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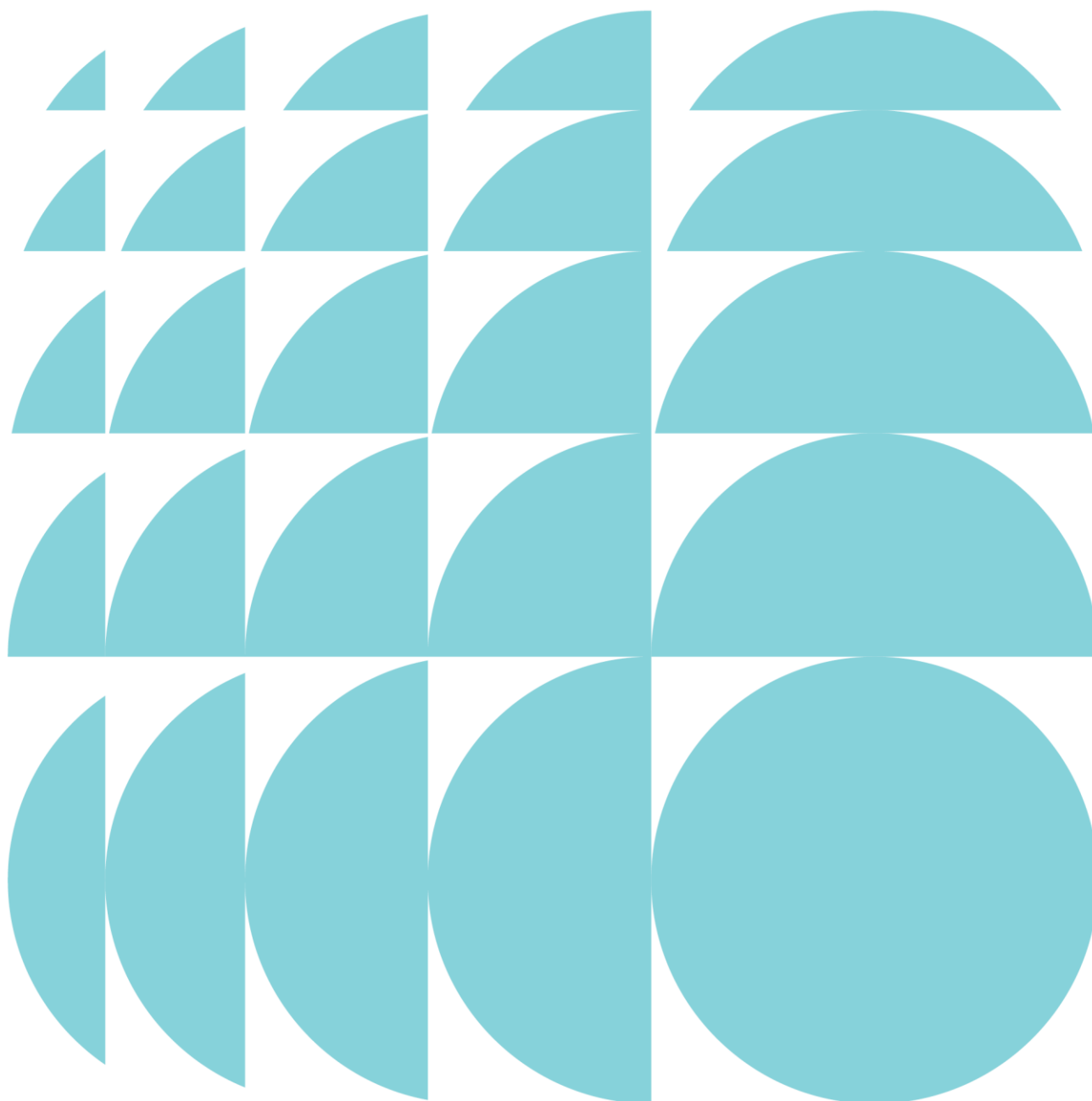
Planning Proposal

The Grove Liverpool, Warwick Farm

Amendment to Liverpool Local Environmental
Plan 2008

Submitted to Liverpool City Council
On behalf of Gazcorp

03 September 2020 | 2200411



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- A** Council Report and Planning Proposal to Amendment 22, dated 28th August 2011
Liverpool City Council
- B** Council Resolution and Report to Amendment 61, dated 16th December 2015
Liverpool City Council
- C** Economic Analysis Report
Deep End Services
- D** Excerpt of the preliminary concept layout of the future development proposed on the site
Mario Savopulous Architects and Leffler Simes Architects

1.0 Introduction

This Planning Proposal report has been prepared by Ethos Urban on behalf of Gazcorp in regard to The Grove Liverpool retail centre, Warwick Farm (the 'Site'). This report has been prepared to support a request by Gazcorp to initiate the preparation of a site specific Local Environmental Plan (LEP) relating to the Site in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979* (EP&A Act).

The purpose of the site specific LEP is to amend the provisions contained within Clauses 21 and 24 in Schedule 1 of the *Liverpool Local Environmental Plan 2008* (Liverpool LEP) that apply to the Site, in order to provide greater flexibility in the permissible uses and realise the full development potential of The Grove Liverpool site.

This Planning Proposal report has been prepared in accordance with the criteria listed in Section 3.33 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), and 'A Guide to Preparing Planning Proposals' prepared by the NSW Department of Planning and Environment. It has been prepared following the lodgement of a submission to the *Draft Liverpool Local Environmental Plan Review 1* (draft Liverpool LEP Review 1) and Council's *Draft Liverpool Corridors and Centres Strategy 2019* (Draft Corridors and Centres Strategy) which were exhibited between 10 June 2020 and 21 July 2020 and subsequent correspondence between Gazcorp and Council's Strategic planning team.

Section 5.0 of this report sets out the strategic justification for the Planning Proposal and provides an assessment of the relevant strategic plans, State environmental planning policies, Ministerial Directions and the environmental, social and economic impacts of the proposed amendment. This report should be read in conjunction with the relevant expert consultant reports appended (see Table of Contents).

It is requested that Council forward this Planning Proposal to the Minister for Planning, Industry and Environment for Gateway Determination in accordance with Section 3.34 of the EP&A Act and also seek delegation from the Minister to be the relevant planning authority (RPA) for this Planning Proposal.

2.0 The Site

2.1 Site Location and Context

The Site, the subject of this Planning Proposal is known as ‘The Grove Liverpool’, which is a large retail precinct within Warwick Farm that accommodates a broad range of existing and approved retail uses including the Grove Homemaker Centre, at 2-18 Orange Grove Road, Fashion Spree at 5 Viscount Place and a variety of other existing retail uses.

It is located approximately 1.5km north of the Liverpool town centre, 10km west of Bankstown and 2km south-west of the Cabramatta Town Centre. It covers an area of approximately 15.6 hectares and contains some 55,758m² of floorspace across 92 tenancies. A map of the site’s locational context is provided at **Figure 1**.

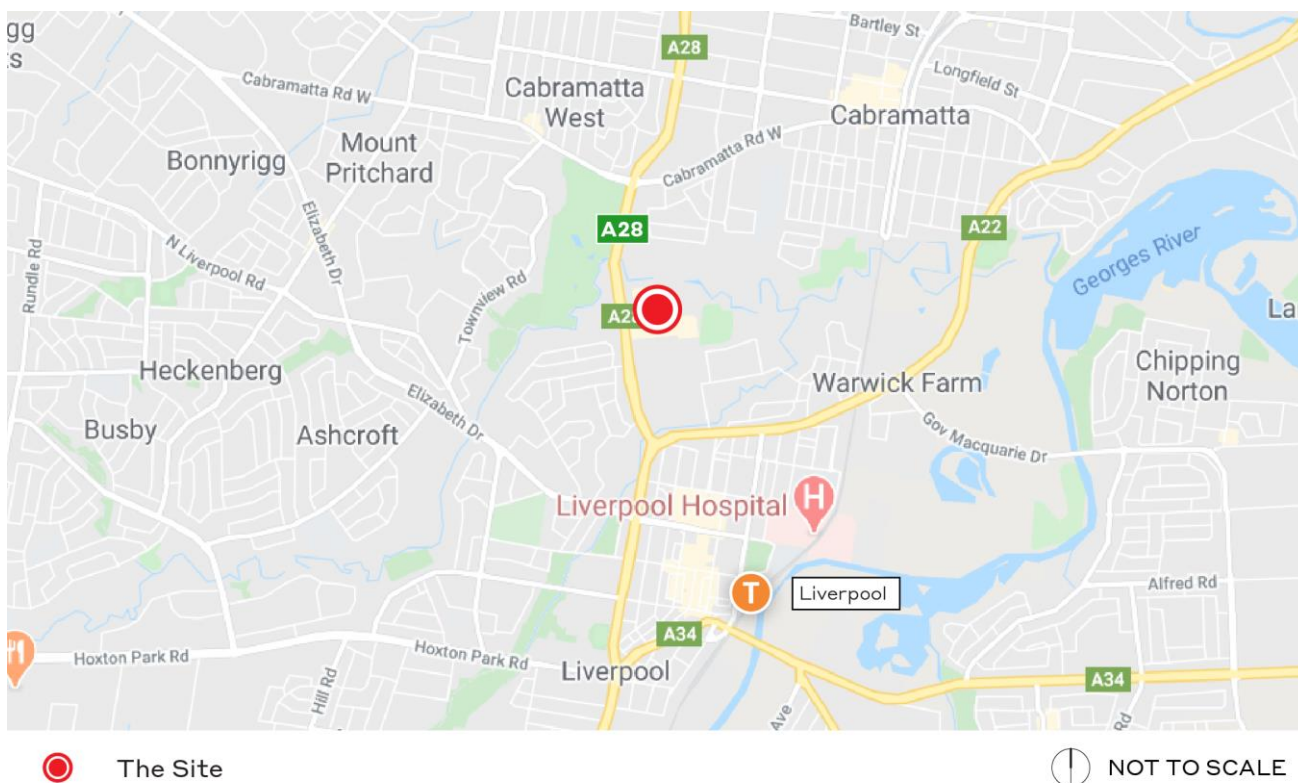


Figure 1 Context of the site

Source: Nearmaps and Ethos Urban

2.2 Site Description

The Grove Liverpool is made up of four land parcels owned by Gazcorp comprising:

- Lot 101 in DP1043160- the Grove 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 number of one storey large format warehouses.

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 2**.



Figure 2 Aerial image of the site

Source: Nearmap and Ethos Urban

2.3 Surrounding Development

North

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.

South

Directly to the south of the site is further large format warehouses and bulky goods retailing. Further to the south is the Liverpool town centre, which includes Westfield, the Liverpool City Library and Liverpool Hospital. Beyond this is the Georges River and Heathcote National Park.

East

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.

West

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.

2.4 Existing Planning Controls

2.4.1 Liverpool Local Environmental Plan 2008

Under the current Liverpool LEP 2008, the Site is partially zoned B6 Enterprise Corridor and partially B5 Business Development (refer to **Figure 3**).

