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Mr Peter Goth
Regional Director Sydney West
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Our Ref: 155302.2011
Contact: Michael Warrell 9821 9276

2 September 2011



Dear Mr Goth

Re: Liverpool Local Environmental Plan 2008 (Draft Amendment No. 22) – Amendment to Schedule 1 Additional Uses to permit a retail development at 5 Viscount Place Warwick Farm (Lot 121 DP 876962)

In accordance with Clause 56 of the Environmental Planning and Assessment Act 1979, Council is forwarding a planning proposal for draft Liverpool Local Environmental Plan 2008 (Amendment No. 22) seeking Gateway Determination.

The purpose of the draft amendment is to facilitate the use of an existing building and associated parking at 5 Viscount Place Warwick Farm as a retail outlet centre. The following table outlines, from Council's perspective, the optimal way of facilitating the proposal.

Proposed Change to LLEP 2008	Purpose
Maintain the current 'B5 Business Development' zone and amend Schedule 1 to facilitate an additional use on the site for "retail premises"	The proposed 'outlet centre' is defined as a retail premises. Where the use of all or part of the building for retail outlet centre is not feasible, retaining the current B5 zone will allow part, or all, of the site to be utilised for a bulky goods premises without further amendment to the LLEP2008.
Limit the area of "retail premises on the subject site to 19,000sqm (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 ensure predicted impact which has been modelled as part of the assessment.
Limit the size of any single tenancy to 1,200sqm	To prevent large anchor tenants (e.g. department stores and supermarkets) from operating from the premises.

A copy of the Planning Proposal and Council report for Draft Liverpool Local Environmental Plan 2008 Amendment No. 22 is enclosed for your consideration. Please note that a copy of the economic peer review undertaken by Hill PDA is available on request.

Should you require any further information on this matter, please do not hesitate to contact Michael Warrell, Strategic Planner, on (02) 9821 9276

Yours sincerely

Theo Zotos
A/Manager Strategic Planning





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Planning Proposal

Liverpool Local Environmental Plan 2008

***Draft Amendment No. 22 – Orange Grove
Road***

August, 2011

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Background

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.

It is anticipated that the current single storey building would be converted to 63 discount outlets for the sale of clothing, electrical goods, homewares and the like. It would also include a food offering which is currently permitted within the B5 Business development zone. Subject to development approval, the site would likely trade from 10.00am to 6.00pm 7 days per week; this is consistent with the trading hours of the adjoining mega centre.

Access to the site will continue to rely upon the signalised intersection of Viscount Place and Orange Grove Road. Car parking will be provided within the existing on-site car parking, the existing on road car parking and the provision of any necessary additional car parking to the rear of the site.

It should be noted that Council has received and is considering a separate Planning Proposal (RZ-6/2011) for land immediately to the west of the subject land known as 18 Orange Grove Road (Lot 11 DP 833648). In response to that request, Council on 20 December 2010 resolved to commence the process for the rezoning of a larger strip of land fronting Orange Grove Road from Zone B6 Business Development to zone B6 Enterprise Corridor under Liverpool LEP 2008.

Site Identification

The area that is the subject of this Planning Proposal is shown in Figure 1 and 2 of this Planning Proposal.

The site is located at the intersection of Viscount Place and Orange Grove Road. The site is part of a larger complex comprising the Liverpool Mega Centre bulky goods retail centre and associated development including a range of fast food offerings.

To the south of the site is land zoned IN1 General Industrial and accommodate a range of manufacturing uses.

To the east of the site is local open space including Dwyer Oval. To the immediate west of the site is Cabramatta and Cumberland Grove golf clubs.

