety and security systems will be incorporated into the operation to ensure that staff and users of the facility are not placed at any safety risks.

Overall, the proposal is acceptable with respect to any potential social impacts on the locality.

(d) Economic Impacts in the Locality

The potential economic impacts of the development on the locality have been carefully considered and are acceptable. The development is unlikely to cause an adverse economic impact, and in fact is likely to generate positive economic benefits in the locality through contributing to renewing this precinct, creating jobs, and creating new trade opportunities and services to the general public.

In assessing the economic impacts, consideration has been given to the Economic Impact Assessment report (prepared by Essential Economics, dated February 2012) submitted with the application. Consideration has also been given to the Council's resolution and the strategic planning report presented to Council on 5 November 2011 supporting the rezoning, the State government's subsequent gazettal of Amendment No. 26 to the LLEP, the economic assessments which were relied on by Council to inform the rezoning proposal; and the Draft Competition SEPP.

In short, the economic impacts of the proposal have already been evaluated and accepted by Council and DOP&I as is evident by the gazettal of LLEP Amendment No. 26. Economic impacts formed a major consideration in Council's decision to support the LLEP amendment which has allowed additional permitted land uses in the subject B5 zone and has facilitated the establishment of Costco.

Notwithstanding the fact that economic impacts have already been assessed by Council and determined to be acceptable, consideration of economic impacts is legislated under the EP&A Act as a matter for consideration as part of the development application process. In this regard, detailed discussion of economic impacts is provided in this section of the report.

Liverpool Retail Centres Hierarchy Review, 2006 by Leyshon Consulting

In 2006, Council engaged Leyshon consulting to carry out an economic review for the purpose of supporting land use decisions, since implemented in LLEP 2008. Accordingly, the Liverpool Retail Centres Hierarchy Review, 2006 was for Council. It provided forecasts of significant increases in retail growth and demand for retail floor space over the 2006 to 2031 period.

This review suggested that the role of the B5 Business Development zone was to facilitate employment generating uses such as offices, warehouses, retail premises (including those with large floor areas), being located close to existing or proposed centres, and which will support (and not detract from) the viability of those centres.

In support of the rezoning proposal, the applicant had submitted an economic impact assessment (also prepared by Essential Economics, dated March 2011). Council considered the rezoning proposal and resolved that it is consistent with the Retail Centres Hierarchy review in that it is an employment generating use within a large floor plate building format.

Although the Costco proposal was inconsistent with the review in terms of being defined as 'shops' as opposed to bulky goods retail, Council deemed the rezoning proposal acceptable on the basis that consumer behaviour for the Costco model somewhat reflects consumer behaviour in the subject Crossroads Homemaker precinct which is identified as a bulky goods specialist centre. For example, a high percentage of trips are made by private vehicles, the quantities purchased are higher in order to take advantage of reduced prices, and the trade catchment of the store exceeds that compared to traditional core retail premises. Further, a sequential site analysis test which was submitted with the proposal confirms that there is a lack of alternative sites and that retail premises of this nature would improve the viability of the Crossroads Homemaker precinct.

Council also considered that the site has been vacant and underutilised for approximately 10 years and accepted that the proposal would provide a range of products and a new retailing format that is different to the retail format of the existing developments in this precinct. Consideration was also

given to the ideal location of the site in that it can cater for the regional catchment of South West Sydney with access to an arterial road network and bus services from Camden Valley Way.

While Council considered the rezoning proposal to have merit, it resolved to undertake an independent review of Council's Retail Centres Hierarchy review to review the cumulative impacts of several rezoning proposals before Council, for similar large format retail and bulky goods premises. This review discussed in the next section below.

Liverpool Cumulative Economic Impacts Study, July 2012 by Hill PDA

In 2012, Council engaged Hill PDA to undertake an independent economic review of three proposed LLEP amendments (one of which included Costco) to provide an assessment of the cumulative impacts of the proposals on centres within the Liverpool local government area and selected centres within Campbelltown, Camden and Fairfield local government areas.

At the JRPP briefing meeting in October, the panel enquired as to whether Council should obtain independent economic review of the applicants' economic assessment submitted with this application. However, as Council had already engaged Hill PDA to provide independent assessment of this proposal and others, it was considered unnecessary to engage a second independent assessment, particularly as there did not appear to be any significant issues or gaps within the current reports.

The study Cumulative Economic Impacts study concluded that the trading impact of Costco is acceptable as it draws consumers from a large trade area within which there is presently a lack of comparable provision. The *"impact of a Costco store would be spread thinly across retail centres and destinations within the main trade area, with greater levels of impact on centres located within the Primary Trade Area closest to Crossroads"*.

The centre to endure the greatest impacts is Casula at -7.2% which was accepted by Council to be a moderate level of impact. The assessment of the cumulative impacts of the three LLEP amendments indicated that the shift in turnover in absolute monetary terms on the Liverpool central business district would be a decline of -7.6% by 2016. This was accepted to be a low to moderate impact.

The modelling for impacts of centres outside the Liverpool local government area indicated that the immediate 2016 trading impacts for all other centres would be less than 5% and were accepted to be insignificant impacts.

The report noted that *"despite the "low to moderate" adverse impacts on Liverpool City Centre and Casula, these centres will experience growth of 3.3 and 2.1% respectively over the 2012 to 2016 period"*.

Accordingly, Council accepted the economic impacts of the development to be acceptable on the basis that the development will:

- Provide for market demand,
- Contribute to either insignificant or low to moderate economic impacts,
- Not stifle growth of existing centres, and
- Revitalise the Crossroads precinct.

As already noted, the rezoning to facilitate the subject development was gazetted in January 2013 on the basis that the cumulative economic impacts of the proposal are acceptable.

The economic impact assessment submitted with the current development application provides an analysis of potential economic impacts associated with construction and operation of Costco. It reiterates the conclusions of the previous reports discussed above. A summary of its key points extracted from the Executive Summary of the report are as follows:

- **Sequential test and site suitability criteria**

The opportunity to accommodate the proposal in other existing and planned centres, or on the edge of these centres, has been undertaken.

The analysis shows that no alternative sites are available in surrounding centres such as Liverpool and Casula Mall, and other centres such as Campbelltown and Bankstown are not suitable to serve the identified regional catchment in South West Sydney.

This situation reflects the normal difficulty in identifying large development sites of 4 hectares or more in the established urban area. Even where large properties can be identified, they are typically unsuitable because of other factors such as the location, poor regional transport access, or simply because they have a current use and are not available for redevelopment.

A number of alternative out-of-centre sites have been identified and these have been assessed against the Site Suitability Criteria contained in the Draft Activity Centres Policy. These sites do not perform against these criteria as well as the Crossroads site at Casula, and are unsuitable for a range of reasons including poor access for shoppers, workers and suppliers, take up of land that might otherwise be used for industrial purposes, and poor integration with surrounding land uses.

- **Main Trade Area (MTA)**

A new Costco at the subject site will serve a large MTA, extending southwards to Sydney's hinterland, and northwards to Fairfield and Bankstown.

The MTA is forecast to have a resident population of 814,000 in 2013, which has been adopted in this report as the first year of operation.

The level of available retail spending of these residents is considerable, with total available spending of \$9,485m in 2013, and with substantial growth thereafter.

By 2020, the MTA is expected to have available spending of \$11,943m (in constant 2010 prices).

- **Market share**

With sales of \$120 million in its initial trading year, and with an estimated 70% of these sales to households (the balance going to business members), Costco would achieve only a very small market share of approximately 0.8% of available spending in 2013.

- **Retail trading impacts**

Costco's trading impact would be equivalent to a reduction of just 0.9% of sales at the main competing centres in the MTA and selected centres on the edge of the MTA.

Costco sales captured from retailers located in the City of Liverpool would be equivalent to just 1.0-2.1% of total sales at these centres in 2013.

The lack of trading impact arising from the introduction of Costco is principally because Costco, as a destination retailer, draws customers from an extensive regional catchment, and thus the store achieves only a very small share of all available retail spending by MTA residents.

Impacts are therefore spread widely and thinly. In fact, the analysis shows that the existing bulky goods precinct at Crossroads would be expected to experience a positive impact from the introduction of Costco as the store will bring in thousands of shoppers who might not otherwise visit the area.

- **Economic outcomes and net community benefit**

The introduction of Costco at the Crossroads site in Casula would generate considerable benefits for the precinct and for the wider community. This conclusion is supported by the following considerations:

- The Costco store would support the existing precinct at Crossroads, bringing in around 670,000 shopping visits, with potential to improve the current poor performance of the precinct.
- The development involves approximately \$35 million in capital investment and would create approximately 80 construction jobs over a 12-month construction phase, plus a further 130 indirect or flow-on jobs elsewhere in the economy over that 12-month period due to the employment multiplier.
- Approximately 250 jobs would be generated, plus a further 225 jobs elsewhere in the local and national economies due to the employment multiplier effect.
- Improved retail choice and competitive prices, with analysis undertaken for the Auburn store indicating that price savings of 10-25% would be achieved.
- Opportunities for small businesses to purchase low cost, high quality merchandise for their own use or for re-sale (noting that sales to business would represent approximately 33% of all sales at Costco).
- Costco actively engages with local businesses and suppliers to source goods and services.
- Costco is will encouraging take-up of employment opportunities by local residents.

* * *

Based on assessment of the potential economic impacts on the locality, it is agreed with previous resolutions of Council as well as the conclusions of the economic impact assessment submitted in support of the application, that the developments' economic impacts are considered to be acceptable.

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

The site is suitable for this development as it does not have constraints that would prohibit development from occurring and any constraints can be managed and the site be made suitable by incorporating the appropriate environmental management measures that are outlined in the applicants' documentations and imposed in conditions of consent.

Further, the size and shape of the land is appropriate and contributes to the acceptable siting of the building and ancillary works. The location of the site in a highly accessible location is appropriate given the proposal is a high traffic generator. Also, the warehouse-type built form is compatible with the built form of adjoining land uses and is consistent with the character of the area as defined by zoning provisions, development controls and existing built retail establishments.

The site is considered to be suitable for the development.

6.9 Section 79C(1)(d) – Any submissions made in relation to the Development**(a) Internal Referrals**

The application was referred to the following internal departments and technical officers for comments:

Table 11. Consultation with internal Council departments

Department	Comments
Access Committee	No comments to date.
Building	Satisfactory, subject to conditions.
Community Services	Satisfactory, no conditions.
Environment and Health	Satisfactory, subject to conditions.
Engineering	Satisfactory, subject to conditions.
Flooding	Satisfactory, no conditions.
Heritage	Satisfactory, subject to conditions.
Landscape	Satisfactory, subject to conditions.
Strategic Planning	Satisfactory, subject to conditions.
Traffic and Transport	Satisfactory, subject to conditions.
Waste Services	No comments for commercial development.

(b) External Consultation

The application was referred to the following external public authorities for concurrence/comments:

Table 12. Consultation with external public authorities

Department	Comments
NSW Office of Water	General Terms of Approval issued for works on waterfront land requiring a controlled activity approval under Water Management Act, 2000 (see Attachment 8.4).
NSW Roads and Maritime Services	No objection to the development subject to RMS requirements described in this report being incorporated into the Consent (see Attachment 8.5).
NSW Rural Fire Service	Satisfactory, subject to conditions (see Attachment 8.8).
NSW Police (Licensing)	No objections to liquor retailing.
NSW Police (Safer by Design)	Satisfactory with respect to CPTED strategies.

(c) External Consultation During Planning Proposal Phase

Consultation with the following public authorities was undertaken as part of the rezoning process as a requirement of the Gateway Determination. Notwithstanding this, the comments from the authorities are applicable to the DA and have been taken into consideration where relevant.

Table 13. Consultation with public authorities during planning proposal phase

Department	Comments
Endeavour Energy	No issues or objections.
Fire & Rescue NSW	No issues or objections.
Sydney Water	Section 73 Certificate required to be obtained by developer.
Transport NSW	Satisfactory, and provides recommendations to impose way finding signage and a Workplace Travel Plan.

(d) Community Consultation

In accordance with Liverpool Development Control Plan (LDCP) 2008 and the Gateway Determination, the application (being Integrated development) and the Planning Proposal were concurrently exhibited for 30 days between 1 August 2012 and 30 August 2012.

Notification packages were sent to all adjoining Councils and the Liverpool Chamber of Commerce and Industry. Notification packages were also sent to surrounding properties in the Liverpool local government area located within a radius of 400m from all boundaries of the subject Lot 200. The 400m radius also captured properties within Campbelltown local government area. Notification letters to Campbelltown properties were distributed by Campbelltown Council due to the Council's privacy policy which does not allow it to disclose the property details to other organisations. The notification letters were on Liverpool Council letterhead however Campbelltown Council provided its own covering letter explaining the purpose of this notification procedure.

A total of five submissions were received relating primarily to the planning proposal but also relevant to the development application from the following:

1. BBC Consulting Planners on behalf of Australian Prime Property Fund and General Property Trust (joint owners of the Macarthur Square Shopping Centre).
2. Stimson Consultant Services on behalf of Po Sang Brothers Investments (Australia) (owners of the Valley Plaza Shopping Centre).
3. Westfield Limited.
4. Local resident, Glenfield
5. Forty Winks, Liverpool

Three of the submissions raise concerns/objections to the proposal primarily relating to Costco store being similar to a supermarket, State and local strategies and plans, and setting a precedent for out-of-centre development.

The submission by the local resident and the local business Forty Winks is in support of the proposal. The residents' submission makes comments in relation to pedestrian improvements.

The issues raised in these submissions were extensively addressed in a report to the Council meeting of 5 November 2012 by Council's Strategic Planning reporting on the planning proposal.

A summary of the submissions is provided below, however a detailed response to each issue is provided in Table 14 which is an extract of the report that was presented to and endorsed by Council. It should be noted that the majority of the issues related to the rezoning which has since been gazetted by NSW DOP&I.

It should be noted that a sixth submission is listed in Table 14 from Leyshon Consulting. However, the submission was not in relation to the subject development application. The submission was in fact in relation to the Hill PDA Cumulative Economic Impacts study which was publicly exhibited by Council around the same time as the subject application was concurrently exhibited with the planning proposal. The submission made reference to Costco and has been included in Table 14 below.

Key issues/concerns in submissions

The public submissions that objected to the proposal raised the following concerns:

- The proposal involves a prohibited land use in the B5 Business Development Zone,
- The proposal is a shopping centre and will compete against traditional retail centres,
- The proposal is inconsistent with state strategies and plans,

- The proposal will not attract Section 94 contributions similar to the CBD and is therefore at a competitive advantage,
- Various rezoning proposals being dealt with will establish a precedent and may encourage a further rush of ad-hoc proposals by landowners and speculative developers to create out-of-centre developments throughout south west Sydney.

Submissions from Westfield Limited and BBC Consulting Planners raise concern regarding the appropriateness of the Costco Proposal in a location outside the traditional retail shopping centres. As already noted, this issue has been addressed given the rezoning has been gazetted by the NSW DP&I after careful consideration and endorsement by Council.

Aside from the rezoning, the issues raised have been considered in terms of any implications to the development application. The principal concern which is that of the economic impact of the development has been given careful consideration. Based on assessment of the applicants' economic study, Council's independent economic evaluation and the conclusions of the rezoning, it is agreed that the proposal is unlikely to have an unreasonable or detrimental impact on the viability of existing commercial centres in the locality.

The gazettal of the rezoning has confirmed that the site is appropriate for the Costco proposal as it is located in an existing activity centre, which is consistent with future strategic direction (both State and local).

Submissions Evaluation Table

Table 14 below provides an evaluation of submissions. The Table is an extract from a previous Council report relating to the planning proposal that was presented to Council at its meeting on 5 November 2012. It should be noted that the majority of the issues relate to the rezoning which has since been gazetted by NSW DP&I. All comments in bold font are new comments inserted into the Table and did not form part of the previous Council report. The additions are to clarify any matters related specifically to the amended development application.

Table 14: Submission evaluation table (extract from Council report dated 5 November 2012)

BBC Consulting Planners for Australian Prime Property Fund and General Property Trust (joint owners of the Macarthur Square Shopping Centre).	
Comment Raised	Planning Comment
The cumulative impact of this proposal, combined with several other retail planning proposals within Liverpool, will impact Macarthur Square by altering the existing centres-based pattern of floor space supply across the subregion and creating a precedent for ad-hoc expansion across other areas.	<p>An independent Cumulative Impact Study was undertaken for the various rezoning proposals presently being assessed. The study quantifies the extent of the cumulative impact of the proposed amendments on existing centres.</p> <p>A Cumulative Impact Study for the various rezoning proposals presently with LCC was undertaken by Hill PDA that quantifies the extent of the cumulative impact of the proposed amendments on existing centres in the area outside of Liverpool LGA. The study clearly indicates that the retail impact of the various amendments on Macarthur Square will be 1.5% in 2016, and therefore the loss in trade is considered to be minor in nature.</p> <p>Also, the LEP Gateway Process exists to allow for amendment to the LEP subject to a thorough merit assessment, should developers or council wish to propose an amendment. Decisions are based upon research and consideration of the full range of impacts, environmental, social and economic. This type of process does not enable ad-hoc planning decisions to occur.</p>
The proponent is simply a volume retailer seeking cheap, easily developed land, not a "specialist" retail format deserving of special planning considerations	The proposed development is a large retail operator selling a wide range of products to a customer base which includes a high proportion of business related customers buying in bulk. Costco charges customers an annual fee to be able to enter

	<p>their stores. Also, Costco attracts shoppers from a wide trade area from across the full spectrum of retail goods. Costco will provide a strong attraction to shoppers given the low prices, which it can offer, and therefore it is reasonable that shoppers would be prepared to travel for at least 30-minutes to reach it. As the shopping model generates less frequent bulk purchases this relates well to the bulky goods node at Crossroads.</p>
<p>Due to the lack of a floor space cap, the planning proposal could facilitate the development of a 45,000sqm shopping centre, making it the largest retail centre in the Liverpool LGA outside the CBD;</p>	<p>This statement overstates the extent of the planning proposal. No change to the remainder of the Crossroads Bulky Goods precinct is proposed. It is not a fair comparison to say that bulky goods retailing floor space is equivalent to unencumbered general retail floor space. Whilst Crossroads may ultimately facilitate one of the largest bulky good centres in the Liverpool LGA (based on planning controls that have been in place of many years), the largest general retailing centre in the Liverpool LGA will not be facilitated nor is it contemplated by the Draft LEP.</p> <p>The Planning Proposal seeks to ensure that retail uses permitted are restricted and are required to meet certain standards (i.e. a maximum gross floor area of 13,500m²). These restrictions would enable a Costco development to operate, without opening up the risk for future retail development or a shopping centre to be located on the site, should Costco ever vacate.</p> <p>Note: the gazetted Amendment No. 26 has provided a floor space cap of 14,000m². The amended plans propose a GFA of 13,604m² which is some 600m² of floor area more than originally proposed.</p>
<p>Out-of-centre retail development is inappropriate and not supported by adopted planning policy frameworks.</p>	<p>It has been established in the above responses that Costco is a 'large format' retailer which requires a large and accessible site. As established in the Sequential Site Assessment, there are no suitable existing sites within existing or on the edge of existing centres. The Sequential Site Assessment, was undertaken in accordance with the Sequential Test and Site Suitability Criteria included within the draft Activity Centres Policy (May 2010). Further, there is limited guidance available, in regard to the explanation of an 'activity centre', and the regional and draft sub-regional planning documents relevant to the site do not adequately identify new/emerging centres.</p>
<p>Inconsistency with the Metropolitan Plan 2036, draft South West Sydney Sub-Regional Strategy, and the provisions of the Liverpool LEP.</p>	<p>The Metropolitan Plan for Sydney 2036 has directions towards focusing activity in accessible centres. The Metropolitan Plan outlines "Retailing which requires large floor areas... cannot always be readily accommodated in existing centres... The B5 Business Development Zone is generally an appropriate zone in which to cluster this kind of development". Consistent with this plan, the subject site is located within the B5 Business Zone. Costco's business model shares many structural and operational characteristics with bulky goods retailing, which is permissible on the site under a B5 Zone. The proposed Costco store should not detract from this direction and is therefore deemed consistent with the Metropolitan Plan and standard B5 Business Development zone.</p>
<p>The Proposal is for a volume retail shop, not "specialised" retailing. Notwithstanding that the retail format of the Costco business model involves a particular form of customer loyalty program; the proposed development is no different from a large supermarket or discount department store.</p>	<p>The proposed development is a large retail operator selling a wide range of products to a customer base which includes a high proportion of business related customers buying in bulk. Costco charges customers an annual fee to be able to enter their stores. Also, Costco attracts shoppers from a wide trade area from across the full spectrum of retail goods. Costco will provide a strong attraction to shoppers given the low prices, which it can offer, and therefore it is reasonable that shoppers would be prepared to travel for at least 30-minutes to reach it. As the shopping model generates less frequent bulk purchases this relates well to the bulky goods node at Crossroads.</p>

