

Planning Proposal

10 Orange Grove Road & 5 Viscount Place, Warwick Farm (The Grove)

Draft Amendment 91 of Liverpool Local Environmental Plan 2008 to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to facilitate the expansion of The Grove, Warwick Farm

5 July 2021

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Foreword

This report has been based on a Planning Proposal Report that was prepared by Ethos Urban on behalf of Gazcorp (the Proponent) to initiate an amendment to the Liverpool Local Environmental Plan 2008 (LLEP 2008).

The planning proposal request was received by Liverpool City Council (LCC) on 7 September 2020. Advice was sought from the Liverpool Local Planning Panel (LPP) at its meeting on 6 April 2021. After considering the assessment report, the LPP provided their advice, that the proposal has both strategic and site-specific merit, and supported the planning proposal proceeding to a Gateway determination. The planning proposal was then considered at Council's Ordinary Meeting on 28 April 2021 where it received in principle support to be forwarded to the Department of Planning, Industry and Environment (DPIE) seeking a Gateway determination.

Introduction

A planning proposal was received from the proponent, Gazcorp, to rezone land at The Grove being 10 Orange Grove Road (Lot 101 DP 1043160) and 5 Viscount Place, Warwick Farm (Lot 23 DP 1190437). The planning proposal prepared by Ethos Urban on behalf of the proponent seeks to expand permissible uses across the two sites.

The planning proposal thus proposes to amend the Liverpool Local Environmental Plan (LLEP) 2008 in the following way -

- Amend Schedule 1, Clause 21 to increase the current cap on retail premises from 19,000m² to 21,000m² and update the legal description so that the subject clause would apply to 5 Viscount Place, Warwick Farm (Lot 23 DP 1190437).
- Amend Schedule 1, Clause 24 to include *business premises* as an additional permitted use and update the address so that the subject clause would apply to 10 Orange Grove Road, Warwick Farm (Lot 101 DP 1043160).

This proposal identifies the potential for the site to further develop as a stand-alone centre within the broader 'mixed industry/retail precinct' of the Liverpool Collaboration Area.

Background

Zoning History

The Grove was previously zoned 4(b) Industrial under the Liverpool Local Environmental Plan 1997 (LLEP 1997). In September 2001, Council approved a Development Application (DA) for a warehouse retail outlet on the Fashion Spree site. In December 2003, this consent was challenged by Westfield in the Land and Environment Court. Subsequently, in January 2004, the Court found that a warehouse retail outlet could not operate under the applicable 4(b) Industrial zone under the LLEP 1997, and the outlet was ordered to close.

On 28 August 2008, the Liverpool Local Environmental Plan 2008 (LLEP 2008) was gazetted and The Grove was zoned B5 Business Development due to the presence of specialised retail on the site. In December 2008, Council approved a DA for the vacant warehouse retail outlet building to be used for the purposes of 'weekend markets' only.

In May 2011, Gazcorp submitted a planning proposal to rezone the 'Fashion Spree' site at 5 Viscount Place, Warwick Farm to B6 Enterprise Corridor to "facilitate a reuse of the existing weekend markets building as a factory outlet retail centre trading seven days per week". However, on 29 July 2011, the planning proposal was amended to ensure that the 'weekend markets' would be facilitated via an additional permitted use under Schedule 1 of the LLEP 2008 instead (see below):

- (1) This clause applies to Lot 121 DP 876962 in Zone B5 Business Development at Orange Grove Road, Warwick Farm.
- (2) Development for the purpose of a single building comprising retail premises having a maximum Gross Floor Area (GFA) of 19,000m² is permitted with consent.

- (3) No single retail tenancy shall be greater than 1200m².

In this instance, the B5 Business Development zone was retained to ensure that bulky goods retailing would be maintained on the site. The amended planning proposal proceeded to public exhibition and a post-exhibition report was presented to Council on 5 November 2012. Amendment 22 was gazetted on 21 June 2013.

In April 2015, Gazcorp submitted a planning proposal to rezone the 'Homemaker Centre' at 5 Orange Grove Road, Warwick Farm from B5 Business Development to B2 Local Centre. The planning proposal also proposed to place a limit of 21,000m² GFA for 'shops' on this site. In September 2015, a letter was sent to the proponent recommending the planning proposal be amended to seek an additional permitted use of 'shops' with a maximum GFA of 21,000m² for the site, rather than rezone the site to B2 Local Centre. A revised planning proposal was submitted accordingly (see below).

- (1) This clause applies to part of Lot 101, DP 1043160, 10 Viscount Place, Warwick Farm, as shown coloured green on the Key Sites Map.
- (2) Development for the purpose of shops is permitted with consent if the total GFA of shops on the site does not exceed 21,000m².

At its Ordinary Meeting on 16 December 2015, Council resolved to forward the planning proposal to DPIE for a Gateway Determination and public exhibition. The amended planning proposal proceeded to public exhibition, and a post-exhibition report was presented to Council on 28 February 2018. Amendment 61 was gazetted on 2 August 2019.

Planning Proposal

The subject planning proposal request was lodged in September 2020. The planning proposal as lodged in its original form sought to amend Schedule 1 of the LLEP 2008 as follows:

Schedule 1, Clause 21 (Fashion Spree)

- Update legal description of the site;
- Add 'business premises' as a permissible use;
- Remove the 19,000m² GFA cap applying to all 'retail premises' and apply a 21,000m² GFA cap to 'shops' and 'business premises' only (the maximum individual premises of 1,200m² is retained for 'shops' and 'business premises').

Schedule 1, Clause 24 (Homemaker Centre)

- Add 'business premises' as a permissible use.

A peer review of the planning proposal was undertaken by SGS, specifically for the economic impacts of the planning proposal (**Attachment A**). SGS supported the proposed changes to *Schedule 1 Clause 24*, however concerns were raised regarding the amendments to *Schedule 1, Clause 21* as follows:

- Adding 'business premises' as a permissible use would lead to the potential development of a larger traditional retail centre, thereby undermining the centres hierarchy.
- Increasing the GFA cap for 'shops' and 'business premises' by 2000m² is unlikely to have a substantial impact on the centres hierarchy, however the increase can be only supported if it is for

additional outlet retailing and if it does not result in harmonising the separate functions of the Fashion Spree and Homemaker sites. .

- Removal of the GFA cap for 'retail premises' (apart from 'shops') is supported. However, there are concerns that removing the GFA cap would could potentially result in a large dining precinct being developed on the site as 'food and drink premises' would effectively be uncapped, thereby potentially undermining the centres hierarchy and conflicting with the site's function as a stand-alone centre.

Given the concerns raised in the peer review, Council officers drafted a Local Planning Panel (LPP) report recommending that Schedule 1 of the LLEP 2008 be amended as follows:

Schedule 1, Clause 21 (Fashion Spree)

- Update legal description of the site;
- Remove the 19,000m² GFA cap applying to all 'retail premises', and apply the GFA cap to 'shops' only (the maximum individual premises of 1,200m² is retained for 'shops').