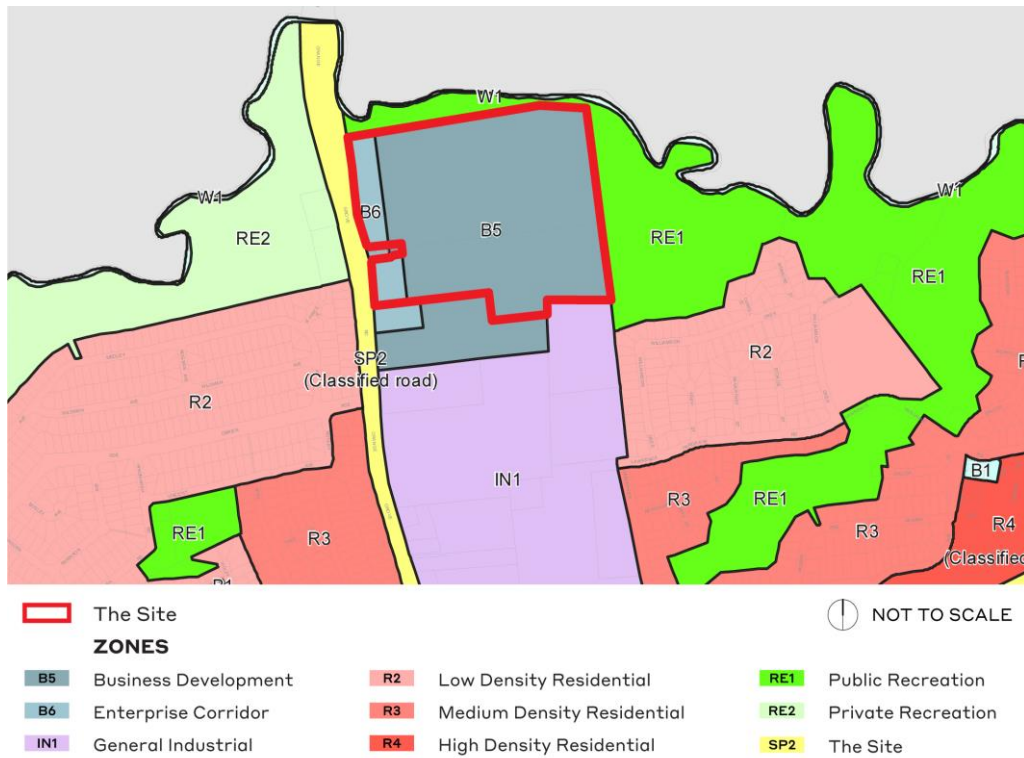


Figure 3 Land Use Zoning Map extract

Source: Liverpool LEP 2008

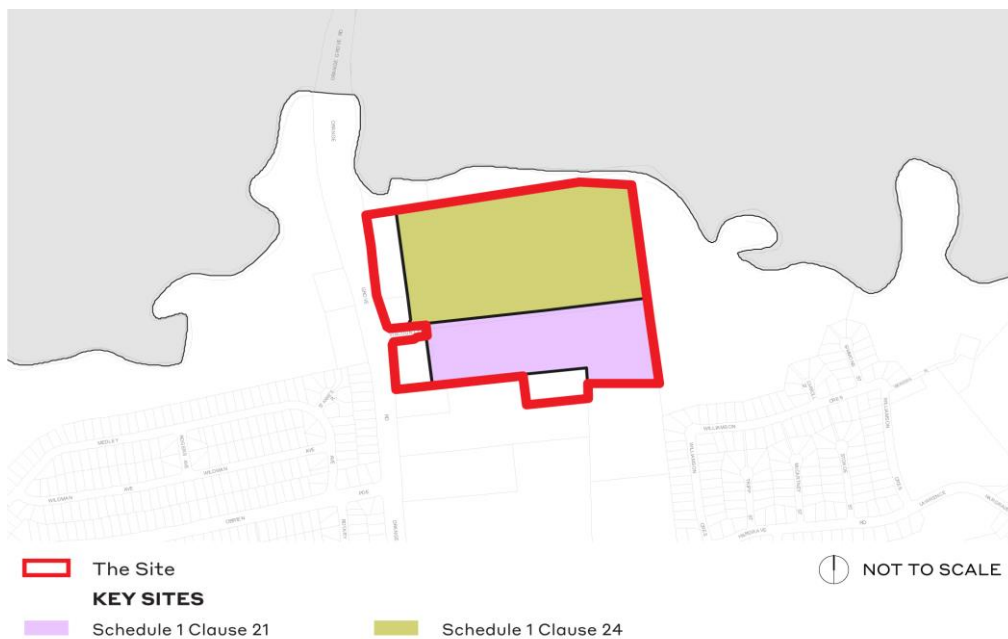


Figure 4 Liverpool Key Site Map extract

Source: Liverpool LEP

Furthermore, The Grove 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**).

Accordingly, the existing development controls that apply to the Site are identified in **Tables 1** and **2**.

Table 1 Development controls applying to B5 Land

	The Grove Homemaker Centre	Fashion Spree
Zone	B5 – Business Development	
Zone objectives	<ul style="list-style-type: none"> 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. 	
Permissible uses in the B5 zone	Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Garden centres; Hardware and building supplies ; Hotel or motel accommodation; Landscaping material supplies ; Light industries; Liquid fuel depots; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Public administration buildings; Pubs; Recreation areas; Recreation facilities (indoor) ; Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes ; Roads; Specialised retail premises ; Storage premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises ; Warehouse or distribution centres	
Prohibited Uses in the B5 zone	Pond-based aquaculture; Any other development not specified in Item 2 or 3, including business premises and medical centres .	
Schedule 1 Additional Permitted Uses	Development for the purpose of shops is permitted with consent if the total gross area of shops on the site does not exceed 21,000m² .	Development for the purpose of retail premises is permitted with consent if: <ul style="list-style-type: none"> The total gross floor area of all retail premises on the site does not exceed 19,000m², and The gross floor area of any individual retail premises on the site does not exceed 1,200m².
Maximum Height Control	15m	
Maximum FSR Control	0.75:1.	

Table 2 Development controls applying to B6 land

	Lot 11 in DP 1043160	Lot 22 in DP 1190437
Zone	B6 Enterprise	
Zone Objectives	<ul style="list-style-type: none"> 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 	
Permissible Uses in the B6 Zone	Building identification signs; Business identification signs; Business premises ; Car parks; Commercial premises ; Community facilities; Depots; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Garden centres ; Hardware and building supplies ; Helipads; Home businesses; Hotel or motel accommodation; Information and education facilities; Landscaping material supplies; Light industries; Liquid fuel depots; Multi dwelling housing; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor) ; Recreation facilities (outdoor); Registered clubs; Roads; Service stations; Serviced apartments; Shop top housing; Storage premises; Tank-based aquaculture; Transport depots; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres.	
Prohibited Uses in the B6 Zone	Pond-based aquaculture; Any other development not specified in item 2 of 3.	
Schedule 1 Additional Permitted Uses	Nil	
Maximum Height Control	15m	
Maximum FSR Control	0.75:1	

3.0 Planning History of the Site

The Grove Liverpool site is a key specialised retail, factory outlet and traditional retail centre within the Liverpool LGA. Its planning history and the approved uses of the site are important considerations in explaining the context behind this planning proposal. It also reflects the site's importance as a key retail precinct.

Under the *Liverpool Local Environmental Plan 1997*, the site was previously zoned 4b) industrial, in which bulky good premises were permitted with consent. With the gazettal of the Liverpool LEP 2008, the site was rezoned to B5 Business Development in recognition of its predominant use for bulky goods retailing (now referred to as a 'specialised retail premises') and associated retailing facilities.

3.1 Amendment 19

In 2012, an amendment was made to the Liverpool LEP 2009 (Amendment 19). This amendment partially rezoned land within the site from B5 Commercial Development to B6 Enterprise Corridor and increased the maximum GFA for individual retail premises to facilitate the provision of a Dan Murphy's store.

3.2 Amendment 22

On 21 June 2013, Amendment 22 was made to the Liverpool LEP 2008. This amendment related to the Fashion Spree site, which was previously known as the Weekend Markets site and now forms part of Lot 23 in DP 1190437.

As explained in the Council Report dated 28th August 2011 which first reported the Planning Proposal to Council (see **Appendix A**), the Site has had a long and developed history, which includes a number of development applications and a Land & Environment Court case that ultimately resulted in the original retail outlet centre closing on 25th August 2004 and subsequently reopening in December 2008, but only for use as weekend markets. Following the gazettal of Amendment 22, a later DA, lodged in 2014, sought approval for an outlet retailing centre. This was approved, and the outlet retailing centre – the Fashion Spree factory outlet, has been operational since March 2016.

The purpose of Amendment 22 was therefore to reinstate the retail outlet use of the existing building. However, Amendment 22 included an additional permitted use within Schedule 1 of the Liverpool LEP 2008 that allowed 'retail premises' to be permissible on the site with a maximum of 19,000m² of retail premises permitted on the site, and a restriction of 1,200m² applied to each tenancy.

The effect of the wording in Amendment 22 and subsequent amendments to land use definitions in the standard instrument template has meant that 'specialised retail premises' (formerly known as 'bulky goods premises', a type of retail premises) are now restricted under the maximum GFA cap on the site for 'retail premises' which was not the intention of the Amendment 22 planning proposal. This can be demonstrated in three ways.

First, in reviewing and summarising the findings of the court judgement for *Direct Factory Outlets Homebush v Strathfield Municipal Council* (2006) in the Council report, Council specifically highlighted that in dismissing the appeal, the judge concluded that a retail outlet was a 'shop':

*"Whether the goods (sold by DFO) are this years or last year's fashion makes no difference to the fact that main characteristics of DFO centre are similar to those of a mainstream shopping centre. Like other **shops** [our emphasis] that do not cater for the industrial area, DFO outlets should be located in commercial zones."*

Second, in justifying the proposed changes to the Liverpool LEP under Amendment 22, Council (at page 157) also noted that:

"retaining the B5 zone is preferable considering that if the retail outlet use is not feasible (for all or part of the building), the site could be used for Bulky Goods sales without further amendments to the LLEP 2008".

Third, the Economic Impact Assessment which supported the Planning Proposal and was prepared by Leyshon Consulting, considered the impact of the retail outlet use on the sales of goods such as clothing, footwear, accessories, household goods and other merchandise, which are all types of 'shop'. No thought was given or required to be given to the impact upon bulky goods sales at the time.

In our view, Council's intention for Amendment 22 clearly sought to restrict the volume of floorspace for the 'shops' within the retail outlet centre, but it did not wish to restrict the future development of bulky goods/ specialised retail premises or other permissible uses on the site, such as food and drink premises and restaurants and cafes..

Specialised retail (bulky goods) and food and drink premises are therefore a permissible and desirable use within the B5 Business Development and should not be restricted by the retail premises GFA cap.

