

Liverpool City Council

Planning Proposal

*B6 Enterprise Corridor zoning on Orange Grove Road,
Warwick Farm and amendment to Clause 7.23*

Draft Liverpool LEP 2008 Amendment No.19

December 2010

Table of Contents

Background	3
Site identification.....	3
Part 1 - Objectives.....	4
Part 2 - Explanation of provisions	5
Part 3 - Justification	6
A. Need for the planning proposal.....	7
B. Relationship to strategic planning framework.....	8
C. Environmental, social and economic impact.....	10
D. State and Commonwealth interests.....	10
Part 4 - Community Consultation	12

Background

The need for this planning proposal was initiated by the landowners of 18 Orange Grove Road, Warwick Farm who requested a change in zoning from B5 Business Development to B6 Enterprise Corridor. The landowners have prepared a separate planning proposal - this is attached for your reference.

A strategic overview of existing business uses along this portion of Orange Grove Road has been undertaken as part of this rezoning. As the majority of land within this section are already utilised for business and retail operations, Council considers it appropriate to extend the proposed B6 Enterprise Corridor zoning. The rezoning of these sites conforms with the strategic priorities of the NSW Government which places emphasis on the establishment of economic corridors.

Amendments to Clause 7.23(2) of Liverpool Local Environmental Plan 2008 is also proposed under this planning proposal.

This planning proposal was prepared to incorporate not only 18 Orange Grove Road but includes additional properties that are considered suited for a B6 Enterprise Corridor zoning.

Site identification

The planning proposal applies to the following properties:

- 10 Orange Grove Road, Warwick Farm (Part Lot 101 DP 1043160)
- 16 Orange Grove Road, Warwick Farm (Lot 100 DP 1043160)
- 18 Orange Grove Road, Warwick Farm (Lot 11 DP 833648)
- 22 Orange Grove Road, Warwick Farm (Lot A DP 89031 and Lot 1 DP 775468)

A locality map of the subject sites are provided on the following page:

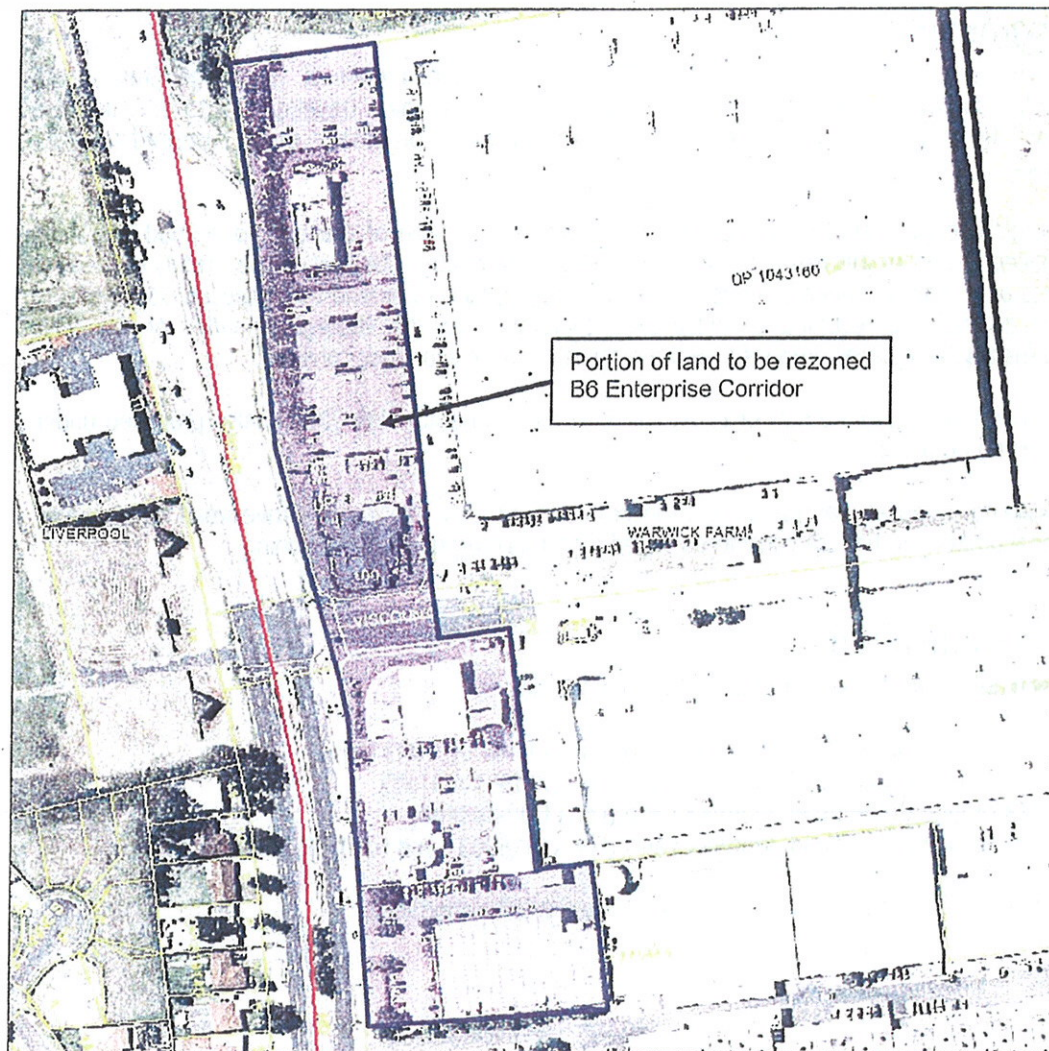


Figure 1: Land to which this planning proposal applies

Part 1 - Objectives

The primary objective of this rezoning is to facilitate an enterprise corridor along Orange Grove Road, Warwick Farm by rezoning the subject sites from B5 Business Development to B6 Enterprise Corridor.