Schedule 1, Clause 24 (Homemaker Centre)

- Add 'business premises' as a permissible use.

The proponent prepared responses (**Attachments B & C**) to the peer review and LPP report before a memorandum prepared by Council staff (**Attachment D**) was attached to the LPP report recommending that Schedule 1 of the LLEP 2008 be amended as follows:

Schedule 1, Clause 21 (Fashion Spree)

- Update legal description of the site;
- Increase the 19,000m² GFA cap applying to all 'retail premises' to 21,000m².

Schedule 1, Clause 24 (Homemaker Centre)

- Add 'business premises' as a permissible use.

Report Structure

This Planning proposal has been prepared in accordance with Section 3.33 of the EP&A Act with consideration of DPIE's (formerly DPE's) 'A Guide to Preparing Planning Proposals' (December 2018). Accordingly, the proposal is discussed in the following parts:

- Site Description
- Statutory Planning Framework
- Part 1 – A Statement of the Objectives and Intended Outcome
- Part 2 – Explanation of Provisions
- Part 3 – Justification
- Part 4 – Mapping
- Part 5 – Community Consultation
- Part 6 – Project timeline

Site Description

The site has an area of approximately 156,000m² and has a frontage to Orange Grove Road/Cumberland Highway and Viscount Place. An aerial photo of the site is shown at Figure 1.



Figure 1: Aerial view of subject site (outlined in red)

The Grove is made up of four land parcels comprising:

- Lot 101 in DP1043160 (Homemaker Centre);
- Lot 23 in DP1190437 (Fashion Spree);
- Lot 22 in DP1190437; and
- Lot 100 in DP1043160

Lot 22 in DP1190437 and Lot 100 in DP1043160 include a variety of other retail uses that are currently contained within a few one storey large format warehouses.

Directly to the north of the site is Cabramatta Creek and associated riparian corridor. On the northern side of this corridor is the suburb of Cabramatta, which is characterised by one and two storey detached residential dwellings. Beyond this are similar suburbs such as Fairfield, Canley Heights, and Wetherill Park, as well as the Western Sydney Parklands.

Directly to the south of the site is large format warehouses and bulky goods retailing. Further to the south is the Liverpool City Centre, which includes Westfield, the Liverpool City Library and Liverpool Hospital.

Cabramatta Creek and Dwyer Oval are located to the east of the site, which make up a larger open space corridor that extends approximately two kilometres to the Hume Highway. Further east is the Georges River and Chipping Norton Lake, the surrounding suburbs of which are characterised by low density one and two storey detached dwellings.

Orange Grove Road and Cumberland Highway is located directly west of the site. Beyond this is the extension of Cabramatta Creek and the southern portion of the Cabramatta Golf Club. Also, to the west are the suburbs of Liverpool, Mount Pritchard and Ashcroft, which are again characterised by low density residential dwellings.



Figure 2: Locality map (site outlined in red)

Statutory Planning Framework

Liverpool Local Environmental Plan 2008

The subject site is zoned B6 - Enterprise Corridor and B5 - Business Development in accordance with the zoning map of the LLEP 2008 (refer to Figure 3).

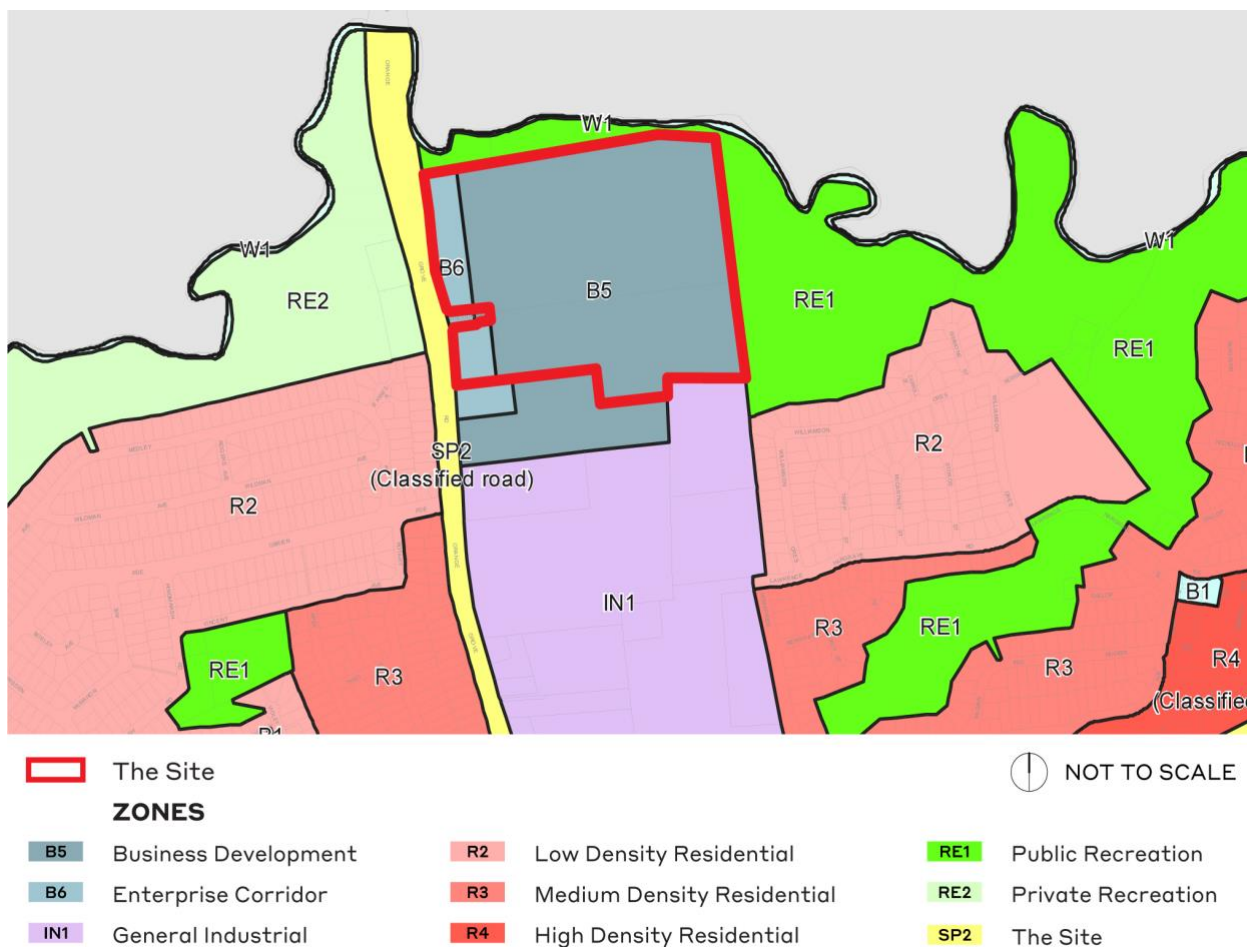


Figure 3: Existing land use zoning in the LLEP2008 (subject site outlined in red)

The objectives of the B5 Business Development zone are:

- To enable a mix of business and warehouse uses, and specialised retail 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 B5 zone facilitates a reasonable concentration of business activity. The intended future development (retail and business premises) of the site is consistent with the objectives of the B5 Business Development zone.