Costco's requirement for a "large floor area" is no different from a land use perspective than the requirement for a large floor area for, for example – Myer, David Jones, or Target. The retailers would never hope to achieve an ad-hoc rezoning of an industrial or bulky goods zone just because they need a large floor area.	An investigation of the established Costco at Auburn confirms that the Costco format differs from a large supermarket or department store, through its membership schemes, and that it operates and functions similar to a warehouse style model in that its large floor plate format includes the storage of items on pallets and warehouse shelving units and products are generally packaged in large bulk sizes or are of an institutional quantity focused toward trade customers. The Costco business model was recognised as being "large format retail", compatible with bulky goods retailing outlets within the Director-Generals Report to the Concept Plan and Project Application for the Costco development in Auburn. The Costco retail model consisting of warehouse-style retailing is already established in over 590 establishments worldwide (including USA, Canada, Mexico, UK, Korea, Taiwan, Japan and new establishments in Australia – Auburn, Canberra and Melbourne). The proposed Costco is consistent with the established model elsewhere.
The Hill PDA Retail Review identifies Crossroads as a "Specialised Centre" and recommends that the retention of the B5 zoning with additional uses added to enable Council to "retain a greater degree of control over the type of development which occurs". Yet to permit retail premises across the site, with no limits, caps or restrictions, fails to impose any control despite the recommendation.	Gateway Determination by DOPI stipulates that if a Costco development does not go ahead within 5 years the additional uses provision is to be removed from the Schedule. Note: an advisory note is recommended to be included in the Notice of Determination of the development application reiterating this advice to the applicant.
The proposal is considered to be an out-of-centre development, which is considered inappropriate and cannot be supported by policy framework.	It has been established in the above responses that Costco is a 'large format' retailer which requires a large and accessible site. As established in the Sequential Site Assessment, there are no suitable existing sites within existing or on the edge of existing centres. The Sequential Site Assessment, was undertaken in accordance with the Sequential Test and Site Suitability Criteria included within the draft Activity Centres Policy (May 2010). Further, there is limited guidance available, in regard to the explanation of an 'activity centre', and the regional and draft sub-regional planning documents relevant to the site do not adequately identify new/emerging centres.
Development should be focused within planned centres due to the following reasons: <ul style="list-style-type: none"> • Better development opportunities are accessible by businesses • Investment in community infrastructure is protected and better applied now and in the future • a level play field is provided for the benefit of all residents • confidence of investors is maintained • community facilities aren't placed in jeopardy by new development 	The LLEP 2008 establishes a clear hierarchy of centres supported by areas of higher density. The Costco business model was recognised as being "large format retail", compatible with bulky goods retailing outlets within the Director General's Report to the Concept Plan and Project Application for the Costco development in Auburn.
Crossroads is not an "activity" centre (as claimed by the applicant) and therefore all locational justifications are incorrect.	The Southwest Subregional Strategy establishes the Crossroads locality as a bulky goods and logistics centre. This proposal as specified by DOPI in their assessment of Auburn Costco is consistent with Bulky Goods retailing.
The ruling out of all Out-of-Centre locational options for the Costco proposal is ludicrous. The applicant's sequential site assessment outlines the criteria for Costco as "large sites, vacant or with existing low value-development, preferably in single ownership, no site constraints, ability to erect a large box and on grade parking with no urban design constraints such as those found in town centre areas, excellent road access and room for extensive car parking provision".	It has been established in the above responses that Costco is a 'large format' retailer which requires a large and accessible site. As established in the Sequential Site Assessment, there are no suitable existing sites within existing or on the edge of existing centres. The Sequential Site Assessment, was undertaken in accordance with the Sequential Test and Site Suitability Criteria included within the draft Activity Centres Policy (May 2010). Further, there is limited guidance available, in regard to the explanation of an 'activity centre', and the regional and draft sub-regional planning documents

<p>This type of demand by Costco make any other site and out of centre location. Concerns are raised about the inconsistency with overarching strategic plans (Metropolitan Plan 2036, draft South West Subregional Strategy, and Liverpool LEP).</p>	<p>relevant to the site do not adequately identify new/emerging centres.</p>
<p>An assessment of centres within the Metropolitan Plan, Draft Activity Centres Policy and Liverpool Local Environmental plan has concluded that a retail format (similar to Costco) is not permissible in the B5 zone.</p>	<p>The Metropolitan Plan for Sydney 2036 has directions towards focusing activity in accessible centres. The Metropolitan Plan outlines "Retailing which requires large floor areas... cannot always be readily accommodated in existing centres...The B5 Business Development Zone is generally an appropriate zone in which to cluster this kind of development". Consistent with this plan, the subject site is located within the B5 Business Zone. Costco's business model shares many structural and operational characteristics with bulky goods retailing, which is permissible on the site under a B5 Zone. The proposed Costco store should not detract from this direction and is therefore deemed consistent with the Metropolitan Plan and standard B5 Business Development zone.</p> <p>The B5 zone under the LLEP provides for bulky goods retailing among other uses. As accepted by DOPI in Costco at Auburn Part 3a approval, this use is consistent with Bulky Goods Retailing.</p>
<p>The Draft South West Subregional Strategy identifies Crossroads as a "Strategic employment land" not a centre. The strategy states that the current bulky goods uses on the site do not take advantage of the locational opportunities available i.e. - being located within the interchange of M5 and M7 motorway, and frontage to Hume Highway and Campbelltown Road. The site could be better utilised for freight and logistic purposes. The proposed development is expanding retail use on the site and therefore is inconsistent with the Draft Subregional Strategy.</p>	<p>This is not entirely correct. The SW Subregional strategy establishes the Crossroads as bulky goods and logistics centre. This is consistent with the LLEP 2008 which establishes the B5 zone in the north and the IN3 zone in the south. This site is within the B5 bulky goods component and therefore does not displace land identified for logistics purposes. The planning proposal is consistent with the South West Sub Regional Strategy.</p>
<p>The Retail Centres Hierarchy Review by Hill PDA proposed Cross Roads as a "Specialised Centre". Hill PDA also recommends that council needs to reinforce existing bulky goods nodes rather than creating new locations within the LGA. The proposed development at Crossroads and Orange Grove will dilute the existing bulky goods nodes and further result in similar rezonings in suburbs to meet future demand.</p>	<p>The proposed use comprises the retailing of bulky goods items, in addition to other items. As such the use does provide for the bulky goods function anticipated by the zoning on a site that has been vacant for many years. The proposal is considered likely to reinvigorate the locality.</p>
<p>The various rezonings being dealt with by Liverpool Council will establish a precedent and may encourage a further rush of ad-hoc proposals by landowners and speculative developers to create out-of-centre developments throughout south western Sydney. While Council may respond that each application will be dealt with on its merits, it appears in practice that any prior strategic planning can be simply discarded to accommodate the latest ad-hoc proposal. Pressures for land use 'creep' from industrial to bulky goods to general retail are well recognised. With financial feasibility issues and rising vacancy rates currently facing bulky goods landowners, the pressure is likely to increase for conversion to other forms of retail.</p>	<p>As addressed in the responses above, the proposed amendment to the Liverpool LEP 2008 will not result in an ad-hoc decision being made and whilst neither Council nor Costco have any control over planning proposals being put forward by other landowners, the LEP Gateway process guarantees that each application is assessed on its merits and includes at least three stages where a planning proposal can be determined 'not' appropriate prior to final assessment and gazettal.</p> <p>It is considered that through rational consideration of applications, the rezoning process ensures appropriate probity is applied and ad-hoc decisions are not made. The planning proposal is partnered by a DA for the use that provides certainty of intended development outcomes.</p>
<p>Stimson Consultant Services for Po Sang Brothers Investments (Australia) (owners of the Valley Plaza Shopping Centre)</p>	
<p>Comment Raised</p>	<p>Planning Comment</p>
<p>The Valley Plaza Shopping Centre comprises of two supermarkets (Woolworths and Coles), Medical Centre and Pharmacy, a number of</p>	<p>While it is agreed that some of these items may be offered by Costco, the site also retails a substantial bulky goods component. The DOPI has accepted that this is comparable</p>

speciality stores and food offerings. There is also a collection of other land use offerings within the precinct including a car wash, McDonalds and a 7-Eleven service station. This type of offering (collectively) could be considered as a retail form most similar to that offered by the Costco model.	to, acceptable in bulky goods retailing locations.
Concern is raised over the service station component of the Costco Proposal, as this will lead to significantly less potential customers attracted to the Valley Plaza Centre. The economic impact analysis does not specifically address market segments such as fuel (i.e. supply or demand in the catchment area).	The Draft State Competition SEPP establishes that consideration of competition impacts is not appropriate at the DA stage. Council considers that the economic impact assessment undertaken and independently reviewed to be a comprehensive and sound basis for supporting the proposal. Note: economic impact to the locality is a matter for consideration under Section 79C of the EP&A Act in relation to any development application. While the development may attract some customers from the Valley Plaza for infrequent purchases, the economic impact is unlikely to lead to adverse impact to the Valley Plaza or to any existing services and facilities in the Liverpool LGA to the extent that those existing services and facilities would decline and become unviable.
The application for the Costco development does not indicate what "products" will suffer in sales decline. The estimated \$0.5m loss from the centre as a result of the Costco store could be very detrimental across a range of businesses within the Green Valley Plaza.	The Draft State Competition SEPP establishes that consideration of competition impacts is not appropriate at the DA stage. Council considers that the economic impact assessment undertaken and independently reviewed to be a comprehensive and sound basis for supporting the proposal. Note: the consideration of economic impacts prescribed under the EP&A Act requires consideration of the overall economic impact on a locality, not on products. The percentage of trade losses as a result of Costco will be distributed over a larger regional area and represents an acceptable economic impact.
The Costco proposal uses various means to justify the proposal. The Liverpool Business Centres and Corridors Strategy identified the site as an existing bulky goods retailing node. The strategy recommends council reinforce existing bulky goods retail nodes rather than creating new locations. The proposal is not considered consistent with the strategy – Council has put forward the justification that there the proposed development will complement the existing uses on the site and it fulfils the demand for retail floor space in the region.	The proposed use comprises the retailing of bulky goods items, in addition to other items. As such the use does provide for the bulky goods function anticipated by the zoning on a site that has been vacant for many years. The proposal is considered likely to reinvigorate the locality.
The Costco Development has similar characteristics of shopping centre type development and would be better suited to close to or within an existing centre. Costco provides all aspects of a normal shopping centre such as The Valley Plaza and therefore will be a direct competitor.	While it is agreed that some of these items may be offered by Costco, the site also retails a substantial bulky goods component. The DOPI has accepted that this is comparable to, acceptable in bulky goods retailing locations.
Westfield	
Comment Raised	Planning Comment
Council should ensure that if approved, this proposal is conditioned to comply with the same prescriptive conditions imposed for any major retail development in the Liverpool LGA (including those applied to Westfield Liverpool) consisting of 'built-form compliance', 'roads & infrastructure contribution', 'Council rates' and other 'taxable levies'.	Costco will need to pay contributions in line with the Liverpool Contributions Plan 2009 and provide these works necessary to facilitate development, should approval be given. Note: The development has been assessed against Council's code requirements for built form and is considered to be acceptable. Centres outside the Liverpool City are not prescribed with the built form controls such as Design Excellence that would be required of City Centre development. In relation to levies, the Liverpool Contributions Plan, 2009 which applies to the site identifies the site as part of the Established Areas Catchment and does not levy any Section 94 Contributions for this area. As such,

	there is no Section 94 Contribution applicable.
Non CBD developments are not levied to the same extent as CBD development in the form of s94 and s94AA contributions (inequity) thereby providing minimal financial benefit to the community and its public infrastructure.	Council can only collect S.94 contributions in accordance with the contributions plan. Costco proposes to provide road upgrades and additional pedestrian facilities that have a nexus with the development.
Liverpool CBD developments are charged significantly higher and disproportionate Council Rates than 'Out of CBD' developments.	Council land rates are based upon the land value of each property, as set by the NSW Valuer -General. As such lower rates are collected from locations with lower land values.
'Out of CBD' developments do not have to abide by the strict design requirements which the Council would otherwise apply to those wishing to develop within the CBD precinct. At the very least compliance with such design requirements should be mandated.	Design requirements for the CBD seek to ensure high quality urban design to reflect the desired ambience of the regional city and ensure pedestrian amenity. The Costco store is proposing to locate within a bulky goods retail environment. Site Specific provisions considering the context adjoining the site will be applied to ensure appropriate scale and amenities are delivered. Note: The design of Costco is consistent with the type, scale and appearance of development in its immediate locality and is considered to be satisfactory.
Some initiatives which Council may consider to promote further investment in the CBD could include; a) A new policy direction that provides Density and Height Bonuses upon the amalgamation of titles. This will entice passive landlords to sell to developers wanting to amalgamate title to achieve density. b) Apportioning the same contributions and levies to developers where development is of a similar nature, whether they are located in the CBD or outside the CBD to ensure the City Centre remains relevant and vibrant and commercially competitive. This will also ensure the ratepayers are not burdened with the ongoing costs of maintaining public infrastructure to areas outside of the CBD. c) Growing the Liverpool CBD area so that new development areas and commercial properties are co-located with the CBD.	a) The Liverpool Local Environmental Plan 2008 allows for increased floor space and building height potential to match the land uses and introduced a FSR sliding scales scheme to promote certain development in the CBD Core Precincts. Clause 4.4 of the LLEP 2008 has provisions that are designed to encourage development. b) The Section 94 contributions plan seeks to strike a balance between encouraging development and collecting funds for the provision of services and facilities. A flat rate based on type of development cannot be applied as this does not adhere to the nexus framework in the legislation and does not correspond to the needs generated within the catchment. c) The boundary of Liverpool City Centre was informed by state policies such as the "Metropolitan Strategy" which identified Liverpool as a Regional City. The identification of the business CBD was undertaken after investigating land uses, building stock, physical and amenity constraints, market trends, pedestrian activity and proximity to public transport and infrastructure. The boundary is based on the natural barriers and development typologies around the city centre. The boundary is also adopted by the Liverpool City Centre Vision Document and Civic Improvement Plan. Liverpool City Centre is the preferred location for residential, commercial development, shops, public transport and community facilities. The plans identify the CBD Core and Macquarie Street Mall Precinct as areas that can best accommodate business development potential.
The proposed development is in conflict with the provisions of the Sydney Metropolitan Strategy, the provisions of the State-wide B5 Zone, the Metropolitan Transport Plan and the NSW Centres Policy. Approval of this proposal should not provide an avenue for the further co-location of Retail Uses (on this site).	The Metropolitan Plan for Sydney 2036 has directions towards focusing activity in accessible centres. The Metropolitan Plan outlines "Retailing which requires large floor areas... cannot always be readily accommodated in existing centres... The B5 Business Development Zone is generally an appropriate zone in which to cluster this kind of development". Consistent with this plan, the subject site is located within the B5 Business Zone. Costco's business model shares many structural and operational characteristics with bulky goods retailing, which is permissible on the site under a B5 Zone. The proposed Costco store should not detract from this direction and is therefore deemed consistent with the Metropolitan Plan and standard B5 Business Development zone. The planning proposal is not in conflict with the Draft Activity Centres Policy as the site is considered to be within an existing Activity Centre, and seeks to provide additional retail

	<p>activity.</p> <p>The planning proposal is considered to be consistent with the Metropolitan Transport Plan as it ensures land uses, building forms and infrastructure directly relates to the walkable catchment to public transport. This will help to improve access to walking, cycling and public transport. Also the road network will be upgraded to manage any congestion arising from the proposed development,</p> <p>The applicant included in the DA intersection improvements to the Camden Valley Way/Beech Road Intersection on the basis that there is a nexus between the development and the requirement of works to be undertaken. The RMS has accepted the proposed upgrades to the road network to be a reasonable contribution toward reducing impacts on the surrounding network.</p>
<p>The proposal should not be allowed to develop over time from a 'single use' business enterprise into a competing shopping Centre containing multiple retailers which would further undermine and destabilise the Planning intent of the CBD. Council could 'condition' any approval to achieve this outcome.</p>	<p>The LEP Gateway sought the Planning Proposal to be amended to ensure the following:</p> <ul style="list-style-type: none"> • development occurs on the identified site; • retail uses are only allowed in conjunction with other uses as part of one business; and • A minimum floor plate of 13,000m² is provided; • Council is to submit another planning proposal to remove the additional uses on the site if Costco does not commence within the next five years. This will limit the risk of the site being used for stand alone retail purposes if the Costco DA does not proceed; <p>Consideration of conditions will be left to the DA and are not relevant to this planning proposal.</p> <p>Note: these types of issues would be considered as part of any future redevelopment that may be lodged under future development applications.</p>
Local resident, Glenfield	
Comment Raised	Planning Comment
<p>Access to the Crossroads centre is highly geared towards motor vehicles and that adequate provisions should be made for near-by residents that may wish to walk or cycle to the centre.</p>	<p>The proposed Costco development will provide adequate pedestrian provisions such as:</p> <ul style="list-style-type: none"> - Pedestrian refuges and kerb ramps adjacent the subject site. - Paved footpath on Parkers Farm Road and Beech Road linking with proposed pedestrian routes and existing pavements. - Intersection improvements which will provide pedestrian crossing facilities at Camden Valley Way and Beech Road <p>Note: in addition to the above improvements, amended plans now propose bicycle parking spaces to encourage local residents to conveniently access the site.</p>
<p>Currently there is no pedestrian crossing at either Glenfield Road and the Panorama/Vista Estate gate/access point at the intersection of Parkers Farmers Lane and Campbelltown Road. Given the retail nature of Costco and the lack of alternate retail centres within walking distance I would request that council consider it appropriate that provisions are made for the addition pedestrian traffic crossings at both these locations.</p>	<p>The abovementioned additional pedestrian provisions should be sufficient to cater for additional pedestrian traffic from nearby residents. The car park will also provide for tree lined pedestrian paths.</p> <p>The planned upgrade of Campbelltown Road by the RMS is designed to incorporate pedestrian crossings at the intersections of Glenfield Road and Beech Road.</p>
Local business, Forty Winks, Liverpool	
Comment Raised	Planning Comment
<p>Support proposal on basis of benefits to local economy, employment, encourage Liverpool residents to spend locally, encourage spending from others outside Liverpool.</p>	<p>Comments in support of the proposal are noted.</p>
<p>Leyshon Consulting – Submission is regarding the Cumulative Economic Impacts study publicly exhibited by Council and not specifically a submission to the planning proposal or the development application, however it makes reference to Costco.</p>	
Comment Raised	Planning Comment

We reiterate views expressed in our previous submission to Council made as part of the review process that we consider existing bulky goods retailing at Orange Grove is likely to be subject to further competitive pressure if the Crossroads centre is expanded and particularly if a major Costco store is developed in that location.	The Costco store proposed at Crossroads takes up undeveloped land zoned for bulky goods retailing. Hill PDA have confirmed that the Costco proposal satisfies identified market demands and that the economic impact is acceptable.
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6.8 Section 79C(1)(e) – The Public Interest

The proposal is considered to be in the public interest on the basis that it is consistent with the objectives for development described in Council's LLEP and presents a positive development outcome for a site that has remained undeveloped for its intended purpose over many years. The positive benefits of the proposal are considered to outweigh any potential negative impacts. Overall, it is likely that the development would detrimentally impact the environment or the amenity of the locality and its impacts are considered to be reasonable and acceptable.