The secondary objective of this proposal is to amend Clause 7.23 of Liverpool Local Environmental Plan 2008 (LLEP 2008) which provides additional controls for the development of bulky goods premises and retail premises in the B6 Enterprise Corridor zone. The planning proposal seeks to increase the gross floor area of retail premises in the B6 Enterprise Corridor zone to 1600m² from 1000m².

Part 2 - Explanation of provisions

The objectives of this planning proposal will be achieved via an amendment to Liverpool Local Environmental Plan 2008 (LLEP 2008) zoning map and an amendment to Clause 7.23(2) 'Bulky goods premises and retail premises in Zone B6' of LLEP 2008. The planning proposal does not make any amendments to lot size, height or floor space ratio requirements.

In particular, the planning proposal seeks to amend the following LLEP 2008 map:

- Land Zoning Map (LZN-010) – Zoning to be changed from B5 Business Development to B6 Enterprise Corridor.

The following objectives apply in the B6 Enterprise Corridor zone:

- *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) and residential uses (but only as part of a mixed use development).*
- *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.*

It should be noted that the proposed rezone will apply to a site that is located on a main road, within an existing centre, to the north of the Liverpool City Centre. The proposed retail use is compatible with other retailing in the Centre.

The following land uses are permissible with consent in the B6 Enterprise Corridor zone:

Building identification signs; Bulky goods premises; Business identification signs; Business premises; Car parks; Community facilities; Crematoria; Depots; Drainage; Earthworks; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; Home businesses; Home industries; Hotel or motel accommodation; Information and education facilities; Landscape and garden supplies; Light industries; Multi dwelling housing; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Retail premises; Roads; Service stations; Shop top housing; Storage premises (other than offensive storage establishments or hazardous storage establishments); Timber and building supplies; Transport depots; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres

Amendment to Clause 7.23 of LLEP 2008

Clause 7.23 of LLEP 2008 provides additional controls for the development of bulky goods premises and retail premises in the B6 Enterprise Corridor zone. Of particular relevance to this planning proposal is Clause 7.23(2) which currently states:

"Development consent must not be granted to development for the purposes of retail premises on land in Zone B6 Enterprise Corridor if the gross floor area of the retail premises is more than 1,000 square metres".

The 1,000m² limitation for retail premises in the B6 Enterprise Corridor zone was initially introduced in LLEP 2008 to prevent large format anchor tenants from sporadically emerging along major road corridors. The rationale behind this decision is linked to the centres based planning approach, as enforced by the Department of Planning via its Metropolitan Strategy. Under this planning approach, large retail formats are to be located within centres which are supported with a high residential population and public transport services. Additionally, the location of large format retail on main roads will detract, and ultimately compete with the economic viability and performance of centres.

Allowing an unregulated size of outlets along B6 Enterprise Corridor will also result in the dispersal of larger anchor retail and bulky goods businesses which can increase private vehicle trips from one anchor retailer to another. This is contrary to the principles contained within the State Government document, 'Integrating Land Use and Transport- Right Place for Business and Services Policy'.

While there is merit in the aforementioned planning principles, it has been realised that there are limited opportunities for new retailers to operate within existing centres in the Liverpool LGA due to physical constraints which hinders the opportunity for the expansion of centres. This has become increasingly evident as a number of other landowners/investors have approached Council about facilitating highway related development in the B6 zone, however have deemed the proposal unpractical due to the retail floorspace limitations of Clause 7.23(2). As such, there is a clear need for Council to provide areas in which these land uses can be accommodated.

In light of the above factors, an increase to the floorspace limitation for retail premises in the B6 Enterprise Corridor zone is considered justified. As part of this amendment, it is proposed that the gross floor area of retail premises in the B6 Enterprise Corridor zone should be increased to 1,600m². This amount of increased retail floorspace is considered appropriate as it will cater to a wide range of medium sized retail uses without attracting large-format supermarkets. The amendment will not pose a considerable threat to existing neighbourhood and local centres nor will it impact upon Council's hierarchy of retail centres.

Please note that the amended clause is not site-specific and will apply to all B6 Enterprise Corridor zoned land throughout the Liverpool LGA.

Part 3 - Justification

A. Need for the planning proposal

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

The Planning Proposal is not the result of any strategic study or report.

The Planning Proposal is consistent with the conclusions of Liverpool City Council's Retail Centres Hierarchy commissioned in 2006. This review examined existing retail centres in the Liverpool LGA and in particular the impact of the likely increase in population and employment on the demand for retail floor space. The study concluded that there would be a population increase from 177,000 persons to 313,800 by 2031. The floor space demand that the population increase would generate was estimated to be approximately 350,600m² recognising that at the start of the period that the then vacancy rates were low. The additional retail space is a very small addition within the overall demand for new retail floor space.

The review recognised the continuing importance of three specialist centres which provided opportunities for bulky goods, homewares and other specialist retailing:

- The Liverpool Mega Centre on Orange Grove Road
- The Cross Roads Home Maker Centre at Casula
- Warwick Farm Home Makers Centre

The review recommended that Council reinforce these nodes rather than create new nodes in the Liverpool LGA and limit additional retail premises to the above centres.

The rezoning of the site is consistent with the strategic priorities of both the NSW Government and Council, which promotes the strengthening of centres and corridors and addressing economic and employment targets.

As such, the rezoning of the sites to the B6 Enterprise Corridor zone is considered appropriate.

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 the proposed rezoning is the most precise and best means of achieving the intended outcomes.

The current zoning does not allow retail premises and accordingly a Planning Proposal to rezone the site is considered appropriate.

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

The Planning Proposal will provide net community benefits, commensurate with the scale of the proposed rezoning, as follows:

- The rezoning will formally recognise the sites playing an important role as a strategic arterial road leading into the Liverpool City Centre;

- The development of the site will result in a more economic use of the sites;
- The proposed retail development on 18 Orange Grove Road will provide a strong anchor to support the other retail outlets in the Megacentra;
- As indicated in the traffic report prepared to support the rezoning of 18 Orange Grove Road, there will be no significant traffic impacts on the adjoining road system and will have no significant impact on parking availability.