3.3 Amendment 61

On 2 August 2019, Amendment 61 to the Liverpool LEP was gazetted which provides for an additional 21,000m² of floorspace for the purposes of 'shops' on The Grove Homemaker Centre (being Lot 101 in DP1043106). With the provision of this additional 21,000m² of retail gross floor area, The Grove Liverpool, will become the second largest retail centre in the Liverpool LGA and will create approximately 600 new retail jobs.

It is noted that originally a B2 Local Centre zoning was sought under this planning proposal, however due to Council's concern that the B2 Local Centre zoning would add residential uses as permissible land uses, Gazcorp was asked to amend the planning proposal. The Council resolution and meeting minutes at Attachment B confirm Council's key concern was the introduction of residential land uses (residential flat buildings and shop top housing) on the site and not retail or business premises (refer to page 214 of the report).

Specifically, it states:

"The proposal demonstrates the need to provide additional clause to the LLEP 2008 Schedule 1 – Additional Use as opposed to rezoning because the site does not meet the objectives of the B2 – Local Centre zone. Moreover, rezoning to B2 – Local Centre would open up the possibility of establishing uses that would not be desirable in the locality.

The B2 – Local Centre objective is to provide a range of retail, business, entertainment and community uses that serve the needs of people in the local area. The subject site is a regional facility servicing a very broad catchment as opposed to a local catchment. The subject site is located on Orange Grove Road, a major regional thoroughfare, and is designed for and primarily accessible by motor vehicles.

The B2 – Local Centre would allow a number of additional uses permitted for development (e.g. residential flat buildings or shop top housing) which are prohibited in the B5 – Business Development zoning. This could lead to unplanned and unintended consequences on the site which may lead to poor land use outcomes."

3.4 The Grove Homemaker Expansion Development Application

One of the key drivers for the proposed amendments to the Liverpool LEP, as proposed through this Planning Proposal, is the imminent Development Application which is to be lodged with Liverpool Council that will seek approval for the refurbishment of the existing tenancies, the construction of a new retail centre providing up to 21,000m² of additional GFA for 'shops' and the construction of regional road works.

Gazcorp has undertaken a preliminary traffic consultation meeting with RMS and Council's Traffic engineers on 12th March 2020 and a pre-da meeting was held with Council staff on 5th August 2020. The DA is proposed to be lodged in late 2020 and construction is targeted to commence in 2021.

4.0 Planning Proposal

This Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act and 'A Guide to Preparing Planning Proposals' prepared by the NSW Department of Planning and Environment (now the Department of Planning, Industry and Environment), which requires the following matters to be addressed:

- objectives and intended outcomes of the amendment to the LEP;
- explanation of provisions;
- justification;
- relationship to strategic planning frameworks;
- environmental, social and economic impact;
- State and Commonwealth interests; and
- community consultation.

The following Section outlines the objectives and intended outcomes and provides an explanation of provisions to achieve those outcomes. The strategic justification and evaluation of impacts is set out in **Section 5.0** of this report.

4.1 Objectives and Intended Outcomes

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

Table 3 Proposed amendments to Schedule 1, Clauses 21 and 24 of the Liverpool LEP 2008

Fashion Spree (Clause 21)	The Grove Homemaker Centre (Clause 24)
<p>Schedule 1, Clause 21 – Use of certain land at Warwick Farm</p> <p>(1) This clause applies to part of Lot 121, DP 876962 and part of Lot 101, DP1043160 Lot 23 in DP1190437, 5 Viscount Place, Warwick Farm, as shown coloured light purple on the Key Sites Map.</p> <p>(2) Development for the purposes of retail premises shops and business premises is permitted with consent if-</p> <p>(a) The total gross floor area of all retail premises shops and business premises uses on the site does not exceed 49,000m² 21,000m² and</p> <p>(b) The gross floor area of any individual retail premises shop or business premises on the site does not exceed 1,200m².</p>	<p>Schedule 1, Clause 24 – Use of certain land at 10 Viscount Place, Warwick Farm</p> <p>(1) This clause applies to part of Lot 101, DP1043160, 10 Viscount Place, Warwick Farm, as shown coloured green on the Key Sites Map.</p> <p>(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.</p>

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

- The legal description of the land has been amended, therefore Gazcorp seek that Clause 21 is updated to reference the current Lot and DP reference.
- The term 'retail premises' in Clause 21 of Schedule 1 as approved under Amendment 22 was never intended by Council as a mechanism to restrict the volume of floorspace for specialised retail premises (formerly known as bulky goods premises) and other permissible uses on the site, such a food and drinks premises etc. Instead Council clearly sought to restrict the volume of 'shops' within the retail outlet centre and therefore the proposed amendment to Clause 21 in Schedule 21 will:
 - seek to rectify this oversight;
 - enable Gazcorp to realise the site's full development potential;
 - provide consistency across The Grove Liverpool site in regard to the permissible land uses; and
 - promote the orderly and economic use of the land.
- The proposed 2000m² increase to the Fashion Spree site's maximum permitted floorspace is sought to help realise Gazcorp's intention to provide a greater experience for shoppers and a better urban design outcome by sleeving the Fashion Spree building with tenancies while integrating the two retail centres without significant impact upon any other surrounding town, Regional or Sub-Regional Centres.
- The introduction of 'business premises' into both Clauses 21 and 24 in Schedule 1 as an additional permitted use will enable the provision of ancillary and complementary services for the convenience of the visitor and working population on site. The Council resolution and meeting minutes relating to Amendment 61 confirm that Council's key concern with the originally proposed B2 Local Centre zoning on The Grove Homemaker site was the introduction of residential land uses (residential flat buildings and shop top housing) on the site and not retail or business premises. Furthermore, in response to the submission lodged by Gazcorp to the draft Liverpool LEP Review 1 and the Draft Corridors and Centres Strategy, which sought an increased range of uses (i.e. business premises uses) and an increased amount of permissible retail floorspace at The Grove, the Council report dated 26 August 2020, specifically states that:

"SGS agree that business premises can be permitted at The Grove. SGS suggest a floorspace cap on business premises."

SGS further commented in its *Review of Submissions – Liverpool Centres and Corridors Strategy Report*, (Review of Submissions Report) that:

"the most straightforward way to implement a cap on the amount of business premises floorspace would be to replace the proposed floorspace cap on shops with a cap on both shops and business premises"

Furthermore, Council's response is:

The proposed amendment to the Phase 1 Planning is out of scope of this planning proposal (i.e. to draft Liverpool LEP Review 1) and cannot be facilitated in the requirement timeframes. The amendment would require more detailed assessment and DPIE have advised that a gateway review/ alteration and additional public exhibition would ordinarily be required, but that given the 31 August 2020 timeframe to submit the final planning proposal to DPIE, an amendment to the planning proposal to facilitate the outcome sought would not be agreed to. The proponent has agreed to lodge a separate Planning Proposal with Council.

This Planning Proposal therefore specifically responds to SGS's suggestion of a floorspace cap on both shops and business premises floorspace. This Planning Proposal also responds to Council's comments in its report dated 26 August 2020 and its view that a detailed assessment, gateway review and public exhibition of the proposed amendments to the Liverpool LEP 2008 is required.

- In addition, the proposed changes to Clause 21 and 24 would also enable The Grove Liverpool to align with other 'stand-alone' centres where a degree of flexibility between small retail tenancies and business premises exist such as Chipping Norton, Hoxton Park Road, Woolworths Prestons and Casula Shopping Centre.

4.2 Explanation of Provisions

The provisions included within this Planning Proposal will amend Clause 21 and 24 of Schedule 1 of the Liverpool LEP 2008 in the following manner:

Table 4 Explanation of Provisions

Amendment Applies to	Explanation of provisions
Schedule 1, Clause 21 – Use of certain land at Warwick Farm	<ul style="list-style-type: none"> • update the reference to the current legal description of the land at 5 Viscount Place, Warwick Farm; • remove the term 'retail premises' and replace with the 'shops and business premises' in parts (2), (2)(a) and (2)(b) of the Clause; and • remove the reference to 19,000m² and replace with 21,000m² in part (2)(a).
Schedule 1, Clause 24 – Use of certain land at 10 Viscount Place, Warwick Farm	<ul style="list-style-type: none"> • insert the words 'and business premises' in part (2).

This Planning Proposal does not propose any amendments to the Liverpool Local Environmental Plan 2008 maps.

A detailed justification for each of the proposed amendments is provided in the following sections.

4.2.1 The update of the legal description of the Fashion Spree site

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

4.2.2 The replacement of the term 'retail premises' with 'shop'

The term 'retail premises' is defined below. It is an umbrella definition that encompasses the 13 individual land use definitions listed.

“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:

- Cellar door premises;
- Food and drink premises;
- Garden centres;
- Hardware and building supplies;
- Kiosks;
- Landscaping material supplies;
- Markets;
- Plant nurseries;
- Roadside stalls;
- Rural supplies;
- Shops;
- Specialized retail premises;
- Timber yards; and
- Vehicle sales or hire premises.

But does not include highway service centres, service stations, industrial retail outlets or restricted premises.”

The B5 Business Development zone Land Use Table within the Liverpool LEP identifies a significant number of the individual land use definitions that fall within the 'retail premises' umbrella as being 'permitted with consent'. Therefore, 'food and drink premises', 'garden centres', 'hardware and building supplies', 'landscaping material supplies', 'plant nurseries', 'specialised retail premises' and 'vehicle sales or hire premises' (which are the typical forms of development found within most, if not all, B5 Business Development zones on other sites in the Liverpool LGA and throughout New South Wales) are permissible with consent on both the Fashion Spree and the Grove Homemaker Centre site under the current Liverpool LEP.

In addition, the 'Schedule 1 -Additional Permitted Use' clause in an LEP is a mechanism that enables Council to allow land uses that would ordinarily be prohibited within a zone to be permissible. Schedule 1 clauses may also provide additional restrictions appropriate to that particular 'additional' land use. However, the maximum FSR development control clause is generally used to restrict the density of the permissible uses allowed within consent in the specified zone.

No other B5 zoned land within the Liverpool LGA has a restriction on the amount of floorspace for permissible uses unless otherwise restricted by the maximum FSR development control.

The term 'retail premises' used in the context of Clause 21 in Schedule 1 of the Liverpool LEP overly restricts the types of development that can be provided on the land, particularly as uses such as 'food and drink premises' and 'specialised retail premises' etc were all permissible without any development restrictions (other than maximum FSR control of 0.75:1) in place prior to the gazettal of Amendment 22 on 21st June 2013.

Furthermore, the Fashion Spree site has also been classified as a 'stand-alone centre' since the publication of the Liverpool Retail Centres Hierarchy Review in 2012, which noted that *"the Centre is an important retail centre for residents from both Liverpool and surrounding suburbs such as Fairfield, due to the lack of other bulky goods and other traditional retailing (e.g. discount department stores) in the neighbouring areas"*.