The objectives of the B6 Enterprise Corridor zone are:

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting the retailing activity.
- To provide primarily for businesses along key corridors entering Liverpool city centre, major local centres or retail centres.
- To ensure residential development is limited to land where it does not undermine the viability or operation of businesses.
- To provide for residential uses, but only as part of a mixed use development.

The proposal does not apply to any land in the B6 zone.

The Homemaker Centre (Lot 101 in DP 1043160) and the Fashion Spree retail outlet (Lot 23 in DP 1190437) are also identified on the Key Sites Map as having additional permitted uses under Schedule 1 (being shops and retail premises respectively) (as identified in Figure 4).

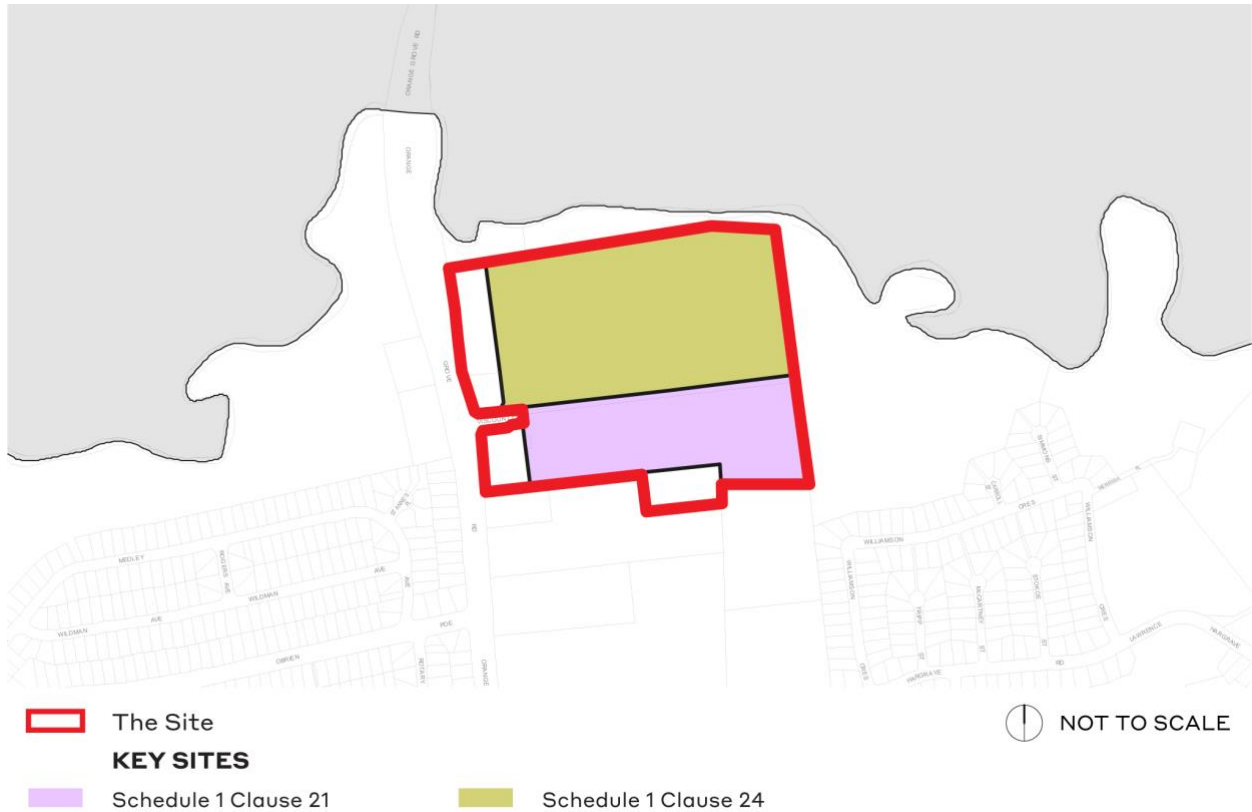


Figure 4 LLEP 2008 Key Site Map Extract (subject site outlined in red)

Delegation of plan making functions

This planning proposal seeks to make a relatively minor amendment to the Liverpool Local Environmental Plan 2008. As such, Council is seeking authority of plan making functions pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979 (“EP&A Act”).

Part 1 – Objectives and Intended Outcomes

The prevailing objective in seeking amendments to Clauses 21 and 24 in Schedule 1 of the LLEP 2008 is to provide greater flexibility in the permissible uses and realise the full development potential of The Grove. Specifically, the following amendments are sought:

Table 1 - Proposed amendments

Fashion Spree site (Schedule 1, Clause 21)	Homemaker Centre site (Schedule 1, Clause 24)
<p>Schedule 1, Clause 21 – Use of certain land at Warwick Farm</p> <ol style="list-style-type: none"> 1. This clause applies to part of Lot 121, DP 876962 and part of Lot 101, DP1043160 and part of Lot 23 in DP1190437, 5 Viscount Place, Warwick Farm, as shown coloured light purple on the Key Sites Map. 2. Development for the purposes of retail premises is permitted with consent if – <ol style="list-style-type: none"> a) The total gross floor area of all retail premises on the site does not exceed 19,000m² 21,000m² and b) The gross floor area of any individual retail premises does not exceed 1,200m² 	<p>Schedule 1, Clause 24 – Use of certain land at 10 Viscount Place Orange Grove Road, Warwick Farm</p> <ol style="list-style-type: none"> 1. This clause applies to part of Lot 101, DP1043160, 10 Viscount Place Orange Grove Road, Warwick Farm, as shown coloured green on the Key Sites Map. 2. Development for the purpose of shops and business premises is permitted with consent if the total gross floor area of shops and business premises on the site does not exceed 21,000m².

The intended outcomes of the proposed changes are summarised as follows:

- The legal description of the land has been amended; therefore, the proponent seeks that Clauses 21 and 24 are updated to reference the current Lot, DP and addresses.
- The proposed 2,000m² increase to the Fashion Spree site’s maximum permitted floorspace is sought to help provide a greater experience for shoppers and a better urban design outcome. The additional floorspace will be beneficial to the entire site as it will:
 - Increase the amount of outlet retail premises floorspace whilst ensuring that food and drink retailing on the site continues to be provided in accordance with the centre hierarchy and role of the centre; and
 - Enable the sleeving of the northern side of Fashion Spree centre with additional tenancies, thereby activating the public domain and creating a better shopping experience for customers and workers.
- The introduction of ‘business premises’ into Clause 24 in Schedule 1 as an additional permitted use to enable the provision of ancillary and complementary services for the convenience of the visitor and working population on the Homemaker Centre site. Business premises at the Homemaker Centre site will be subject to the proposed 21,000m². In their peer review, SGS has confirmed that this element of the proposal is unlikely to have adverse impacts on the Liverpool City Centre.
- Other matters, including pedestrian safety, amenity and traffic effects will be addressed with further scrutiny during consultation with Transport for New South Wales (TfNSW) and through the DA process.

