COUNCIL RESOLUTION 29 AUGUST 2011

ITEM NO: PLAN 04
FILE NO: RZ-7/2011
SUBJECT: DRAFT AMENDMENT NO. 22 TO LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 - PLANNING PROPOSAL TO FACILITATE THE REUSE OF AN EXISTING BUILDING FOR THE PURPOSES OF RETAIL AT 5 VISCOUNT PLACE ORANGE GROV

RECOMMENDATION

That Council:

1. Resolves to prepare and exhibit an amendment to the Liverpool Local Environmental Plan 2008 (Amendment No.22) to add a Clause to Schedule 1- Additional permitted uses for "retail premises" on Lot 121 DP 876962 with a limit to the amount of retail floor space and size of individual tenancies on the site.

2. Deletes Clause 13 in Schedule 1 of LLEP2008 which permits the development of weekend markets on the site.

3. Forwards a copy of the Planning Proposal to the Department of Planning and Infrastructure, seeking Gateway Determination and following that proceed with agency and public consultation.

4. Considers a further report which outlines the results of the agency and public consultation.

COUNCIL DECISION

Motion: **Moved: Clr Lucas** **Seconded: Clr Hadid**

That the recommendation be adopted.

On being put to the meeting the motion was declared CARRIED.

Councillors voted unanimously for the motion.

Note: Mayor Waller and Clr McGoldrick were absent from meeting.

LIVERPOOL CITY COUNCIL

CITY PLANNING REPORT

ORDINARY MEETING **29/08/2011**

ITEM NO:		FILE NO:	RZ-7/2011
SUBJECT:	DRAFT AMENDMENT NO. 22 TO LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 - PLANNING PROPOSAL TO FACILITATE THE REUSE OF AN EXISTING BUILDING FOR THE PURPOSES OF RETAIL AT 5 VISCOUNT PLACE ORANGE GROVE ROAD		
COMMUNITY STRATEGIC PLAN REFERENCE:	LIVERPOOL HAS A RANGE OF BUSINESS AND EMPLOYMENT OPPORTUNITIES		
PROPERTY OWNER/S	GAZCORP PTY LTD		

EXECUTIVE SUMMARY:

In May 2011, Council received an application to amend the Liverpool Local Environmental Plan 2008 (LLEP 2008) to facilitate the reuse of an existing 'weekend market' building for a retail outlet centre. The subject site forms part of the commercial hub known as the Orange Grove Mega Centre complex located at the intersection of Viscount Place and Orange Grove Road, Warwick Farm.

The preferred mechanism to facilitate this proposal is to add an additional use clause in Schedule 1 of the LLEP 2008 to permit "retail premises". It is also proposed that the total retail floorspace on the site subject to the rezoning be limited to 19,000 square metres, with no individual retail tenancy to exceed 1,200 square metres. By amending Schedule 1 of LLEP 2008, the underlying zone is retained as B5 Business Development and thus the ability to utilise the site for bulky goods retailing is retained without requiring another subsequent LEP amendment.

This report recommends that the proposal be sent to the Department of Planning and Infrastructure to seek Gateway Determination. Council will have another opportunity to review the proposal following the public authority and community consultation process.

DETAILED REPORT:

Background
In May 2011, Council received an application to rezone approximately five hectares of land at 5 Viscount Place (Lot 121 DP 876962), Warwick Farm to facilitate the reuse of the existing building and associated parking as a retail outlet centre.

The applicant proposed to convert the existing building to 63 discount outlets for the sale of clothing, electrical goods, home wares and the like. It would also include a food offering for customers and staff to consume on-site.

The site is located at the intersection of Viscount Place and Orange Grove Road. The site is part of a larger complex comprising of the Liverpool Mega Centre which is a mixture of bulky goods retail, food and drink premises and business premises. The land is currently zoned B5 Business Development and the building on the subject site is currently used for weekend markets. The building comprises an area of 14,445 square metres gross floor area (GFA) and a net leasable area (NLA) of 10,687 square metres. In addition, the building contains a sub-basement area of approximately 4,150 square metres. The proponent has indicated that the retail offer may be expanded into the basement area in the medium term.