7. CONCLUSION

The application is for the construction of a building for Costco and the construction of a Costco service station as well as ancillary on-site and external-site works. The application is accompanied by a number of specialist reports which have identified issues relating to LLEP provisions, works to the natural watercourse, traffic impacts and economic impacts. There are a number of numerical non-compliances with the LDCP however none of these matters are considered to be of such significance to warrant refusal of the application.

In this regard, based on an assessment of the application in accordance with the legislative provisions of the EP&A Act, it is recommended that the development application be approved subject to the recommended draft conditions of consent in Attachment 8.3.

8. ATTACHMENTS

8.1 Gazetted LLEP Amendment No. 26 and Planning Report to Council 05/11/2013

8.2 Plans of the proposal (extracts)

8.3 Recommended conditions of consent

8.4 NSW Office of Water General Terms of Approval

8.5 NSW Roads and Maritime Services conditions and comments

8.6 Council's Traffic and Transport Section comments (based on amended and original plans)

8.7 Applicants' Concept Plan of intersection improvements

8.8 NSW Rural Fire Service comments

8.9 Council's Strategic Planning Section comments

2013 No 16



New South Wales

Liverpool Local Environmental Plan 2008 (Amendment No 26)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local
environmental plan under the *Environmental Planning and Assessment Act 1979*.

SAM HADDAD

As delegate for the Minister for Planning and Infrastructure

2013 No 16

Clause 1 Liverpool Local Environmental Plan 2008 (Amendment No 26)

Liverpool Local Environmental Plan 2008 (Amendment No 26)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Liverpool Local Environmental Plan 2008 (Amendment No 26)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to part of Lot 200, DP 1090110, corner of Beech Road and Parkers Farm Place, Casula.

4 Maps

Each map adopted by *Liverpool Local Environmental Plan 2008* that is specified in Column 1 of the following table is declared by this Plan to be amended or replaced, as the case requires, by the map specified opposite in Column 2 of the table as approved by the Minister on the making of this Plan:

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_013_020_20090731)	Liverpool Local Environmental Plan 2008 Flood Planning Area Map (4900_COM_FLD_013_020_20121220)
Liverpool Local Environmental Plan 2008 Key Sites Map (4900_COM_KYS_013_020_20080815)	Liverpool Local Environmental Plan 2008 Key Sites Map (4900_COM_KYS_013_020_20121220)

Schedule 1 Amendment of Liverpool Local Environmental Plan 2008

Schedule 1 Additional permitted uses

Insert after clause 19:

20 Use of certain land at Casula in Zone B5

- (1) This clause applies to part of Lot 200, DP 1090110 in Zone B5 Business Development at the corner of Beech Road and Parkers Farm Place, Casula, as shown coloured green on the Key Sites Map.
- (2) Development for the purposes of retail premises, business premises, a service station and a vehicle repair station is permitted with consent if the total gross floor area of that development is not greater than 14,000m².

LIVERPOOL CITY COUNCIL

CITY PLANNING REPORT

ORDINARY MEETING

05/11/2012

ITEM NO:		FILE NO:	RZ-1/2012
SUBJECT:	DRAFT AMENDMENT NO. 26 TO LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 - PUBLIC EXHIBITION OUTCOMES		
ADDRESS:	PART LOT 200 DP 1090110 BEECH ROAD, CASULA		
APPLICANT:	COSTCO WHOLESALE (AUSTRALIA) PTY LTD		
OWNER:	AMP CROSSROADS PTY LTD		
COMMUNITY STRATEGIC PLAN REFERENCE:	LIVERPOOL HAS A RANGE OF BUSINESS AND EMPLOYMENT OPPORTUNITIES		

EXECUTIVE SUMMARY:

Council resolved on 28th September 2011 to prepare draft amendment 26 to the Liverpool Local Environmental Plan 2008. The subject Planning Proposal seeks to provide for a "retail premises", "commercial premises", "vehicle repair station" and "service centre" to allow for development of a Costco Store at Lot 200 DP 1090110 Beech Road, Casula. These uses are currently not permissible in the B5 Business Development Zone. Amendment 26 seeks to make these uses permissible on the site via inserting them into Schedule 1 as additional permitted uses on the site.

Council has undertaken State agency consultation in accordance with the gateway determination received on 25th November 2011 from the Department of Planning and Infrastructure (DOPI).

The planning proposal was exhibited in accordance with the terms stipulated in the gateway determination between 25 July 2012 to 22 August 2012. Submissions were received for the proposed development. Of these submissions six raised objections to the proposal, while two supported the proposal.

This report recommends that the Planning Proposal be forwarded to DOPI for finalisation.

DETAILED REPORT:

Background

Council received an application to allow development of a Costco store at Part Lot 200 DP 1090110, Beech Road, Casula. Council at its meeting of 28 September 2011 resolved to support the application. The Planning Proposal was forwarded to the Minister for Planning seeking a Gateway Determination to facilitate the proposal on 5th October 2011. Subsequently, the planning proposal was exhibited for 28 days.

Proposed Development

Costco proposes to locate a 13,000 sqm store at Part Lot 200 DP 1090110 with a Capital Investment Value of over \$20 million dollars.

Costco offers a format of retailing based on a membership and bulk purchase within a warehouse format. There are stores operational at the following Australian locations:

- Auburn NSW
- Docklands VIC
- Canberra Airport ACT

The general retail range includes groceries, liquor, appliances, televisions, automotive supplies, toys, hardware, sporting goods, office supplies and office equipment, jewellery, cameras, books, homewares, apparel, health and beauty aids, and furniture. It should be noted that a majority of these uses can be retailed under "bulky goods premises" under the current zoning. The smaller component of the retail offer falls is comparable to goods available through supermarket retailing.

Costco offers a unique shopping experience, with customers typically shopping for commodities every 10 days to 2 weeks with an average drive time between 30 to 45 minutes. Therefore each store draws from a region wide trade area.

Costco outlets are designed to help small to medium sized businesses reduce costs in purchasing for resale and for everyday use, as well as for individuals to purchase their personal needs. The stores operate on a membership scheme where by members pay a yearly membership fee that entitles them to shop at any Costco store worldwide.

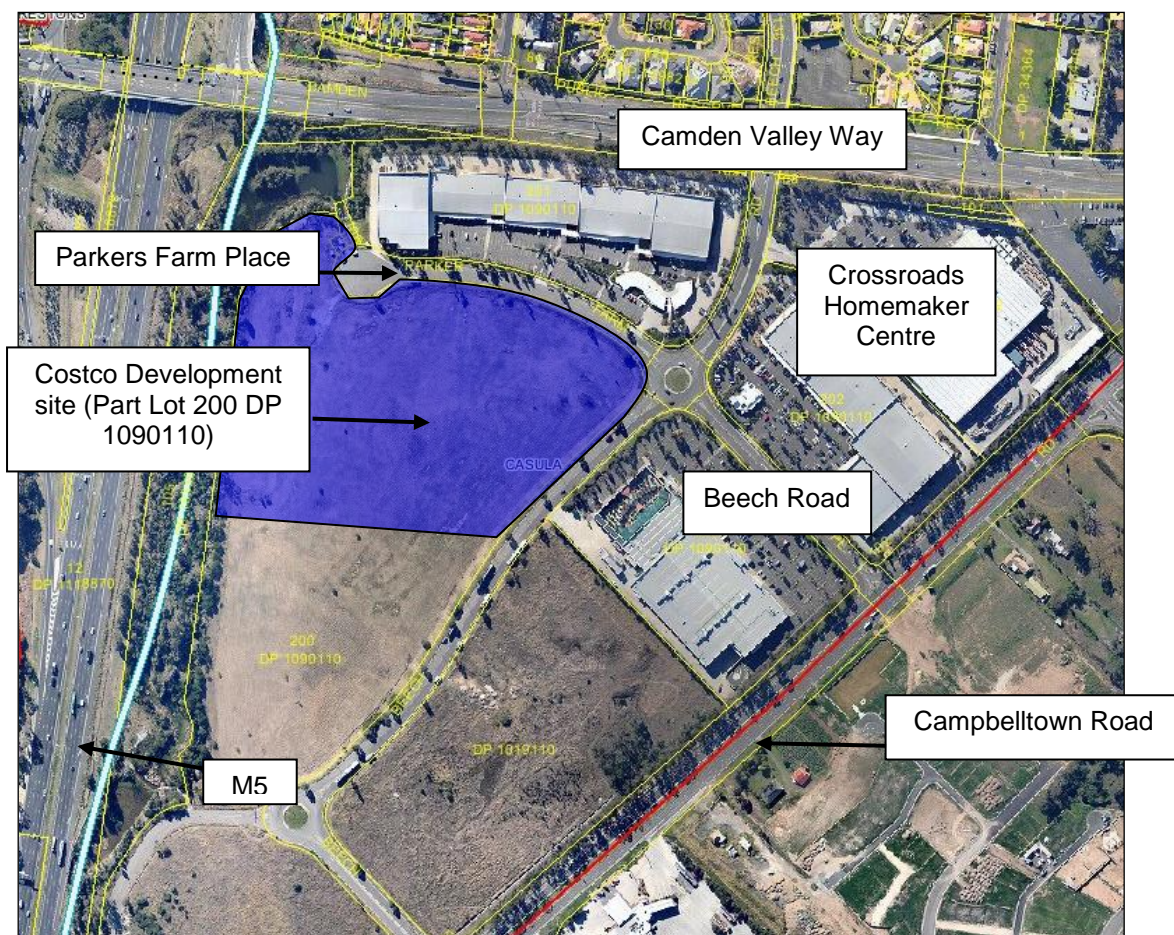


Figure 1 - The Subject Site



Example photograph of internal layout - Costco Auburn

An investigation of the established Costco at Auburn has been undertaken which confirmed that the Costco format differs from a large supermarket or department store in that products are generally packaged in large bulk sizes or are of an institutional quantity focused toward trade customers. Further only a smaller proportion (approximately 30% of the products would compare to supermarket items). The Costco business model was recognised as being "large format retail", compatible with bulky goods retailing outlets within the Director-Generals Report to the Concept Plan and Project Application for the Costco development in Auburn. As such the Department have through the gateway determination supported this proposal for a Costco within a bulky goods specialist centre.

Gateway Determination

The assessment undertaken by DOPI supports the planning proposal for the following reasons:

- *The consumer behaviour and nature of the proposed Costco model reflects the nature and behaviour for bulky goods premises;*
- *The "loss" of land for bulky goods development on the site is negligible because the proposed uses are essentially the same as the uses which are otherwise permissible in the existing zone and are similar in nature;*
- *A sequential site analysis test submitted with the proposal confirms that there is a lack of alternative sites and that a retail premises of this nature would improve the viability of the Cross Road Homemaker Centre;*
- *The site has been vacant and underutilised for almost ten years and the proposed Costco Development will revitalise the existing precinct through the provision of a new retailing format as opposed to the current situation;*
- *The site is suitable to cater for the needs of the regional catchment in South West Sydney with access to regional and arterial road network with bus services available on Camden Valley Way.*

Permissibility of the use on the site

The northern portion of the Crossroads Site is zoned B5 Business Development. The intent of the B5 Business Development zone, amongst others, is to enable a mix of business and warehouse uses, and specialised retail uses that require a large floor area, in locations that are close to, and support the viability of, centres and provide for larger regionally significant business development. The zone is applied to areas that are highly accessible and provides for a larger regionally significant business development centre.

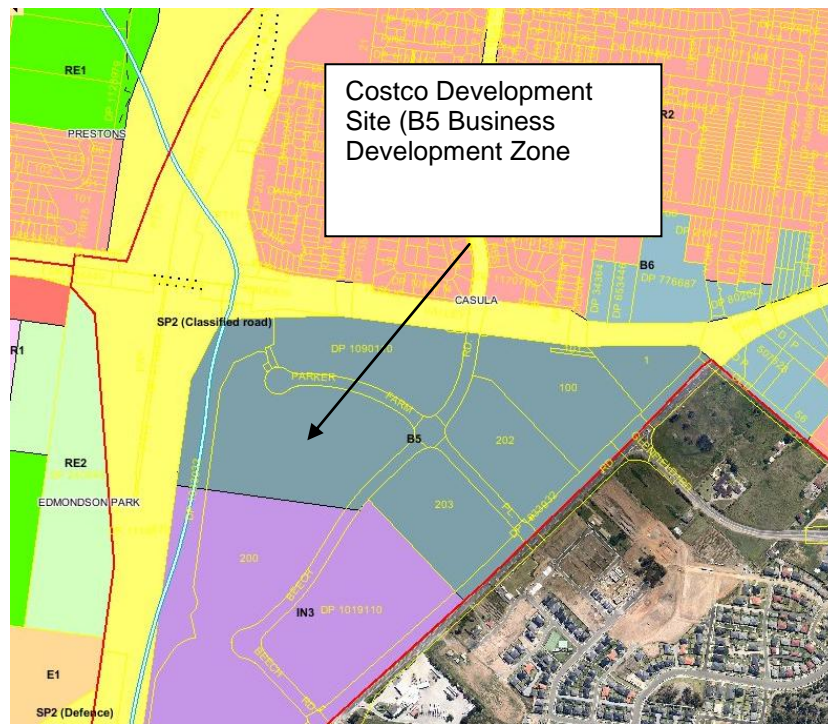


Figure 2 - Zoning Map

It is appropriate to locate a Costco in a B5 node as it shares many operational characteristics with bulky goods retailing and customers behave in a similar way. They may carry out less frequent visits (compared to general retail premises) and buy large quantities that require vehicular transportation. The outlet also relies upon a large trade catchment area, further emphasizing the use of private transport modes to visit the site, similar to large bulky goods establishments.

The Costco business model is not recognised as an individual land use under the Standard Instrument. The majority of the Costco floorspace is defined under the Standard Instrument LEP definitions as '*bulky goods premises*'. The remaining component comprises the defined use '*retail premises*', '*business premises*', '*service station*' and '*vehicle repair station*' and as such an amendment to the Liverpool Local Environmental Plan 2008 (LLEP 2008) is required to allow these uses.

The approval of the Costco Store by Council does not infer support for further co-location of retail uses at the location (i.e. - a shopping centre). Such a use would undermine existing centres and be inconsistent with the Retail Hierarchy Review. The option to add additional uses on the subject site rather than rezoning the site from B5 Business Development zone means that if the development does not go ahead - the site can be used for permissible warehouse and bulky goods uses consistent with the planning intent of the zone. Further as outlined in the DOPI gateway determination if the Costco does not proceed within 5 years the use is to be removed from Schedule 1 of the LLEP 2008.

In recognition of concerns received regarding the size of the proposal it is considered appropriate to impose a condition to cap the size of the Costco store on the site. As such this planning proposal seeks to impose a maximum gross floor area of 13 500 square metres within a single tenancy.

Development Application Details

The applicant has also submitted a Development Application (DA) for the Construction of a Costco wholesale and retail warehouse and service station and signage on the site which relies on this planning proposal.

The DA is to be determined by the Sydney West Joint Regional Planning Panel (JRPP) pursuant to Schedule 4A (3) of the Environmental Planning and Assessment Act 1979 on the basis that the Capital Investment Value is over \$20 million. Further to the point above, the lodgement of this DA shows clear intent for use of the site as a Costco warehouse as proposed in this planning proposal.

Consistency with State and Local Strategies

The Metropolitan Plan for Sydney 2036

The metropolitan plan identifies the site as an existing Neighbourhood Centre and Employment Land. The proposal is consistent with Direction B1 which focuses towards activities in accessible centres *"Retailing which requires large floor areas, such as bulky goods premises, cannot always be readily accommodated in existing centres. Subregional planning and local planning will need to identify locations for subregional clusters for this kind of retail development which support the economic development of centres in those subregions. The B5 Business Development Zone is generally an appropriate zone in which to cluster this kind of development"*. The proposed Costco lies on undeveloped land within an existing B5 Business Zone. Costco's business model shares many structural and operational characteristics with bulky goods retailing, which is permissible on the site under a B5 Zone.

The Costco store is also deemed consistent with Direction E1 To ensure adequate land supply for economic activity, investment and jobs is provided in the right locations. *"Sydney will require 760,000 additional jobs to support the anticipated population growth by 2036. This plan aims for half of these jobs to be in Western Sydney, to match expected population growth."* The proposal satisfies this direction as it will provide an additional 250 full time jobs. The proposed Costco store should not detract from this direction and is therefore deemed consistent with the Metropolitan Plan for Sydney 2036.

Given that the proposal was approved by the Gateway panel it is considered that the use is consistent with the State's development objectives.

Draft South West Sydney Subregional Strategy

The draft sub-regional strategy identifies the hierarchy of centres that is to be the basis for centres planning in the south west region of Sydney, consisting of:

- Liverpool CBD as the Regional City.
- Campbelltown-Macarthur Park as an existing Major Centre.
- Leppington as a future Major Centre in the South West Growth Centre.
- Town centres including (in the area around the subject site) Casula Mall, Ingleburn and Carnes Hill, among others, and
- A large number of village centres, small villages and neighbourhood centres which provide for more localised shopping trips.

In relation to the Crossroads Homemaker Centre, the sub-regional strategy acknowledges the cluster of bulky goods uses. As stated by the DOPI gateway assessment report, the proposed uses are essentially the same as the uses already permissible in the zone. Further the use is considered likely to revitalise the existing precinct.

The Strategy also highlights the need to nurture growth and development in Liverpool as the Regional City serving Sydney's south-west, and in this regard it will be important to assess the possible impact of the Costco development on Liverpool's trading performance and future development potential. The Costco proposal has a -2.1% impact on the Liverpool City Centre in 2016, this is considered by the Hill PDA evaluation to be insignificant.

Draft Competition SEPP

The Draft SEPP (Competition) (2010) - Promoting Economic Growth and Competition through the Planning System applies. The proposal is deemed consistent with the objectives of the SEPP as

the introduction of Costco contributes towards choice and competition in the broader retail and wholesale markets which will in turn provide benefits in the form of savings and the ability to purchase goods in bulk packaging. This will ensure that competition between retailers exists and the determination of development proposals is market led.