The constraint put on the Fashion Spree site through the use of the term 'retail premises' instead of 'shops' therefore unduly prevents it from fully being able to meet floorspace demand for the individual land uses that it would otherwise be able to provide, as well as restricting its ability to fulfill its role as part of a 'stand-alone centre'. In total, a quantum of 22,773m² of GFA (which includes both the Fashion Spree development and the industrial unit warehouses to the rear) is approved on the Fashion Spree site (Lot 23 in DP 1190437) representing an FSR of 0.45:1. With a site area of 48,570m² the current FSR and approved GFA on the site is significantly below the maximum permissible FSR of 0.75:1 and maximum GFA of 36,428m². that is applicable to the site under Clause 4.4 of the Liverpool LEP.

Noting that the original intention of the planning proposal that accompanied Amendment 22 was to restrict 'shops' and not all 'retail premises' uses, (as discussed in Section 3.2) and that the NSW Land & Environment Court judgements clearly set out that that a factory outlet is a 'shop'. It is our view that Council's overtly restrictive application of the term 'retail premises', instead of 'shops' within Clause 21 and the resulting inability of Gazcorp to realise the site's full development potential does not promote the orderly and economic use and development of land, as required under the Objects of the *Environmental Planning & Assessment Act 1979*.

4.2.3 Introduction of Business Premises Uses

In order to cater for increasing customer demand for a broader range of uses and for Fashion Spree and The Grove Homemaker Centre to continue to be competitive, viable and realise their full development potential, Gazcorp would like to introduce a range of 'business premises' into the existing centres to complement and support the site's specialised retail, discount department store and traditional retailing operation.

In accordance with SGS's suggestions of a floorspace cap on business premises, Gazcorp consider it appropriate to enable the maximum quantum of floorspace for both shops and business premises uses to be restricted to 21,000m² on the Fashion Spree site (Lot 23 in DP1190437) (as discussed in Section 4.2.4 below) and 21,000m² on the Grove Homemaker site.

The Council Report which accompanied the application of Amendment 61, (refer to Pg. 214 of **Appendix B**) noted that *"The Liverpool Retail Hierarchy Review identified the Orange Grove Mega Centre as a Stand Alone Centre and concluded it was suitable for diversification of uses beyond its bulky goods role, particularly if the existing outlet retail centre opened on the Weekend Markets site"*.

The 'stand-alone centre' role of the site has also been reinforced in the recent Liverpool Centres and Corridors Study (April 2020) (the SGS Report) as it specifically defines the particular role that The Grove Liverpool (along with other stand-alone centres) should play in the Liverpool LGA retail hierarchy. Notably, the 'stand-alone centres' of Chipping Norton, Hoxton Park Road, Woolworths Prestons and Casula Shopping Centre listed in the SGS Report have 'business premises' as permitted uses.

By virtue of this 'stand-alone centre' classification, and the uses permitted in other stand-alone centres, it is evident that The Grove Liverpool should be differentiated from other sites with B5 and B6 zoning under the Liverpool LEP 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 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 (**Appendix C**) 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 of the visitors and enable them and employees on site to obtain a limited range of personal or business services while experiencing the retail offer. Otherwise the visitors and staff would need to make separate trips to other centres in the area.

By providing these small-scale services within The Grove Liverpool, 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 both Clauses 21 and 42 and therefore across the entirety of The Grove Liverpool 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.

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

Gazcorp's vision for The Grove Liverpool seeks to provide a higher degree of amenity for shoppers, a greater shopping experience and an improved urban design outcome. The indicative plan at **Figure 5** and **Appendix D** 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 closed box that currently exists.

The proposed increase in the maximum permitted floorspace of 2000m² is therefore sought to help realise Gazcorp's vision.

Over the last 10 years, The Grove Liverpool, 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 Liverpool will have a '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.

Furthermore an Economic Analysis, has been prepared by Deep End Services (**Appendix C**) to consider the economic implications of the proposed increased in 'shop' floorspace on the site by an additional 2,000m², which represents an increase in the maximum permitted floorspace of approximately 10% on the Fashion Spree site and a 2.5% increase in permissible floorspace across the entirety of The Grove Liverpool.



Figure 5 Indicative Concept Layout for The Grove expansion development application.

Source: Laffer Simes Architects

Deep End Services' analysis confirms that in the context for the findings from the previous economic impact assessments, the proposed minor increase in floorspace of 2000m² would have commensurately low trading effects and that the additional floorspace would have a -0.5% impact on sales achieved at Westfield, Liverpool, which is considered insignificant in terms of effect of the role and operation of the existing centre.

On this basis, Gazcorp consider that the volume of floorspace which can be developed for the purposes of 'shop' development can be increased by 2000m² without significant impact upon any other surrounding Regional and Sub-Regional centres.

5.0 Justification

The NSW Department of Planning, Industry and Environment's 'A Guide to Preparing Planning Proposals (December 2018 edition) outlines a series of questions to be considered and addressed when undertaking a Planning Proposal. These questions are stated and responded to below.

5.1 Need for the Planning Proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

No.

As set out in detail in Section 4.2, the Planning Proposal is the result of Gazcorp's requirement to:

- update the reference to the current legal description of the land at 5 Viscount Place, Warwick Farm, being the Fashion Spree site;
- replace the term 'retail premises' in Clause 21 of Schedule 1 with 'shop' to rectify an oversight by Council in Amendment 22, as it was never intended that the volume of floorspace for specialised retail premises (formerly known as bulky goods premises) and other permissible retail uses on the site should be restricted. Council reports clearly indicate that it sought to restrict the volume of 'shops' within the retail outlet centre, therefore the planning proposal is also a requirement by Gazcorp to provide consistency across The Grove Liverpool site in regard to permissible land uses, realise the sites full development potential and promote the orderly and economic use of the land.
- introduce the 'business premises' use as a permissible use, on both the Fashion Spree site and The Grove Homemaker site to enable the provision of ancillary and complementary services for the convenience of the visitor and working population across the Site.
- Increase the Fashion Spree sites maximum permitted floorspace to help realise Gazcorp's intention to provide a greater shopping experience for shoppers and a better urban design outcome by sleeving the Fashion Spree building with tenancies to integrate the two retail centres in a manner which will not significantly impact upon other surrounding town, Regional or Sub-Regional Centres.

Notwithstanding this, this Planning Proposal is also a result of the Council officer response to Gazcorp's submission to the draft Liverpool LEP Review 1 and the Draft Corridors and Centres Strategy as set out in the Council report, dated 26th August 2020, and correspondence with Council that confirmed that it would be willing to accept a separate Planning Proposal application.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes.

By virtue of the Council's comments in response to Gazcorp's submission to the draft Liverpool LEP Review 1 and Draft Corridors and Centres Strategy (as referred to in Section 4.1 of this report), Gazcorp considers that the proposed amendments to Clauses 21 and 24 in Schedule 1 of the Liverpool LEP 2008 is the best means of achieving the intended outcomes for The Grove Liverpool site.

5.2 Relationship to strategic planning framework

Q3. 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)?

Strategic Merit Test

'A Guide to Preparing Planning Proposals' states that in order to answer this question, a Planning Proposal needs to justify that it meets the Strategic Merit Test. The consistency of this Planning Proposal with the mandated assessment criteria is set out below.

a) Does the proposal have strategic merit?

Will it:

- give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/ precinct plans applying to the site, including any draft regional, district or corridor/ precinct plans released for public comment; or
- give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or
- respond to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.

The Site is located within the Greater Sydney Region and therefore must demonstrate consistency with the Western City District Plan. The Planning Proposals consistency with the Greater Sydney Region Plan – *A Metropolis of Three Cities*, the Western City District Plan and the Liverpool Local Strategic Planning Statement is discussed below. Overall, it is considered that the Planning Proposal has strategic merit.

The Greater Sydney Region Plan – A Metropolis of Three Cities

In March 2018, the Greater Sydney Commission released The Greater Sydney Plan – *A Metropolis of Three Cities*, to outline actions to achieve the Government's vision for Sydney to 'enhance its status as one of the most liveable global cities'. It sets out the 40 year vision objectives, strategies and actions for developing a three city metropolis model for greater Sydney comprising the Western Parkland City (near the future Western Sydney Airport), the Central River City (Parramatta) and the Eastern Harbour City (Sydney) (refer to **Figure 6**).

A Metropolis of Three Cities is the Regional Plan for metropolitan Sydney region, as specified by the strategic planning provisions in Section 3.3 of the EP&A Act and guides the District Plans within the Greater Sydney Region. The Plan's Vision for 2056 promotes the '30-minute city' concept across greater metropolitan Sydney, allowing people to live, work and access amenities within close distances to each other.

Liverpool is identified as a metropolitan cluster within the Western Parkland City but is positioned on the edge of both the Western and Central cities. The LGA along with Greater Penrith and Campbelltown-Macarthur is expected to provide a concentration of commercial as well as health and education assets to support the growing communities.