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)?*

The planning proposal is deemed consistent with the objectives and actions contained within the Metropolitan Strategy and South-West Subregional Strategy. This is discussed as follows:

Action	Response
Economy and Employment	The Metropolitan Subregional strategy recognises that the Orange Grove precinct is close to Liverpool CBD, with good access to the Hume Highway and Cumberland Highway and is strategically situated providing a location for activities that support but do not compete with Liverpool Regional City uses. The Subregional strategy envisaged that Orange Grove Road would be redeveloped as a Business Development Zone except where opportunities exist for the development of Enterprise Corridors. Accordingly, the proposed rezoning is consistent with this policy direction.
Centres and Corridors	The Subregional strategy seeks to maximise the use of infrastructure where demand and opportunities exist. While Enterprise Corridors have not been designated in the subregion the strategy provides that there are some sections of major roads that are suitable for a range of retail formats suitable for designated through an Enterprise Corridor zoning. (SW B7.1.1). The subregional strategy seeks to encourage retail uses to support existing centres rather than through development of isolated sites.
Housing	Not applicable
Transport	The sites are situated in an existing specialist centre on a major transport corridor that provides a significant level of public transport. The demand for public transport services will be strengthened through the proposed facility which takes advantage of its exposure to passing trade. The Planning Proposal is consistent with Ministerial Direction 3.4 - Integrating Land use and Transport. (SW B4.1.1)

Environment, Heritage and Resources	Not applicable
Parks and Public Places	Not applicable

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

The proposed rezoning is consistent with Liverpool City Council's strategic plans, particularly the Retail Hierarchy Study.

The Study recognises the need to develop a full range of centres across the LGA including enterprise corridors. It is an intention of the metropolitan strategy that a range of centres will operate in unison across a wider geographical area to serve the particular needs of a community. Enterprise Corridors are the mixed commercial, retail and industrial areas immediately along the busiest roads which perform an important economic role, such as servicing the local community.

The planning proposal is also consistent with Council's Community Strategy 2009 by supporting economic development and promoting a 'working community'. The zoning of land for business and employment-generating use encourages continued investment in business activity in Liverpool LGA.

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

- The main State Environmental Planning Policy that is relevant to this planning proposal is the recent draft SEPP - Promoting Economic Growth and Competition through the Planning System. This Policy proposes that:
- The commercial viability of a proposed development may not be taken into consideration by a consent authority, usually the local council, when determining development applications;
- The likely impact of a proposed development on the commercial viability of other individual businesses may also not be considered unless the proposed development is likely to have an overall adverse impact on the extent and adequacy of local community services and facilities, taking into account those to be provided by the proposed development itself; and
- Any restrictions in local planning instruments on the number of a particular type of retail store in an area, or the distance between stores of the same type, will have no effect

It is considered that the Planning Proposal is consistent with this Policy.

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

The Planning Proposal is considered to be consistent with the current Section 117 Directions particularly the following Ministerial Directions:

- *1.1 - Business and Industrial Zones*

The draft LEP will give effect to the objectives of the direction and will not reduce the total potential floor space for employment uses and related public services in business zones;

- *3.4 - Integrating Land Use and Transport.*

As indicated in the accompanying traffic study the Proposal is located on a main road with good access to public transport and will not have an adverse impact on the surrounding road network, or lead to a requirement for the provision of additional on-site parking.

▪ *6.4 - Site Specific Provisions*

The Direction requires that a draft LEP that amends another environmental planning instrument in order to allow a particular development to be carried out shall either:

- (a) Allow the 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 standard or requirement in addition to those already contained in that zone, or
- (c) Allow that land use on the relevant land without imposing any development standard or requirement in addition to those already contained in the principal environmental planning instrument being amended.

It is considered that this Planning Proposal falls within (b) above noting that the proposed variation to the permissible gross floor area is not the imposition of an additional development standard.

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?

No. The proposed amendments to the LEP 2008 are unlikely to affect critical habitats or threatened species, populations or ecological communities, or their habitats. There will be no loss of vegetation as a result of the proposal.

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

The major environmental impact of the planning proposal relates to impacts relating to traffic and parking. As assessed in the traffic and parking assessment prepared by the applicant, the parking already provided at the Megacentra/Weekend Markets is sufficient for the requirement of the proposed development. Traffic generation by the proposed development will have no significant impact on the operation of Orange Grove Road or Viscount Place or the intersection of these roads.

From a planning perspective, it is envisaged that the rezoning the site to the B6 zone will not result in any amenity impacts as the site is located within the context of a business zone and does not directly adjoin residential areas.

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

The planning proposal meets the social and economic objectives of the proposed B6 Enterprise Corridor and Council's strategy for its retail centres.

D. State and Commonwealth interests

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

Yes. The traffic report prepared by the applicant to support their rezoning application indicates that the surrounding road network can support the proposal.

Further, as the planning proposal will not result in any major intensification of the site, there is not likely to be any increase in demand for public infrastructure and the existing infrastructure is considered adequate to service the site.

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?

A gateway determination has not yet been issued for the planning proposal, accordingly the views of state agencies has not been determined.

Any relevant public authorities will be notified of the planning proposal and be given an opportunity to comment on the draft plan. It is unlikely that there will be any particular requirement for comment as this is viewed as a minor planning proposal.

Part 4 - Community Consultation

This planning proposal is considered to be a low impact proposal for the following reasons:

- The proposal is consistent with the surrounding land uses;
- The proposal is consistent with the relevant strategic planning framework, in particular the NSW Government's Metropolitan Strategy and the direction and recommendations contained in Council's Retail Centres Hierarchy Review;
- The planning proposal presents no significant issues with regard to infrastructure servicing, access and traffic; and
- The proposal is not a principal LEP but proposes a minor amendment to LLEP 2008.