The area subject of the Planning Proposal is highlighted in Figures 1 and 2. Land to the south of the site is zoned 'IN1 General Industrial' and accommodates a range of employment uses; to the east of the site is local open space including Dwyer Oval and immediately west of the site is Cabramatta and Cumberland Grove golf clubs.

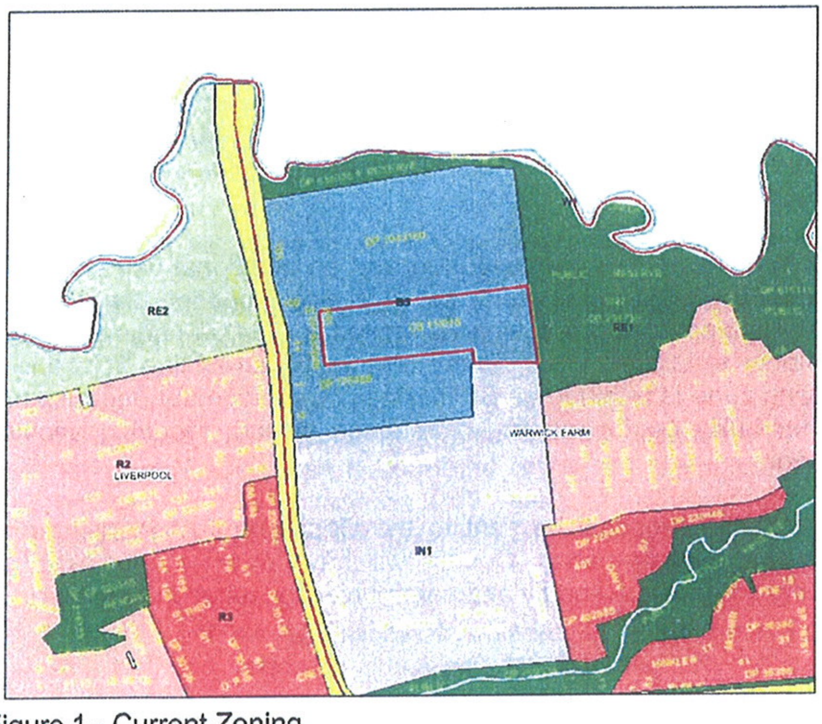

Figure 1 - Current Zoning

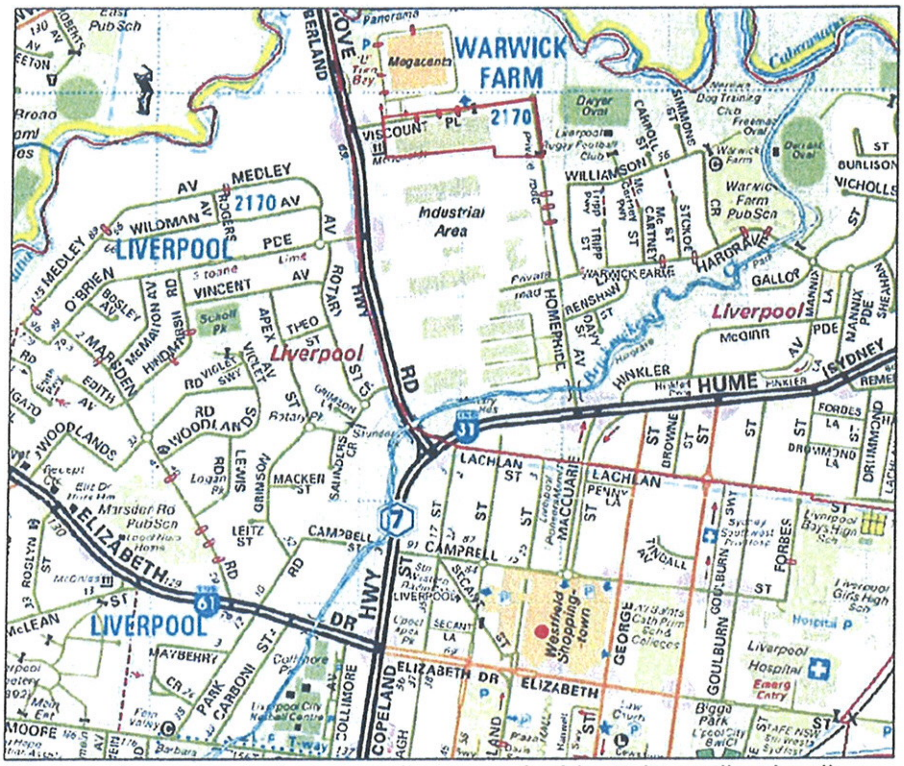

Figure 2 - Location and surrounding uses (subject site outlined red)

History of the site

In September 2001, Council approved a Development Application to operate the site as a bulky goods warehouse outlet. Further in January 2002, development consent was granted for a 'clearance' retail outlet in November 2002. One year later the 'Designer Outlets Centre' was opened consisted of approximately 63 tenancies from which a range of merchandise was sold, including clothing, kitchenware, manchester and jewellery, as well as food outlets.

In December 2003, Westfield challenged the legality of the Centre's development consent in the Land and Environment Court on the basis that a warehouse clearance outlet could not operate on land zoned for industrial purposes (4 (b) Industrial under Liverpool LEP 1997) . The Court upheld Westfield's challenge in January 2004 and ordered the centre to close.

In an attempt to keep the Centre open, Council sought to amend the *Liverpool Local Environmental Plan 1997* (Amendment No.92) to introduce a new definition for "outlet centre" and retrospectively rezone the subject site. This application was refused by the Minister assisting the Minister for Infrastructure and Planning, the Hon Diane Beamer, MP, and the Centre closed on 25 August 2004.