Part 2 – Explanation of provisions

The objectives and intended outcomes of the proposal will be achieved by amending Clauses 21 and 24 of Schedule 1 of the LLEP 2008 as indicated in Table 1 of this report.

A detailed justification for each of the proposed amendments is provided under the following subheadings:

The update of the legal description at the Fashion Spree site

Since the gazettal of Amendment 22, the legal description of the land has been amended. The proponent has therefore sought that Clause 21 is updated to reference the current Lot and DP reference.

The update of the address for the Homemaker Centre site

Since the gazettal of Amendment 61, the address has been amended. It is therefore sought that Clause 24 is updated to reference the current address.

Increasing the existing cap from 19,000m² to 21,000m²

The Grove will provide a higher degree of amenity for shoppers, a greater shopping experience and an improved urban design outcome. The indicative plan in the Traffic Impact Statement (**Attachment E**) shows that the proposed new layout will include the establishment of tenancies on the northern fringe of the Fashion Spree building that are integrated with the landscaping and future refurbishment and development on The Grove Homemaker Centre site. These tenancies are intended to sleeve the building façade and to create an inviting and activated frontage to the Fashion Spree centre, as opposed to the internally facing tenancies that currently exists.

As such, the proposed increase in maximum permitted floorspace to 21,000m² is sought to help realise this vision.

Over the last 10 years, The Grove, has been the subject of numerous independent economic impact assessments to measure the potential impact of the growth of the centre anticipated under both Amendments 22 and 61.

All the research to date has found that the future retailing at The Grove will have 'very low' impacts of between - 3.2% and -5.3% on surrounding Regional Centres such as Liverpool CBD, Westfield Liverpool, Fairfield Town Centre and Stockland Wetherill Park, as well as smaller Sub-Regional Centres of Casula Mall, Bonnyrigg Plaza and Carnes Hill Marketplace. This level of impact is considerably less than the impacts of 10% and 15% that the Land & Environment Court of NSW has in the past noted as being sufficient enough to cause decline in the viability and range of services offered in an existing centre.

Technical studies highlight that the volume of floorspace which can be developed for the purposes of 'shop' development can be increased by 2,000m² without significant impact upon any other surrounding Regional and Sub-Regional centres.

Additional permitted use for Homemaker Site: Business Premises

In order to cater for increasing customer demand for a broader range of uses and for The Grove Homemaker Centre to continue to be competitive, viable and realise its full development potential, the proposal seeks to introduce Business Premises as an additional permitted use for the Homemaker Site. Business premises will be subject to the proposed total floorspace cap of 21,000m² on the Homemaker site.

The site is identified as being a 'stand-alone centre' in the Liverpool Centres and Corridors Study (April 2020) as it specifically defines the role that The Grove (along with other stand-alone centres) should play in the Liverpool LGA retail hierarchy. Notably, the 'stand-alone centres' at Chipping Norton, Hoxton Park Road, Prestons and Casula include 'business premises' as a permitted use.

By virtue of this 'stand-alone centre' classification, and the uses permitted in other stand-alone centres, it is evident that The Grove should be differentiated from other sites with B5 and B6 zoning under the LLEP 2008 as it plays a distinct and separate role to out-of-centre sites or bulky goods clusters.

Furthermore, the introduction of additional 'business premises' uses into the existing developments on the Homemaker site would not convert the site into a 'mixed-use' or 'local' centre in the traditional sense. The provision of a proportion of 'business premises' uses, such as shoe repairs, dry cleaners, tailors, nail salons, hairdressers or banks would also reinforce its ability to provide everyday services for the convenience of the visitor and working population on the site.

In support, the Economic analysis report, prepared by Deep End Services (**Attachment F**) considers that the small-scale businesses would rely on the visitation generated by the centre and would have a complementary or ancillary function that would improve the amenity for visitors and enable them and employees on site to obtain a limited range of personal or business services while experiencing the retail offer.

By providing these small-scale services at The Grove, important economic and environmental benefits in terms of reduced travel costs and emissions, as well as providing convenience for shoppers and staff would be generated. Importantly, Deep End also consider that as ancillary uses that rely on a customer base already present in the centre, there is little chance of a multiplicity of such uses being established. Floorspace benchmarks for centres that contain Discount Department Store (DDS) show that the ancillary and complementary 'business premises' uses make up a small fraction of the available floorspace within each centre.

In Deep End Service's opinion, the minor role that 'business premises' play in the functioning of shopping centres is acknowledged by the fact that economic impact assessments specifically exclude such uses when considering trading impacts on other centres, concentrating on the primary retail components which define the function of the centres.

On this basis, Deep End Services consider that the inclusion of 'business premises' as a permitted use within Clause 24, and therefore within the Homemaker Site of The Grove, would have no effect on the role of the operation of the centre, would generate benefits to local shoppers and workers, would be immaterial to the classification of the centre within the hierarchy and would not adversely impact any other centres.

Part 3 – Justification

Section A – Need for the planning proposal

3.1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The planning proposal is not a result of any strategic planning statement, strategic study or report. However, the planning proposal aligns with state and regional strategic documents that set out goals seeking to protect, increase and enhance industrial and urban services land. Additionally, the proposal is aligned with Council strategies and studies. These documents include the following:

- Greater Sydney Regional Plan – A Metropolis of Three Cities
- Western City District Plan
- Local Strategic Planning Statement - Connected Liverpool 2040

Further detail in respect of the alignment with these documents is set out in Section B (Relationship to strategic planning framework).

3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is considered the best means of achieving the objectives and intended outcomes as indicated in Part 1 of this planning proposal. There are no alternative processes to achieve the intent of this Planning Proposal due to the current planning controls that apply to the site under the LLEP 2008.

Section B – Relationship to strategic planning framework.

DPIE’s Planning Circular (PS 16-004) notes that a key factor in determining whether a proposal should proceed to Gateway determination should be its strategic merit and site-specific merit. It is considered that the planning proposal meets these tests as outlined in the following sections.

3.3 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

a. Strategic Merit

The planning proposal is consistent with relevant regional, sub-regional or district plan or strategies. The most relevant State and District plans that guide the land use direction for the site, are

- Greater Sydney Regional Plan – A Metropolis of Three Cities
- Western City District Plan

Greater Sydney Regional Plan – A Metropolis of Three Cities

The current metropolitan strategy applicable to the site is the NSW Government’s Greater Sydney Region Plan (2018). Relevant directions from the metropolitan strategy are noted at Table 2 below.

Table 2 – Consistency with Greater Sydney Regional Plan

Objective	Comment
<i>Objective 12: Great places that bring people together</i>	The Planning Proposal will enable an improved urban outcome that will provide a greater shopping and working experience for residents, destination visitors and workers, in a centre that will comprise a mix of different forms of retail, community and business uses. It is considered that there should not be a ‘one-size-fits-all’ approach to the evolution of great places that provide opportunities for social interaction and places that people enjoy. Accordingly, this Planning Proposal along with the future planned development will facilitate the creation of a high-quality retail destination and shopping experience, that incorporates open space and streets.