No consultation has been carried out with State and Commonwealth agencies or businesses in the locality. Consultation will occur with relevant public authorities identified as part of the gateway determination. The gateway determination will specify the community consultation that must be undertaken for this Planning Proposal. Generally the Department of Planning have set a 14 day public exhibition period for planning proposals considered to be of low impact and a 28 day exhibition period for all other proposals.

It is envisaged that the draft LEP will need to be exhibited in accordance with the relevant guidelines of the Department of Planning. The material placed on exhibition will include this planning proposal, a report from Council and supporting plans. An assessment of the submissions received will be presented to Council for consideration following the exhibition period.

Attachment 1:

Planning proposal as submitted by the landowners of 18
Orange Grove Road, Warwick Farm

Planning Proposal
18 Orange Grove Road
Warwick Farm

for

Gazcorp Pty Ltd

Submission to the Liverpool City Council

Prepared by

Integrated Site Design

In association with

Mosca Pserras Architects
Dobinson & Associates Traffic Planners
November 2010

Contents

1	Introduction	2
1.1	Background	2
1.2	Contents of the Report.....	2
1.3	The Site.....	2
1.4	Current Consent	4
1.5	Proposed Development	4
2	Current Planning Controls and Policies	6
2.1	Liverpool Local Environmental Plan 2008.....	6
2.2	Liverpool Development Control Plan	6
2.3	The Sydney Metropolitan Strategy	7
2.4	Retail Centres Hierarchy.....	7
3	Planning Proposal	9
3.1	Part 1 Objectives or Intended Outcomes.....	9
3.2	Part 2 Explanation of Provisions.....	9
3.2.1	Proposed Zoning	9
3.3	Part 4 Justification	11
3.4	Part 4 Community Consultation.....	15
4	Summary and Conclusion	17
Appendix A	Dan Murphy's Outlet at the Megacentra/Markets Site	
Drawings	Site Plan 10058/AP01	
	Concept Sketch Sk01	

Introduction

Background

This Planning Proposal has been prepared in support of an application to the Liverpool City Council by the Gazcorp Pty Ltd to amend the Liverpool Local Environmental Plan 2008 to rezone the site at 18 Orange Grove Road, Warwick Farm to permit retail development and the use of the site for a Dan Murphy's Liquor Outlet.

The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979, and consideration has been given to the requirements contained in the Department of Planning's guideline '*A guide to preparing planning proposals*', NSW, DoP.

Contents of the Report

This report provides the background information and justification to enable Council to commence the formal planning process and submission of the planning proposal to the Gateway process. The report includes:

- a site description,
- an outline of the current planning framework,
- the proposed development; and
- the justification for the Planning Proposal.

The Site

The subject site is located at 18 Orange Grove Road, Warwick Farm. The legal description of the property is Lot 11 DP 833648).

The site is located within the Orange Grove Road Megacentra/Markets at the intersection of Viscount Place and Orange Grove Road (Cumberland Highway). Surrounding land uses include a MacDonald's, Office Works, Harvey Normans, the Megacentra and Weekend Markets. An aerial view of the site and the adjoining land uses is given in Figure 1. The Megacentra operates 7 days a week while the Markets only operate at weekends.

Public transport to the site is provided by the 801 and 819 bus routes on Orange Grove Road which provide a direct connection to Liverpool Centre and areas to the north of the site.

The site contains three building all built under previous development consents. The building to be occupied by Dan Murphy's is located in the North West corner of the site. The building to be replaced is used for a vehicle repair station with associated office and ancillary car wash. The other buildings are used for take-away fast food restaurants -- including Oporto in a standalone building -- and bulky goods units.

Access to the Mega Centre is provided by an existing signalised intersection of Viscount Place and

Orange Grove Road. There is also an existing entry and exit from/to Orange Grove Road to the site serviced by a short deceleration lane. The site layout is shown in Figure 2 and Drawing 10056/AP01 and Drawing SK01.