In December 2008, Council approved a Development Application on the site for the existing building to be used for the purposes of "weekend markets" and this use is currently in operation. This retail use was facilitated through a clause in Schedule 1 of LLEP. As part of this LLEP 2008 amendment, it is proposed that this clause be removed from the LEP and replaced with an additional use on the subject site for "retail premises" with a restriction of 19,000 square metres of total retail floorspace with no single tenancy to exceed 1,200 square metres.

Characteristics and location of Retail Outlet Centres
Outlet centres are a relatively new retail format to Australia that focus on the provision of clothing, footwear, household goods and other non-bulky items; it has been arguably seen as a niche form of retailing because the items are historically sold at a discount price. Customers of outlet centres have similar behaviour to customers of Bulky Goods retail outlets in the way that they usually undertake infrequent trips compared to core retail premises which sell 'day to day' and convenience goods.

A key characteristic of outlet centres is the absence of a large anchor tenant (e.g. supermarkets and department stores). Another key characteristic is the items sold in outlet centres are usually a mix of goods which:

- May have failed in their quality control standards;
- Are stock which may have been unsold in mainstream retail outlets and has been returned to the manufacturer under wholesaling agreements; and
- Are stock specifically manufactured for sale only in outlet stores.

New South Wales has a number of outlet centres, the largest being 'DFO' in Homebush (approximately 16,500 square metres) with other locations include Tuggerah, Mount Druitt and Campbelltown.

New South Wales has yet to accommodate the larger sized centres found in other states such as the Harbour Town in Docklands, Victoria (30,000 square metres), the Harbour Town in West Perth, Western Australia (24,000 square metres) and the DFO Airport in Hendra, Queensland (24,000 square metres).