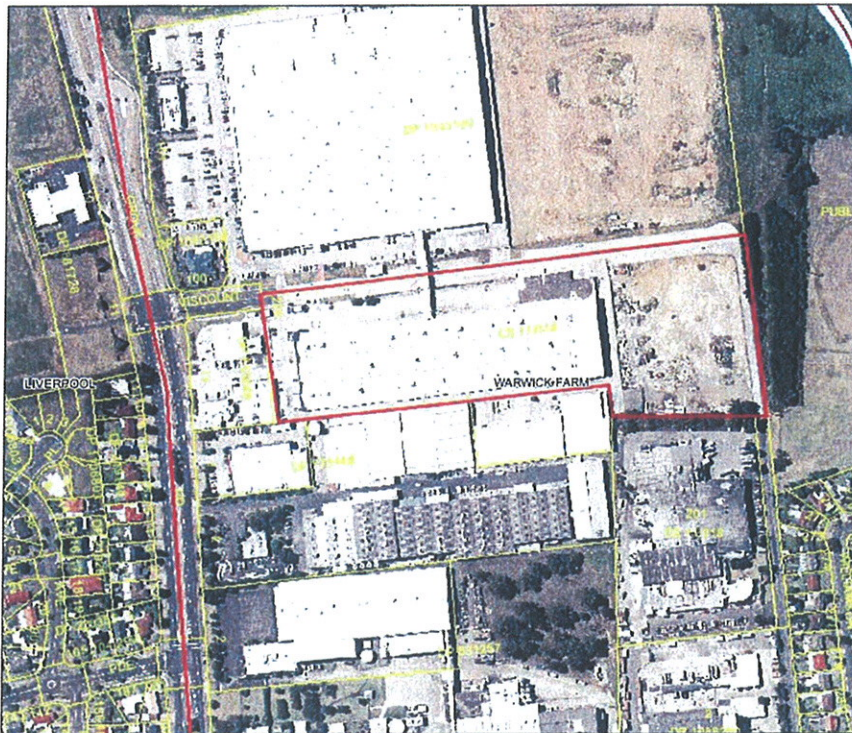


Figure 1: Aerial showing the site subject of the Planning Proposal (indicated with red boundary).

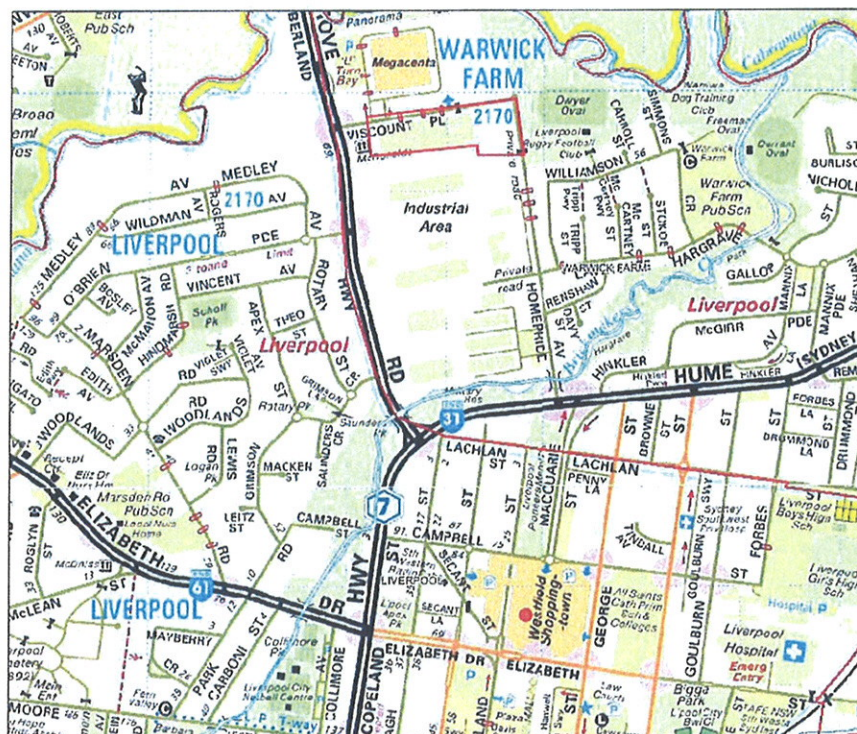


Figure 2: Map showing location of the subject site and surrounding land uses (indicated with red boundary).