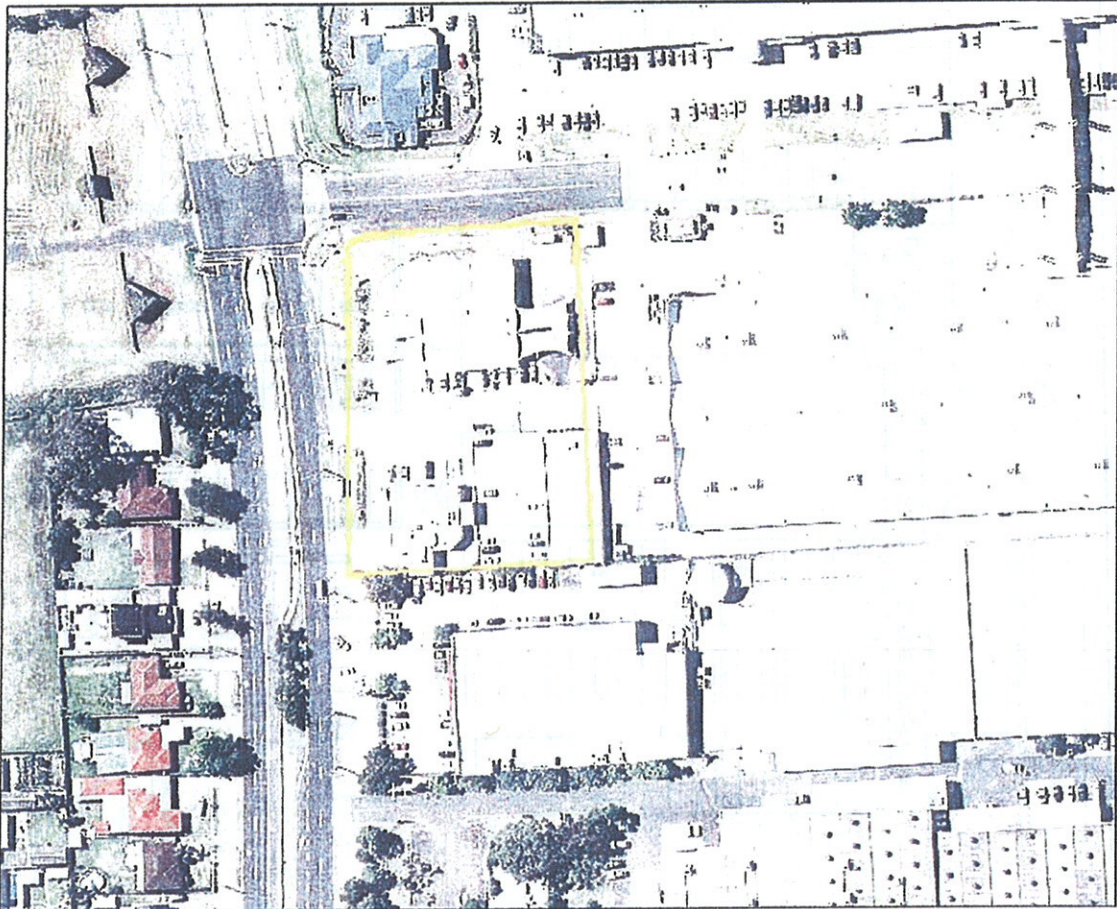


Figure 1 Site Context – 18 Orange Grove Road

The site is currently zoned B5 Business under the *Liverpool Local Environmental Plan 2008* (LLEP). The LLEP contains a number of planning controls that apply to this zone. Other development controls are found in the *Liverpool Development Control Plan 2008* (LDCP). These planning and development controls are considered in Section 2 of this Proposal.

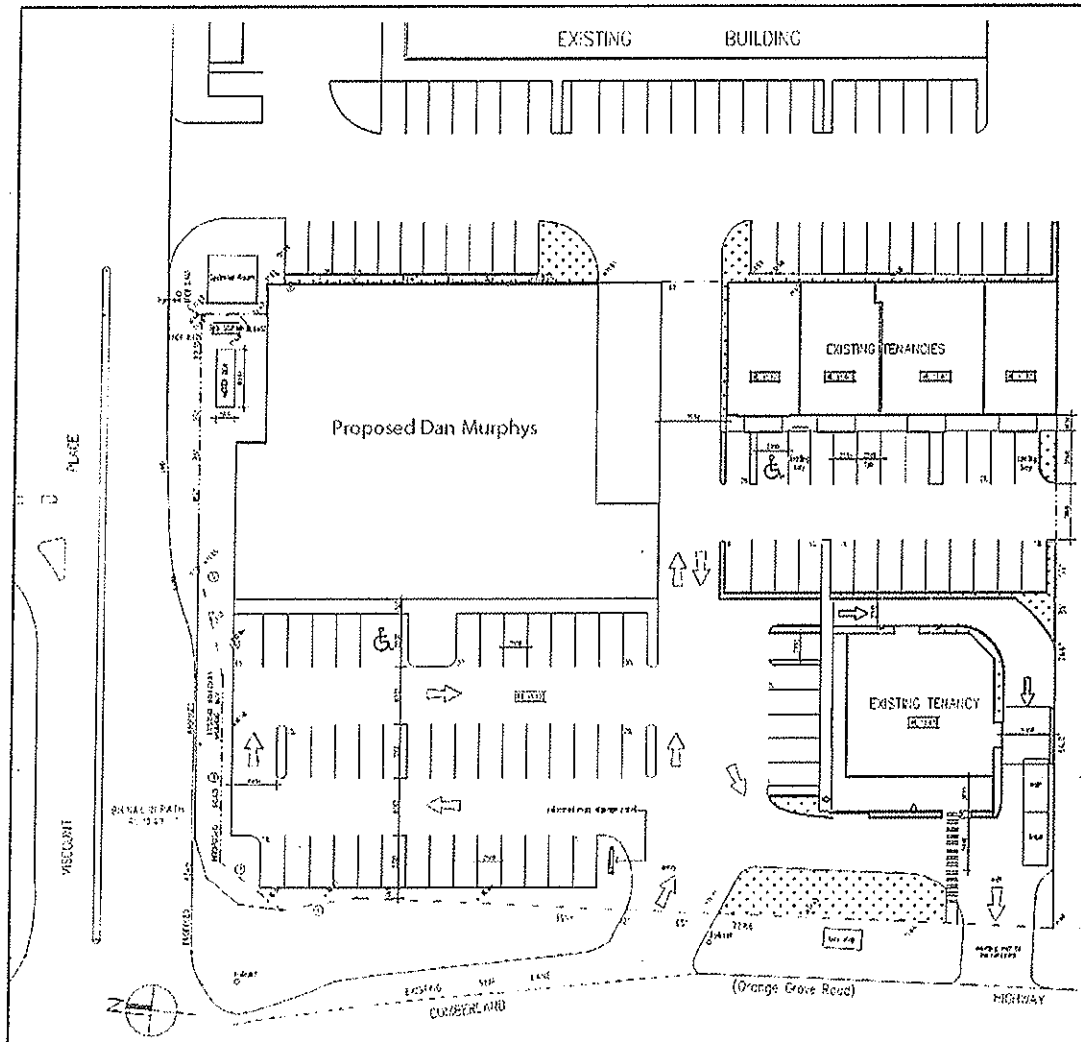


Figure 2 Site Layout

Current Consent

A development consent (DA 1912/2005) for a mixed use development: Erection of a bulky goods unit, two(2) take-away fast food restaurants (one (1) with a drive-thru) a vehicle repair station with associated office and ancillary car wash was issued by Council, subject to conditions) on the 21st November 2005.

Proposed Development

The proposed development is for a Dan Murphy's Liquor Store. Dan Murphy's stores and similar types of outlets have subregional retail catchment areas and therefore service more than local or neighbourhood areas and are typically located in locations of high visibility and accessibility.