Objective	Comment
<i>Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</i>	<p>The Grove is within a walkable catchment, being 1.5km north of Liverpool Town Centre, 1km from Warwick Farm Town Centre, 60-100m west of Dwyer Oval, 500m from Warwick Farm Public School, 100m-150m of the nearest residential dwelling located to the east and 50m-100m of the nearest residential dwelling located to the west, the Planning Proposal will therefore provide an improved shopping facility for the local resident and worker catchment.</p> <p>Furthermore, the site has a good level of existing pedestrian, public transport access and vehicular access. This level of access is also to be improved through the imminent Development Application which will seek to provide a new public thoroughfare to the east of the site in conjunction with the purchase, upgrade, and dedication of Homepride Avenue. Furthermore, the proponent is currently in discussions with Transit Systems (TfNSW private operator) regarding the potential for additional services within the existing bus network.</p>

Western City District Plan (WCDP)

The site is located within the Western City District and the applicable District Plan is the Western City District Plan (2018), as established by the Greater Sydney Commission in March 2018. Relevant directions from the Western City District Plan are noted at Table 3 below.

Table 3 – Consistency with Western City District Plan

Criteria	Comment
<i>Planning Priority W6 – Creating and renewing great places and local centres and respecting the District’s heritage.</i>	<p>The Grove is a ‘stand-alone centre’ that has provisions included within the LLEP 2008 that enables for a mix of specialised retail, traditional retail and factory outlet retail uses over approximately 15.6 hectares of land. Whilst not considered to be a ‘local centre’ in the true sense, the vision for The Grove, which will be realised through this Planning Proposal and the forthcoming development application is consistent with many of the place-based planning principles for centres, in particular:</p> <ul style="list-style-type: none"> • provide public realm and open space focus; • improve walking, cycling and public transport connections; • expand retail floorspace; and • expand employment opportunities
<i>Planning Priority W11 – Growing investment, business opportunities and jobs in strategic centres</i>	<p>This Planning Proposal will enable over 1815 jobs within the site and demonstrates commitment to investing in the site to provide additional ancillary and complementary business uses to the range of existing and planned retail development as well as an improved urban outcome and greater shopping and working experience for residents, destination visitors and workers.</p> <p>Further as noted above, The Grove has a sufficient level of existing pedestrian, public transport access and vehicular access. This level of access is also to be improved through an imminent DA which will seek to provide a new public thoroughfare to the east of the site in conjunction with the purchase, upgrade and dedication of Homepride Avenue. Furthermore, the proponent is currently in</p>

Criteria	Comment
	discussions with Transit Systems (TfNSW private operator) regarding the potential for additional services within the existing bus network.

Local Strategy

Assessment of the proposal with regards to the Local Strategic Planning Statement (LSPS) is detailed in Section 3.4.

b. Site Specific Merit

In addition to meeting at least one of the strategic merit criteria, a Planning proposal is required to demonstrate site-specific merit against the following criteria in Table 4 below.

Table 4 - Site Specific Merit

Criteria	Planning Proposal Response
<i>Does the planning proposal have site specific merit with regard to: the natural environment (including known significant environmental values, resources or hazards)?</i>	Yes, the proposal accounts for the bushfire, flooding and environmentally significant land constraints on the site. See further details under Section C (Environmental, social, and economic impact) of this document.
<i>The existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal?</i>	<p>The site is identified under the Liverpool Place Strategy being as part of a 'mixed industry/retail precinct' within the Liverpool Collaboration Area. This Planning Proposal will reinforce the retail status of The Grove and its importance in providing a broad range of types of retail and business uses that maximise the employment potential of the site.</p> <p>Additionally, the Grove has been identified as being a 'stand-alone centre' under the Liverpool Centres and Corridors Study (April 2020). The study notes that 'business premises' are permitted in similar 'stand-alone centres' at Chipping Norton, Prestons and Casula.</p> <p>Given the range of uses permitted in other stand-alone centres, the introduction of additional 'business premises' uses onto the subject site, would provide opportunities for shoe repairers, dry cleaners, tailors or hairdressers to provide everyday services for the convenience of the visitors to the site.</p>
<i>The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial</i>	<p>The sites are within an established urban area. The proposed amendments do not seek to intensify the use of the site beyond what is currently permissible under the Floor Space Ratio of the LLEP 2008, rather it seeks to alter the types and extent of uses permissible across the sites.</p> <p>It is noted that an existing Voluntary Planning Agreement (VPA) applies to the subject site. A letter of offer has been provided by the applicant to</p>

Criteria	Planning Proposal Response
<i>arrangements for infrastructure provision?</i>	ensure the monetary contribution towards public infrastructure which is payable subject to Clause 6 of the existing VPA will be applicable to both shop and business premises uses on the Fashion Spree site and the Homemaker Centre site as well as the additional 2,000m ² of shop and business premises that is being requested on the Fashion Spree site.

3.4 *Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?*

Liverpool Local Strategic Planning Statement (LSPS)

Liverpool's Local Strategic Planning Statement (LSPS) 'Connected Liverpool 2040' gives effect to the Greater Sydney Region Plan, the Western City District Plan and guides the future content of Liverpool LEP. It sets the land use vision and planning principles, priorities, and actions for the Liverpool LGA for the next 20 years.

The Grove is identified as a 'bulky goods and retail precinct' on the LSPS Structure Plan within the 'rationale' of *Local Planning Priority 11 - An attractive environment for local jobs, business, tourism and investment*, states that:

"The concentration of retail within centres plays an important role, yet the function of centres extends beyond providing for the day to day and specialised retail needs. Centres act as important focal points for the local community, especially when co-located and well-integrated with gathering places such as cafés, restaurants and social infrastructure. In turn, the increase in foot traffic from these other uses contributes to the vibrancy of the centre and supports retail uses.

The Liverpool LGA also has 'stand-alone centres' that contain either a supermarket or another large retail role, such as bulky goods retailing. Whilst these stand-alone centres meet the retail needs of the community, they do not provide multi-function community gathering places. As there is limited demand for new centres within the LGA, Council will prioritise the future expansion of retail within local or town centres rather than stand-alone centres."

The Grove is a 'stand-alone centre' that provides a diverse mix of types of retail uses and a range of gathering places (especially once the Fashion Spree and Homemaker Centre expansion developments are complete). The Planning Proposal provides only a greater flexibility in the operation of the existing site, which will not compromise the retail hierarchy or generate significant impacts on other centres.

Liverpool Economic Development Strategy 2019-2029

Liverpool Council's Economic Development Strategy 2019-2029 identified The Grove, Liverpool as an important retailing precinct. Within the accompanying retail profile, the site is identified as the third largest retail centre within the Liverpool LGA with 44,500m² of floor space. With the delivery of an additional 21,000m² (as proposed under Amendment 61) The Grove will become the second largest retailer in the Liverpool LGA. Accordingly, the proposed changes to Clauses 21 and 24 in Schedule 1 of the LLEP 2008 encourage the orderly economic development of the site and demonstrates the importance of preserving and utilising existing and appropriately sited land.