Site History

In September 2001, Council approved a Development Application to operate the site as a bulky goods warehouse outlet.

In January 2002, Gazcorp received development consent for a warehouse clearance outlet in November 2002. One year later the Designer Outlets Centre was opened; the building was tenanted by 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. 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 still in operation today. It should be noted that Schedule 1 of LLEP 2008 permits weekend markets in the B5 Business Development zone at Warwick Farm, it is proposed that this clause be removed from the LEP and replaced with an additional use on the subject site for "retail premises".

Part 1 – Objectives

This Planning Proposal has been prepared to facilitate the reuse of the existing weekend market building as a retail outlet centre. Such a use would be defined as a "retail premises" under the LEP which is prohibited in the B5 Business Development zone which applies to the land.

Part 2 - Explanation of provisions

It is anticipated that this Planning Proposal for the site would amend Liverpool LEP 2008 by adding an additional use of 'retail premises' on the subject site and limiting the area of a retail premises to 15,000m2 and by limiting the size of any single tenancy to 1,200m2.

Table 1 – Proposed Amendments to Liverpool Local Environmental Plan 2008

Proposed Change to LLEP 2008	Purpose
Maintain the current 'B5 Business Development' zone and provide an additional use on the site for "retail premises"	Rezoning the site is not necessary because it is possible to add an additional use on the subject site. Where the use of all or part of the

Proposed Change to LLEP 2008	Purpose
	building for retail outlet centre is not feasible, retaining the current B5 zone will allow the premises to be utilised for Bulky Goods sales without further amendment to the LLEP2008.
Limit the area of "retail premises on the subject site to 19,000sqm (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 ensure predicted impact.
Limit the size of any single tenancy to 1,200sqm	To prevent large anchor tenants (e.g. department stores and supermarkets) from operating from the premises.

It should be noted that Schedule 1 of LLEP 2008 permits weekend markets in the B5 Business Development zone at Warwick Farm, it is proposed that this clause be removed from the LEP.

No mapping amendments will be required as no alterations are proposed or required to the zoning, floor space ratio, height of buildings or minimum lot sizes.

Part 3 - Justification

A. Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

This Planning Proposal is not a result of any strategic study or report. The proposal is in response to an identified development opportunity on the site.

This Planning Proposal is supported by an Economic Impact Assessment (EIA) by Leyshon Consulting. Further to this, Council commissioned a peer review of the EIA which found that there is capacity to support the proposed development.

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

It is considered that this Planning Proposal is the best and only way of achieving the outcomes.

Council has considered various alternative ways to facilitate the proposal, including rezoning the subject site to B6 Enterprise Corridor or attempting to define "retail factory outlet" in the LEP. However, there is no definition for "outlet retailing" in the Standard Instrument Local Environmental Plan for New South Wales where such retailing is not associated with manufacturing on the same site. Past attempts by various authorities to develop an appropriate definition for outlet retailing have been fraught with difficulty. This principally arises from the fact that most definitions attempt to describe the type of goods sold by outlets (i.e. discount goods). If Council were to propose a new definition for "outlet retailing" this would have the potential to become an on-going litigation and enforcement matter when the type of goods being sold does not reflect the permitted land use definition.

3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?

The net community benefit will outweigh the cost of implementing and administering the planning proposal. Please refer to Attachment 1 for a detailed Net Community Benefit Test.

B. Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

This Planning Proposal is considered consistent with the objectives and actions contained within the Metropolitan Strategy and South West Subregional Strategy. This is discussed in Attachment 2.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

This Planning Proposal is considered consistent with the objectives and strategies in Council's Strategic Plan. This is discussed in Attachment 2.