There is considerable debate over where outlets centres should locate. On the one hand, State Government policy states that they should be defined and considered as general retail premises and should be located in declining centres or enterprise corridors where they can play a role in their revitalisation. On the other hand, some argue that it is difficult to amalgamate a site large enough to build an effective outlet centre. Furthermore, it is also argued that locating in a CBD where rents are high would make outlet-style retailing unviable.

In any case, despite the location, outlet retailing centres tend to attract consumers from a wide catchment area. This is because such centres occupy a unique position within the retail sector for which consumers are prepared to travel longer distances to shop at one. For this reason, it is often the case that branded store chains often locate in city centres, and in outlet centres in the locality.

Previous Court Judgements
There are two NSW Land and Environment Court judgements which are of particular relevance in the consideration of the subject proposal. These are:

Westfield Management Pty Limited & Anor v Gazcorp Pty Limited & Ors (2004)

This judgement relates to the weekend markets site when it was originally developed and utilised as a retail outlet centre in 2003. The court found that the use of the site for such purposes, which was granted development consent by Council, was unlawful on the grounds that such use was prohibited under the relevant local environmental plan being Liverpool Local Environmental Plan 1997.

Direct Factory Outlets Homebush v Strathfield Municipal Council (2006)

This judgement relates to an appeal against the refusal of development consent for an extension to the Direct Factory Outlet (DFO) in Homebush. In dismissing the appeal the judge concluded that:

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

These previous court judgements make it clear that outlet centres are defined as retail premises; despite their actual or perceived differences, they deserve no special treatment from all other forms of retail. Above all, the court judgements make it clear that 'outlet centres' do not comply with the definition of "bulky goods".

Facilitating the Current Proposal

There is currently no definition for "outlet retailing" or "direct factory outlet" in the Standard LEP Instrument for New South Wales where such retailing is not associated with manufacturing on the same site.

It is possible for Council propose a new definition for "outlet retailing", however past attempts by various planning authorities to develop an appropriate definition have been fraught with difficulty as most definitions attempt to describe the type of goods sold by outlets i.e. discounted goods, last seasons stock etc. Furthermore, facilitating the proposal with a use-specific definition has the potential to become an on-going litigation and enforcement matter if the type of goods being sold does not reflect the specific permitted land use definition.

It is considered that the optimal way of facilitating the proposal is set out in the table below:

Table 1: Preferred mechanisms to amend Liverpool LEP 2008

Proposed Change to LLEP 2008	Justification
Maintain the current 'B5 Business Development' zone and provide an additional use on the site for "retail premises"	The alternative to an additional use to rezoning the site to an alternate commercial zone eg B6 Enterprise Corridor. Retaining the B5 zone is preferable considering that if retail outlet use is not feasible (for all or part of the building) the site could be used for Bulky Goods sales without further amendment to the LLEP 2008.
Limit the area of retail premises on the subject site to 19,000 square metres (i.e. the total floor area of the existing building including the area of the basement)	Limiting the retail floor area will restrict excessive development and allow Council to forecasted predicted impact on commercial centres, traffic generation, parking demand etc.
Limit the size of any single tenancy to 1,200 square metres	This limitation seeks to prevent large anchor tenants e.g. department stores and full line supermarkets from operating from the premises as these uses are encouraged to locate in centres.

It should be noted that Schedule 1 of LLEP 2008 currently permits weekend markets on the site subject to this Planning Proposal. It is proposed that the weekend markets clause be deleted from the LLEP 2008 as part of this process.

Planning Policy Context
Please refer to Attachment 1 of this report for commentary on the context of the proposal against Councils and the State Governments planning policies.

Traffic, Parking and Transport Impacts
A Traffic and Parking Assessment has been submitted with the rezoning application. In regard to traffic generation and the capacity of the network to accommodate the traffic, the assessment has concluded that the peak demand of the outlet centre can be accommodated by the existing road network. For weekday trading there will be an increase in traffic generated compared to the existing use as the markets do not operate. Note that the traffic analysis included the consideration of the existing uses and the proposed Dan Murphy's liquor outlet (proposed under Amendment 19 of LLEP2008) in conjunction with the land uses contemplated as a result of this proposal. In relation to parking, it is expected that the proposed development will reduce peak parking demand compared to that generated by the markets on weekends.