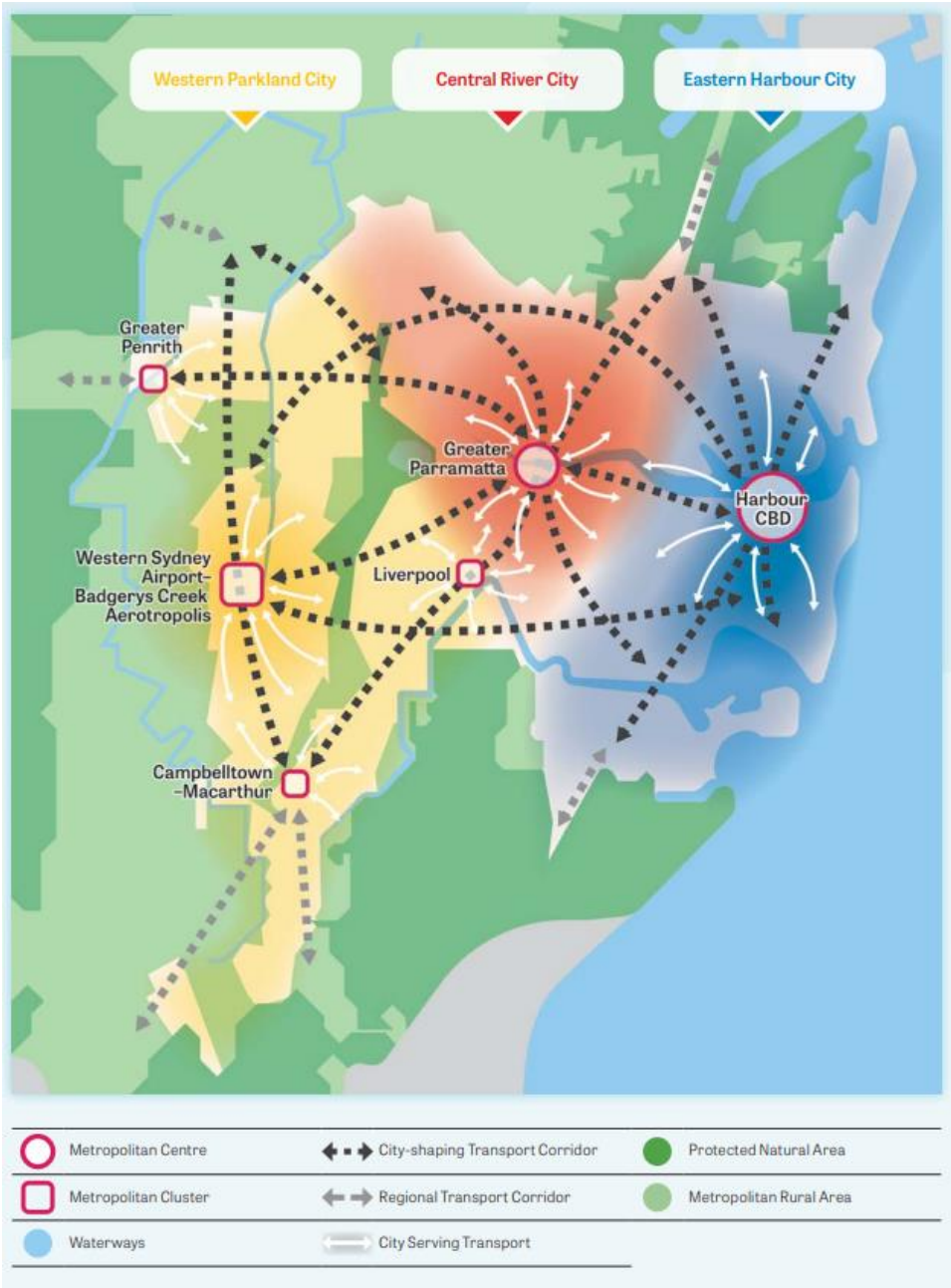


Figure 6 A metropolis of three cities model

Source: Greater Sydney Commission

The key objectives relevant to this Planning Proposal are set out in **Table 5** below.

Table 5 Consistency with A Metropolis of Three Cities – Greater Sydney Region Plan

Objective	Planning Proposal Consistency
Objective 12: Great places that bring people together	<p>Objective 12 highlights that great places provide a combination of:</p> <ul style="list-style-type: none"> • a well-designed built environment provides great places that are enjoyable and attractive, safe, clean and flexible with a mix of sizes and functions; • social infrastructure and opportunity: great places are inclusive of people of all ages and abilities, with a range of authentic local experiences and opportunities for social interaction and connection; and • fine grain urban form: great places are walkable, of human scale, with a mix of land uses included social infrastructure and local services at the heart of communities. <p>The Planning Proposal will enable Gazcorp to deliver an improved urban outcome that will provide a greater shopping and working experience for local 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 (as illustrated in Figure 5) will facilitate the creation of a high-quality retail destination and shopping experience, that incorporates open space and streets.</p>
Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	<p>A 30-minute city is where most residents in each city can access their metropolitan centre or cluster within 30 minutes by public transport.</p> <p>The Grove Liverpool 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 Grove Liverpool 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, Gazcorp is currently in discussions with Transit Systems (TfNSW private operator) regarding the potential for additional services within the existing bus network.</p>
Objective 22: Investment and business activity in centres	<p>Objective 22 encourages the management and expansion of the network of existing centres and the creation of new centres. Liverpool Town Centre is identified as a 'metropolitan cluster' and it can be considered that The Grove Liverpool is an established 'standalone centre' within this 'cluster'. This Planning Proposal demonstrates Gazcorp's commitment to provide further investment in the Site without any adverse impact upon other centres.</p>

The Western City District Plan

The Western City District Plan was released by the Greater Sydney Commission in March 2018. It sets out the planning priorities and actions for growth and development within the Western City District up to 2036. It is a guide for implementing the Region Plan, at a district level, and is a bridge between regional and local planning. The District Plan informs local strategic planning statements, preparation of Local Environmental Plans and the assessment of Planning Proposals, community strategic plans and policies.

The Western City District is forecast to grow significantly by 464,450 people between 2016 and 2036, encompassing 27% of Greater Sydney's total growth. Particularly the Liverpool LGA has projected growth of 21,072 persons in school-aged children and 23,750 persons in the 65 to 84 age group. This growth demonstrates a need to plan for and meet the demands of, a rapidly changing population, including providing for an additional 370,200 jobs that will need to be accommodated within the District by 2036.

The key planning priorities and actions, relevant to this Planning Proposal are as follows:

Table 6 Consistency with the Western City District Plan

Objective	Planning Proposal Consistency
<p>Planning Priority W6 – Creating and renewing great places and local centres and respecting the District’s heritage.</p> <p>Action 22: Use place-based planning to support the role of centres as a focus for connected neighbourhoods.</p>	<p>The Grove Liverpool is a ‘stand-alone centre’ that has provisions included within the current Liverpool LEP (through Amendment 61) 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, Gazcorp’s vision for The Grove Liverpool, 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.
<p>Planning Priority W11 – Growing investment, business opportunities and jobs in strategic centres</p> <p>Action 56. Provide access to jobs, goods and services in centres by:</p> <ol style="list-style-type: none"> a. attracting significant investment and business activity in strategic centres to provide jobs growth; b. diversifying the range of activities in all centre c. creating vibrant, safe places and a quality public realm; d. focussing on a human-scale public realm and locally accessible open space; e. balancing the efficient movement of people and goods with supporting the liveability of places on the road network; f. improving the walkability within and to centres; g. completing and improving a safe and connected cycling network to and within centre h. improving public transport services to all strategic centre i. conserving and interpreting heritage significance j. designing parking that can be adapted to future uses k. providing for a diverse and vibrant night-time economy in a way that responds to potential negative impacts l. creating the conditions for residential development within strategic centres and within walking distance (up to 10 minutes), but not at the expense of the attraction and growth of jobs, retailing and services, where appropriate, strategic centres should define commercial cores informed by an assessment of their need. 	<p>This Planning Proposal will enable Gazcorp to deliver over 1815 jobs within the site and demonstrates Gazcorp’s continued 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 local residents, destination visitors and workers.</p> <p>Further as noted above, The Grove Liverpool 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, Gazcorp is currently in discussions with Transit Systems (TfNSW private operator) regarding the potential for additional services within the existing bus network.</p>

Liverpool Place Strategy

The Greater Sydney Commission’s Liverpool Place Strategy was released in December 2018. The Strategy describes The Grove Liverpool and surrounds as a ‘mixed industry/retail precinct’ when identifying the key productivity opportunities and assets in the Liverpool LGA. This Planning Proposal will therefore reinforce the retail status of The Grove Liverpool site and its importance in providing a broad range of types of retail and business uses that maximise the employment potential of the site.

Retail Expert Advisory Committee and REAC Report

In 2016, the NSW Government appointed the Retail Expert Advisory Committee (REAC) which was headed up by NSW Chief Planner, Gary White to inquire into and provide advice on appropriate reforms to improve the NSW planning system for retailing.

The 'REAC Report' released in November 2017 by the then Department of Planning & Environment (DP&E) acknowledged the structural shift in the retail market and that *"the planning system does not provide sufficient flexibility to accommodate the dynamic and rapidly evolving nature of the retail sector, resulting in an ad hoc approach to retail development, an undersupply of retail floorspace and inconsistent land use outcomes"*.

Accordingly, the Committee recommended the *"implementation of a new planning framework for retail development, underpinned by the principles of increased land supply for retailers, increased access to retail services and convenience for the community, greater certainty and increased consistency in decision making on the types and locations of retail development."*

In order to achieve this and to modernise the NSWs retail planning framework, the REAC Report made the following five recommendations:

- Develop a State-wide retail planning policy.
- Identify retail supply and demand and articulate objectives in strategic plans.
- Amend the Standard Instrument Local Environmental Plan to prioritise retail in the business zones, review and consolidate the existing zones and broaden their permissible uses.
- Improve clarity and consistency in assessment procedures; and
- Provide clear planning guidance.

Despite the findings of the REAC Report and the adoption (at that time) of the recommendations within the REAC Report by the DP&E, the NSW Government has not yet produced a State-wide retail planning policy to guide Council's on how to consider retail supply and demand as part of their local strategic plans, and has done little to implement the recommendations.

Given that the retail sector is the second largest employer within the NSW, the principles and findings of the REAC Report that promote flexibility and the opportunity for retail uses to co-locate with other mutual uses, where no significant economic or environmental impacts are generated should be a strategy that is adopted by all Council's in the assessment of Planning Proposals.

Gazcorp's requirements to allow for retail uses other than 'shops' on the Fashion Spree site to be unrestricted consistent with other B5 zoned sites and for 'business premises' uses to be introduced as additional permitted uses within Clauses 21 and 24 of Schedule 1, therefore demonstrates consistency with the findings and recommendations within the REAC Report.

Planning for the Future of Retail: Discussion Paper (2018)

In 2018, the NSW Government released *Planning for the Future of Retail: Discussion Paper* in response to the REAC Report. Whilst the Discussion Paper acknowledged the REAC Report's recommendation of the development of a retail planning policy for NSW to provide greater flexibility for the evolving retail sector, the Discussion Paper has not progressed into a State-wide policy.

Notwithstanding this, key principles are outlined in the Discussion Paper and SGS chose to relate them to the Liverpool planning framework within the *Centres and Corridors Study (April 2020)* (the SGS Report), commissioned to inform the Council's Draft Corridors and Centres Strategy. Specifically, the SGS Report states:

"the paper finds that the current planning framework does not provide sufficient flexibility to accommodate a dynamic and evolving sector. It finds continued strong retail demand related to population and economic growth, despite increasing competitive pressures and some high-profile store closures. As a result, the paper calls for planning which supports the important place of retail in local economies while recognising its role in the liveability of well-designed and accessible centres.

Gazcorp agree with the identification of the following four outcomes that are outlined in the Discussion Paper as being relevant to the Liverpool LGA:

- **Clustering retail** to ensure that customers have convenient easy access, multipurpose and frequent shopping, to provide immediacy, choice and convenience for consumers.
- Orderly development of **new retail formats** to ensure that the changing needs of the retail sector are met, and that retail provides destination shops focused on experiences which can compete with online retail. The most important implication of this trend is identified as retail precincts having a broad range of uses similar to traditional town centres.
- Strategic planning for **innovation retail formats** and zoning flexibility to ensure that there is scope for these formats.
- Better planning for last-mile distribution and innovative supply chains.

The Discussion Paper also notes the need for:

- Better local strategic planning for retail;
- A modern approach to retail development that reflects a range of retail formats in centres; and
- Adaptability and certainty for retail, with flexible land use zoning to allow transitions in retail functions.

The Planning Proposal's proposed amendments to Clauses 21 and 24 in Schedule 1 of the Liverpool LEP will provide opportunities and benefits to the on-going viability of The Grove Liverpool and are therefore consistent with the direction for retail policy included in the Discussion Paper.

b) Does the proposal have site-specific merit?

Having regard to the following:

- The natural environment (including known significant environmental values, resources or hazards) and
- The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and
- The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

The objectives of this Planning Proposal are to enable greater flexibility in the permissible uses that apply to The Grove Liverpool site and to enable it to realise its full development potential. Therefore, the Planning Proposal has site-specific merit due to the fact that it proposes only minor changes to the site-specific Additional Permitted Use clauses within the Liverpool LEP.