Liverpool Centres and Corridors Strategy

The Liverpool Centres and Corridors Strategy was adopted by Council on 26th August 2020. The Grove is identified as a stand-alone centre under the strategy which outlines a set of guiding criteria to assist in the assessment of future planning proposals. The Planning Proposal's consistency with this set of guiding criteria is provided in Table 7 below.

Table 5 - Consistency with the Liverpool Centres and Corridors Strategy

Guiding Criteria	Planning Proposal Consistency
<i>Proposals must not have a significant negative impact on the retail operation of the Liverpool City Centre, town centres and local centres (including planned future centres).</i>	The Planning Proposal will not result in any significant negative impact on the retail operation of the Liverpool City Centre, or any other town and local centres.
<i>The creation of new out of centre retail developments are not encouraged</i>	The Grove has been a 'stand-alone centre' since 2012 and remains so. This Planning Proposal does not seek to create any new out of centre retail developments. It only seeks minor amendments to the existing site-specific development controls that relate to The Grove.
<i>In all centres (except neighbourhood centres), proposals must retain the existing amount of retail and commercial floorspace as part of a mixed-use development.</i>	This Planning Proposal does not seek to reduce the volume of retail floorspace that can be developed on the site.
<i>Proposals for redevelopment or expansion of town centres and local centres must demonstrate improved integration with the public domain and with nearby open space, social infrastructure and other services.</i>	This Planning Proposal along with and the future development application will to help facilitate an outcome on the site that provides a better urban design outcome, and a greater shopping experience which improves its integration with the public domain, nearby open spaces, public transport infrastructure and other services.
<i>Allow additional retail uses in the B5 zone if it can be demonstrated they could not reasonably locate in another centre and they constitute a small proportion of the total retail floorspace.</i>	An additional 2,000m ² of floorspace for shops on the Fashion Spree site will not make a significant change to the overall structure of the centre and the impact on other centres.

3.5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

Several State Environmental Planning Policies (SEPPs) apply to the land. The consistency of the planning proposal with pertinent SEPPs has been provided in Table 6 below. SEPPs which the planning proposal will not materially impact nor undermine, where it is deemed that the planning proposal is consistent or not inconsistent with the SEPP objectives are omitted from Table 6.

Table 6 – Consistency with State Environmental Planning Policies

State Environmental Planning Policy	Comment / Consistency
<i>SEPP (Infrastructure) 2007</i>	<p>The aim of the Infrastructure SEPP is to facilitate the effective delivery of infrastructure across the State. Under Clause 104, TfNSW must be referred particular traffic generating development.</p> <p>Clause 104 however only relates to development applications, therefore whilst a future development application may be required to be referred to TfNSW, this Planning Proposal is not required to be referred to TfNSW under the Infrastructure SEPP.</p>
<i>SEPP (State and Regional Development) 2011</i>	<p>The SRD SEPP specifies amongst other things, that where a development is classified as ‘regional development’, a regional panel may exercise the functions of the consent authority. Whilst not relevant to the proposed LEP amendment, any future development over \$30 million on the site will be required to be referred to the Sydney Western City Planning Panel for determination. However, the SRD SEPP does not apply to the determination of Planning Proposals.</p>

3.6 *Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 directions)?*

Table 7 – Consistency with Ministerial Directions

Ministerial Direction	Justification
<i>1.1 Business and Industrial Zones</i>	<p>This Direction applies to business or industrial zoned land. This Planning Proposal does not reduce the available land zoned for business use. It does not propose to amend the existing zoning on the site, rather it will allow for greater flexibility in the permissible uses on the site, remove the existing restriction on the use of the land for specialised retail premises, and facilitate a minimal amount of additional retail or business use floorspace on the Fashion Spree site.</p> <p>As established, the development facilitated by the Planning Proposal will not have an unacceptable impact on the economic viability of the Liverpool City Centre or other surrounding centres.</p>
<i>2.1 Environmental Protection Zones</i>	<p>The northern edge of the site is identified as Environmentally Significant Land in the LEP 2008. The Planning Proposal does not seek to remove this overlay or amend Clause 7.6 of the LLEP 2008 which applies specific controls to land identified as being Environmentally Significant.</p> <p>The Planning Proposal seeks to allow an additional 2000m² of floorspace on the Fashion Spree site which is not identified as Environmentally Significant Land and also seeks administrative amendments and an additional permissible use. It is therefore considered that the Planning Proposal would not facilitate any adverse impacts on the environmental significance of land along the northern edge of the site.</p>

<p><i>2.6 Remediation of Contaminated Land</i></p>	<p>The site is not known to have been used for any contaminating uses in the past and the proposal only seeks minor amendments to permissible land uses, minor administrative amendments and a minimal amount of additional floorspace. It does not seek to facilitate the redevelopment of the site or the use of the site for more sensitive uses, such as educational, recreational or childcare purposes, or for the purpose of a hospital.</p>
<p><i>3.4 Integrating Land Use and Transport</i></p>	<p>The Grove has good access to a main arterial road network, bus services are provided and the proponent is in discussions with Transit Systems (TfNSW private operator) in regard to the provision of additional bus services within the existing bus network, as required under the provisions of Amendment 61. The development facilitated by this Planning Proposal will only provide a greater level of flexibility in regard to the uses and services provided within the site and enable a better urban design outcome.</p> <p>This Direction requires a Planning Proposal to locate in zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of the following documents:</p> <ul style="list-style-type: none"> • Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and • The Right Place for Business and Services – Planning Policy (DUAP 2001). <p>It is noted that the above policies were formally abandoned as a matter for consideration in the assessment of DAs in accordance with planning Circular 08-013 which was issued by the Department on 13th November 2008. They are draft policies and have not been finalised.</p> <p>Despite this, the Planning Proposal is considered to be consistent with their objectives and principles as it does not seek to create a new zone for urban purposes.</p>
<p><i>4.3 Flood Prone Land</i></p>	<p>The site is identified as being flood prone and it is considered that the Planning Proposal is consistent with the relevant requirements of this Direction for the following reasons:</p> <ul style="list-style-type: none"> • Any additional floorspace facilitated by this Planning Proposal will be supported by a Flood Assessment that will confirm that all future development will be located above the flood planning level; • The site is not currently zoned Special Uses, Recreation, Rural or Environmental Protection and the Planning Proposal does not seek to rezone the land; • Any development facilitated by the Planning Proposal will: <ul style="list-style-type: none"> ○ not result in development within floodway areas; ○ not result in significant flood impacts to other properties; ○ not facilitate a significant increase in the amount of development on the Site;