In relation to public transport access, the site is serviced by public bus routes 801 and 809 operated by Metro-Link. These routes provide linkage to the Liverpool Transport Interchange, the Prairiewood T-way and Badgerys Creek. Route 801 operates from 7:15am to 6:46pm three times per day. The primary bus service for the site is route 819 which operates from 6:43am to 6:15pm; this service operates on a 30 minute frequency on weekdays and an hourly frequency on weekends. The level of public transport is consistent with other local centres, with the exception of the Liverpool City Centre.

Economic Impacts
An Economic Impact Assessment (EIA) was submitted with the rezoning application. The report assesses the likely turnover, retail catchment area and potential impacts upon the existing retail hierarchy.

The EIA undertakes an analysis of population and expenditure growth within the South West Subregion (Liverpool, Campbelltown and Wollondilly LGA's) in addition to Fairfield LGA. It uses this as a basis for undertaking assessment of retail demand over the 2006 to 2021 period. The assessment has been undertaken on a "worst case" basis whereby the retail impact has been assessed as though the current and potential additional retail floor space were used and operated as a combination of more traditional retail space combined with outlet centre floor space.

The EIA determined that it is unlikely the proposed retail outlet centre would have a significant detrimental impact upon the viability of any existing shopping centre or upon the retail hierarchy within the Liverpool or adjacent LGAs. Furthermore, the EIA states that additional floor space up to a NLA of 25,000 square metres would account for no more than 5% of the total available retail spending within the LGA in 2011.

As part of Council's economic assessment for this proposal, a peer review of the subject EIA was undertaken by an independent economic consultancy. In their assessment, the consultant noted that the catchment area utilised in the EIA was too large and stated that the Campbelltown, Camden and Wollondilly LGA's should onlybe viewed as a Secondary Trade Area; this is primarily due to the presence of existing 11,000 square metres outlet centre in Queen Street, Campbelltown.

The consultant has provided alternative modelling which concludes that there is some capacity to support the proposed development as a result of expenditure growth in the Primary Trade Area (PTA) alone. The peer assessment notes that there will be some diversion of trade away from Liverpool City Centre and other defined centres. In their assessment, three scenarios were assessed and the maximum impact on the Liverpool City Centre is 9% shift in turnover which would likely be reversed well within four years due to the expected population increase and subsequent increase in retail expenditure. Also note that this impact is determined on a 25,000 square metres development which is not possible under the proposed limit of 19,000 square metres.

The consultant also concluded that such a development has the potential to draw trade from a wide area attracting residents who would not otherwise visit the Liverpool LGA for retail shopping and therefore the proposal creates some incidental shopping that otherwise would not be captured for the area. Further the proposal would also reduce "escape expenditure" which flows out of the Liverpool and adjacent LGA's to outlet retailing provided in centres such as Homebush, Birkenhead Point and Campbelltown.

Justification for the Orange Grove Road Location
The proponent has justified the Orange Grove Road location by arguing that, to be successful, outlet centres require a large, purpose built 'warehouse-style' building with a large amount of parking. The proponent argues that as sales margins for discount outlet

products are reduced, outlet premises would on be viable by paying relatively low rents and generally low start up costs which inhibits the ability to enter most centres considering the need to consolidate sites for the large footprints.

The development is a response to market-led demand and would likely aid competition in the retail sector. The proposed development provides additional retail uses on an existing (bulky goods) retail site and is located within an established urban area.

Alternative sites

The table below explains the possible alternative sites for an outlet centre in, and adjacent to, the Liverpool LGA and the justification for why each of the sites is less suitable than the Orange Grove Road site.