Draft Centres Policy 2009

In line with the Draft Centres Policy a sequential site assessment has been undertaken that assesses whether there are any alternative sequentially preferable sites to the Crossroads Homemaker Centre. It is noted that the subject site meets the "suitability criteria" in terms of connection to infrastructure, urban design opportunities, access, proximity to labour markets, and environmental considerations. The sequential test assessment concludes that no other suitable sites were available in the region. Further analysis is provided in this report under "Sequential Site Assessment and Impact on Existing Centres".

As noted in the State's supportive Gateway Report, the consumer behaviour for this proposal is consistent with the nature and behaviour for bulky goods premises and the use is likely to revitalise an existing precinct.

Draft NSW Activity Centres Policy 2010

The planning proposal is not in conflict with this policy as the site lies within an existing Activity Centre. The Costco Store is considered consistent as it seeks to provide additional retail activity within an existing activity centre. The Activity Centres Policy states that "*In the event that a proposed new development cannot find adequate space and opportunity within an existing centre, and there is merit in that proposal, an alternative location will need to be considered*" (pg 7). The location is considered appropriate for the use as confirmed by the sequential test and the DOPI gateway assessment report.

Relationship with the Retail Hierarchy Study and Cumulative Impact Study 2012

Costco has been considered in the context of the draft Retail Centres Hierarchy Review undertaken by Hill PDA. The Hierarchy Review ensures that the roles of centres are clearly defined and that expansion of a centre considers the impact upon other established and proposed centres.

The Hill PDA Retail Hierarchy Review acknowledges the difficulty of locating a Costco type operation within an existing centre. It also states that the proposed location is seen as appropriate considering trade catchments and land capacity at the Crossroads. Crossroads is defined as a Specialised Centre within the Liverpool LGA retail hierarchy.

The Hierarchy Review concludes that there is an undersupply of retail floorspace for a number of categories including supermarket, apparel, leisure and home wares. A Costco store typically sells a number of items within these retail categories and therefore is seen to cater for and take up a large proportion of the reported undersupply.

The Review also states that "*The provision of a Costco store at Crossroads is likely to significantly improve the trading performance of this bulky goods node*". The facilitation of the proposed Costco store is likely to revitalise the existing Crossroads precinct. The site has been vacant and underutilised for almost ten years and the proposed development will enable a new retailing format as opposed to the current situation.

The location also capitalises on easy access to the M7, M5 and F5 and will draw customers from a broad western, south-eastern and southern Sydney catchment.

A Cumulative Impact Study was undertaken by Hill PDA to provide independent economic assessment of three LEP amendments (one of which is the Costco Development). The report provides an assessment of impacts of the proposal on centres within the Liverpool LGA and selected centres within Campbelltown, Camden and Fairfield LGA's.

The Study concludes that the trading impact of a Costco is deemed acceptable in that it draws consumers from a large trade area within which there is lack of comparable provision. The *"impact of a Costco store would be spread thinly across retail centres and destinations within the main trade area, with greater levels of impact on centres located within the Primary Trade Area closest to Crossroads"*. The centre to endure the greatest impacts is Casula at -7.2% which is considered a moderate level of impact.

The assessment of the cumulative impact of the amendment 19 (gazetted) the Orange Grove DFO proposal and the Costco indicates that the shift in turnover in absolute monetary terms on the Liverpool CBD will be a decline of -7.6% by 2016; this is considered low to moderate.

The modelling for impacts on centres outside of the Liverpool LGA indicates that the immediate 2016 trading impacts for all other centres will be less than 5% and therefore "insignificant".

Importantly the report notes *"that despite the "low to moderate" adverse impacts on Liverpool City Centre and Casula, these centres will experience growth of 3.3 and 2.1% respectively over the 2012 to 2016 period"*.

The use is considered to be acceptable in that it will:

- provide for market demand,
- contribute to either insignificant or low to moderate economic impacts,
- not stifle growth of existing centres, and
- revitalise the Crossroads locality.

Sequential Site Assessment and Impact on Existing Centres

Planning policies prepared by DOPI aim to locate retail development within or adjacent to existing or emerging centres. A number of submissions received for the Costco proposal (including Westfields, Macarthur Square Shopping Centre and The Valley Plaza) raise concern regarding the appropriateness of the Costco store in the proposed location as opposed to what is considered an existing traditional retail centre.

In accordance with the Draft Activity Centres Policy, a sequential test assessment was undertaken by the proponent and presented the following analysis:

- A number of alternatives to out - of centre sites (such as Liverpool CBD, Casula Mall, Campbelltown and Bankstown) were identified and considered but these sites were generally too small, had poor exposure to a regional transport network and interface issues with adjoining uses.
- The proponent had difficulty in locating in-centre sites to accommodate the required minimum 4 ha site area.
- Where large properties were identified, they were developed or not available for redevelopment.

Whilst it has been demonstrated that the Costco proposal is located in an Activity Centre, the impact of the proposal on existing centres has also been considered. Costco is a membership based business that caters for customers travelling to the premises from a wide range of areas. Customers are likely to visit other retail stores within existing centres for items that Costco does not stock. The applicant indicates that Costco stocks a fraction of items stored in a typical supermarket. Unlike department stores, Costco does not sublease floor space to other retailers, and a Costco trading floor is some 33-66% larger than a trading floor of a discount department store.

Overall, the proposal is unlikely to overtake the role of the traditional shopping centre within established centres, particularly noting the membership structure and relatively limited stock range

offered by Costco stores. Council is of the view that that the proposed large format centre will draw custom from a wide catchment and draw out of area shoppers to the area. While a low level of completion with existing centres will occur, Hill PDA establish that the impact is likely to be insignificant (ie less than 5%).

Submissions from Public Agencies

Council consulted public agencies in accordance with the gateway determination. This section details the issues raised in the public authority submissions and Council's comments addressing each issue. A summary of the public authority submissions has been included in Attachment 1 of the Planning Proposal.

Roads and Maritime Services

The submission from the Roads and Maritime Services (RMS) generally support the proposal. Revised traffic report and traffic modelling was provided and accepted.

The RMS has identified the need for additional works to create a dual right turn lane from Camden Valley Way turning into Beech Road. It is understood that these works will provide for acceptable access to the site and minimise impacts upon Camden Valley Way.

Also, it was initially requested by the RMS that the existing left turn lane on Camden Valley Way on the eastern approach to the Beech Road signalised intersection be extended. Further investigation revealed that due to existing constraints, this is no longer possible and the objective will be achieved through changes to line markings.

The compliance with the RMS requests has been incorporated into the DA and will be assessed and determined by the JRPP.

Costco has committed to the following:

- Provision of a dual right turn lane of 100m length with a 45m taper to address traffic impact arising from the Costco development;
- Enter into a Major Works Authorisation Deed with the RMS;
- Provision of pedestrian refuges and kerb ramps;
- Provision of paved footpath on Parkers Farm Road and Beech Road linking with proposed pedestrian routes to existing pavements.

Comment: Council has reviewed the updated information provided by the proponent and comments received by the RMS. It is considered appropriate to resolve the detailed design considerations for site access, car parking, road and pedestrian upgrades as part of the DA. The planned upgrades of Campbelltown Road by the RMS and the abovementioned upgrades will ensure that the traffic impacts from the Costco development are managed appropriately.

Sydney Water

Sydney Water raised no objection to the proposal, but raised issues relating to infrastructure connections.

Comment: Council has considered the response provided by Sydney Water and it is considered that the developer can adequately address these issues at the development application stage.

Transport for NSW

Transport for NSW supports the proposal, however raised the following:

- Provision to be made for adequate pedestrian links to bus services and way finding information.
- Proponent to devise and implement a Work Place Travel Plan.

Comment: The developer has agreed to extend footpaths, provide pedestrian refuges and kerb ramps in relation to the above. A revised traffic report has also been submitted which includes a Work Place Travel Plan that addresses site-specific measures.

NSW Fire Brigade

NSW Fire Brigade does not object to the proposed development and noted that:

- The proposed additional uses over the site will not impose a higher fire risk on the community.
- NSW Fire Brigade will expect any new building proposal to comply with the current Building Code of Australia and Relevant Australian Standards.

Comment: Council officers have considered the comments and considers that the issues can be adequately addressed via the DA process.

Fairfield City Council

Fairfield City Council raised the following objections:

- Gateway Determination from DOPI required the planning proposal to be made available to public agencies for 28 days. This condition has not been complied with.

Comment: The 28 days exhibition period suggested within the Gateway Determination is for “public exhibition” not “state agency consultation”. Council exhibited the documentation for 28 days following in accordance with the gateway determination.

- The retail centres hierarchy review is to be finalised and provided to Fairfield Council for comment

Comment: The Retail Hierarchy Report has been placed on public exhibition and was considered in evaluating this proposal.

- The record of Council’s decision relating to Item PLAN 03 to the ordinary meeting of council on 28 September 2011 does not indicate that a division was called as required by Section 375A of the Local Government Act. Council is to provide extracts of the Register of Planning Decisions to Fairfield Council for further consideration.

Comment: Council also sought legal advice to confirm that Council’s decision relating to Item PLAN 03 remains valid.

- The report to council dated 28 September 2011 makes reference to a Costco store of 13500 sqm approximately. Clarification is required whether this is gross or net leasable floor space.

Comment: The DA concept plans confirm a Gross Floor Area of 13,000 sqm.

- The impact of the proposal on centres within the City of Fairfield to be documented within the supporting reports.

Comment: Hill PDA was commissioned to undertake a Cumulative Economic Impact Study to address the issues raised in the submission by Fairfield Council. This report includes an assessment of impacts on centres located within the Fairfield LGA, this report was publicly exhibited as supporting documentation to the planning proposal.

The study indicates that "In granting DA approval for the extension to Stockland Wetherill Park,

Fairfield City Council has accepted that the economic impacts of the cumulative development of this extension and that in Bonnyrigg on other centres in Fairfield LGA and beyond is acceptable."

- The sequential site analysis prepared with the planning proposal does not examine sites within Fairfield City. What is council's position in the proponent preparing the sequential analysis?

Comment: The sequential test evaluates a number of sites which are concluded to be too small, have poor exposure to a regional transport network and experience interface issues with adjoining uses. The difficulty with amalgamating a site of sufficient size is considered prohibitive. Further it is noted that the intended use is consistent with bulky goods retailing (as established by DOPI consideration of Costco Auburn) and therefore the Crossroads location is supported.

Public Exhibition

The planning proposal was exhibited for 28 days from 25 July 2012 to 22 August 2012. The proposed timeframes for the exhibition of the planning proposal was stipulated within the gateway determination.

All owners of land within a 400m radius of Lot 200 DP 1090110 Beech Road, Casula were notified of the exhibition and advised where to find the exhibition material and how to make submissions. The 400m radius also captured properties within Campbelltown LGA. Campbelltown Council distributed notification letters to properties within Campbelltown due to Council's privacy policy. Exhibition material was made available for viewing at Council's Administration Centre and Library. It was also available for viewing and download on the 'On Exhibition' page of Council's website.

Notification letters were also sent to the following organisations:

- Bankstown City Council,
- Camden City Council,
- Campbelltown City Council,
- Fairfield City Council,
- Penrith City Council,
- Sutherland Shire Council,
- Wollondilly Shire Council, and
- Liverpool Chamber of Commerce and Industry.

A total of ten (10) submissions were received relating to both the planning proposal and development application. Attachment 2 of the planning proposal provides an overview of the issues raised within each submission and comments addressing each issue.

Summary of Submissions

A total of ten submissions were received relating to both the planning proposal and Development application. Of these submissions, two submissions supported the proposal, six raised objection to the proposal and two submissions that made no comment. The public submissions that objected to the proposal raised the following concerns:

- The proposal involves a prohibited land use in the B5 Business Development Zone,
- The proposal is a shopping centre and will compete against traditional retail centres,
- The proposal is inconsistent with state strategies and plans,
- The proposal will not attract Section 94 contributions similar to the CBD and is therefore at a competitive advantage,
- Various rezonings being dealt with will establish a precedent and may encourage a further rush of ad-hoc proposals by landowners and speculative developers to create out-of-centre developments throughout south western Sydney.

Submissions from Westfields and Macarthur Square raise concern regarding the appropriateness of the Costco Proposal in a location outside the traditional retail shopping centres. Council has carefully considered these issues, and the proponents supporting documentation. The issues are addressed in detail in the submission evaluation table attached to this report. In summary, it is considered that the site is appropriate for the Costco proposal as it is located in an existing activity centre, consistent with future strategic direction (both state and local). It is therefore considered based on information provided by the proponent and Council's cumulative impact report, that the proposal is unlikely to have unreasonable impact upon the viability of existing centres.

It is noted that the Costco model does not fit the traditional retail model and serves a regional catchment. It is unlikely to result in a rush of similar providers in South West Sydney. Further it is the role of Councils and DOPI to evaluate proposals to ensure their appropriateness. In situations where the impacts are not supported, then proposals should not proceed.

Conclusion

The Crossroads site is a strategic location with easy access to regional transport connections. The site is within walking distance of transport facilities, with intersection improvement and pedestrian upgrades providing improved links to and from the proposed Costco Store. The site is also well situated to accommodate a bulky goods retail use to serve the needs of the existing and future expanding populations.

In response to the exhibition of the planning proposal, Council received a total of ten submissions. The submissions covered a number of issues with the primary concerns relating to the proposed Costco store being similar to a supermarket, the state and local strategies and plans, and setting a precedent of centre development. These matters have been considered throughout this report. An amendment to the Planning Proposal has been made to impose a maximum gross floor area and thereby restrict the perceived impacts of the development.

The proposal to provide additional uses on the site under LLEP 2008 is considered satisfactory because the proposal meets the local, regional and state planning objectives, the use is proposed within an existing bulky goods activity centre, and provides a range of retail options close to both transport facilities and labour markets. The economic impact has been considered by independent economists and is considered reasonable.

FINANCIAL IMPLICATIONS:

There are no financial implications arising from the planning proposal. Substantial upgrades to the intersection at Camden Valley Way/Beech Road and other works will be considered as part of the DA process.

RECOMMENDATION:

That Council proceed with the making of draft amendment 26 to Liverpool Local Environmental Plan 2008 and forward the Planning Proposal to the Department of Planning and Infrastructure for finalisation.

SIGNED BY:

Milan Marecic
Director
City Planning

Attachments: 1. Planning Proposal (under separate cover)
 2. Submissions Evaluation Table (under separate cover)
 3. List of Company Directors

Plans of the Proposal (Extracts)



Note: Please note that the attached draft conditions have been forwarded to the applicant for perusal. Any comments made by the applicant in relation to these conditions will be tabled at the JRPP determination meeting of 07 March 2013.

Our Ref: DA-968/2012
Contact: Venetin Aghostin
Ph: 9821 9357
Date: XX XXXXX 2013

COSTCO WHOLESALE AUSTRALIA
82 WATERLOO ROAD
NORTH RYDE NSW 2113

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

**NOTICE OF DETERMINATION OF
A DEVELOPMENT APPLICATION**

Being the applicant in respect of Development Application No. DA-968/2012 and pursuant to Section 81 (1) (a) of the Act, Notice is hereby given of the determination by Liverpool Council as Consent Authority of the above described Development Application relating to:

APPLICANT:	Costco Wholesale Australia
OWNERS:	AMP Crossroads Pty Ltd
LAND:	Lot 200 DP 1090110 Beech Road, Casula
PROPOSED DEVELOPMENT:	Construction of a building for the purpose of a Costco development, consisting of a mix of uses including retail, business, vehicle repair station and a Costco service station; installation of business identification signs; construction of on-site car parking; associated landscaping and site works; and public road works and intersection improvements (the development is Nominated Integrated under the Water Management Act 2000 requiring approval from NSW Office Of Water)
DETERMINATION:	Approved/Deferred/Refused by the Joint Regional Planning Panel on 07 March 2013
CONSENT TO OPERATE FROM:	XX XXXXX 2013
CONSENT TO LAPSE ON:	XX XXXXX 2018 (unless physically commenced)
ATTACHMENTS:	<ol style="list-style-type: none">1. Conditions of Approval2. General Terms of Approval issued by NSW Office of Water3. Food Premises Requirements

A. THE DEVELOPMENT

Approved Plans

1. Development the subject of this determination notice must be carried out in accordance with Development Application No. DA-968/2012 lodged on 13 April 2012 and accompanying plans and reports listed below and stamped DA-968/2012, except where modified by the undermentioned conditions and as may be marked in red:

(a) Architectural Plans:

DESCRIPTION	DRAWING NO.	ISSUE	DATE	SHEET NO.	PREPARED BY
Cover Page	11-286 A0001	D	14/12/2012	N/A	Group GSA
Site Plan	11-286 A1101	R	14/12/2012	N/A	Group GSA
Floor Plan and Gross Floor Areas	11-286 A1108	A	14/12/2012	N/A	Group GSA
Overall Elevations Sheet 1 (North, South and Main Entry Elevations)	11-286 A3001	F	14/12/2012	N/A	Group GSA
Overall Elevations Sheet 2 (East and West Elevations)	11-286 A3002	E	14/12/2012	N/A	Group GSA
Overall Sections	11-286 A3101	C	14/12/2012	N/A	Group GSA
Floor Plan	11-286 1107	B	22/02/2012	N/A	Group GSA
Roof Plan	11-286 A2002	E	14/14/2012	N/A	Group GSA
Petrol Plan, Elevations & Signage	11-286 P2000	C	14/12/12	N/A	Group GSA

(b) Landscape Plans:

DESCRIPTION	DRAWING NO.	ISSUE	DATE	SHEET NO.	PREPARED BY
Landscape General Arrangement Plan	L1200	B	14/12/2012	N/A	Group GSA
Landscape Details	L-1201	B	14/12/2012	N/A	Group GSA

(c) Concept Engineering and Civil Works Plans:

DESCRIPTION	DRAWING NO.	ISSUE	DATE	SHEET NO.	PREPARED BY
General Arrangement Plan	286685SCDAC0 1	C	18/12/2012	1 of 10	Mott MacDonald
Concept Site Works Plan 1 of 4	286685SCDAC0 2	C	18/12/2012	2 of 10	Mott MacDonald
Concept Site Works Plan 2 of 4	286685SCDAC0 3	C	18/12/2012	3 of 10	Mott MacDonald
Concept Site	286685SCDAC0	C	18/12/2012	4 of 10	Mott

Works Plan 3 of 4	4				MacDonald
Concept Site Works Plan 4 of 4	286685SCDAC05	C	18/12/2012	5 of 10	Mott MacDonald
Concept Soil and Water Management Control Concept Plan, Notes and Details	286685SCDAC06	C	18/12/2012	6 of 10	Mott MacDonald
Concept Vehicle Manoeuvring Plan	286685SCDAC07	C	18/12/2012	7 of 10	Mott MacDonald
Concept Site Works Sections	286685SCDAC08	C	18/12/2012	8 of 10	Mott MacDonald
Concept Cut and Fill Plan	286685SCDAC09	A	18/12/2012	9 of 10	Mott MacDonald
Concept Linemarking and Signage Plan	286685SCDAC10	A	18/12/2012	10 of 10	Mott MacDonald

(d) Reports:

DESCRIPTION	PREPARED BY	DATE	REFERENCE NO.
Bushfire Protection Assessment	Eco Logical Australia	24/02/2012	11GOSBUS-0204
Environmental Site Assessment	JBS Environmental	--/01/2011	JBS41364-16284
Geotechnical Investigation Report	Geo-Environmental Engineering	23/12/2010	G10079CAS-R01F
Preliminary Hazard Analysis	JBS Environmental	--/01/2012	JBS 42001-19151(Rev 0)
Waste Management Plan	WASTECH Engineering	08/03/2012	N/A
Noise Impact Assessment	Acoustic Logic	22/01/2013	20130027.1

General Terms of Approval

2. All General Terms of Approval issued by the NSW Office of Water shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 29 May 2012. A copy of the General Terms of Approval is attached to this decision notice (see Attachment No. 2).