The store will be located in a standalone building of 1,342m² (GFA) comprising two components – a 1,237m² ground floor level and a first floor area of approximately 105m² to be used as ancillary office space and staff amenities. As shown on the Drawing SK01 the layout provides a considerable area of the ground floor for storage, plant rooms and the unloading and movement of goods.

In terms of on-site parking 43 car spaces, including one disabled space, are provided at the front of the building to Orange Grove Road.

A detailed traffic and parking assessment prepared by Dobinson & Associates, has been prepared in support of the proposed application. A copy of this report is contained in Appendix A. The report provides details on the proposed development and the nature of the road network and the current traffic controls adjacent to the site. An assessment of the traffic generation, the impact on the road network and implications for parking of the proposed development is made.

The proposed hours of operation of Dan Murphy's are during the business hours of the Megacentra and Weekend Markets.

Current Planning Controls and Policies

Liverpool Local Environmental Plan 2008

The site is within the Liverpool City Local Government Area and the local planning instrument is the Liverpool Local Environmental Plan 2008 (LLEP 2008). Under LLEP 2008 the site is zoned B5 Business Development zone. In this zone the following uses are permissible with consent:

Building identification signs; Bulky goods premises; Business identification signs; Car parks; Child care centres; Community facilities; Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Hotel or motel accommodation; Landscape and garden supplies; Light industries; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Pubs; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Restaurants; Roads; Storage premises (other than offensive storage establishments or hazardous storage establishments); Timber and building supplies; Vehicle sales or hire premises; Warehouse or distribution centres

Accordingly, apart from some specialised retail uses, general retail activity is prohibited in this zone

Liverpool Development Control Plan

The Liverpool Development Control Plan 2008 (LDCP) contains more detailed planning provisions than the LLEP 2008. This Planning Proposal does not require any changes to this Plan. It is noted that the LDCP contains provisions in Part 6 that relate to the development of business zones.

LDCP describes Enterprise Corridor centres as *business areas along certain arterial roads. These generally cater for a broader market than the local area.* This is an accurate description of the existing context of the Orange Grove Road Megacentra.

In terms of specific controls the proposed site satisfies the following LDCP specific requirements:

Frontage	Development for a new building (other than a maximum 10% addition to an existing structure) in the B6 zone must not leave adjacent land such that it cannot achieve either: - A site frontage with of at least 30m (where the site also has frontage to a local street that intersects with and would permit access to and from the Classified road); or- 90m otherwise.	Complies
Site Planning	In Enterprise Corridor the siting of buildings and the development should also: 1. Be compatible with existing business development in terms of scale, bulk, setbacks, materials and visual amenity. 2. Address the street and consider its presentation to the arterial road environment.	Complies

Setbacks	Primary Frontage 15m Secondary 10m	Complies
Car parking	Located generally at the front of the site Pedestrian access to be legible	Complies

The Sydney Metropolitan Strategy

The NSW Government's *Sydney Metropolitan Strategy - City of Cities: A Plan for Sydney's Future* provides the direction for the planning of the Sydney Region in terms of employment, housing, open transport, space provision, and environmental management through to 2031. The metropolitan area is divided under the Strategy into Subregional units to ensure that the regional planning aims and directions are implemented at a local level. The Orange Grove site is located in the South West Subregion of the Metro Strategy.

Orange Grove Road (Cumberland Highway) is a strategic highway corridor. The location of the site adjacent to this road provides an opportunity to further the Government's aims to consolidate and strengthen existing retail and employment centres while recognising the potential development of Enterprise Corridors along segments of the main arterial roads in the South West Subregion.

Retail Centres Hierarchy.

Liverpool City Council commissioned a review of the Retail Centres Hierarchy for the Liverpool Local Government Area which published in December 2006¹. The conclusions of this report are considered in Section 3.3 of the Planning Proposal.

The Study contains a typology of centres and places drawn from the Metropolitan Strategy. The lesser centres and places are as follows:

- Town centre
- Village centre
- Neighbourhood Centre
- Enterprise Corridor

The Enterprise Corridor is defined as:

Areas immediately along and generally up to a block back from the busiest roads. These corridors represent the important economic role that a mix of commercial retail and light industrial activities perform along these busy roads including servicing the local community.

The study made at the time the following telling observation:

We also note the typology does not identify a centre as typified by modern homemaker or bulky goods centre. Despite the fact that a homemaker centres at Orange Grove Road and the Cross Roads, Casula are major nodes of retailing activity they have not been recognised either by the zonings in the Template LEP or in the proposed typology of centres being utilised by the Department of the sub-regional planning purposes. (p 27).

¹ Liverpool City Retail Centres Hierarchy Review, Leyshon Consulting, December 2006.

In relation the Liverpool Megacentra on Orange Grove Road the review notes that the bulk of this area of some 36.5 ha continues to be used for industrial purposes although it has the capacity to absorb additional retail floor space for bulky goods and other retail purposes. Overall there is no requirement in the Liverpool area for new sites for bulky goods retailing and the direction of the Policy is to reinforce existing retail nodes. Accordingly, the proposed rezoning and use of the site is consistent with the directions contained in this report.

Planning Proposal

This section of the report addresses the justification of the Planning proposal in terms of the guidelines for preparing planning proposals.

Part 1 Objectives or Intended Outcomes

The intended outcome of the Planning Proposal is to permit retail uses on the site.

The Planning Proposal seeks to amend Liverpool LEP 2008 by rezoning the site to the B6 Enterprise Corridor zone and to permit retail premises on this site with a gross floor area of up to 1,200m²

The objectives of the Planning proposal are to:

- Align the use of the site with the NSW Metropolitan Strategy and the South West Sub-Regional Strategy (SW B4.1.1 draft South West Sub Regional Strategy);
- Encourage the utilisation of existing buildings in the Orange Grove Megacentra specialist centre for appropriate retail activities; and
- Provide increased employment opportunities.