Summary

This Planning Proposal achieves the assessment criteria as it demonstrates both strategic merit and site-specific merit. It is considered that this Planning Proposal meets the Strategic Merit Test.

Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Local Strategic Planning Statement – Connected Liverpool 2040

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 Liverpool 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."

Whilst The Grove Liverpool is a 'stand-alone centre' it provides a diverse mix of types of retail uses and will also provide a range of gathering places (especially once the Fashion Spree and Grove Centre expansion developments are complete). It therefore will provide an important role as a destination shopping experience. The Planning Proposal provides only a greater flexibility in the operation of the existing site, which will not (as discussed in **Section 5.3**) compromise the retail hierarchy or generate significant impacts on other centres.

Liverpool Retail Centres Hierarchy Review (Hill PDA) (2012)

The Liverpool Retail Centres Hierarchy Review, released in 2012, noted that the Centre is an important retail centre for residents from both Liverpool and surrounding suburbs such as Fairfield, due to the lack of other bulky goods and other traditional retailing (e.g. discount department stores) in the neighbouring areas. The subsequent resolution made by Council at its meeting held on 28 November 2012 in respect of the Liverpool Retail Centres Hierarchy Review classified the Grove, Liverpool as 'a stand-alone centre'.

In respect of planning for the medium term growth (2019-2026), the Liverpool LGA was identified as having an undersupply of retail floor space, and it was noted that The Grove Liverpool had the potential to play a crucial role in supplying retail floor space into the future.

The Grove Liverpool provides this and has approval for a diverse range of retail uses that appropriately fit within its classification as a 'stand-alone centre'. As noted previously, the Planning Proposal will therefore provide The Grove Liverpool with greater flexibility to support the existing range of uses on the site and enable future development that will provide an improved urban design outcome.

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 Liverpool will become the second largest retailer in the Liverpool LGA.

The proposed changes to Clauses 21 and 24 in Schedule 1 of the Liverpool LEP and included within this Planning Proposal therefore 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 Study (SGS), April 2020

Council's Draft Corridors and Centres Strategy is underpinned by SGS's *Centres and Corridors Study (April 2020)* (the SGS Report) Report.

The SGS Report was commissioned by Liverpool City Council to update the 2012 Hierarchy Review report, review the existing retail hierarchy and provide recommendations regarding future retail and business development within the LGA in order to inform Council's LSPS and the review of the Liverpool LEP.

In line with the 2012 Hierarchy Review Report, the *Centres and Corridors Study* identifies The Grove Liverpool as an existing 'stand-alone' centre in the retail hierarchy and recommends that it continues to be classified as a 'stand-alone' centre. Its role is further defined as "providing for the convenience and specialised retail needs of the local community, but not to act as mixed-use centre for the local community" with features that include "a supermarket or significant specialised retail facilities; no or limited co-location with social infrastructure; and good access from the arterial road network".

Gazcorp agrees that The Grove Liverpool operates in accordance with the role and features of 'stand-alone centres' as described.

Whilst SGS's Review of Submissions Report clarifies that the additional retail uses on the Site that are included in the Liverpool LEP through Amendments 22 and 61 as well as the Fashion Spree development consent have been included in SGS's gravity modelling, SGS continues to consider The Grove Liverpool as being isolated from nearby dwellings and services, difficult to walk to or catch public transport to and have little social infrastructure and good design infrastructure with the adjacent open space.

Above and beyond, Gazcorp believe that The Grove Liverpool 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.

Furthermore, Gazcorp are also intending to improve upon The Grove Liverpool's good level of existing pedestrian, public access and vehicular access, through the imminent Development Application, through the provision of a new public thoroughfare to the east of the site in conjunction with the purchase, upgrade and dedication of Homepride Avenue. In addition, Gazcorp is currently in discussions with Transit Systems (TfNSW private operator) regarding the potential for additional services within the existing bus network.

This Planning Proposal along with the imminent Development Application will also enable the Grove Liverpool to improve its relationship with the adjacent open space and provide a better urban design outcome, cognisant with a centre that is unlike other 'stand-alone- centres, 'out of town centres' or 'bulky goods centre' development.

It is noted that SGS's Review of Submissions Report supports the replacement of the word 'retail premises' with the word 'shop' and the addition of 2,000m² of floorspace on the Fashion Spree site as well as the inclusion of a capped amount of Business Premises uses. The relevant statements in the Review of Submissions Report are set out below.

In response to the notion of replacing the words 'retail premises' with the word 'shop' in Clause 21 and effectively removing the cap on Specialised Retail Premises, SGS commented that:

"Specialised retail premises are a permitted land use in the B5 Zone with no restriction on overall floorspace besides floor space ratio controls. As such it would be unusual to prescribe a cap on the amount of specialised retail floorspace in this location".

In response to the addition of 2,000m² of retail floorspace on the Fashion Spree site, SGS commented that:

"SGS have not performed retail impact modelling on the addition of 2,000m² of retail floorspace on the Fashion Spree site. However, this is not a large amount of floorspace to make a significant change to the overall structure of the centre and the impact on other centres of this particular addition is likely to be minimal providing that the outlet retail focus is retained."

In response to the proposed inclusion of business premises uses across The Grove Liverpool site, SGS commented that:

"SGS agree with Gazcorp and Deep End Services that some business premises are a usual inclusion in centres and that there is some degree of substitutability between small retail tenancies like clothing stores and business premises like hair dressers, optometrists and real estate agencies. Given that a retail centre of around 21,000m sqm is proposed on the site and has been facilitated through site-specific amendments to the LEP, it would be unusual and restrictive on the operation of a general retail centre operation not to allow it to contain any services such as hair-dressers, dry-cleaners etc. SGS agree that allowing population services would also be consistent with the classification of The Grove as a stand-alone centre under the retail hierarchy.

Deep End Services is correct that business premises are not normally considered in retail modelling. In line with the arguments of Gazcorp and Deep End Services, business premises form a significant part of the total floorspace in some local centres, but generally only a small proportion of floorspace in enclosed and stand-alone shopping centres.

It is further noted that the SGS Review of Submissions Report also considers that:

"if business premises are allowed without any cap that the size of the proposed retail centre will be expanded significantly beyond what was previously approved by Council... Given this, some cap on the amount of floorspace permitted may be appropriate. While SGS have not conducted retail modelling with the specific intent of testing the quantum of the retail floorspace cap applying to The Grove, the most straightforward way to implement a cap on the amount of business premises floorspace would be to replace the proposed floorspace cap on shops with a cap on both shops and business premises."

This Planning Proposal is therefore consistent with SGS's proposed method of implementing a cap on business premises and does not propose any amendments to the tenancy size cap of 1,200m² on the Fashion Spree site in Clause 21.

Liverpool Centres and Corridors Strategy

The Liverpool Centres and Corridors Strategy was adopted by Council on 26th August 2020. Whilst The Grove Liverpool is recognised as a stand-alone centre, further and more accurate description which explains the unique nature of the centre and the fact that it has approval for a broad and diverse range of retail uses that include specialised retail, factory outlet retail, discount department stores, supermarkets, mini-majors and speciality shops, is not included.

Notwithstanding this, the Centres and Corridors Strategy 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 7 Consistency with the Liverpool Centres and Corridors Strategy Criteria for Planning Proposals

Guiding Criteria	Planning Proposal Consistency
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).	As discussed in detail in Section 5.3, 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.
The creation of new out of centre retail developments are not encouraged	The Grove Liverpool 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 Liverpool site.
In all centres (except neighbourhood centres), proposals must retain the existing amount of retail and commercial floorspace as part of a mixed-use development.	This Planning Proposal does not seek to reduce the volume of retail floorspace that can be developed on the Site.
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.	This Planning Proposal along with the future development application will 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.
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.	An additional 2,000m ² of floorspace for shops or business premises uses on the Fashion Spree site, will not make a significant change to the overall structure of the centre and the impact on other centres, as discussed in further detail in Section 5.3 .

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes.

An assessment of the Planning Proposal against relevant State Environmental Planning Policies (SEPPs) is set out in **Table 8** below.

Table 8 Consistency with State Environmental Planning Policies

SEPP	Consistency			Comment
	Yes	No	N/A	
SEPP (State and Regional Development) 2011 (SRD SEPP)			✓	The SRD SEPP specified, 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.

SEPP	Consistency			Comment
	Yes	No	N/A	
SEPP (Exempt and Complying Development Codes) 2009 (Codes SEPP)			✓	The Codes SEPP enables development which complies with the relevant codes to be carried out without the need for development consent, or in accordance with a complying development certificate as defined in the EP&A Act. Whilst the Codes SEPP applies to all sites within NSW, it is not relevant to proposed LEP amendment.
SEPP No. 55 Remediation of Land (SEPP 55)	✓			SEPP 55 aims 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. The site is not known to have been used for any contaminating uses in the past and the Planning Proposal only seeks minor amendments to permissible land uses and a minimal amount of additional floorspace for shops and business premises. It does not seek to facilitate the redevelopment of the site or the use of the site for more sensitive uses. The Planning Proposal is therefore considered to be consistent with SEPP 55.
SEPP (Infrastructure) 2007 (Infrastructure SEPP)	✓			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. 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.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes.

An assessment of the Planning Proposal against relevant section 9.1 Directions is set out in **Table 9** below.

Table 9 Consistency with the Section 9.1 Ministerial Directions

Direction	Consistency		N/A	Comment
	Yes	No		
1. Employment and Resources				
1.1 Business and Industrial Zones	✓			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. As detailed in Section 5.3 , 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. This finding is also supported by Council's independent consultant, SGS in its Review of Submissions Report.
2 Environment and Heritage				
2.1 Environmental Protection Zones	✓			The northern edge of the Site is identified as Environmentally Significant Land in the Liverpool

Direction	Consistency		N/A	Comment
				<p>LEP. The Planning Proposal does not seek to remove this overlay or amend Clause 7.6 of the Liverpool LEP 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>
2.6 Remediation of Contaminated Land			✓	<p>The site is not known to have been used for any contaminating uses in the past and the Planning Proposal only seeks minor amendments to permissible land uses, minor administrative amendments and a minimal amount of additional floorspace for shops and business premises. 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>
3. Housing, Infrastructure and Urban Development				
3.4 Integrating Land Use and Transport	✓			<p>The Grove Liverpool has good access to a main arterial road network, bus services are provided and Gazcorp 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 and are outdated.</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>
4. Hazard and Risk				
4.1 Acid Sulfate Soil			✓	The Site is not affected by Acid Sulfate Soils.