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with prior to issue of a Construction Certificate by the Principal Certifying Authority:

Provision of Services

3. An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act, 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the “building and developing” section of Sydney Water’s web site at www.sydneywater.com.au, or telephone 13 20 92.

Following receipt of the application, a ‘Notice of Requirements’ will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of the ‘Notice of Requirements’ must be submitted to the Principal Certifying Authority.

4. Written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the Principal Certifying Authority.
5. Certification from an approved telecommunications carrier shall be submitted to Council confirming that satisfactory arrangements have been made to ensure the provision of underground telephone services to the approved development.

Site Development Work

6. Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a Construction Certificate has been issued.
7. All aspects of construction shall comply with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
 - (a) Complying with the Deemed to Satisfy Provisions; or
 - (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

Notification

8. The certifying authority must advise Council, in writing of:
 - (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
 - (b) The name and permit of the owner-builder who intends to do the work.

If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed.

Fire Safety Measures

9. A schedule specifying all of the essential fire safety services proposed, which are required for the building, shall be attached to the Construction Certificate and submitted to Council, in compliance with the provisions of the Environmental Planning and Assessment Regulation.

Security for Cost of Damage and Completion of Public Work

10. Prior to issue of a Construction Certificate authorising the carrying out of any work in accordance with this development consent, the applicant must provide security to the Council for the payment of the cost of the following:
 - (a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates,
 - (b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent,
 - (c) remedying any defects in any such public work that arise within 6 months after the work is completed.

The security is to be for an amount that is the greater of \$5000 or 5% of the estimated cost of carrying out the development and may be provided by way of:

- (a) cash deposit with the Council, or
- (b) an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred above and on application being made to the Council by the person who provided the security, any balance remaining is to be refunded to, or at the direction of, that person. If no application is made to the Council for a refund of any balance remaining of the security within 6 years of the date of issue of the subdivision certificate for the development the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act, 1995.

Dilapidation Report

11. A dilapidation report is to be undertaken. This shall include clear photos and descriptions of all existing Council infrastructure adjacent to the subject site. A copy of the dilapidation report shall be submitted to Council.

Driveway/Services

12. All driveways are to be graded in such a manner as to provide continuous surface drainage flow paths to appropriate points of discharge. In this context, these are to be into roads or swales, as appropriate, connecting into the major trunk drainage system.
13. Driveways entry points must be located clear of all utility services. It is recommended that discussion be held with the relevant authorities before construction works commence. Council does not accept any responsibility towards these services.
14. Driveways are to conform to Council standard requirements for vehicle crossings as detailed in Council's Design and Construction Specifications for Subdivisions (as amended) and as per the requirements in Council's Liverpool Development.

Fee Payments

15. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the Development Application/Construction Certificate.

The following fees are applicable and payable:

- (a) Fee associated with Application for Permit to Carry out Work within a Road.
- (b) Long Service Levy – based on 0.35% of the cost of building work where the costing of the CC is \$25,000 or more.

These fees are reviewed annually and will be calculated accordingly.

Permit to Carry out Works

16. A separate application for a permit to carry out works must be issued by Council for:
- (a) A permit to carry out works in Council's drainage reserve, pursuant to Section 68 of the Local Government Act, 1993. The work in the drainage reserve requiring a Council Section 68 permit are the works in Maxwells Creek,
 - (b) A Permit to carry out works in Council's road reserve, pursuant to Section 138 of the Roads Act, 1993. The work in the existing road reserve requiring a Council Section 138 permit are works in Beech Road and Parkers Farm Place.

Drainage

17. Engineering plans will be required defining all physical works necessary on the site and adjacent to it. These plans are to be certified by Council or an accredited certifier.
- (a) These plans must satisfy the following requirements:
 - (i) Council's current Design and Construction specification for subdivisions (as amended), and supplementary code,
 - (ii) Council's Trunk Drainage Scheme,
 - (iii) Council's Development Control Plans,
 - (iv) All proposed road and drainage works must adequately match existing infrastructure.

Stormwater

18. Stormwater is to be collected within the site and conveyed in a pipeline to the appropriate point of discharge as directed by Council and as detailed on the approved plans.
19. A stormwater drainage plan, including hydraulic calculations based on a 1 in 5 year storm (Annual Recurrence Interval), is required. The plan must show how the stormwater generated by this site, and other inter-allotment overland flow water entering onto this site, is to be collected within the site and conveyed in a suitable pipeline to the most appropriate point of discharge as advised by Council.

This plan shall also show existing and proposed surface contours within the site and along its boundaries with immediately adjacent properties, and shall define overland flow paths for storms which exceed the capacity of the underground pipe system.

The applicant is to contact Council to determine maximum allowable discharge from site. (Council engineers to nominate maximum discharge flow from site). If drainage investigations reveal that downstream drainage pipes are not capable of catering for the discharge, then Council requires the design and construction of an on-site detention system. This is to be designed in accordance with Council's On Site Detention Policy

Sydney Water Consent

20. Written consent must be provided from Sydney Water consenting to the proposed works over the existing easement for water supply. A copy of this consent must be forwarded to Council.
21. The proposed runoff from the under canopy area in the service station must be kept separate from the stormwater system and disposed of to Sydney Water's requirements.

Erosion and Sediment Control

22. Erosion and sediment control measures shall be designed in accordance with the requirements of Liverpool Development Control Plan and Council specifications, and to the satisfaction of the Principal Certifying Authority. Approved measures shall be implemented prior to commencement and maintained during construction and until all disturbed areas have been revegetated and established to the satisfaction of the Principal Certifying Authority.

Water Sensitive Urban Design Features

23. The applicant is to provide water sensitive urban design features in the Construction Certificate plans. The design is to give consideration to fine particle and nutrient treatment measures and maintenance regimes for all water quality devices. This element of the design must be endorsed by Liverpool City Council.

The provision of the enviropods is an interim provision, needed to satisfy water quality control requirements. It is to be provided up to and including the time when the system of Council's gross pollutant control measures are implemented. The applicant is to maintain the enviropods until this time. This condition may be considered redundant if sufficient of Council's trunk drainage system is constructed.

In order to determine if this situation exists, the applicant is to make written application to Council's Manager Land Development and obtain written advice from that officer. Stormwater quality treatment devices incorporating water sensitive urban design principles shall be provided for the development. The Principal Certifying Authority shall not endorse the devices unless all devices are approved for use in the Council area.

Camden Valley Way and Beech Road Improvements

24. A concept design of the proposed extension of the existing eastbound right-turn lane providing dual right-turn lanes at the intersection of Camden Valley Way and Beech Road shall be carried out in accordance with Austroads, NSW Roads and Maritime Services supplements, NSW Roads and Maritime Services Traffic Signal Design Manual and other Australian Standards. The concept design shall be submitted the Roads and Maritime Services for approval.

The design shall provide a minimum of two right-turn lanes with 110 metres storage length and appropriate taper. Additionally, the design is to include a layout for line marking to lengthen the existing westbound left-turn lane into Beech Road, as much as possible. The design shall be endorsed by a suitably qualified practitioner.

The certified copies of the traffic signal design, civil design plans and swept path analysis shall be submitted to the NSW Roads and Maritime Services for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and prior to commencement of any road works.

The developer will be required to enter into a Works Authorisation Deed for the abovementioned traffic signals and civil works with the Roads and Maritime Services. The Works Authorisation Deed will need to be executed prior to Roads and Maritime Services assessment of the detailed traffic signal design plans. The Construction Certificate shall not be released by the Principal Certifying Authority until such time as the Works Authorisation Deed has been executed.

The Roads and Maritime Services fees for administration, plan checking, signal works inspection and project management shall be paid by the developer prior to the commencement of works.

Beech Road and Parkers Farm Place Improvements

25. A detailed design of pedestrian facilities including pedestrian refuges along the section of Beech Road and Parkers Farm Place fronting the development site shall be prepared. The design of the facilities shall be submitted to Council's Local Traffic Committee for approval prior to installation. The facilities are to be completed prior to the issue of an Occupation Certificate.
26. A detailed layout plan shall be prepared showing line marking and signage along the sections of Beech Road and Parkers Farm Place adjacent to the proposed driveways, to ensure safe turning movements into and out of the proposed driveways. The proposed treatments are to incorporate parking restrictions along these sections of Parkers Farm Place and Beech Road fronting the development site. The plan shall be submitted to Council Traffic and Transport Section for approval.

Details of the treatments are to be provided to Council prior to the issue of a Construction Certificate. If parking restrictions are required they shall be submitted to Council for the Local Traffic Committee's approval and shall be completed prior to the issue of the Occupation Certificate.

Construction Management Plan

27. A Construction Traffic Management Plan to ensure that impact on traffic flow in the existing street network is minimised, detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council for approval. The plan shall be prepared by a suitable qualified person.

Traffic Management Plan

28. A Traffic Management Plan shall be submitted to Council's Local Traffic Committee for approval. Works within the road reserve shall not commence until the plan has been approved.
29. The Traffic Management Plan shall be prepared by an accredited designer and submitted to and stamp-approved by Council via a standard Section 138 Roads Act Permit application available at Council's customer service counter. The stamp-approved Roads Act Permit is to be obtained by the Principal Certifying Authority. A copy of the stamped approved Roads Act

Permit and Traffic Management Plan is to be available on the works site for inspection at any time by an authorised Council officer.

30. Details of the proposed variable message signage shall be submitted to the NSW Roads and Maritime Services for review.

Environmental Management Plan

31. An Environmental Management Plan shall be developed and submitted to the Principal Certifying Authority for approval. The plan shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted upon by the proposal. The plan shall include but not be necessarily limited to the following measures:

- (a) Measures to control noise emissions from the site;
- (b) Measures to suppress odours and dust emissions;
- (c) Selection of traffic routes to minimise residential noise intrusions;
- (d) Soil and sediment control measures;
- (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos; and
- (f) Community consultation.

C. PRIOR TO WORKS COMMENCING

The following conditions are to be complied with or addressed prior to works commencing on the subject site:

Construction Certificates

32. Detailed Civil engineering plans and specifications relating to the work shall be endorsed with a Construction Certificate, in accordance with Section 81A of the Environmental Planning and Assessment Act, and a copy registered with Council.
33. Detailed engineering plans and specifications relating to the work shall be endorsed with a Construction Certificate, in accordance with Section 81A of the Environmental Planning and Assessment Act, and a copy submitted to Council, with payment of any relevant fees.
34. Any Construction Certificate that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.
35. Where this consent requires both engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works i.e., a separate Civil Engineering Construction Certificate and a separate Building Construction Certificate.

Notification/Principal Certifying Authority

36. The applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A (4) of the Environmental Planning and Assessment Act.
37. The Principal Certifying Authority must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days notice must be given.

Facilities

38. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
 - (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the Local Government Act, 1993, or
 - (c) be a temporary chemical closet approved under the Local Government Act, 1993.

Construction Requirements

39. The applicant/builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.
40. Structural supporting elements or bracing of the building must be designed and certified by a qualified chartered structural engineer having regards to supporting ground conditions.

Site Facilities

41. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

Site Notice Board

42. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:
 - (a) The name, address and telephone number of the Principal Certifying Authority for the work; and
 - (b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - (c) Unauthorised entry to the premises is prohibited.

Notification of Service Providers

43. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

Please telephone 13 20 92 or refer to the web site www.sydneywater.com.au for:

- Quick check agents details – see Building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and Developing then Building and Renovating

Asbestos Removal

44. Prior to construction the land must be investigated for the presence of asbestos. All asbestos must be removed and disposed of in accordance with all regulatory requirements, including those of WorkCover NSW and the Environment Protection Authority.

Waste Management Plan

45. A Waste Management Plan shall be submitted to the Principal Certifying Authority which is to be adhered to at all times throughout all stages of construction. Supporting documentation (receipts/dockets) of waste, recycling and disposal methods carried out, is to be kept and must be produced upon the request of Council or any other authorised officer.

Note: Any non-compliance with this requirement will result in penalties being issued.

Waste Classification

46. Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the Protection of Environment Operations Act and NSW Department of Environment, Climate Change and Water (Environment Protection Authority) 'Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes'. The classification of the material is essential to determine where the waste may be legally taken. The Protection of Environment Operations Act provides for the commission of an offence for both the waste owner and transporters if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid and non-liquid waste advice should be sought from the Department of Environment, Climate Change and Water.

Camden Valley Way and Beech Road Improvements

47. The certified copies of the traffic signal design, civil design plans and swept path analysis shall be submitted to the NSW Roads and Maritime Services for consideration and approval prior to commencement of any road works.
48. A duly executed Works Authorisation Deed with the Roads and Maritime Services. The Roads and Maritime Services fees for administration, plan checking, signal works inspection and project management shall be paid by the developer prior to the commencement of works.

Beech Road and Parkers Farm Place Improvements

49. A design of the proposed pedestrian facilities including pedestrian refuges fronting the development site approved by Council's Local Traffic Committee. The facilities are to be completed prior to the issue of an Occupation Certificate.

Works Within Adjoining Public Lands

50. No work or craning shall be undertaken within the adjoining public lands without the prior written consent of Council. In this regard Council may require a Traffic Management Plan to be submitted before giving its approval.

D. DURING CONSTRUCTION

The following conditions are to be complied with during construction:

Building Work

51. In the case of a class 5, 6, 7, 8 or 9 building, critical stage inspections must be carried out by the appropriate person in accordance with Environmental Planning and Assessment Regulation, with Compliance Certificates issued for each inspection. The last critical stage inspection must be carried out by the Principal Certifying Authority. The following components of construction are relevant:
- (a) after excavation for, and before the placement of, any footings, and
 - (b) prior to covering any stormwater drainage connections; and
 - (c) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Note: These certificates or documentary evidence must be submitted to Council with any OC issued for the development

Identification Survey Report

52. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the Principal Certifying Authority has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

In the event that Council is not the Principal Certifying Authority, a copy of the survey shall be provided to Council within three (3) working days.

On placement of the concrete, works again shall not continue until the Principal Certifying Authority has issued a certificate stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.

Hours of Construction Work and Deliveries

53. Construction work and civil work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 5:00pm Monday to Saturday. No work will be permitted on Sundays or Public Holidays, unless extended construction hours are approved by Council in writing after the submission of a Construction and Noise Management Plan to Council, which details the methods of construction, proposed hours etc.

Security Fence

54. A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.

Note. Fencing is not to be located on Council's reserve area.

Disabled Access

55. Access, parking and facilities for persons with disabilities to be provided in accordance with the provisions of the National Construction Code.

Fill to be Virgin Excavated Natural Material

56. All fill introduced to the site should be Virgin Excavated Natural Material, as defined by the NSW Department of Environment, Climate Change and Water. Any fill involving material other than Virgin Excavated Natural Material is subject to referral to the State Government as potential Integrated Development or contaminated land assessment.
57. All filling in the vicinity of native vegetation must be local material (in order to minimise the spread of weeds).

Ventilation

58. The premises shall be ventilated in accordance with the requirements of the Building Code of Australia (if using deemed to satisfy provisions: Australian Standard 1668, Parts 1 & 2)
59. The design, construction, installation and commissioning of the mechanical ventilation systems serving the premises shall be carried out in accordance with Australian Standard 1668 Parts 1 & 2.

The mechanical exhaust discharge point shall be designed and installed by an appropriately qualified person, and shall be positioned to comply with Section 3.7 of Australian Standard 1668 Part 2 – 1991.

General Site Works

60. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.
61. Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site.
62. Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.

63. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

Dangerous and/or Hazardous Material Removal

64. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with NSW Department of Environment, Climate Change and Water (Environment Protection Authority) requirements.

Site Remediation Works

65. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery. A Section 96 Application under the Environmental Planning and Assessment Act, 1979 shall be made for any proposed works outside the scope of the approved development consent.

Erosion Control

66. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.
67. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
68. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

Water Quality

69. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.

Pollution Control

70. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

Adjustments to Utilities

71. The developer shall be responsible for all public utility adjustments and relocation works necessitated by the proposed work and as required by the various public utility authorities and/or their agents.

Works and/or Regulatory Signposting

72. All works and/or regulatory signposting associated with the proposed development are to be at no cost to the NSW Roads and Maritime Services or to Council.

Car Parking Areas

73. Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. The spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities. The design of car parking areas shall be in accordance with Australian Standard 2890.1-2004, Australian Standard 2890.2 – 2002 for heavy vehicle usage and Australian Standard 2890.6:2009 for disability; and the Liverpool Development Control Plan, 2008.
74. All car parking areas shall be appropriately line-marked and sign posted in accordance with the approved plans. All customer and staff parking areas are to be clearly signposted limiting car parking for customers and staff only. The applicant is to cover the costs of installation and maintenance of the signage.
75. Directional signage indicating the location of customer parking, “in” and “out” crossings and directional arrows are to be provided in accordance with the approved plans.

Traffic Management

76. All works within the road reserve are to be at the developer’s cost and all signage is to be in accordance with the NSW Roads and Maritime Services Traffic Control at Worksites Manual and the NSW Roads and Maritime Services Interim Guide to Signs and Markings.
77. If a works zone is required, an application must be made to Council’s Transport Planning section. The application is to indicate the exact location required and include the applicable fee. If parking restrictions are in place, an application to have the restrictions moved will need to be made.
78. Notice must be given to Council’s Traffic and Transport Section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
79. Applications must be made to Council’s Traffic and Transport Section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

NSW Rural Fire Service Requirements

80. The following requirements issued by the NSW Rural Fire Service shall be complied with prior, during, and at the completion of construction:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following condition applies:

- (i) At the commencement of building works and in perpetuity the entire property shall be managed as an Inner Protection Area as outlined within Section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following condition applies:

- (ii) Water, electricity and gas are to comply with Section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- (iii) New construction on the northern, eastern and southern elevations of the proposed warehouse shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard 3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
- (iv) New construction on the western elevation of the proposed warehouse shall comply with Sections 3 and 6 (BAL 19) Australian Standard 3959-2009 'Construction of buildings in bush fire-prone areas' and Section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

Landscaping

- (v) Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

Existing Trees and Vegetation

- 81. No trees are to be removed without the prior approval of Council.
- 82. All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.

Landscaping Works

- 83. Trees shall be healthy, well-formed and fully established (not pot bound) in minimum 75 litre and 100 litre pots as per the approved Landscape Plan.

Trees shall not be planted within 2000mm from a driveway, 1000mm from underground services or 6000mm from an intersecting side street. Trees shall be staked, tied and mulched to Council's satisfaction.

It is the contractor's responsibility to establish the location of underground services before digging.

Trees and shrubs shall be maintained in a healthy condition or are to be replaced if serious decline or damage occurs.

Relics and Objects

84. Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the Environment Protection Authority is to be informed in accordance with the National Parks and Wildlife Act, 1974. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under the National Parks and Wildlife Act, 1974 may be required before work resumes.