6. Is the planning proposal consistent with the applicable state environmental planning policies?

SEPP Title	Consistency	Comment
1. Development Standards	Yes	This SEPP does not apply
4. Development Without Consent and Miscellaneous Exempt and Complying Development	Yes	This SEPP does not apply
6. Number of Storeys in a Building	Yes	This SEPP is not relevant as no storey control is contained within LLEP 2008
22. Shops and Commercial Premises	Yes	This SEPP is gradually being superseded by the SEPP for Exempt and Complying Development Codes.
32. Urban Consolidation (Redevelopment of Urban Land)	Yes	The Planning Proposal does not conflict with this SEPP
55. Remediation of Land	Yes	The site is utilised for bulky goods retailing and related purposes. The retail use of the land does not alter the sensitivity of the proposed land uses relative to potential contamination. Further the site has been developed since the implementation of SEPP 55 and the potential

SEPP Title	Consistency	Comment
		contamination of the site has been addressed.
64. Advertising and Signage	Yes	This SEPP is relevant to specific development that is permitted currently and would become permitted under the Planning Proposal. Future development would need to comply with these provisions.
SEPP (Infrastructure) 2007	Yes	This SEPP is relevant to particular development categories. This Planning Proposal does not derogate or alter the application of the SEPP to future development.
SEPP (Temporary Structures and Places of Public Entertainment) 2007	Yes	This SEPP is unlikely to apply to the forms of development that will become permissible under the Planning Proposal.
SEPP (Exempt and Complying Development Codes) 2008	Yes	This SEPP is relevant to particular development categories. This Planning Proposal does not derogate or alter the application of the SEPP to future development.
SEPP (Affordable Rental Housing) 2009	Yes	This SEPP is relevant to particular development categories. This Planning Proposal does not derogate or alter the application of the SEPP to future development.
Sydney Regional Environmental Plan (Sydney Harbour Catchment)	NA	
Draft SEPP (Competition) 2010	Yes	The Planning Proposal does not conflict with this SEPP which proposes to promote economic growth and remove anti competitive barriers.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following s.177 directions apply to this Planning Proposal:

S.117 Direction Title	Consistency	Comment
1.0 Employment and Resources		
1.1 Business and Industrial Zones	Yes	The Planning Proposal does not reduce the availability of employment generating lands. The proposal seeks to

S.117 Direction Title	Consistency	Comment
		broaden the range of employment generating uses by facilitating a retail factory outlet. The Planning Proposal supports and encourages employment growth and supports the range and diversity of centres within Liverpool by broadening the range and type of centres accommodated.
2.0 Environment and Heritage		
2.1 Environment Protection Zones	Yes	The Planning Proposal does not propose the introduction of any environmental protection zones or heritage zones. There are no site features that warrant consideration of the application of these zones.
2.3 Heritage Conservation	Yes	There are no matters of heritage significance required to be considered for the site.
3.0 Housing, Infrastructure and Urban Development		
3.4 Integrating Land Use and Transport	Yes	The Planning Proposal is considered to be consistent with this Direction through: • The provision of employment opportunities in a location well serviced by existing public transport facilities. • Providing an opportunity for employment generating uses supporting business and employment growth in an existing serviced location. • Supports the efficient and viable operation of existing public transport services.
4.0 Hazard and Risk		

S.117 Direction Title	Consistency	Comment
4.3 Flood Prone Land	Yes	The Planning Proposal will be consistent with this Ministerial Direction. The land is flood prone land. The proposed land use is not sensitive and as demonstrated by existing development scope is available to accommodate development with sufficient flood protection and mitigation.
6.0 Local Plan Making		
6.1 Approval and Referral Requirements	Yes	The Planning Proposal is consistent with this Ministerial Direction.
6.2 Reserving Land for Public Purposes	Yes	The Planning Proposal is consistent with this Ministerial Direction.
6.3 Site Specific Provisions	Yes	The Planning Proposal is consistent with this Ministerial Direction.
7.0 Metropolitan Plan Making		
7.1 Implementation of the Metropolitan Strategy	Yes	The Planning Proposal is consistent with the relevant actions from the South West Subregion Draft subregional strategy

C. Environmental, social and economic impact

8. 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?

The site is an existing highly modified site with no existing vegetation or potential habitat.

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

There are no other likely environmental effects as a result of the Planning Proposal.