Direction	Consistency	N/A	Comment
4.2 Mine Subsidence and Unstable Land		✓	The site is not identified as mine subsidence or unstable land.
4.3 Flood Prone Land	✓		<p>The site is identified as being flood prone. This Direction applies a number of requirements to Planning Proposal's relating to flood prone land and therefore it is considered that the Planning Proposal is consistent with the relevant requirements of the 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; - 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.
4.4 Planning for Bushfire Protection	✓		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, it is anticipated that Council will act as RPA for the Planning Proposal and will consult with the Commissioner of the NSW Rural Fire Service once a Gateway Determination has been issued for the Planning Proposal.
5. Regional Planning			
5.10 Implementation of Regional Plans	✓		This Direction requires Planning Proposals to be consistent with the relevant Regional Plan, released by the Minister for Planning. As demonstrated in Section 5.2 and Table 5 the Planning Proposal is consistent with the Greater Sydney Region Plan – A Metropolis of Three Cities.
6. Local Plan Making			
6.1 Approval and Referral Requirements	✓		This Planning Proposal is consistent with this Direction in that it does not introduce any provisions that require any additional concurrence, consultation or referral.
6.2 Reserving Land for Public Purposes	✓		This Planning Proposal is consistent with this Direction in that it does not create, alter or reduce existing zonings or reservations of land for public purposes.

Direction	Consistency	N/A	Comment
6.3 Site Specific Provisions	✓		<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> <ul style="list-style-type: none"> a) Allow that land use to be carried out in the zone the land is situated on, or b) Rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or c) Allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended, <p>A Planning Proposal may be inconsistent with the terms of this direction only if the RPS can satisfy the Department that the provisions of the Planning Proposal that are inconsistent are of minor significance.</p> <p>This Planning Proposal seeks a minor administrative amendment, the replacement of the 'retail premises' with 'shops' in Schedule 1, Clause 21, an additional 2000m² of floorspace on the Fashion Spree site and an additional permitted use within both Clauses 21 and 24 under Schedule 1. The additional permitted use relates to 'business premises' and will be limited under the floorspace caps.</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>
7. Metropolitan Planning			
7.1 Implementation of A Plan for Growing Sydney	✓		<p>This Direction is outdated, as A Plan for Growing Sydney is no longer a relevant consideration for Planning Proposals and has been superseded by the Greater Sydney Region Plan – A Metropolis of Three Cities.</p> <p>Notwithstanding this, the Planning Proposal is consistent with the Greater Sydney Region Plan – A Metropolis of Three Cities, as demonstrated in Section 5.2 and Table 5 of this report.</p>

5.3 Environmental, Social and Economic Impacts

Q7 – 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 (as shown in **Figure 7**), the additional 2000m² 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 Liverpool LEP 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.

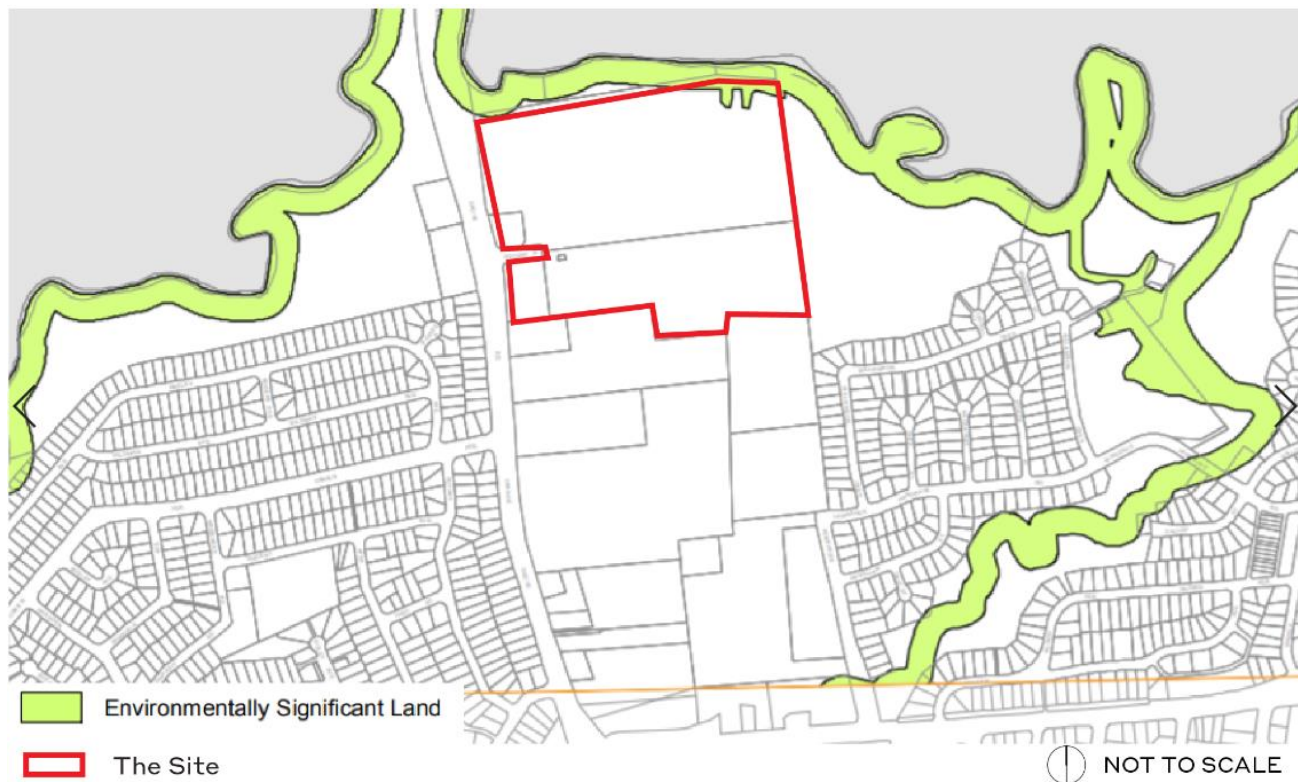


Figure 7 Environmentally Significant Land

Source: Liverpool LEP 2008

Q8 – Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

No.

The Site is identified in the Liverpool LEP as flood prone land and its northern and eastern edges are located within the Flood Planning Area, as identified in **Figure 8**. Clause 7.8 of the Liverpool LEP 2008 sets out relevant flood planning controls and as part of any future development application, the flood planning controls will be taken into account. 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.

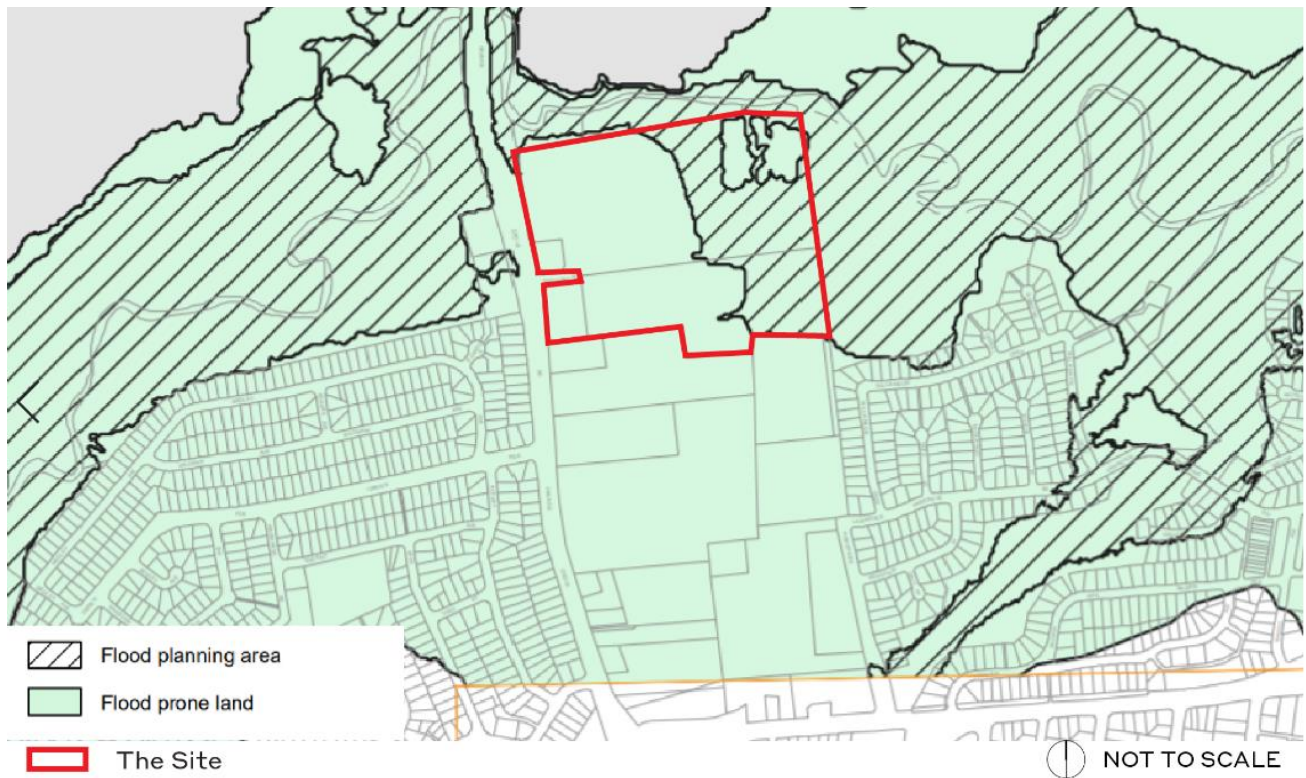


Figure 8 Flood Planning Area Map Extract

Source: Liverpool LEP 2008

Furthermore, the northern portion of the Site is also identified in the Liverpool LEP 2008 as mainly Vegetation Buffer within the Bushfire Prone Land classifications (as shown in **Figure 8**). 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.