Part 2 Explanation of Provisions

The current objectives of the B5 Business Development zone in the LLEP 2008 encourages a mix of business and warehouse uses with some specialist retail uses that require a large floor area, particularly in locations that have a high level of accessibility. Smaller specialist retailing such as a Dan Murphy's outlet, however, are prohibited.

The objective of protecting the economic strength of existing centres while strengthening the economic base of specialist centres can be achieved by amending the LLEP 2008 to rezone the site to B6 Enterprise Corridor.

Further, to allow on this particular site a gross floor area of up to 1,200m² for retail premises while maintaining the current control of 8,000m² of retail space in a single building.

Proposed Zoning

It is considered that a site-specific rezoning will achieve the intended outcome although the land should be rezoned through a general amendment. Council may see merit in rezoning a larger area of the Megacentra on Orange Grove Road to B6 Enterprise Corridor.

In the B6 Enterprise Corridor of the LLEP 2008, the following objectives and land use controls apply:

Objectives:

The following objectives apply in the B6 Enterprise Corridor zone:

- *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) and residential uses (but only as part of a mixed use development).*
- *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.*

It should be noted that the proposed rezone will apply to a site that is located on a main road, within an existing centre, to the north of the Liverpool City Centre. The proposed retail use is compatible with other retailing in the Centre.

Land use Controls

The following uses are permissible with consent in the B6 Enterprise Corridor zone:

Building identification signs; Bulky goods premises; Business identification signs; Business premises; Car parks; Community facilities; Crematoria; Depots; Drainage; Earthworks; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; Home businesses; Home industries; Hotel or motel accommodation; Information and education facilities; Landscape and garden supplies; Light industries; Multi dwelling housing; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Retail premises; Roads; Service stations; Shop top housing; Storage premises (other than offensive storage establishments or hazardous storage establishments); Timber and building supplies; Transport depots; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres

Retail premises are permissible in other zones in LLEP 2008 such as the B2, B3 and B4 zones. The objectives of the B6 Zone are more closely aligned to the nature of the established, specialised character of the Orange Grove Road Megacentra.

Gross Floor Area

Clause 7.23 of the LLEP 2008 provides that a single retail premises in the B6 zone should have a gross floor area² that is not more than 1,000m². Furthermore, Clause 7.23 provides an overall limit for all retail premises in a single building to a gross floor area of 8,000m².

² *gross floor area in the LLEP 2008 means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:*

- (a) the area of a mezzanine, and*
- (b) habitable rooms in a basement or an attic, and*
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,*

but excludes:

The proposal will allow an increase of 200m² of gross retail space on the site above that currently allowed in the B6 zone.

Part 4 Justification

Section A The need for the Planning Proposal

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

The Planning Proposal is not the result of any strategic study or report but results from an assessment of the site specific demand of a Dan Murphy's liquor outlet which is a specialised retail premises.

The Planning Proposal, however, is consistent with the conclusions of Liverpool City Council's Retail Centres Hierarchy commissioned in 2006. This review examined existing retail centres in the Liverpool LGA and in particular the impact of the likely increase in population and employment on the demand for retail floor space. The study concluded that there would be a population increase from 177,000 persons to 313,800 by 2031. The floor space demand that the population increase would generate was estimated to be approximately 350,600 sq.m, recognising that at the start of the period that the then vacancy rates were low. The additional retail space is a very small addition within the overall demand for new retail floor space.

In terms of the retail hierarchy, the study identified the Liverpool at the top of the hierarchy as a regional centre, with two sub-regional DSS (discount department store) dominated, and five supermarket anchored centres. Neighbourhood centres occupy the fourth and lowest level in the hierarchy.

Importantly, the review recognised the continuing importance of three specialist centres which provided opportunities for bulky goods, homewares and other specialist retailing:

- The Liverpool Mega Centre on Orange Grove Road
- The Cross Roads Home Maker Centre at Casula
- Warwick Farm Home Makers Centre

The review recommended that Council reinforce these nodes rather than create new nodes in the Liverpool LGA and limit additional retail premises to the above centres.

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- (d) any area for common vertical circulation, such as lifts and stairs, and
 - (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
 - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
 - (h) any space used for the loading or unloading of goods (including access to ii), and
 - (i) terraces and balconies with outer walls less than 1.4 metres high, and
 - (j) voids above a floor at the level of a storey or storey above.

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 the proposed rezoning is the most precise and best means of achieving the intended outcomes.

The current zoning does not allow retail premises and accordingly a Planning Proposal to rezone the site is considered appropriate.

3. Is there a net community benefit?

The Planning Proposal will provide net community benefits, commensurate with the scale of the proposed rezoning, as follows:

- A Dan Murphy's outlet is lacking in this areas of the LGA. Dan Murphy is a specialist liquor retailer and the nearest outlets are at Casula and in the Carnes Hill Centre at Hoxton Park;
- The development of the site will result in a more economic use of the site;
- A Dan Murphy's outlet will provide a strong anchor to support the other retail outlets in the Megacentra;
- As indicated in the accompanying traffic report, there will be no significant traffic impacts on the adjoin road system and will have no significant impact on parking availability.

Section 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)?

The Planning proposal is consistent with the Metropolitan Strategy and the South West Subregional Strategy as outlined in the following table.

Table 1. Consistency with the South West Subregional Strategy.

Action	Response
Economy and Employment	The Metropolitan Subregional strategy recognises that the Orange Grove precinct is close to Liverpool CBD, with good access to the Hume Highway and Cumberland Highway and is strategically situated providing a location for activities that support but do not compete with Liverpool Regional City uses. The Subregional strategy envisaged that Orange Grove Road would be redeveloped as a Business Development Zone except where opportunities exist for the development of Enterprise Corridors. Accordingly, the proposed rezoning is consistent with this policy direction.

