

**ADVICE ON PLANNING PROPOSALS
LIVERPOOL LOCAL PLANNING PANEL**

8th April 2021

Held online Via Microsoft Teams

Panel: Julie Walsh (Chair)
Jason Perica Expert
Marjorie Ferguson Expert

There were no conflicts of interest declared by any panel members in relation to any items on the agenda.

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ITEM No:	1
APPLICATION NUMBER:	RZ-8/2020
SUBJECT:	Amendment of provisions contained within Clauses 21 and 24 in Schedule 1 of the Liverpool Local Environmental Plan 2008 (Liverpool LEP)
LOCATION:	10-18 ORANGE GROVE ROAD, WARWICK FARM
OWNER:	THE GROVE LIVERPOOL INVESTMENTS PTY LTD
APPLICANT:	GAZCORP
AUTHOR:	Luke Oste

ADVICE OF THE PANEL

The Panel members familiarised themselves with the site, read the Council reports and supplementary documents (including a peer review of the economic impacts of the PP by SGS Economics and Planning – SGS) and were briefed by the Council officers and representatives of the applicant. It is noted that the applicant amended the PP following publication of the Council report. This was done by way of letter dated 25 March 2021 from Ethos Urban, the applicant's planning consultant. The Panel considered a memo dated 31 March 2021 from the Council officer dealing with the amended PP, which revised the Council's staff position in relation to aspects of the PP. It is that amended PP that is the subject of this advice.

The amended PP is as follows:

The “Homemaker” Site

Include “business premises” as an additional permitted use within the 21,000 square metre floorspace “shops” cap as provided for under Schedule 1, Clause 24.

The “Fashion Spree” Site

Increase the current cap on “retail premises” in Schedule 1, Clause 21 from 19,000 to 21,000 square metres.
Update the legal description.

The Council officers recommend that the PP (as amended) proceed to Council for endorsement to seek a gateway determination for the reasons set out in the original Council report and supplementary memo dated 31 March 2021.

The Panel is supportive of the amended PP proceeding to Gateway determination subject to the following.

Broadly, there is an inherent tension between: planning objectives regarding supporting higher order jobs, retailing and servicing in centres supported by good connections and public transport; and concerns regarding overly prescriptive planning controls related to employment lands that may affect market provision of services and thereby productivity (as identified in Productivity Commission reviews). The Panel favors planning objectives to give primacy to identified centres. Planning interventions are essentially market interventions for

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wider objectives.

The Panel notes that the Liverpool Centres and Corridors Study, together with the recently adopted Centres and Corridors Strategy (CCS) provides guiding criteria for planning proposals and future development of “stand alone” centres, which is the designation given to the subject site.

The panel agrees with the advice of SGS that whilst the addition of an additional 2,000 square metres of retailing on the Fashion Spree site and the addition of “business premises” as a permitted use on the Homemaker site of themselves will be unlikely to have an adverse impact on the Liverpool Town Centre or be otherwise contrary to the RCCS, there is concern that if these changes lead to a transition away from the current operation of the centre that may not be the case.

SGS recommends that adding 2000 square meters of additional retail premises on the Fashion Spree site only be supported if it is for additional “retail outlet” retailing. This view is endorsed at page 3 of the council officer’s memo dated 31 March 2021 that Guiding Criteria 5 of the CCS is to “allow additional retail uses in the B5 zone if it can be demonstrated they could not reasonably locate in another centre”, noting that the existing “factory outlet retail” is unique to the site. The Panel recommends that if the PP proceeds, it be on the basis that there be an enforceable legal mechanism to ensure that the Fashion Spree site remain as a retail factory outlet centre and does not transition to a more “traditional” retail offering such as is found in the Liverpool town centre.

There is also a separate although related issue of the potential for the site(s) to become a “destination” food and drink location, as opposed to providing food and drink premises as ancillary to other shopping visits. If the PP is to proceed, there should also be explored a legal mechanism to ensure that any food and drink premises at both the Homemaker site and Fashion Spree site are ancillary to the other uses rather than becoming destinations in themselves, given the concern expressed in the SGS report regarding this also having the potential to compete with the Liverpool town centre. This may be difficult, but nonetheless is worthy of considering and exploring.

There were no other strategic or site-specific matters the Panel identified that warranted the PP not proceeding.

VOTING NUMBERS:

3 – Nil (unanimous)