Food Premises Requirements

85. The construction, fitout and finishes of the premises shall comply with the Australian Standard 4674, Food Act, 2003 and Regulations thereunder, and the requirements of (Attachment No. 3).

Graffiti

86. A graffiti resistant coating shall be applied to any fences or structures that have frontage to a public area, for example a roadway etc.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions are to be complied with prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifying Authority:

Certificates

87. The premises must not be utilised until an Occupation Certificate is issued by the Principal Certifying Authority. Copies of all documents relied upon for the issue of the Occupation Certificate must be attached to the Occupation Certificate and registered with Council.
88. The Principal Certifying Authority shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.
89. All required Compliances Certificates for the critical stage inspections carried out prior, during and at the completion of construction, must be submitted to Council together with the required registration fee payment.
90. A final fire or interim safety certificate is to be attached to any Occupation Certificate, except in the case of a Class 1a or Class 10 building. This must include all the "essential fire services" installed in the building.
91. A Section 73 Compliance Certificate under the Sydney Water Act, 1994 must be submitted to the Principal Certifying Authority.

Footpath Paving and Road Works

92. The applicant shall arrange for the construction of a 1.2 metre wide by 75mm deep concrete footpath paving together with associated turfing adjustments along the full frontage of the site in Council's road pedestrian way. The construction shall only be carried out to plans and specifications approved by Council and via Roads Act Permit to Carry Out Works. This footpath construction shall be completed (or bonded by agreement with Council) prior to the issue of the Occupation Certificate by the Principal Certifying Authority for building works.

Work As Executed Plan

93. Two copies, both marked up in red, of a "Work As Executed Plan", prepared by a registered surveyor, must be submitted to and approved by Council clearly showing all aspects of the constructed Drainage and/or On-site Detention systems. The plan must include:
- (a) Sufficient levels and dimensions to verify the constructed storage volumes
 - (b) Location and surface levels of all pits.
 - (c) Invert levels of the internal drainage line, orifice plates fitted and levels within the outlet control pit.
 - (d) Finished floor levels of all structures and driveways
 - (e) Verification that trash screens and/or gross pollutant traps have been installed
 - (f) Locations and levels of any overland flow paths
 - (g) The work-as-executed plan information should be shown on a stamped copy of the approved civil works drawings.

Gross Pollutant Trap

94. A maintenance schedule shall be submitted to Council for the Gross Pollutant Trap and the grease and oil separator unit.

Camden Valley Way and Beech Road Improvements

95. Dual right-turn lanes with a minimum of 110 metres storage length with appropriate taper shall be provided on the Camden Valley Way west approach at its intersection with Beech Road, to the NSW Roads and Maritime Services satisfaction. Additionally, the existing left-turn into Beech Road shall be reline marked to lengthen the existing lane as much as possible. These works shall be constructed at full cost to the developer.

Beech Road and Parkers Farm Place Improvements

96. Pedestrian facilities including pedestrian refuges fronting the development section approved by Council's Local Traffic Committee shall be installed, to Council's satisfaction.
97. Parking restrictions along the site's frontages to Beech Road and Parkers Farm Place approved by Council's Local Traffic Committee shall be completed.

Car Parking Provision

98. A total of seven-hundred-and-one (701) off-street car parking spaces must be provided. Fifteen (15) of these spaces must be designed and signposted/marked for the specific use of persons with a disability.

Traffic Management Plan

99. A Traffic Management Plan shall be prepared and implemented for the first three (3) months of the opening of Costco to minimise the traffic impact on the external street network. The plan shall be submitted to Council and the NSW Roads and Maritime Services for approval prior to implementation.
100. A Traffic Management Plan shall also be prepared for internal site traffic management which is to be implemented all times while Costco remains in operation. The plan shall be submitted to Council for approval prior the issue of the Occupation Certificate.

The plan shall include the following:

- (i) Options to address possible traffic queues into the service station from Parkers Farm Place;
- (ii) Line-marking and signposting of the section of Parkers Farm Place between Beech Road and the two driveways to provide two traffic lanes. The signs shall include “No Parking” restrictions between Beech Road and the main driveway (off Parkers Farm Place). This would enable through traffic to bypass traffic waiting to turn into the service station;
- (iii) The eastern driveway to the service station to be line-marked “Entry Only”;
- (iv) Internal layout is to demarcate the path of the longest vehicle required to service the development. The longest vehicle should be able to enter and leave the development in a forward direction;
- (v) A plan of intended locations for directional signs coinciding with the vehicle circulation plan;
- (vi) Identify appropriate landscaping and traffic calming devices (such as speed humps) to minimise the potential for motorists to speed within the car park.

Vehicle Manoeuvring Areas

101. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with Australian Standard 2890.1-2004, Australian Standard 2890.2 – 2002 for heavy vehicle usage and Australian Standard 2890.6:2009 for disability.

Workplace Travel Plan

102. A work place travel plan shall be submitted for Council’s review and implemented at full cost to the developer.

Landscaping

103. Upon completion of the approved landscape works associated with the development and prior to the issue of any Occupation Certificate, an Implementation Report is to be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscape works in accordance with the approved landscape plan. The report is to be prepared by a suitably qualified person.

Display of Street Numbers

104. Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials. The number should be a minimum height of 120mm and be visible at night.

Consultation with Liquor Licensing Authority

105. The applicant/operator shall consult with the NSW Office of Liquor Gaming and Racing for any licensing requirements in relation to the retail sale of liquor. Written evidence of consultations should be submitted to the Principal Certifying Authority.

Food Premises Requirements

106. Council's Health and Building section shall be notified in writing that the premises will be used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's database.
107. Trading shall not commence until an Occupation Certificate has been issued by the Principal Certifying Authority.
108. A Trade Waste application shall be submitted and approved by the Sydney Water Corporation regarding the installation of proposed pre-treatment equipment, such as basket and grease arrestors. A copy of the plumber's certificate of compliance for the installation of pre-treatment equipment, and of the Trade Waste Agreement, shall be furnished to the Principal Certifying Authority.
109. Certificates of design compliance and system performance for the proposed mechanical ventilation system shall be provided to the Principal Certifying Authority, certifying the design, and upon commissioning of the mechanical ventilation systems, certifying performance. The certificate of performance shall be issued to the certifying authority and be accompanied by details of the test carried out in respect of: -
- (a) Ventilation
 - (b) Acoustics
110. Prior to the commencement of food handling operations, the food business proprietor shall notify the NSW Food Authority of the following information including:
- (a) Contact details for the food business including the name of the food business and the name and address of the proprietor of the business;
 - (b) The nature of the food business; and
 - (c) The location of all food premises of the food business within the jurisdiction of NSW Food Authority.

You may notify the NSW Food Authority via the Internet on www.foodnotify.nsw.gov.au or mail the required notification form.

Failure to notify the NSW Food Authority may result in the issuing of a penalty infringement notice of up to \$880.00.

111. A Hygiene Management Plan prepared by the proprietor shall be submitted to Council for assessment prior to the commencement of any trading activities. Once approved, the standards of this Hygiene Management Plan must be followed at all times.

Tyre Repairs and Sales Centre Requirements

112. Details of the exact name, quantity, location, method of storage and packaging of any material covered by relevant Acts, shall be submitted to the NSW WorkCover Authority, and approval of those details obtained.
113. All waste water, chemicals, solvents, oils, fluids or the like shall not be discharged into Council's stormwater drain or creeks. A trade waste contract shall be obtained by Sydney Water. All liquid waste shall be discharged into the sewer in accordance with Sydney Water requirements.

F. CONDITIONS RELATING TO USE

The following conditions relate to the ongoing use of the premises and are to be complied with at all times:

Approval of Liquor Licensing Authority

114. The applicant/operator must notify Council in writing at least seven (7) days prior to the commencement of the use. This notification must be accompanied by written confirmation or a copy of the License issued by the NSW Office of Liquor Gaming and Racing for the use and hours of operation approved by this Development Consent.

Plan of Management

115. A detailed Plan of Management shall be submitted to Council and the Principal Certifying Authority for review, in relation to the operation of Costco. The plan shall address means by which Costco will control and manage all aspects of the use including but not limited to trolley collections, control of the car park area, sale of liquor etc.

Hours of Operation

116. The hours of operation of the premises are limited as follows:

- (a) Costco building: Monday to Sunday – 8am to 9pm (for public access)
- (b) Service station: Monday to Sunday – 6am to 10pm (for public access)
- (c) Deliveries and stacking operations: Monday to Sunday – 24 hours.

Note: 24-hour operation is only permitted for the purpose of deliveries and stacking operations and activities carried out by Costco employees.

Car Parking and Loading/Unloading Areas

117. A total of seven-hundred-and-one (701) off-street car parking spaces must be provided. Fifteen (15) of these spaces must be designed and signposted/marked for the specific use of persons with a disability.
118. All parking areas shown on the approved plans must be used solely for this purpose.
119. All loading and unloading must take place from the designated loading dock. This area is to be clearly marked/signposted for use by delivery vehicles only.

120. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, with the exception of garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.

121. The car park area and internal roads shall be maintained to Council's satisfaction.

Motorcycle and Bicycle Parking

122. Thirty-two (32) bicycle parking spaces shall be provided and maintained on-site at all times.

123. Five (5) motorcycle parking spaces shall be provided and maintained on-site at all times.

124. The operator shall monitor the usage of the bicycle and motorcycle parking spaces for a period of six (6) months. If the operator finds that there is an increased demand for bicycle and motorcycle parking, the operator shall make provision on-site to increase the number of these parking spaces.

Workplace Travel Plan

125. The work place travel plan referred to in Condition No. 102 shall be implemented at all times.

Waste Management Plan

126. The Waste Management Plan relating to the on-going operation of Costco submitted to and approved by Council must be adhered to at all times. Supporting documentation (receipts/dockets) of waste, recycling and disposal methods carried out, is to be kept and must be produced upon the request of Council or any other authorised officer.

Note: Any non-compliance with this requirement will result in penalties being issued.

127. All solid and liquid waste is to be removed from the site by a registered waste contractor.

128. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.

129. All solid waste stored on site is to be covered at all times.

130. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.

Landscaping

131. Landscaping shall be maintained in accordance with the approved plan, in a healthy state and in perpetuity by the existing or future owners and occupiers of the development.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.

An annual report shall be submitted to Council, for the 3 years following issue of the Occupation Certificate, certifying that the landscaping works have been satisfactorily maintained.

Food Business Notification and Food Safety Supervisor

132. Under the Food Act 2003, a food business must notify the NSW Food Authority of the details of its food business and food safety supervisor. In addition, certain retail food businesses such as restaurants, cafes, takeaways, club and pubs are required under the Food Act 2003 to appoint at least one trained Food Safety Supervisor in their business and notify the NSW Food Authority of the details of the Food Safety Supervisor.

You can visit the NSW Food Authority's website at www.foodnotify.nsw.gov.au for full details of the food business and Food Safety Supervisor requirements.

Storage of Flammable and Combustible Liquids

133. Flammable and combustible liquids shall be stored in accordance with Australian Standard 1940-2004 – The Storage and Handling of Flammable and Combustible Liquids.

Spill Kit

134. A spill kit shall be provided on site at all times to clean up any minor liquid spillages.

No Washing of Vehicles

135. There shall be no washing of motor vehicles carried out on the premises.

Installation of Underground Petroleum Storage Systems

136. The installation of the proposed underground storage systems shall be undertaken in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008, Australian Standard 4897 – 2008: Design, Installation and Operation of Underground Petroleum Storage Tanks.

Bunding

137. A bund wall shall be constructed around all fuel pumps and liquid storage areas to prevent any spillage entering into the stormwater system.

Noise Emissions

138. The use of the premises including music and other activities shall not give rise to any one or more of the following:
- (a) Transmission of vibration to any place of different occupancy greater than specified in Australian Standard 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00am to midnight daily and 0dB(A) above the L90 background between 12 midnight and 7.00am the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
 - (c) During the period of 12 midnight to 7.00am the use shall be inaudible in any habitable room of any residential premises.
 - (d) The emission of an "offensive noise" as defined under the Protection of the Environment Operations Act.

The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) shall be carried out in accordance with Australian Standard 2973 for vibration measurements, Australian Standard 1055 for outdoor sound level measurements, Australian Standard 2107 for indoor sound level measurements.

139. Noise associated with the use of the premises, including mechanical plant and equipment, shall not give rise to any one or more of the following:
- (a) Transmission of vibration to any place of different occupancy greater than specified in Australian Standard 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00am to 10.00pm daily and 0dB(A) above the L90 background between 10.00pm and 7.00am. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
 - (c) The emission of an "offensive noise" as defined under the Protection of the Environment Operations Act.

The method of measurement of vibration in (a) and sound levels in (b) and (c) shall be carried out in accordance with Australian Standard 2973 for vibration measurements, Australian Standard 1055 for outdoor sound level measurements, and Australian Standard 2107 for indoor sound level measurements.

Environment

140. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
141. Any public address system or sound amplifying equipment shall be installed so as to not emit an offensive noise as defined by the Protection of the Environment Act 1997.

Graffiti

142. Any graffiti carried out on the property shall be removed, within 48 hours, at full cost to the owner/occupier of the site.

Subsequent Annual Fire Safety Statements

143. Subsequent annual fire safety statements are to be submitted to Council within (12) months after the last such certificate was given in accordance with clause 177, part 9, division 5 of the Environmental Planning and Assessment Regulation, 2000. The annual fire safety statement shall be prominently displayed in the building in the location adjacent to the main entry/exit point to the building.

The annual fire safety statement must be to the effect that:

- (a) in respect of each essential fire safety measure, such measure has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing:
 - (i) in the case of an essential fire safety measure applicable by virtue of a fire safety

- schedule, to a standard no less than that specified in the schedule, or
 - (ii) in the case of an essential fire safety measure applicable otherwise than by virtue of a fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented, and
- (b) the building has been inspected by a properly qualified person and was found when it was inspected to be in a condition that did not disclose any grounds for a prosecution under Part 2, Division 7 of the Environmental Planning and Assessment Regulation, 2000.

The owner of the building must also cause a copy of the statement (together with a copy of the current fire safety schedule) to be given to the Fire Commissioner located at "Amarina Avenue Private Locked Bag 12, Greenacre 2190".

G. ADVISORY

- (a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within 6 months after the date on which the application is taken to have been determined.
- (b) If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which the application is taken to have been determined.
- (c) In accordance with Section 95 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five (5) years of the date of this notice.
- (d) The Planning Assessment Commission has not, conducted a review of the application.
- (e) These conditions are imposed to control development, having regard to Section 79C of the Environmental Planning and Assessment Act 1979.
- (f) The conditions of consent imposed by Council does not guarantee the NSW Roads and Maritime Services final consent to the specific road works and other structure works on the classified road network. Roads and Maritime Services must provide a final consent for each specific change to the State road network prior to the commencement of any work.
- (g) The land upon which the subject building is to be constructed is affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this consent. Persons to whom this consent is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
- (h) The subject site is burdened by several easements including an easement for batter. Therefore the integrity of the identified easement for batter should not be compromised.
- (i) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- (j) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- (k) "DIAL BEFORE YOU DIG" DIAL 1100

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

(l) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Commonwealth) and is liable for prosecution.


Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

- (m) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential effect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- (n) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- (o) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

Yours faithfully,

Natalie Stewart
MANAGER, STATUTORY PLANNING
n.stewart@liverpool.nsw.gov.au

ATTACHMENT NO. 2 – GENERAL TERMS OF APPROVAL BY NSW OFFICE OF WATER

	Department of Primary Industries Office of Water	
	Received By 31 MAY 2012 Records	Contact: Mohammed Ismail Phone: 02 8838 7535 Fax: 02 9895 7501 Email: mohammed.ismail@water.nsw.gov.au
The General Manager Liverpool City Council Locked Bag 7064 LIVERPOOL NSW 1871		Our ref: 10 ERM2012/0352 Our file: 9055875 Your ref: DA 2012/968
Attention: Venetin Aghostin		29 May 2012
Dear Venetin		
Re: Integrated Development Referral – General Terms of Approval Dev Ref: DA 2012/968 Description of proposed activity: Construction of a Costco wholesale and retail warehouse and service station. Site location: Lot 200 BEECH ROAD CASULA LOT 200 DP1090110		
<p>I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached please find the Office of Water's General Terms of Approval (GTA) for work/s on waterfront land requiring a controlled activity approval (CAA) under the <i>Water Management Act 2000</i> (WM Act), as detailed in the subject DA.</p> <p>Waterfront land includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary.</p> <p>Please note Council's statutory obligations under section 91A(3) of the <i>Environmental Planning and Assessment Act, 1979</i> (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the GTA proposed to be granted by the approval body.</p> <p>If the proposed development is approved by Council, the Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:</p> <ul style="list-style-type: none">• The Office of Water should be notified if any plans or documents are amended and these amendments result in more than minimal change to the proposed development or in additional works on waterfront land. <p>Once notified, the Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.</p> <ul style="list-style-type: none">• The Office of Water should be notified if Council receives an application to modify the development consent if the modification relates to a matter covered by our GTA. Failure to notify may render the consent invalid.		
<hr/> <p>www.water.nsw.gov.au Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 PO Box 3720 Parramatta NSW 2124 Australia t + 61 2 8281 7777 f + 61 2 883 87554 e information@water.nsw.gov.au ABN 47 661 556 763</p>		

- The Office of Water requests notification of any legal challenge to the consent.

Under section 91A(6) of the EPA Act, Council must provide the Office of Water with a copy of any determination/s including refusals.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a CAA, the Office of Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval (CAA) until a copy of the CAA has been provided to Council".

The attached GTA are not the controlled activity approval. The applicant must apply (to the Office of Water) for a CAA **after consent** has been issued by Council **and before** the commencement of any works or activity on waterfront land.

Finalisation of a CAA can take up to eight (8) weeks from the date the Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form together with any required plans, documents, the appropriate fee and security (if applicable) and proof of Council's development consent.

Application forms for the CAA are available from the undersigned or from the NSW Office of Water's website:

www.water.nsw.gov.au [Water licensing](#) > [Approvals](#) > Controlled activities

The Office of Water requests that Council provide a copy of this letter to the applicant.