Centres and Corridors	The Subregional strategy seeks to maximise the use of infrastructure where demand and opportunities exist. While Enterprise Corridors have not been designated in the subregion the strategy provides that there are some sections of major roads that are suitable for a range of retail formats suitable for designated through an Enterprise Corridor zoning. (SW B7.1.1). The subregional strategy seeks to encourage retail uses to support existing centres rather than through development of isolated sites.
Housing	Not applicable
Transport	The site is situated in an existing specialist centre on a major transport corridor that provides a significant level of public transport. The demand for public transport services will be strengthened through the proposed facility which takes advantage of its exposure to passing trade. The Planning Proposal is consistent with Ministerial Direction 3.4 - Integrating Land use and Transport. (SW B4.1.1)
Environment, Heritage and Resources	Not applicable
Parks and Public Places	Not applicable

5. Is the Planning Proposal consistent with the local Council's Community Strategic Plan, or other Strategic Plan?

The proposed rezoning is consistent with Liverpool City Council's strategic plans.

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

The main State Environmental Planning Policy³ that is relevant to this Planning proposal is the recent draft SEPP - Promoting Economic Growth and Competition through the Planning System. This Policy proposes that:

- The commercial viability of a proposed development may not be taken into consideration by a consent authority, usually the local council, when determining development applications;
- The likely impact of a proposed development on the commercial viability of other individual businesses may also not be considered unless the proposed development is likely to have an overall adverse impact on the extent and adequacy of local community

³ A circular from the Department of Planning has advised councils that dated draft instruments such as the Draft SEPP 66 Integration and Land Use and Transport are no longer relevant.

services and facilities, taking into account those to be provided by the proposed development itself; and

- Any restrictions in local planning instruments on the number of a particular type of retail store in an area, or the distance between stores of the same type, will have no effect

It is considered that the Planning Proposal is consistent with this Policy.

7. Is the Planning Proposal Consistent with Section 117 Directions?

The Planning Proposal is considered to be consistent with the current Section 117 Directions particularly the following Ministerial Directions:

1.1 Business and Industrial Zones

The draft LEP will give effect to the objectives of the direction and will not reduce the total potential floor space for employment uses and related public services in business zones;

3.4 - Integrating Land Use and Transport.

As indicated in the accompanying traffic study the Proposal is located on a main road with good access to public transport and will not have an adverse impact on the surrounding road network, or lead to a requirement for the provision of additional on-site parking

6.4 Site Specific Provisions

The Direction requires that a draft LEP that amends another environmental planning instrument in order to allow a particular development to be carried out shall either:

- (a) Allow the 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 standard or requirement in addition to those already contained in that zone, or
- (c) Allow that land use on the relevant land without imposing any development standard or requirement in addition to those already contained in the principal environmental planning instrument being amended.

It is considered that this Planning Proposal falls within (b) above noting that the proposed variation to the permissible gross floor area is not the imposition of an additional development standard.

Section 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?

No. The proposed amendments to the LEP 2008 are unlikely to affect critical habitats or threatened species, populations or ecological communities, or their habitats. There will be no loss of vegetation as a result of the proposal.

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

The major environmental impact of the Planning Proposal relates to impacts relating to traffic and parking. As assessed in the accompanying traffic and parking assessment in Appendix A, the parking already provided at the Megacentra/Weekend Markets is sufficient for the requirement of the proposed development. Traffic generation by the proposed development will have no significant impact on the operation of Orange Grove Road or Viscount Place or the intersection of these roads.

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

The Planning Proposal meets the social and economic objectives of the proposed B6 Enterprise Corridor and Council's strategy for its retail centres.

Section D State and Commonwealth interests

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

Yes. The traffic report in Appendix A concludes that the surrounding road network can support the proposal.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

A gateway determination has not yet been issued for the Planning Proposal, accordingly the views of state agencies has not been determined. It is unlikely that there will be any particular requirement for comment as this is viewed as a minor planning proposal.

Part 4 Community Consultation

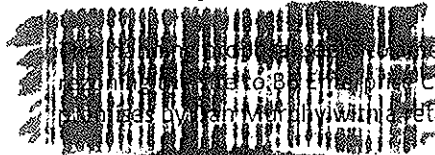
This planning proposal is considered to be a low impact proposal for the following reasons:

- The proposal is consistent with the surrounding land uses;
- The proposal is consistent with the relevant strategic planning framework, in particular the NSW Government's Metropolitan Strategy and the direction and recommendations contained in Council's Retail Centres Hierarchy Review;
- The planning proposal presents no significant issues with regard to infrastructure servicing, access and traffic; and
- The proposal is not a principal LEP but proposes a minor amendment to LLEP 2008.

No consultation has been carried out with State and Commonwealth agencies or businesses in the locality. Consultation will occur with relevant public authorities identified as part of the gateway determination.

It is envisaged that the draft LEP will need to be exhibited in accordance with the relevant guidelines of the Department of Planning. The material placed on exhibition will include this planning proposal, a report from Council and supporting plans. An assessment of the submissions received will be presented to Council for consideration following the exhibition period.

Summary and Conclusion

 The proposal seeks to amend the Liverpool Local Environmental Plan 2008 by rezoning the site to B6 Enterprise Corridor zone and to allow the site to be used as a retail centre, with a maximum retail area limited to 1,200m².

For the reasons given in this Planning Proposal the proposed rezoning is seen as a low impact proposal which is consistent with the planning direction established by the Centres and Corridor component of the South West Subregional policy of the Metropolitan Strategy and supported by Liverpool City Council's Retail Centres Hierarchy Review.

The proposed rezoning is considered appropriate for the site for the following reasons:

- The B6 Enterprise Corridor zone is an existing zone in LEPP 2008 which will facilitate the proposed development without introducing long term uses such as residential development that would be inappropriate to the site;
- The proposed development can be shown to satisfy Council's planning requirements provided in the LDCP;
- The site is strategically located on a major road corridor in an existing specialist retail centre;
- There will be no adverse impacts on the surrounding road network or the provision and use of parking in the existing centre;
- The proposed retailing will complement the existing range of uses in the Orange Grove Road Centre; and
- The proposal will have no significant economic impact on the existing Liverpool Centre as a Regional City.