	<ul style="list-style-type: none"> not increase the requirement for government spending on flood mitigation measures, infrastructure or services; and will not permit development to be carried out without development consent
<i>4.4 Planning for Bushfire Protection</i>	The northern part of the site mapped as being vegetation buffer within the bushfire prone land classifications. However, the additional 2000m ² of floorspace proposed in this Planning Proposal relates to the Fashion Spree site which is not mapped as being bushfire prone. Notwithstanding this, consultation with the NSW Rural Fire Service can occur once a Gateway Determination has been issued for the Planning Proposal.
<i>5.10 Implementation of Regional Plans</i>	Consistency with Greater Sydney Region Plan - A Metropolis of Three Cities is demonstrated in Section 3.3 of this report.
<i>6.1 Approval and Referral Requirements</i>	The Planning Proposal does not contravene the objectives of this direction.
<i>6.2 Reserving Land for Public Purposes</i>	The Planning Proposal does not propose to create, alter or reduce any existing zoning or reservation on the land for public purposes
<i>6.3 Site Specific Provisions</i>	<p>The Direction states that a Planning Proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out, must either:</p> <ol style="list-style-type: none"> Allow that land use to be carried out in the zone the land is situated on, or Rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or Allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended, <p>This Planning Proposal seeks an additional 2000m² of floorspace on the Fashion Spree site and an additional permitted use within Clause 24 under Schedule 1. The additional permitted use relates to 'business premises' and will be limited under the floorspace caps. This is considered to be a minor administrative amendment.</p> <p>The intention of this Planning Proposal is to expand the permissible uses on the site and not to narrow them. Furthermore, the proposed minor amendments to Clauses 21 and 24 in Schedule 1 does not affect the consistency of the Planning Proposal with the B5 Business Development zone objectives.</p>

Section C – Environmental, social, and economic impact

3.7 *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No. Whilst a small portion of land within the northern portion of the site is mapped as being environmentally significant, the additional 2,000m² of floorspace proposed within the Planning Proposal is to be located on the Fashion Spree site which is not mapped as being environmentally significant. Other proposed amendments to the LLEP 2008 contained within this Planning Proposal have an administrative nature or will enable a greater flexibility in the permissible uses on the site. It is therefore considered that the Planning Proposal will not have any impact upon the site's environmental significance or any critical habitat, threatened species populations, or ecological communities.

3.8 *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The site is identified in the LLEP 2008 as flood prone land and its northern and eastern edges are located within the Flood Planning Area, as identified in Figure 5. Clause 7.8 of the LLEP 2008 sets out relevant flood planning controls and as part of any future development application, the flood planning controls will be considered. Furthermore, given that any future development resulting from this Planning Proposal will be minimal, it is considered that the additional development will be able to be designed in a way that will ensure that the flood planning controls are complied with and no adverse flooding impacts are generated.

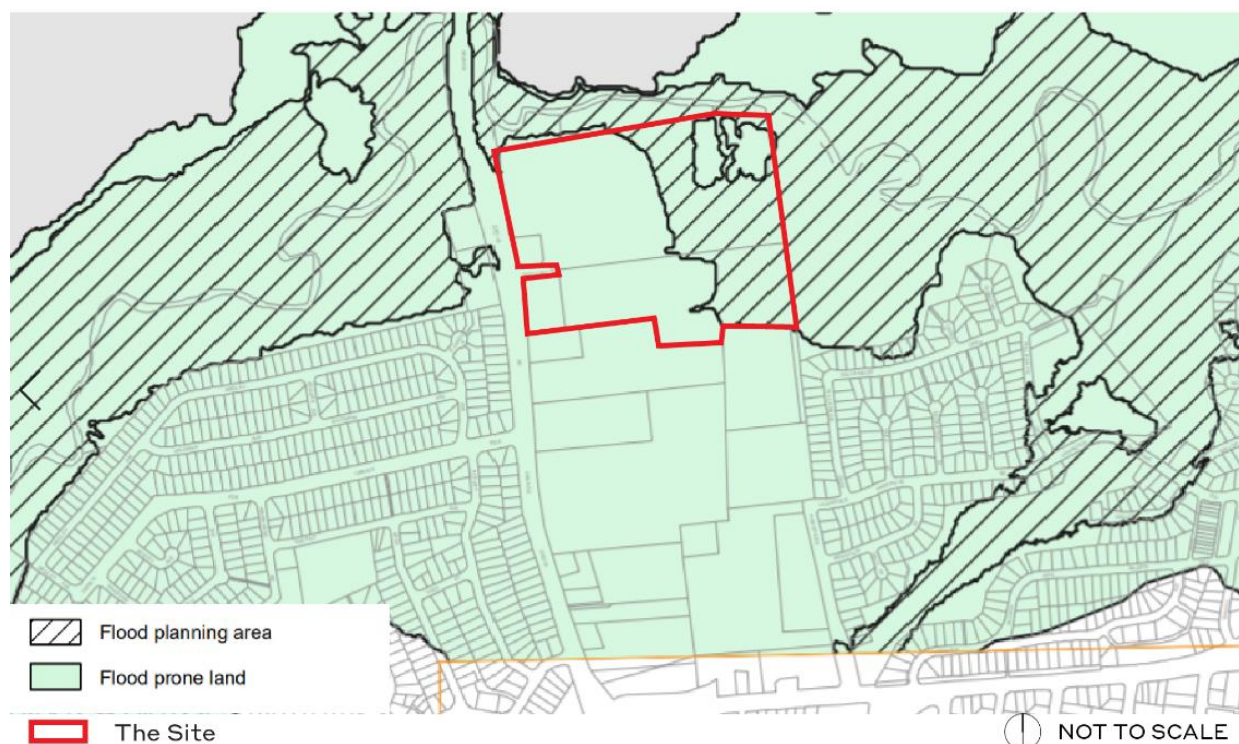


Figure 5 - Flood Planning Area Map Extract

The northern portion of the site is also partly identified in the LLEP 2008 as Vegetation Buffer within the Bushfire Prone Land classifications (as shown in Figure 6). The additional 2000m² of floorspace proposed in this Planning Proposal however relates to the Fashion Spree site which is not mapped as being bushfire prone. If required, as part of any future development application, appropriate built form measures will be

incorporated into the design of any future development on the site to address any bushfire risk resulting from the bushfire prone land classification on the site.