Yours Sincerely



Mohammed Ismail
Licensing Officer - CAA
Office of Water - Licensing South



General Terms of Approval

for work requiring a controlled activity approval
under the Water Management Act 2000

Our Reference: 10 ERM2012/0352 **File No:** 9055875
Site Address: Lot 200 BEECH ROAD CASULA LOT 200 DP1090110
DA Number: DA 2012/968
LGA: Liverpool City Council

Number	Condition
Plans, standards and guidelines	
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 2012/968 and provided by Council. Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3	All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx (i) Outlet structures
4	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
5	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
6	The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.
7	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

www.water.nsw.gov.au

Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 PO Box 3720 Parramatta NSW 2124 Australia | t + 61 2 8281 7777 | f + 61 2 883 87554 | e information@water.nsw.gov.au | ABN 47 661 556 763

Our Reference:	10 ERM2012/0352	File No: 9055875
Site Address:	Lot 200 BEECH ROAD CASULA LOT 200 DP1090110	
DA Number:	DA 2012/968	
LGA:	Liverpool City Council	

Number	Condition
Drainage and Stormwater	
8	The consent holder is to ensure that all drainage works <ul style="list-style-type: none"> (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
9	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
Erosion control	
10	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
END OF CONDITIONS	

ATTACHMENT NO. 3 – FOOD PREMISES REQUIREMENTS


1. All walls (including partition walls) within the kitchen, food preparation, storage and display areas shall be of solid construction (e.g. bricks, cement or other approved material). These walls are to be finished with glazed tiles, stainless steel or other approved material adhered directly to the wall to a height of 2 metres above floor level.
2. Walls within the kitchen, food preparation, storage and display areas which are not of solid construction (e.g. stud walls) shall be finished in tiles or other approved material from the floor level to the underside of the ceiling.
3. The floors within the kitchen, food preparation, storage and display areas shall be constructed of a suitable material which is non-slip, durable, resistant to corrosion, non-toxic, non-absorbent and impervious to moisture. The floor is to be graded and drain to an appropriate floor waste fitted with a basket arrestor.
4. If the floor in the food preparation and storage areas is constructed of tiles, the joints between the tiles shall be of a material that is non-absorbent and impervious to moisture.
5. The intersection of walls with floors and exposed plinths in the kitchen, food preparation, storage and display areas are to be coved to a minimum radius of 25mm.
6. All plinths are to be constructed of a material which is of solid construction and impervious to moisture. The plinths shall be:
 - (a) at least 75mm high;
 - (b) finished level to a smooth even surface;
 - (c) recessed under fittings to provide a toe space of not more than 50mm;
 - (d) rounded at exposed edges; and
 - (e) coved at the intersection of the floor and wall to a minimum radius of 25mm.
7. The ceiling is to be constructed of a material that is rigid, smooth faced and impervious to moisture. The ceiling over the food preparation, storage and display areas shall be painted with a washable paint of a light colour. The surface finish is to be free of open joints, cracks, crevices or openings (drop ceiling panel is not permitted). The intersections of walls and the ceiling are to be tight jointed, sealed and dust-proof.
8. The drop-in panel ceiling in the food preparation and storage areas shall be replaced with an approved rigid, smooth faced and impervious material which is free of open joints, cracks, crevices or openings. The ceiling is to be painted with a light coloured washable paint.
9. All service pipes and electrical conduits shall be either:
 - (a) concealed in floors, walls, ceiling or concrete plinths, or
 - (b) fixed with brackets so as to provide at least
 - i) 25mm clearance between the wall and the pipe/conduit,
 - ii) 100mm between the floor and the pipe/conduit
 - (c) pipes so installed are not to run underneath fittings.
10. All architraves, skirting boards, picture rails and the like are not permitted within the kitchen, food preparation and storage areas.

11. All openings in the walls, floors and ceilings through which service pipes and electrical conduits pass through are to be designed and constructed so as to prevent the access of vermin.
12. The internal and external surfaces, including exposed edges to all benches, counters and shelving in the food preparation, storage, display and serving areas are to be finished with a rigid, smooth faced and non-absorbent material (e.g. laminate, stainless steel or other approved material) that is capable of being easily cleaned.
13. All shelving shall be located at least 25mm off the wall or alternatively, the intersection of the shelf and the wall is to be completely sealed.

108 Note: The lowest shelf shall be a minimum of at least 150mm above the floor level.

14. The hot water service unit shall be positioned a minimum of 75mm clear of the adjacent wall surface and mounted a minimum of 150mm above the floor level on a stand of non-corrosive metal construction.
15. A free standing, hands free hand wash basin shall be provided in a convenient position within the food preparation and serving areas. The hand wash basin shall be provided with hot and cold water supplied through a single outlet and fitted with an approved mixing device to enable hands to be washed under hot running water at a temperature of at least 40°C.
16. Cavities, false bottoms and similar hollow spaces capable of providing access and harbourage of vermin are not permitted to be formed in the construction of the premises or in the installation of fixtures, fittings and equipment.
17. A double bowl sink or two-compartment tub shall be provided with hot and cold water supplied through a single spout in the kitchen/food preparation area. Double bowl sink or tubs shall be supplied with water of at least:
 - (a) 45°C in one bowl for washing purposes; and
 - (b) 77°C in the other bowl for rinsing purposes, together with a thermometer accurate to 1°C.

Attachment 8.4 NSW Office of Water General Terms of Approval

	Department of Primary Industries Office of Water	
	Received By 31 MAY 2012 Records	Contact: Mohammed Ismail Phone: 02 8838 7535 Fax: 02 9895 7501 Email: mohammed.ismail@water.nsw.gov.au
The General Manager Liverpool City Council Locked Bag 7064 LIVERPOOL NSW 1871		Our ref: 10 ERM2012/0352 Our file: 9055875 Your ref: DA 2012/968
Attention: Venetin Aghostin		29 May 2012
Dear Venetin		
Re: Integrated Development Referral – General Terms of Approval Dev Ref: DA 2012/968 Description of proposed activity: Construction of a Costco wholesale and retail warehouse and service station. Site location: Lot 200 BEECH ROAD CASULA LOT 200 DP1090110		
I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached please find the Office of Water's General Terms of Approval (GTA) for work/s on waterfront land requiring a controlled activity approval (CAA) under the <i>Water Management Act 2000</i> (WM Act), as detailed in the subject DA.		
Waterfront land includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary.		
Please note Council's statutory obligations under section 91A(3) of the <i>Environmental Planning and Assessment Act, 1979</i> (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the GTA proposed to be granted by the approval body.		
If the proposed development is approved by Council, the Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:		
<ul style="list-style-type: none">• The Office of Water should be notified if any plans or documents are amended and these amendments result in more than minimal change to the proposed development or in additional works on waterfront land.		
Once notified, the Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.		
<ul style="list-style-type: none">• The Office of Water should be notified if Council receives an application to modify the development consent if the modification relates to a matter covered by our GTA. Failure to notify may render the consent invalid.		
<hr/> <small>www.water.nsw.gov.au Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 PO Box 3720 Parramatta NSW 2124 Australia t + 61 2 8281 7777 f + 61 2 883 87554 e information@water.nsw.gov.au ABN 47 661 556 763</small>		

- The Office of Water requests notification of any legal challenge to the consent.

Under section 91A(6) of the EPA Act, Council must provide the Office of Water with a copy of any determination/s including refusals.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a CAA, the Office of Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval (CAA) until a copy of the CAA has been provided to Council".

The attached GTA are not the controlled activity approval. The applicant must apply (to the Office of Water) for a CAA **after consent** has been issued by Council **and before** the commencement of any works or activity on waterfront land.

Finalisation of a CAA can take up to eight (8) weeks from the date the Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form together with any required plans, documents, the appropriate fee and security (if applicable) and proof of Council's development consent.

Application forms for the CAA are available from the undersigned or from the NSW Office of Water's website:

www.water.nsw.gov.au [Water licensing](#) > [Approvals](#) > Controlled activities

The Office of Water requests that Council provide a copy of this letter to the applicant.

Yours Sincerely



Mohammed Ismail
Licensing Officer - CAA
Office of Water - Licensing South



General Terms of Approval

for work requiring a controlled activity approval
under the Water Management Act 2000

Our Reference: 10 ERM2012/0352 **File No:** 9055875
Site Address: Lot 200 BEECH ROAD CASULA LOT 200 DP1090110
DA Number: DA 2012/968
LGA: Liverpool City Council

Number	Condition
Plans, standards and guidelines	
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 2012/968 and provided by Council. Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3	All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx (i) Outlet structures
4	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
5	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
6	The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.
7	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

www.water.nsw.gov.au

Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 PO Box 3720 Parramatta NSW 2124 Australia | t + 61 2 8281 7777 | f + 61 2 883 87554 | e information@water.nsw.gov.au | ABN 47 661 556 763

Our Reference:	10 ERM2012/0352	File No: 9055875
Site Address:	Lot 200 BEECH ROAD CASULA LOT 200 DP1090110	
DA Number:	DA 2012/968	
LGA:	Liverpool City Council	

Number	Condition
Drainage and Stormwater	
8	The consent holder is to ensure that all drainage works <ul style="list-style-type: none"> (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
9	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
Erosion control	
10	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
END OF CONDITIONS	

Attachment 8.5 NSW Roads and Maritime Services conditions and comments

Our Reference: Your Reference: Contact: Telephone	SYD12/00112/5 DA-968/2012 Stella Qu 8849-2520	 Transport Roads & Maritime Services

General Manager
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Attention: Ms Venetin Aghostin

DA-968/2012 PROPOSED MIXED USE DEVELOPMENT – LOT 200 DP 1090110 BEECH ROAD, CASULA

Dear Sir and Madam,

Reference is made to Council's correspondence dated 1 February 2013 and a letter from JBA dated 3 January 2013 with regard to the abovementioned development application, which was referred to Roads and Maritime Services (RMS) for comment in accordance with Clause 104 and Column 2 of Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007.

RMS has reviewed the application and raises no objection to the development subject to the following requirements being incorporated into the development consent:

1. The subject site is burdened by several easements as shown on the plan attached, including an easement for batter. Therefore, the integrity of the identified easement for batter should not be compromised.
2. Dual right turn lanes with a minimum of 100 metres storage length in each lane shall be provided on the Camden Valley Way west approach at the intersection of Beech Road. This shall be constructed at full cost to the developer.
3. The proposed dual right turn lanes at the intersection of Camden Valley Way and Beech Road shall be designed and constructed in accordance with Austroads, RMS's supplements, RMS's Traffic Signal Design Manual and other Australian standards and endorsed by a suitably qualified practitioner.

The certified copies of the traffic signal design and civil design plans and swept path analysis shall be submitted to RMS for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority (PCA) and commencement of any road works.

RMS fees for administration, plan checking, signal works inspection and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned traffic signal and civil works. The Works Authorisation Deed (WAD) will need to be executed prior to RMS assessment of the detailed traffic signal design plans. The Construction Certificate shall not be released by the Principal Certifying Authority (PCA) until such time the WAD is executed.

The Occupation Certificate shall not be released until the proposed additional right turn lane is fully constructed and operational.

4. Details of the proposed variable message signage shall be submitted to RMS for review.
5. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
6. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

In addition, RMS provides the following advisory comments to Council for its consideration:

7. Council should ensure that post development storm water discharge from the subject site into the RMS drainage system does not exceed the pre-development discharge.
8. The number of car parking spaces should be provided to Council's satisfaction.
9. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS 2890.2 – 2002 for heavy vehicle usage and AS 2890.6:2009 for disability.
10. The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
11. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.

Please refer further enquiries to Stella Qu on telephone 8849 2520 or via email at Stella.Qu@rms.nsw.gov.au.

Yours sincerely



James Hall
Senior Land Use Planner
Transport Planning, Sydney Region
20 February 2013

Our Reference: SYD12/00492
Your Reference: DA968/2012
Contact: Stella Qu
Telephone: 8849-2520



Transport
Roads & Maritime
Services

The General Manager
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Attention: Priya Uppal

**CONSTRUCTION OF A COSTCO WHOLESALE AND RETAIL WAREHOUSE AND
SERVICE STATION AND TEN SIGNS**

Dear Sir/Madam,

Reference is made to Council's correspondence with regard to the abovementioned rezoning proposal and Development Application, which was referred to Roads and Maritime Services (RMS) for comment.

I wish to advise that the Sydney Regional Development Advisory Committee (SRDAC) discussed the proposed development at its meeting held on 9 May 2012 and provides the following comments:

1. The submitted PARAMICS modelling indicates that the length of the existing right turn bay on Camden Valley Way on the western approach to the existing signalised intersection at Beech Road is insufficient in length to cater for the traffic generated by the proposed development in 2026.

It is noted that the applicant proposes to extend this existing right turn lane on Camden Valley Way to cater for the additional right turning movements generated by the proposed development. However, this extension will not store the full right turn queue and this queue will not be cleared within one cycle.

It would be more efficient for dual right turn lanes to be provided on Camden Valley Way on the western approach to the Beech Road signalised intersection whilst maintaining the diamond operation phasing. The length of both dual right turn lanes shall extend the full length of the existing single right turn lane (including taper).

The proposed dual right turn lanes on Camden Valley will also require two lanes on Beach Road on the departure side of the signalised intersection, which shall be designed and constructed in accordance with Austroads.

A concept plan of these roadworks, which illustrate road design dimensions and swept paths overlayed on an accurate survey plan, shall be submitted to RMS for review and comment.

Roads and Maritime Services

LEVEL 11, 27-31 ARGYLE STREET PARRAMATTA NSW 2150
PO BOX 973 PARRAMATTA CBD NSW 2124 DX 28555
www.rms.nsw.gov.au | 13 22 13

2. The existing left turn lane on Camden Valley Way on the eastern approach to the Beech Road signalised intersection shall be extended to cater for the additional left turn movements generated by the proposed development. SIDRA modelling will determine the appropriate length of this left turn lane extension.
3. RMS requests that an 'Opening Period' Traffic and Parking Management Plan' (T&PMP) be prepared for the subject site to address any potential traffic issues that may arise when the Costco store opens for trade to the public. The T&PMP should address issues such as management of localised traffic congestion associated with the development and recommend strategies for dealing with traffic and parking management during Peak Trading Hours (particularly during the first 3 months of trade and such times as Mother's Day, Fathers Day, Easter, Christmas etc). Details of hours of operation, access arrangements and traffic control should also be submitted to Council and RMS, for review and comment, prior to the issue of any Occupation Certificate for the proposed development.

As part of the Opening Period T&PMP for the first 3 months of trade, consideration should be given to the provision of overflow parking

4. The abovementioned civil and signal works on Camden Valley Way shall be designed to meet RMS requirements and endorsed by a suitably qualified and chartered Engineer (i.e. who is registered with the Institute of Engineers, Australia). The design requirements shall be in accordance with RMS Road Design Guide and other Australian Codes of Practice. The certified copies of the traffic signal design plans shall be submitted to RMS for consideration and approval prior to the release of the Construction Certificate by the certifier and commencement of road works. RMS fees for administration, plan checking, signal works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Major 'Works Authorisation Deed' (WAD) for the abovementioned works.

Comment: It is requested that Council advise the developer that the conditions of consent set by the Council do not guarantee RMS final consent to the specific road work and other structure works on the classified road network. RMS must provide a final consent for each specific change to the State road network prior to the commencement of any work.

5. An electronic copy of the survey data from the Auburn store should be provided to Council and RMS.
6. Further information should be submitted to Council and RMS regarding the methodology used to assign trips on the road network to/from the proposed development for review and comment.
7. Landscaping within the car parking areas should be provided to Council's satisfaction.
8. Consideration should be given to provide pedestrian facilities on the local road network adjacent the subject site, such as footpaths and pedestrian refuges. This shall be addressed to Council's satisfaction.
9. Council raised concern with regard to car parking spaces being located directly adjacent the entry point on Beech Road and the potential for this to create conflict

and queuing at the entry point. This issue shall be addressed to Council's satisfaction.

10. The number of car parking spaces provided shall be to Council's satisfaction.
11. The electronic copy of the SIDRA models for the following intersections should be submitted to RMS and Council:
 - Camden Valley Way/Beech Road
 - Hume Highway/Campbelltown Road
 - Campbelltown road/Glenfield Road
 - Campbelltown Road/Parks
 - Campbelltown Road/Beech Road
 - Beech Road/Creekside Place
 - Beech Road/ Parkes Farm Place
12. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2 – 2002 for the longest vehicle adopted in the design.
13. The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS.
14. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.
15. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
16. Disabled car parking spaces are to be provided in accordance with Council's requirement and are to conform to AS 2890.6 – 2009.
17. All new pedestrian accesses are to comply with AS 1428.1 – 2001 *Design for Access and Mobility*.
18. All vehicles are to enter and leave the site in a forward direction.
19. The proposed turning areas are to be kept clear of any obstacles, including parked cars, at all times.
20. All traffic control during construction must be carried out by accredited RMS approved traffic controllers.

21. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

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

Yours sincerely



James Hall

**Chairman, Sydney Regional Development Advisory Committee
Land Use Planning and Assessment Manager**

28 May 2012

Attachment 8.6 Council's Traffic and Transport Section comments (for amended plans)



Liverpoolcity council
creating our future together

Memo

To: Venetin Aghostin
c.c.: Natalie Stewart
From: Charles Wiafe
Date: 4 February 2013
Subject: Additional Traffic Comments and Recommended Conditions on DA-968/2012
Reference: DA-968/2012, 021310.2013

Background

The Development Application (DA) is for the construction of a Costco Wholesale & Retail Warehouse and Service Station at Lot 200, DP 1090110, Beech Road Casula.

The proposed development has a gross floor area (GFA) of 13,009 sq. m and includes a revised car parking provision for 701 car parking spaces including 6 accessible parking spaces.

The Development Application is accompanied by a Traffic Assessment Report prepared by Halcrow with additional information and clarification of traffic related concerns outlined in Council's letter of 16 October 2012.

The outstanding traffic issues include:

- Adequacy and justification of the car parking provision
- Internal Traffic Circulation
- Traffic Management Plan for the first weeks of operation.

This additional traffic comments concentrate on the outstanding traffic issues and provide a summary of the traffic impact and the recommended traffic related conditions, should the DA be approved.

- **Adequacy and justification of the proposed car parking provision**

As outlined in Council's letter of the 16 October, 2012, Council's DCP does not specify a relevant car parking demand for the proposed development. The RMS Guide to Traffic Generating Developments does not also specify a relevant car parking demand.

In this regard, the car parking demand has been estimated from the demand at similar Costco stores in Auburn, Canberra and Melbourne and overseas.

This assessment indicates that the car parking demand should be between 629 car parking spaces (as provided at the Canberra store and 745 spaces as provided at the Auburn store).

The Auburn store contains an administrative office, but not a service station. Hence the car parking provision of 701 spaces (including staff parking) is considered adequate to accommodate the likely car park demand during peak trading conditions.

The parking provision is to include:

- At least 15 bicycle spaces for customers and staff, closest to the main entry and the staff entrances respectively, as well as at least 5 motorcycle spaces, closest to the main entrance.

Design of the Car Parking - The design of the car park does not include appropriate landscaping as specified in Council's DCP.

The car park also includes long sections of parking spaces (up to the limit of 100m specified in AS 2890.1, which could result in speeding within the car park. The applicant should therefore include appropriate landscaping and traffic calming devices (eg speed humps). The required landscaping would reduce the number of the car parking spaces marginally.

However the overall demand provision would still be adequate for the proposed development.

Internal Traffic Management – An internal traffic management plan

As outlined in the applicant's clarifications letter of 7 November 2012, it is recommended that a traffic management plan including a vehicle circulation plan which identifies the intended circulation patterns, movement restrictions, to be submitted to Council for approval prior to the issue of the construction certificate and for the plan to be implemented prior to occupation.

The plan should include options to address possible traffic queues *into the service station from Parkers Farm Place, as inquired at the Sydney West Joint Regional Planning Panel (JRPP) recent briefing meeting*

It is noted that Costco is not intending to have fuel discount days and the price of fuel is not anticipated to be considerably cheaper than other competing service station retailers.

The Traffic Management Plan needs to include strategies to prevent or minimise traffic queues to the development site, particularly the service station.

A recommended traffic management scheme should include:

- Line marking and signposting of section of Parkers Farm Place between Beech Road and two driveways to provide two traffic lanes. Hence No Parking is to be installed between Beech Road and the main driveway (off Parkers Farm Place). This would enable through traffic to bypass traffic waiting to turn into the service station.
- In the addition the eastern driveway to the service station is to be line marked Entry Only.
- Internal layout is to demarcate the path of the longest vehicles required to service the proposed development. The longest vehicles should be able to enter and leave the development in a forward direction.