Existing Centre	Factors determining unsuitability
Cabramatta	• Insufficient land; and • Fragmented land ownership. • No adjoining vacant land
Carnes Hill	• Potential traffic implications for local road network; • Limited commuter exposure compared to other arterial roads.
Casula	• Not earmarked for expansion; • Insufficient land is available for large scale retail development; • Acquisition of adjoining residential land unlikely; • Limited commuter exposure; and • Potential traffic implications for local road network
Cross Roads	• Would also require an amendment to the LEP; • A significant portion of vacant B5 land already accounted for via proposals already submitted to Council; • Land zoned IN3 Heavy Industrial should be utilised for Industrial activities only.
Leppington	• Master planning not yet complete; • Utilities and other infrastructure is not yet available; and • Population large enough to accommodate an outlet centre would not be established for a number of years.
Liverpool City Centre	• Would likely require land consolidation due to the size of the proposal; • May add to traffic and parking congestion which is already an issue with many poor performing roads and intersections.
Moorebank	• Not earmarked for expansion; • Insufficient land is available for large scale retail development; • Fragmented ownership; • Limited commuter exposure; and • Potential traffic implications for local road network.

Removal of Weekend Markets
In October 2008, Leyshon Consulting provided an economic justification for the use of the subject site for weekend markets. The report highlighted a number of social and economic benefits for the markets including providing an opportunity for new entrants to the retail system and providing a space for craftspeople, community associations and growers. These benefits would be reduced or lost altogether if the proposal is supported.

However, the proposed retail outlet centre at Orange Grove has the potential to create in excess of 400 full-time jobs compared to 200-300 "weekend only" jobs at the existing market. Furthermore, the re-institution of an outlet centre on the subject site has the potential to draw trade from a wide area attracting people who would not otherwise visit the Liverpool LGA. Subsequently, the proposal would result in some 'incidental' trade for businesses in the area.

The loss of benefits of the weekend markets is therefore considered acceptable considering the positive economic impacts associated with the retail outlet centre.

Conclusion
The proposal is supported by an economic assessment which has found that, despite the likelihood of some diversion of trade away from the Liverpool City Centre and other defined centres, the Liverpool LGA has the projected population growth and demand for retail to support the proposed development. Impacts upon the centre have also considered the Planning Proposal for Liverpool LEP 2008 Amendment No. 19.

The proposed outlet centre has the potential to create additional jobs compared to 200-300 "weekend only" jobs at the existing markets. Furthermore, the re-institution of an outlet centre on the subject site has the potential to draw trade from a wide area attracting people who would not otherwise visit the Liverpool LGA. The proposal would also reduce "escape expenditure" which flows out of the Liverpool and adjacent LGAs to outlet retailing provided in centres such as Homebush, Birkenhead Point and Campbelltown.

This report recommends that the proposal be forwarded to the Department of Planning and Infrastructure to seek Gateway Determination. Council will have another opportunity to review the proposal following the public authority and community consultation process.

FINANCIAL IMPLICATIONS:

There are no financial implications arsing from the recommendations in this report.

RECOMMENDATION:

That Council:

1. Resolves to prepare and exhibit an amendment to the Liverpool Local Environmental Plan 2008 (Amendment No.22) to add a Clause to Schedule 1- Additional permitted uses for "retail premises" on Lot 121 DP 876962 with a limit to the amount of retail floor space and size of individual tenancies on the site.

2. Deletes Clause 13 in Schedule 1 of LLEP2008 which permits the development of weekend markets on the site.

3. Forwards a copy of the Planning Proposal to the Department of Planning and Infrastructure, seeking Gateway Determination and following that proceed with agency and public consultation.