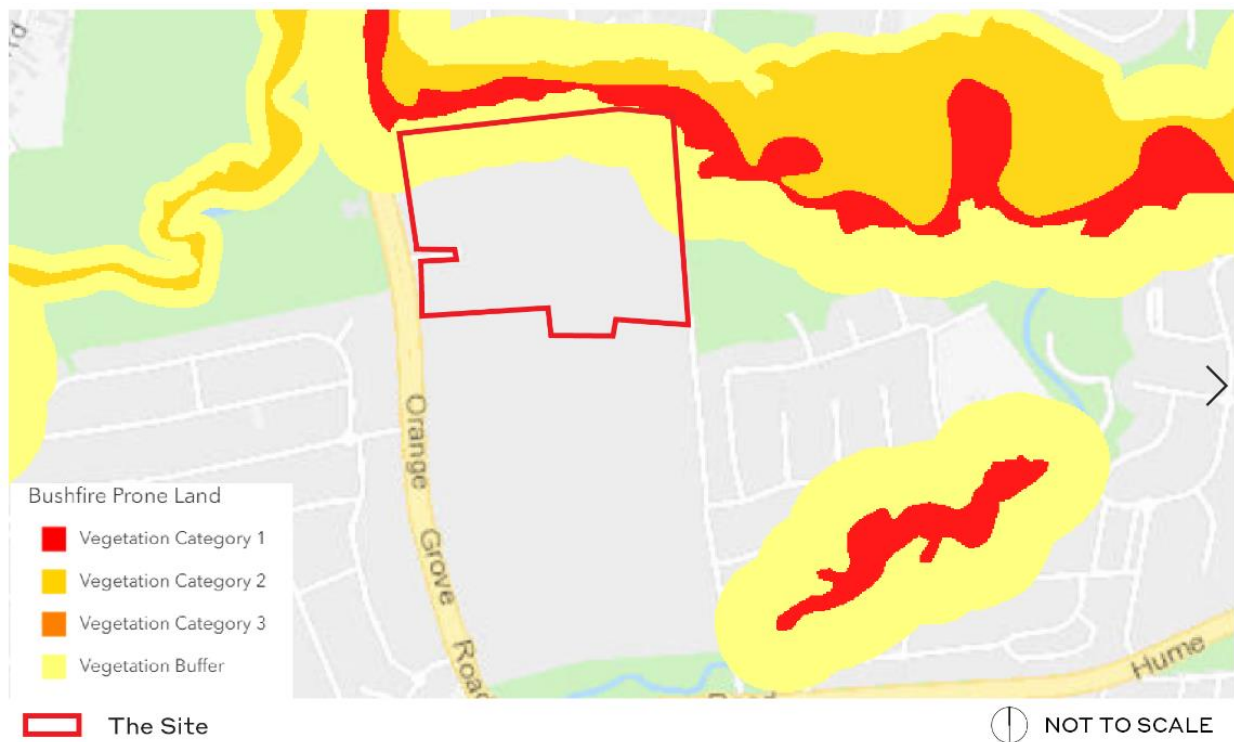


Figure 6 - Bushfire Prone Land

3.9 Has the planning proposal adequately addressed any social and economic effects?

Increase in permitted floorspace

An Economic Analysis has been prepared by Deep End Services (**Attachment F**) for the purposes of this Planning Proposal. In assessing the proposed increase in permitted floorspace for retail premises on the Fashion Spree site by 2000m², Deep End Services' comment that the proposed increase represents an approximate 10% increase for the Fashion Spree site and a 2.5% increase in terms of all permitted development at The Grove.

The Deep End Services report also provides a synopsis of the findings of the previous Economic Impact Assessments, as listed below and considers that in the context of these findings, the proposed minor increase in floorspace of 2,000m² would have commensurately low trading effects:

- the original Economic Impact Assessment (EIA) by Leyshon Consulting (dated 2011) that was prepared to accompany the Planning Proposal for Amendment 22;
- the peer review of the 2011 Leyshon Consulting EIA undertaken by HillPDA on behalf of Liverpool City Council;
- the additional peer review by SGS Planning & Economics on behalf of the (former) Department of Planning & Infrastructure;
- a submission by Urbis on the economic impacts on behalf of Westfield; and

- the EIA by Leyshon Consulting (dated December 2016) that accompanied the development application for the expansion of Fashion Spree.

In addition, Deep End Services consider that by applying similar parameters in terms of performance and trading patterns, the additional floorspace would have a -0.5% impact on sales achieved at Westfield Liverpool, which is a minimal impact that would not be noticed given typical fluctuations in sales activity year by year.

The proposed increase in permissible floorspace for the purpose of shop premises use is therefore estimated to have an insignificant effect on the role and operation of existing centres such as Westfield Liverpool.

Inclusion of Business Premises as an additional permitted use

The implication of introducing 'Business Premises' as an additional permissible use at the Homemaker Centre site and including it within the existing cap on 'shop' floorspace has also been examined by Deep End Services.

Deep End Services consider that the inclusion of business premises as an additional permitted use would have the effect of enabling small service-type uses to be accommodated to service the needs of customers that are already shopping at The Grove and enable them to combine trips for shopping and accessing local services. This then generates important economic and environmental benefits in terms of reduced travel costs and emissions, as well as providing convenience for shoppers and workers.

Deep End Services also note that the minor role that business premises play in the functioning of shopping centres is acknowledged by the fact that economic impact assessments specifically exclude such uses when considering trading impacts on other centres, concentrating on the primary retail components which define the function of centres. The proposed inclusion of business premises as an additional permissible use therefore would have no effect on the role or operation of The Grove and would not adversely impact any other centres.

Section D – State and Commonwealth interests

3.10 Is there adequate public infrastructure for the planning proposal?

The site is in an established urban area and has access to a range of existing services. The proposal facilitates minor administrative changes, additional permitted uses and only a small amount of additional floorspace, which will not result in any significant changes to the site and its operation. Therefore, no significant changes to public infrastructure will be required to accommodate it.

An existing planning agreement applies to the subject site to enable necessary road upgrades to occur in support of The Grove. A letter of offer has been provided by the land owner to ensure that any monetary contribution towards public infrastructure under the existing planning agreement will be applicable to both 'shop' and 'business premises' land uses on both the Fashion Spree site and the Homemaker site, as well as the additional 2,000sqm of retail premises that is being requested on the Fashion Spree site.

If necessary, further investigations will be undertaken as part of the preparation of any future development applications to determine whether any upgrade of existing facilities is required.

3.11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

As a part of the Gateway determination, the relevant public authorities will be identified who are to be consulted in relation to the planning proposal. The referral advice provided by the public authorities will be considered, following consultation in the public exhibition period.

Part 4 – Mapping

This Planning Proposal does not require any amendments to the LEP Maps.

Part 5 – Community Consultation

Schedule 1, Clause 4 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the Gateway determination. The planning proposal will be publicly exhibited for at least 28 days in accordance with DPIE's A Guide to Preparing Local Environmental Plans. The planning proposal exhibition will also be carried out in accordance with Council's Community Participation Plan.

Part 6 – Project Timeline

An anticipated project timeline is shown in Table 8.

Table 8 – Anticipated Project Timeline

Timeframe	Action
April 2021	Presented to the Local Planning Panel
April 2021	Presented to Liverpool City Council
May 2021	Submission of Planning Proposal to DPIE
June 2021	Gateway Determination issued
July 2021	Community and public agency consultation
August 2021	Consideration of submissions and proposal post-exhibition
August 2021	Post-exhibition report to Council
September 2021	Legal drafting and making of the plan

Attachments

- A. SGS Peer Review
- B. Proponent Response Letter to SGS Peer Review
- C. Proponent Response Letter to Local Planning Panel Assessment Report
- D. Council Staff Memorandum
- E. Traffic Impact Statement
- F. Economic Analysis Report