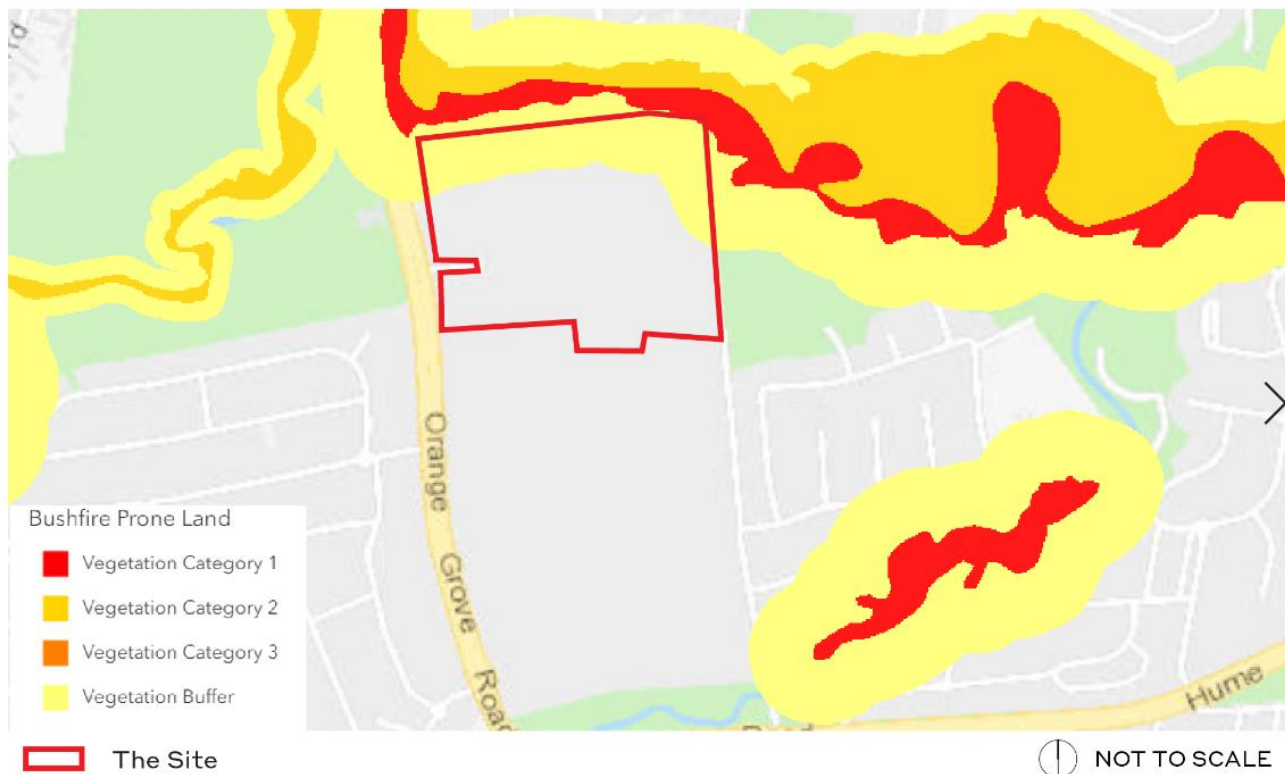


Figure 9 Bushfire Prone Land

Source: Liverpool LEP 2008

Q9 – Has the Planning Proposal adequately addressed any social and economic impacts?

Independent Economic Impact Reports

The economic effects of the addition of traditional retailing to compliment the specialised premises retailing at The Grove Liverpool has been examined several times over in the last 10 years.

Amendment 61 alone underwent four separate independent economic impact assessments to measure the potential impact of this growth on surrounding retailers, and all research to date has found that the sites current and future retailing will not have a detrimental impact upon the viability of the Liverpool City Centre. Furthermore, The Grove Liverpool is expected to service unmet demand resulting from the limited retailing in surrounding suburbs, such as Cabramatta and Fairfield. It will also continue to provide specialised retail in the form of bulky goods and discount retailing. Therefore, the site has the potential to attract additional retail expenditure to Liverpool LGA which may have otherwise been spent elsewhere.

It is also noted that all previous economic impact assessments, anticipated that the new retail centre that is the subject of the current DA (as discussed in **Section 3.4**) would be operational by 2019. Given the centre will not be operational until 2024, the likely level of impact on other centres is anticipated to be lower than originally anticipated due to additional capacity and demand that occurs over time through population growth and other factors.

Economic Impact Assessment

For completeness, an additional Economic Analysis has been prepared by Deep End Services (**Appendix C**) for the purposes of this Planning Proposal. It assesses the economic effects of increasing the maximum permitted floorspace for both shops and business premises uses by 2000m² on the Fashion Spree site and enabling the introduction of business premises as a permitted use across the entire Site.

Increase in permitted floorspace

In assessing the proposed increase in permitted floorspace for both shops and business 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 Liverpool.

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 addition 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 and business premises use is therefore estimated to have an insignificant effect on the role and operation of existing centres such as Westfield Liverpool.

As noted in the Deep End Services report and Section 5.2 of this Planning Proposal, the analysis presented by Deep End Services within its Economic Analysis statement (**Appendix C**), has been reviewed by SGS within the SGS Review of Submissions Report, and conclude that *“this is not a large enough amount of floorspace to make significant change to the overall structure of the centre and the impact on other centres of this particular addition is likely to be minimal providing that the outlet retail focus is retained.”*

Inclusion of Business Premises as an additional permissible use

The implication of introducing ‘Business Premises’ as an additional permissible use across the entire Site and including it within the existing cap on ‘shop’ floorspace has also 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 Liverpool site 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 Liverpool and would not adversely impact any other centres.

Furthermore, SGS commented in its Review of Submissions Report, that:

- SGS agree with Gazcorp and Deep End Services that some business premises are a useful inclusion in centres and there is some degree of substitutability between small retail tenancies like clothing stores and business premises like hairdressers, optometrists and real estate agents.

- It would be unusual and restrictive on the operation of a general retail centre operation not to allow it to contain any services such as hairdressers, dry cleaners, etc
- SGS agree that allowing population services would also be consistent with the classification of The Grove as a stand-alone centre under the retail hierarchy
- Deep End Services is correct that business premises are not normally considered in retail modelling.
- Business premises form a significant part of the total floorspace in some local centres, but generally only a small proportion of floorspace in enclosed and stand-alone shopping centres.
- SGS would not support the additional of offices at The Grove (although noting that offices are a permitted use in the B5 Zone and that Council cannot separate small scale office businesses from other business premises).
- Some cap on business premises use might be appropriate, for example by replacing the proposed cap on shops with a cap on both shops and business premises.

Following this response, and in consideration of SGS's support of the economic analysis undertaken by Deep End Services, Gazcorp seek amendments to Clauses 21 and 24 in Schedule 1 of the Liverpool LEP that ensure that the floorspace caps apply to both 'shops' and 'business premises' uses.

5.4 State and Commonwealth Interests

Q10 – Is there adequate public infrastructure for the Planning Proposal?

Yes.

The Site is located in an established urban area and has access to a range of existing services. This Planning Proposal relates mostly 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. 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.

Q11 – What are the views of State or Commonwealth public authorities consulted in accordance with the Gateway determination?

The views of State and Commonwealth public authorities will be known once consultation has occurred in accordance with the Gateway Determination of the Planning Proposal.

5.5 Mapping

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

5.6 Community Consultation

Community consultation will be conducted in accordance with section 3.34 and Schedule 1 of EP&A Act and A *Guide to Preparing Planning Proposals*.

6.0 Conclusion

In conclusion we request that the following changes are made to Clauses 21 and 24 in Schedule 1 of the Liverpool LEP 2008 in order to provide greater flexibility in the permissible uses and realise the full development potential of The Grove Liverpool retail centre:

Fashion Spree (Clause 21)	The Grove Homemaker Centre (Clause 24)
<p>Schedule 1, Clause 21 – Use of certain land at Warwick Farm</p> <p>(3) This clause applies to part of Lot 121, DP 876962 and part of Lot 101, DP1043160 Lot 23 in DP1190437, 5 Viscount Place, Warwick Farm, as shown coloured light purple on the Key Sites Map.</p> <p>(4) Development for the purposes of retail premises shops and business premises is permitted with consent if-</p> <p>(c) The total gross floor area of all retail premises shops and business premises uses on the site does not exceed 10,000m² 21,000m² and</p> <p>(d) The gross floor area of any individual retail premises shop or business premises on the site does not exceed 1,200m².</p>	<p>Schedule 1, Clause 24 – Use of certain land at 10 Viscount Place, Warwick Farm</p> <p>(3) This clause applies to part of Lot 101, DP1043160, 10 Viscount Place, Warwick Farm, as shown coloured green on the Key Sites Map.</p> <p>(4) 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.</p>

This Planning Proposal is justified for the following reasons:

- The legal description of the land has been amended, therefore Gazcorp seek that Clause 21 is updated to reference the current Lot and DP reference.
- The term ‘retail premises’ in Clause 21 of Schedule 1 as approved under Amendment 22 was never intended by Council as a mechanism to restrict the volume of floorspace for specialised retail premises (formerly known as bulky goods premises) and other permissible uses on the site, such a food and drinks premises etc. Instead Council clearly sought to restrict the volume of ‘shops’ within the retail outlet centre and therefore the proposed amendment to Clause 21 in Schedule 21 will:
 - seek to rectify this oversight;
 - enable Gazcorp to realise the site’s full development potential;
 - provide consistency across The Grove Liverpool site in regard to the permissible land uses; and
 - promote the orderly and economic use of the land.
- The proposed 2000m² increase to the Fashion Spree site’s maximum permitted floorspace is sought to help realise Gazcorp’s intention to provide a greater experience for shoppers and a better urban design outcome by sleeving the Fashion Spree building with tenancies while integrating the two retail centres without significant impact upon any other surrounding town, Regional or Sub-Regional Centres.
- The introduction of ‘business premises’ into both Clauses 21 and 24 in Schedule 1 as an additional permitted use will enable the provision of ancillary and complementary services for the convenience of the visitor and working population on site. The Council resolution and meeting minutes relating to Amendment 61 confirm that Council’s key concern with the originally proposed B2 Local Centre zoning on The Grove Homemaker site was the introduction of residential land uses (residential flat buildings and shop top housing) on the site and not retail or business premises. Furthermore, in response to the submission lodged by Gazcorp to the draft Liverpool LEP Review 1 and the Draft Corridors and Centres Strategy, which sought an increased range of uses (i.e. business premises uses) and an increased amount of permissible retail floorspace at The Grove, the Council report dated 26 August 2020, specifically states that:

“SGS agree that business premises can be permitted at The Grove. SGS suggest a floorspace cap on business premises.”

SGS further commented in its Review of Submissions Report that:

“the most straightforward way to implement a cap on the amount of business premises floorspace would be to replace the proposed floorspace cap on shops with a cap on both shops and business premises”

Furthermore, Council’s response is:

The proposed amendment to the Phase 1 Planning is out of scope of this planning proposal (i.e. to draft Liverpool LEP Review 1) and cannot be facilitated in the requirement timeframes. The amendment would require more detailed assessment and DPIE have advised that a gateway review/ alteration and additional public exhibition would ordinarily be required, but that given the 31 August 2020 timeframe to submit the final planning proposal to DPIE, an amendment to the planning proposal to facilitate the outcome sought would not be agreed to. The proponent has agreed to lodge a separate Planning Proposal with Council.

This Planning Proposal therefore specifically responds to SGS’s suggestion of a floorspace cap on both shops and business premises floorspace. This Planning Proposal also responds to Council’s comments in its report dated 26 August 2020 and its view that a detailed assessment, gateway review and public exhibition of the proposed amendments to the Liverpool LEP 2008 is required.

- In addition, the proposed changes to Clause 21 and 24 would also enable The Grove Liverpool to align with other ‘stand-alone’ centres where a degree of flexibility between small retail tenancies and business premises exist such as Chipping Norton, Hoxton Park Road, Woolworths Prestons and Casula Shopping Centre.

We believe the Planning Proposal presents the best method of achieving the intended outcome for the Site. It is therefore requested that Council forward this Planning Proposal to the Minister for Planning, Industry and Environment for Gateway Determination in accordance with Section 3.34 of the EP&A Act and also seek delegation from the Minister to be the relevant planning authority for this Planning Proposal.