4. Considers a further report which outlines the results of the agency and public consultation.

SIGNED BY:

Milan Marecic
Director
City Planning

Attachments:
1. List of Company Directors
2. Planning Policy Context
3. Planning Proposal

ATTACHMENT 1: LIST OF COMPANY DIRECTORS

GAZCORP PTY LTD

Nicholas Gazal
Maud Gazal
Nabil Jnr Gazal

ATTACHMENT 2 - PLANNING POLICY CONTEXT

Source	Policy / Strategy	Overview	Comment
Liverpool City Council	**Liverpool Business Centres and Corridors Strategy**	This strategy responds to the findings of a retail hierarchy study prepared for Council by Leyshon Consulting. The strategy guides the identification of Business Centres and Corridor zones and controls their future function. The strategy identifies the subject site at Orange Grove as an existing bulky goods cluster with an expansion capacity of Bulky Goods retailing at Orange Grove of approximately 67,000 square metres. The Strategy's background document recorded a demand of 145,000 square metres of retail floor space (not including the South West sector) to year 2031. The strategy recommends that Council adopts a policy of reinforcing existing bulky goods retail nodes within the LGA rather than creating new	The Liverpool City Centres Hierarchy Review, which informed the Strategy, did not specifically consider the provision of an outlet centre anywhere within the LGA over the 2006 to 2031 period. In turn, Council has commissioned an independent assessment of this proposal to determine the impact that broadening the retail uses permitted on the site would have on the existing retail centres in Liverpool. Based on Leyshons Economic Impact Assessment submitted with the proposal and the subsequent peer review, it has been determined that the immediate impact on Liverpool CBD will be just below 10% loss in trade. The impacts on all other centres do not exceed 5% loss in turnover and are therefore not considered significant. All centres in the retail hierarchy are expected to continue to experience an increase in retail expenditure captured to 2015 despite the opening of an outlet centre on the weekend markets site. The predicted growth expenditure is principally due to the significant expected population growth with the Liverpool LGA. In order to facilitate demand for bulky goods retailing, the underlying zoning is to be retained as B5 Business Development. In the event that a retail outlet centre is not pursued, the B5 zone will facilitate any demand for bulky goods retailing on the site.

Source	Policy / Strategy	Overview	Comment
		locations within the City.	
	'Growing Liverpool 2021'	Growing Liverpool 2021, the Community Strategic Plan for the City of Liverpool identifies the community's key objectives for the area over a 10 year period. The key strategies within the plan that are most relevant to this proposal are: 1.3 – Further develop commercial centres that accommodate a variety of employment opportunities.	The proposal is supported by a strong economic assessment that has found that, although it is likely that there will be some diversion of trade away from the Liverpool CBD and other defined centres, there is still capacity to support the proposed development because of the expected population increase in South Western Sydney. Within 4 years the expected loss of trade in the City Centre is expected to be fully offset by an increase in retail growth. The proposal will increase vitalisation to the bulky goods node at Orange Grove Road. Although the proposal is not located in a centre, it is an existing commercial hub with reasonable access to bus services and arterial road network.
		1.5 – Encourage commercial and retail development in the City Centre, including the southern part of the city.	The proposal seeks to utilise an existing building. The City Centre does not posses an existing structure of this scale available for use as an outlet centre. Although the Liverpool City Centre would be considered as an ideal location for a retail outlet centre, the reality is that site amalgamation, traffic, parking, and high rents would make an outlet centre an unlikely land use. The economic reports suggest that the City centre and the outlet centre can co-exist. The Orange Grove road precinct has decent access to public transport and will not require traffic upgrades.