10. How has the planning proposal adequately addressed any social and economic effects?

The proposal is supported by an Economic Impact Assessment (EIA) prepared by Leyshon Consulting; the report assesses the viability of the proposal and the impacts upon the existing regional retail hierarchy.

The EIA undertakes an analysis of population and expenditure growth within the South West Subregion (Liverpool, Campbelltown and Wollondilly LGAs) 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 LGA or adjacent LGAs. Furthermore, the EIA states that additional floor space up to a NLA of 25,000m² 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 and reputable 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 LGAs should be viewed as a Secondary Trade Area; this is primarily due to the presence of existing 11,000sqm 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. They note 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 CBD is 9% shift in turnover which would likely be reversed well within 4 years. This is due to an expected population increase and subsequent increase in retail expenditure.

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 Local Government Area for retail shopping.

D. State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

The draft amendment does not warrant changes to the delivery of public infrastructure.

12. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

The Gateway Determination will stipulate the requirements for consultation with State and Commonwealth Public Authorities

A report on the public authority and community consultation outcomes will be presented to Council for its consideration following the public exhibition period.

Part 4 - Community Consultation

The Gateway Determination will stipulate the required community consultation. The written notice and display materials will be in accordance with the document "A guide to preparing local environmental plans".

A report on the public authority and community consultation outcomes will be presented to Council for its consideration following the public exhibition period.

Attachment 1 – Net Community Benefit Test

Evaluation Criteria	Consideration	Consistent
Will the LEP be compatible with agreed State and regional strategic direction for development in the area?	Yes. The site is located within the catchment of the Regional City of Liverpool and within an existing Specialised Centre identified in Liverpool City Council's "Liverpool Business Centre and Corridors Strategy" The Planning Proposal facilitates the seven day a week use of existing land zoned for employment generating uses to be utilised for employment generating purposes.	Yes
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Yes. The site is located within the catchment of the Regional City of Liverpool. The site forms part of the Orange Grove Employment Lands identified in the South West Subregion Draft Subregional Strategy. The 2km walking catchment of the regional City of Liverpool is confirmed in the Metropolitan Plan for Sydney 2036.	Yes
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	No. This amendment will not create a precedent for other LEP amendments and is to be facilitate as an additional use for this site only. The Planning Proposal seeks to facilitate alternate uses for the existing building only. The proposed use of the site as retail outlets is considered to be a compatible and complementary use to the existing adjoining bulky goods retail centre. The complex is considered an activity centre as it incorporates a mixture of retail and business uses.	Yes
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes. A Planning proposal for the adjoining land fronting Orange Grove Road is currently being considered by Council. The impacts of this proposal as well as the subject proposal have been considered in the Economic Impact Assessment and Traffic Impact Assessments undertaken. The assessments have concluded that no significant impacts will arise to the retail hierarchy of Liverpool or upon the viability of the Liverpool centre, particularly past the initial 5 year period. The traffic assessment has concluded that sufficient transport capacity and car parking accommodation is available to support the development that would be facilitated by both the Planning Proposals (ie LLEP Amendment No. 19 and 22).	Yes
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Yes. The Planning Proposal will facilitate the creation of full-time employment generating opportunities compared to the current use of the building which is limited to Saturdays and Sundays only. The Planning Proposal will not result in the loss of existing Employment generating lands.	Yes

Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	No. The Planning Proposal will have not impact upon the supply of housing or land zoned for housing provision.	Yes
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	Yes The site is serviced by all necessary public infrastructure to accommodate the proposed use and will not require any augmentation to these existing facilities. The site is serviced by existing public bus routes as detailed within the planning proposal documentation. The locality is also served by on road and off-road cycle paths that connect the site to Liverpool CBD, Warwick Farm rail station and ultimately Parramatta.	Yes
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	No The site is currently employment generating land and this status will not alter. The Planning proposal broadens the range of permitted uses to include retail premises. Existing customers and suppliers will not significantly alter their travel patterns. The broadening of the use to permit complementary retailing to the existing bulky goods uses on the neighbouring sites. This co-location of uses has the potential to minimise over all trip generation as discussed in the traffic impact assessment lodged with the proposal.	Yes
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	The site and locality benefits from significant infrastructure investment that is proposed to be utilised on a seven days a week basis instead of the current limited weekend only usage. The proposal therefore seeks to more efficiently and appropriately utilise for employment generating purposes this public infrastructure. The existing services and facilities can readily accommodate the expected demand from the proposed use.	Yes
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	No. The land does not contain any environmental constraints and the potential for flood inundation has been addressed in the past development and use of the site.	Yes
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	Yes. The adjoining land fronting Orange Grove Road is proposed to be rezoned to B6 Enterprise Corridor. The subject land and adjoining land to the north will remain zoned B5 Business Development. The proposed development will have no significant impacts upon the amenity of the surrounding locality and will not alter the public domain.	Yes

Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	Yes. The locality is a "Specialised Centre" under the "Liverpool Business Centre and Corridors Strategy". The proposal seeks to facilitate specialised retail development for factory retail outlets that complement the operation and function of the adjoining bulky goods retail outlet. The proposal supports employment growth opportunities and has been assessed to have a minimal impact upon the viability of other centres in the Liverpool area.	Yes
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	The location is part of an existing Specialised Centre that is well served by infrastructure and transport needs. The Planning proposal and limitations have been proposed to specifically avoid the site evolving into a centre, such as the restriction on the size of individual tenancies to avoid the development of uses such as full line supermarkets, department stores and discount department stores.	Yes
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The land is employment generating land that is effectively underutilised due to the limited weekend usage. Proceeding with the Planning proposal now would facilitate the full time employment generating uses within existing structures that are currently serviced. The Planning Proposal therefore has the potential to deliver economic benefits without any need for public investment in infrastructure and to realise the potential employment and economic benefits of the underlying classification of the subject lands as employment generating in the South West Subregion Draft Subregional strategy. The implications of not proceeding with proposal is that the delivery of these economic benefits and investment are not realised in the medium term and the underlying objectives of the designation of the land as employment generating lands are not being realised.	Yes

Attachment 2 – Planning Policy Context

Source	Policy / Strategy	Overview	Comment
Liverpool City Council	Liverpool Centres and Corridors Strategy	This strategy responds to the findings of a retail hierarchy study prepared 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 67,000m². The Strategy's background document recorded a demand of 145,000sqm 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 locations within the City.	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 Leyshon's 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
	'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 accommodates 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 possess 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 a retail development of such scale would require site amalgamation. Further the required parking spaces would make an outlet centre an unlikely land use.
		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.

Source	Policy / Strategy	Overview	Comment
		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: To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres. To maintain the economic strength of centres by limiting the retailing of food and clothing.	Consistency Partially consistent Not consistent
			Justification/Comment 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 terms of loss of trade. The inconsistency is justified on the basis that the detailed economic study outlines that all centres in the retail hierarchy are expected to continue to experience an increase in retail expenditure and that the losses in trade associated within the Planning Proposal would be offset by 2016. The predicted growth in retail expenditure is principally due to the population growth within the Liverpool LGA and subsequent increased retail expenditure in the catchment.
		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. The development is expected to have a positive economic impact for the Orange Grove bulky goods

Source	Policy / Strategy	Overview	Comment	centre and the Liverpool local government area generally.
		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 bulky goods and retail outlet shoppers (i.e. infrequent trips and the need to cluster business activities).
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 activity centre which includes bulky goods retailing and business premises. Further the site is located in a large residential catchment and along major arterial road. 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 occurring in the precinct. The underlying zoning will allow for part or all of the building to be used for bulky goods retailing in the future, if required.	
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.	

Source	Policy / Strategy	Overview	Comment
Draft South West Subregional Strategy (2007)		This draft Strategy identifies the Orange Grove Road area 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.	As we have seen, outlet centre uses do not comprise bulky goods uses and therefore the proposed development does 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.