- A plan of intended locations for directional signs coinciding with the vehicle circulation plan

Pedestrian Facility - A pedestrian refuge should be installed in Parkers Farm Place just west of the proposed main driveway as in the revised DA layout.

Traffic Arrangement during the first two months of occupation

As was the case at the opening of the existing Auburn store, it is expected that during the first two to three months of occupation the development would generate significant traffic volumes. To minimise and manage this expected increase appropriately a traffic management plan is to be prepared and implemented by the developer (in consultation with Council and RMS).

External Traffic Impact

Consultation with RMS

Due to the size and nature of the development application the traffic impact of the proposal has been considered in consultation with the RMS. RMS had numerous meetings with the applicant concerning the methodology for strategic and intersection performance assessments and a revised traffic impact assessment report has now been accepted by RMS.

The critical and noticeable external traffic impact of the proposed would be its impact on the Camden Valley Way / Beech Road intersection.

To accommodate the projected additional traffic flow, the RMS and the applicant has agreed that the existing intersection is to be upgraded to provide 110m dual right turn lanes with appropriate taper (this implies increase in the existing right turn lane by about 65 metres) for turning movements from CVW to Beech Road.

In addition to the right turn lane the existing left turn lane into Beech Road is to be reline marked to extend the bay as much as possible.

As indicated above the traffic impact assessment has been carried out in consultation with the RMS and the agency's recommended conditions are to be imposed on the development application (should it be supported).

Recommendation on traffic related conditions:

The Traffic Section has no objection to the proposed development subject to the following additional traffic related conditions:

- i) The existing Camden Valley Way / Beech Road intersection is to be upgraded by the extension of the existing right turn bay into Beech Road to provide two dual right turning bays 110m long plus taper and the existing left turn into Beech Road to be reline marked to lengthen the existing bay as much as possible, in accordance with RMS requirements.

The above intersection improvements require the developer to enter into a Works Authorisation Deed with the RMS.

- ii) The proposed internal road layout to demonstrate that the longest vehicles that would be servicing the development can enter and leave safely in a forward direction.
- iii) A work place travel plan to be prepared and implemented at full cost to the developer to Council's satisfaction.
- iv) Pedestrian facilities including pedestrian refuges to be installed in the street frontages. Design of the facilities to be submitted to Council's Local Traffic Committee for approval prior to installation. The facilities are to be completed prior to occupation.
- v) The section of the road frontages at the proposed driveways are to be appropriately line marked to ensure safe turning movements in and out of the proposed driveways. The proposed treatments are to consider parking restrictions along the sections of Parkers Farm Place and Beech Road. Details of the treatments are to be provided prior to the issue of Construction Certificate. If parking restrictions are required they are to be submitted for the Local Traffic Committee's approval and to be completed prior to the occupation.
- vi) During the first two to three months of opening of the development a traffic management plan is to be prepared and implemented to minimise traffic impact on the external road network. The plan is to be submitted to Council and RMS for approval prior to implementation.
- vii) The driveways and car parking spaces are to be provided in accordance with AS2890.1.
- viii) Where road works would affect traffic flow on any existing road, the developer is to submit a Construction Traffic Management Plan (CTMP) prepared by a qualified person to regulate traffic during construction works. The CTMP is to ensure that impact on the traffic flow is minimised.

Should you require any further clarification on the above comments, do not hesitate to contact me on Ext 9122.

Charles Wiafe
Traffic & Transport Manager

DEVELOPMENT APPLICATION NO. **DA-968/2012**

SITE ADDRESS: **Lot 200, DP 1090110, Beech Road Casula.**

ASSESSMENT OF APPLICATION

BACKGROUND INFORMATION

Development Application for the construction of a Costco Wholesale & Retail Warehouse and Service Station at the abovementioned premises.

The proposed development has a gross floor area (GFA) of 13,009 sq. metres and includes a provision for 710 car parking spaces including 6 accessible parking spaces.

ASSESSMENT OF APPLICATION

The application has been assessed based to the principal and practice outlined in the RMS Guide to Traffic Generating Development, the Liverpool DCP 2008. Reference has also been made to relevant Australian Standards and the Traffic Impact Assessment Report the development application.

Traffic Generation and Impact on the External Road Network

The DA is accompanied by a Traffic Impact Assessment Report for the rezoning of the development site as well as the proposed Development Application prepared by Halcrow.

Consultation with RMS

Due to the size and nature of the development application the traffic impact of the proposal has been considered in consultation with the RMS. RMS had numerous meetings with the applicant concerning the methodology for strategic and intersection performance assessments and a revised traffic impact assessment report has now been accepted by RMS.

The revised traffic report has outlined that based on the similar Costco development at Auburn the development is expected to generate a peak traffic volume of approximately 1,110 on a Saturday afternoon and between 520-550 vehicles during the morning and afternoon peak periods.

Traffic modelling carried out by the applicant's consultant which has distributed the above traffic generation potential indicates that the external road network has spare capacity to accommodate the traffic impact of the proposed development. However, the modelling also indicates that by 2026, the Camden Valley Way / Beech Road intersection would require intersection improvement. The required improvement has been discussed and agreed to with the RMS and it involves the provision of approximately 100m dual right turn lanes with taper (this implies increase in the existing right turn lane by about 65 metres). In addition to the right turn lane the existing left turn lane into Beech Road is to be reline marked to extend the bay as much as possible.

The intersection improvement has been discussed with RMS and the agency has provided specific consent conditions which would need to be imposed on the application should it be approved. In particular, the RMS would require a Works Authorisation Deed (WAD) to be entered into for the required intersection treatment to be carried out.

Traffic Arrangement during the first two months of occupation

As was the case at the opening of the existing Auburn development it is expected that during the first two to three months of occupation the development would generate significant traffic volumes. To minimise and

manage this expected increase appropriately a traffic management plan is to be prepared and implemented by the developer.

Driveway Configuration - The primary access to bulky goods component is via Parkers Farm Place. An additional access to the service station and an access for staff and service vehicles are also proposed off Parkers Farm Place.

Two additional vehicular access points are also proposed off Beech Road. These arrangements are acceptable.

Car Parking Provision

Based on Council's DCP Car Parking Code, the proposal will generate a car parking demand for 537 spaces.

However, Council's DCP car parking demand does not specifically address the car parking requirement for the a Costco type development.

The applicant has assessed the car parking demand based on the demand at the existing Auburn development. Based on pro-rata the car parking demand has been estimated at 710 spaces (including 16 accessible spaces and 57 staff spaces). The car parking provision is considered acceptable.

Should the DA be approved the proposed car parking spaces are to be demarcated and used as such.

Options to Encourage Public Transport Use

As part of the rezoning of the development site the Transport NSW recommended (based on a strategy outlined in the traffic assessment report) that a work place travel plan is to be prepared to encourage staff members to use public transport where possible. This strategy is supported and appropriate condition is to be imposed should the DA be approved.

Internal Road Layout

The traffic section has reviewed the initial road layout provided by the applicant. The information provided is not detailed enough to allow for appropriate assessment of the turning paths of the longest vehicle that would be expected to service the development. It is recommended that during detailed design additional information on turning templates should be provided by the applicant to identify that the longest vehicles including the proposed delivery tankers can enter and leave the development site safely.

The internal arrangement is to be provided in accordance with AS2890.

Pedestrian Facilities

The development is expected to generate pedestrian movements between the existing site and the nearby bulky goods developments within the local precinct. Detailed plans are to be submitted to highlight pedestrian desire lines with appropriate treatments such as pedestrian refuges, across the street frontages.

Conditions Recommended by RMS

As indicated above the traffic impact assessment has been carried out in consultation with the RMS and the agency's recommended conditions are to be imposed on the development application (should it be supported).

CONCLUSION

The Traffic Section has no objection to the proposed development subject to the following additional traffic

2. The existing Camden Valley Way / Beech Road intersection is to be upgraded by the extension of the existing right turn bay into Beech Road to provide two dual right turning bays 110m long plus taper and the existing left turn into Beech Road to be reline marked to lengthen the existing bay as much as possible, in accordance with RMS requirements.
3. The above intersection improvements requires the developer to enter into a Works Authorisation Deed with the RMS.
4. The proposed internal road layout to demonstrate that the longest vehicles that would be servicing the development can enter and leave safely in a forward direction.
5. A work place travel plan to be prepared and implemented at full cost to the developer to Council's satisfaction.
6. Pedestrian facilities including pedestrian refuges to be installed in the street frontages. Design of the facilities to be submitted to Council's Local Traffic Committee for approval prior to installation. The facilities are to be completed prior to occupation.
7. The section of the road frontages at the proposed driveways are to be appropriately line marked to ensure safe turning movements in and out of the proposed driveways. The proposed treatments are to consider parking restrictions along the sections of Parkers Farm Place and Beech Road. Details of the treatments are to be provided prior to the issue of Construction Certificate. If parking restrictions are required they are to be submitted for the Local Traffic Committee's approval and to be completed prior to the occupation.
8. During the first two to three months of opening of the development a traffic management plan is to be prepared and implemented to minimise traffic impact on the external road network. The plan is to be submitted to Council and RMS for approval prior to implementation.
9. The driveways and car parking spaces are to be provided in accordance with AS2890.

DETERMINATION

Nominate either:

Application approved subject to conditions (see below): ☒

Application refused for the following reason/s: ☐

Application deferred for the following reason/s: ☐

Name of officer completing referral

Victor Lim / Charles Wiafe

Date referral completed

26 October 2012

Prior to Issue of Construction Certificate	Tick if relevant	Prior to Works Commencing	Tick if relevant	During Construction	Tick if relevant	Prior to Issue of Occupation Certificate	Tick if relevant	Prior to Issue of Subdivision Certificate	Tick if relevant	Conditions Relating to Use	Tick if relevant
245	<input checked="" type="checkbox"/>	322	<input checked="" type="checkbox"/>	419	<input checked="" type="checkbox"/>					819 *	<input checked="" type="checkbox"/>
246	<input checked="" type="checkbox"/>			420	<input checked="" type="checkbox"/>					820 *	<input type="checkbox"/>
				421	<input checked="" type="checkbox"/>					821	<input checked="" type="checkbox"/>
				422	<input checked="" type="checkbox"/>					822	<input checked="" type="checkbox"/>
				423	<input checked="" type="checkbox"/>					823	<input checked="" type="checkbox"/>
				424	<input checked="" type="checkbox"/>						
List condition number/s here if you wish to nominate additional conditions to be imposed from the standard conditions:											
If you have additional specific conditions, tick the box and type conditions over page <input type="checkbox"/>											

819
710 including 16 Accessible Parking spaces.

820

Prior to Issue of Construction Certificate

See above.

Prior to Works Commencing

See above.

During Construction

Traffic construction management plan is required for the Camden Valley Way / Beech Road intersection upgrade, the recommended pedestrian facilities as well as the driveways off the street frontages.

Prior to Issue of Occupation Certificate

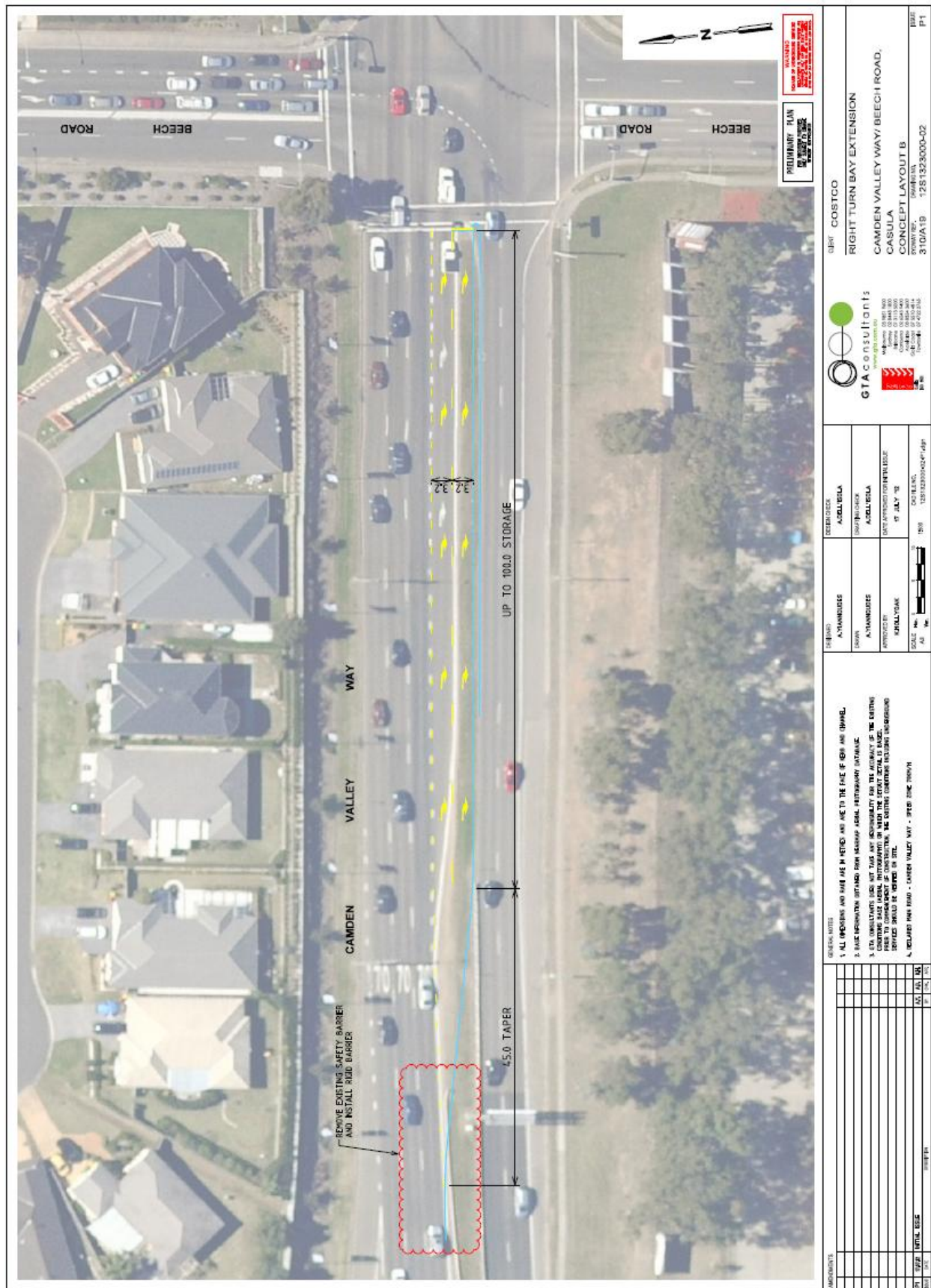
See above.

Prior to Issue of Subdivision Certificate

Conditions Relating to Use

The proposed car park and internal roads to be maintained to Council's satisfaction.

Attachment 8.7 Applicants' Concept Plan of intersection improvements



Attachment 8.8 NSW Rural Fire Service comments

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Facsimile: 8741 5433



The General Manager
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Your Ref: none
Our Ref: D12/0968
DA12051483232 MA

ATTENTION: Venetin Aghostin

17 May 2012

Dear Sir/Madam

Land Use Application for 200 Beach Road Casula

I refer to your letter dated 2 May 2012 seeking advice regarding bush fire protection for the above Land Use Application in accordance with Section 79BA of the 'Environmental Planning and Assessment Act 1979'.

The Service provides the following recommended conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

3. New construction on the northern, eastern and southern elevations of the proposed warehouse shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
4. New construction on the western elevation of the proposed warehouse shall comply with Sections 3 and 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

Landscaping

5. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

For any queries regarding this correspondence please contact Matthew Apps on 1300 NSW RFS.


Yours sincerely



Nika Fomin
Team Leader Development Assessment


The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

Attachment 8.9 Police comments (safer by design)

 Email

From: Matthew Bonomo
To: Venetia Aghostin
Subject: Costco DA

Sent: 25/05/2012 10:42:55 AM



Message

Lot 200 DP 1090110
Lot 200 Beech Rd, Casula NSW 2170
DA – 968/2012

I refer to the above Development Application forwarded to myself for an assessment of crime risk.

The proposed development is for the construction of a Costco Wholesale and Retail Warehouse and Service Station and ten signs at the above site.

The surrounding land uses of the proposed development site include the Crossroads Home Maker Centre to the north, north-east and east. Beyond the Homemaker Centre to the north, south-east and west are residential developments.

Crime Prevention through Environmental Design (CPTED)

Crime Prevention through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space.

Predatory offenders often make cost-benefit assessments of potential victims and locations before committing crime. CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits. This is achieved by creating environmental and social conditions that:

- Maximize risk to offenders (increasing the likelihood of detection, challenge and apprehension).
- Maximize the effort required to commit crime (increasing the time, energy and resources required to commit crime)
- Minimize the actual and perceived benefits of crime (removing, minimizing or concealing crime attractors and rewards) and
- Minimize excuse making opportunities (removing conditions that encourage/facilitate rationalization of inappropriate behaviour)

CPTED employs four key strategies. These are surveillance, access control, territorial re-enforcement and space/activity management.

After perusing the documents I am satisfied that CPTED strategies are being employed in the design and construction of the warehouse and service station and therefore have no objections with the proposed development.

Yours faithfully

Matthew Bonomo
Senior Constable / Crime Prevention Officer
Liverpool Local Area Command

Attachment 8.10 Council's Strategic Planning Section comments



To: Venetin Aghostin
From: Tanya O'Brien
Date: 29 January 2012
Subject: Strategic Planning Referral
Reference: DA-968/2012

Strategic Planning has reviewed the modifications proposed to the Costco Development. The following comments are provided:

- The LEP amendment to allow for additional uses was gazetted by the DP&I on 18th January 2012. Please ensure that new proposed increase in gross floor area does not exceed 14,000 sqm as indicated in the written instrument published on the NSW legislation website.
- The letter by JBA providing justification for each modification indicates that a traffic management plan is to be prepared. The traffic management plan must be endorsed and reviewed by TfNSW to ensure that adequate measures are incorporated.
- A condition needs to be placed on the DA for the developer to obtain a Section 73 Certificate from Sydney Water to manage the servicing aspects of the development.
- A condition will need to be placed in the DA regarding standard construction hours.
- Please ensure that appropriate conditions are obtained by RMS for the Development and Works for Authorisation Deed. Final sign off on the modifications by RMS is required. Please note that the following comment was also provided by RMS:
 - *"It is requested that council advise the developer that the conditions of consent set by the Council do not guarantee RMS final consent to the specific road work and other structure works on the classified road network. RMS must provide a final consent for each specific change to the State road network prior to the commencement of any work" The following will need to be conditioned appropriately as part of the development consent"*
- Appropriate conditions need to be placed on the consent that ensure that the following road upgrades are provided by the developer:
 - Provision of a dual right turn lane of 100m length with a 45m taper to address traffic impact arising from the Costco Development
 - Enter into a Works Authorisation Deed with the RMS
 - Provision of Kerb ramps and pedestrian refuge
 - Provision of paved footpath on Parkers Farm Road and Beech Road linking with proposed pedestrian routes to existing pavements
- Please also refer to previous comments prepared by strategic planning (Record No: 228865.2012)

No Further objection is made to the Development Application. If you require any further clarification regarding the above, please do not hesitate to contact Priya Uppal on ext 9275.

Tanya O'Brien
Manager Strategic Planning