Source	Policy / Strategy	Overview	Comment	
		2.8 – Encourage the revitalisation of local retail centres.	The proposal will increase vitalisation to the bulky goods node at Orange Grove Road. Although the proposal is not located in a centre, it is an existing commercial/activity hub with reasonable access to bus services and arterial road network.	
		10.2 – Facilitate economic development	The proposed outlet centre has the potential to create in excess of 400 full-time jobs. The employment opportunities far exceed those available in the current use of the site, being 'weekend markets' retail type.	
	Liverpool Local Environmental Plan 2008	The objectives of the B5 zone are as follows:	**Consistency**	**Justification/Comment**
		To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.	Partially consistent	The proposed development is partially consistent with this objective as it proposes retail and not bulky goods and warehouse uses. The proposal has the ability to impact on centres, however the impact is not considered significant in terrms of loss of trade.
		To maintain the economic strength of centres by limiting the retailing of food and clothing.	Not consistent	Although the proposal does not limit retailing of food and clothing, it is deemed acceptable on the basis that all centres in the retail hierarchy are expected to continue to experience an increase in retail expenditure captured to 2015 despite the opening of an outlet centre on the weekend markets site. The predicted growth in retail expenditure is principally due to the significant population growth within the Liverpool LGA and

Source	Policy / Strategy	Overview	Comment	
				subsequent increased retail expenditure in the catchment. The economic strength of centres is compromised to an acceptable level.
		To provide for a larger regionally significant business development centre in a location that is highly accessible to the region.	Consistent	The development is proposed to locate on Orange Grove Road, an arterial road which is the main road access from into the north of Liverpool. There is an established link between this activity centre and other centres through the arterial road network. The development is expected to have a positive economic impact for the Orange Grove bulky goods centre and will attract consumers from outside the primary trade areas of Liverpool.
		To ensure a reasonable concentration of business activity.	Consistent	The development will add to the reasonable concentration of business activities on the site. It is preferred that outlet retailing is located in a bulky goods node compared to a Greenfield site or industrial precinct due to the comparative behaviour of shoppers (i.e. infrequent trips and the need to cluster business activities). Further, the site has existing infrastructure is close to labour markets and possesses other commercial uses such as business premises and bulky goods retailing.

Source	Policy / Strategy	Overview	Comment
Department of Planning & Infrastructure	**Draft Activity Centres Policy (2009)**	This document was prepared in 2009 is not considered to be official government policy. The draft policy focuses upon the following: • The need to reinforce the importance of centres and clustering business activities; • the need to ensure the planning system is flexible, allows centres to grow and new centres to form; • centres should have a mix of retail types; and • the market is best placed to determine need whilst regulating scale and location.	It is noted that the proposed development is not located in a centre; the development is a response to market-led demand and would generally aid competition in the retail sector. Although the proposal is not located within a core retail centre, it seeks additional retail uses in an existing (bulky goods) activity hub and within an established urban area. Further, due to the scale of the proposal, it would be difficult to locate such a development in a core retailing centre. Orange Grove Road is not an outright retail centre but is considered an 'activity' centre allowing business uses as overall patronage is expected to increase with the commencement of the outlet centre. It is also important to note that the subject building is not utilised for bulky goods retailing as such, the proposal does not decrease the amount of bulky goods retailing currently retailing in the precinct. The mechanism of permitting the use through a Schedule 1 amendment also retains the possibility of some bulky goods retailing.
Draft Competition SEPP (July 2010)		The proposed state-wide planning policy removes artificial barriers on competition between retail businesses.	The proposed development is consistent with the draft Competition SEPP as it allows competition between retailers to exist and leaves it to the market to decide upon the viability of retail types.
Draft South West		This draft Strategy identifies the Orange Grove Road area	As we have seen, outlet centre uses do not comprise bulky goods uses and therefore the proposed development does

Source	Policy / Strategy	Overview	Comment
Subregional Strategy (2007)		as being a bulky goods cluster. In this regard the Strategy states that consideration could be given to expanding the bulky goods retail offer in this location whilst limiting expansion in other locations.	not make a positive contribution to the Strategy. However, it is considered that the development will assist in protecting the viability of the existing bulky goods retail stores at the Orange Grove Road Mega Centre due to increased customer visits. Further, the mechanism of permitting the use through a Schedule 1 amendment also retains the possibility of some bulky goods retailing.