

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

29 March 2020

Item no	(Leave blank)
Application Number	RZ-8/2020
Proposal	Planning proposal to amend Schedule 1 of the LLEP 2008 relating to land at The Grove, Warwick Farm
Recommendation	Proceed to Gateway determination subject to amendments
Planning Officer	Nancy-Leigh Norris, Senior Strategic Planner Luke Oste, Executive Planner

1. EXECUTIVE SUMMARY

In September 2020, Gazcorp submitted a planning proposal (**Attachment 1**) prepared by Ethos Urban to Council regarding The Grove retail centre at Warwick Farm (The Grove). The Grove consists of four lots, however the planning proposal applies to the two large lots which comprise the majority of the centre.

The lot in the northern part of The Grove contains the Homemaker centre (Homemaker site), and the lot in the southern part contains the Fashion Spree outlet (Fashion Spree site). Both these sites have seen subject to previous amendments to the *Liverpool Local Environmental Plan 2008* (LLEP 2008) for the inclusion of additional permitted uses under Schedule 1 of the LLEP 2008.

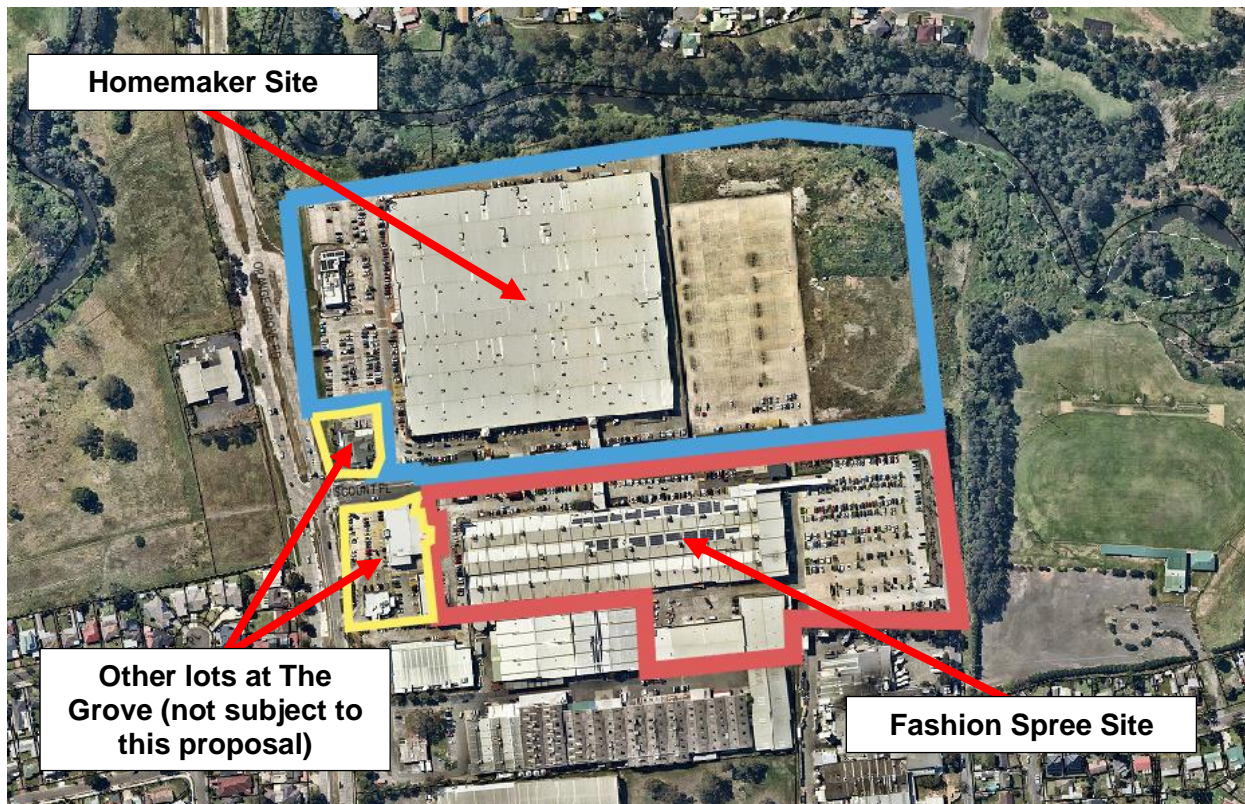


Figure 1: The Grove sites

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The planning proposal seeks to amend the relevant clauses within Schedule 1 of the LLEP 2008 applying to each site. In summary, the planning proposal seeks to achieve the following:

- **Homemaker Centre - Schedule 1 Clause 24 (Amendment 61)**
 - Add business premises as a permissible use.
- **Fashion Spree - Schedule 1 Clause 21 (Amendment 22)**
 - Update legal description of the site;
 - Add '*business premises*' as a permissible use;
 - Remove the 19,000sqm GFA cap applying to all '*retail premises*', and apply the cap to '*shops*' and '*business premises*' only. The maximum individual premises of 1,200sqm is retained for '*shops*' and '*business premises*';
 - Increase the 19,000sqm GFA cap to 21,000sqm.

The intent of the planning proposal is to facilitate further development of The Grove. The planning proposal included a concept layout and illustrative perspective for its future development. A pre-Development Application (PL-52/2020) meeting was held on 5th August 2020 and a Design Review Panel was held on 13th October 2020. It is anticipated the DA will be lodged in early 2021 alongside this planning proposal.

In relation to the Homemaker site, an additional permitted use of '*shops*' (capped at 21,000sqm) is already permitted under Sch. 1, Clause 24 as facilitated by Amendment 61. This additional floor space has not yet been developed, and the planning proposal seeks to allow business premises to be included as part of this expansion.

In relation to the Fashion Spree site, the removal of the '*retail cap*' by not restricting all retail premises to the current 19,000sqm GFA limit (as per Sch. 1 Clause 21) will allow for retail uses currently permitted under the B5 Business zone to be developed at the rear of the site. The increase of 2,000sqm GFA of shop area, will enable the sleeving of the northern side of Fashion Spree with additional tenancies. This is intended to create a better experience for shoppers and connect the Fashion Spree site with the Homemaker site. The addition of business premises is to offer ancillary services to workers and shoppers already visiting the Fashion Spree site.

Since its lodgement, the planning proposal has undergone pre-Gateway public exhibition in accordance with Council's Community Participation Plan. SGS Economics and Planning (SGS) have also undertaken a peer review of the planning proposal (**Attachment 5**), specifically in relation to the economic impacts of the planning proposal, including a review of submissions from this initial exhibition. Gazcorp have provided a response letter to this peer review (**Attachment 11**).

The planning proposal has demonstrated site specific merit, however the planning proposal does not demonstrate strategic merit in its current form. Specifically, the addition of business premises, and addition 2,000sqm GFA for additional permitted uses on the Fashion Spree site has potential to transition The Grove away from a stand-alone centre, as identified in the Local Strategic Planning Statement and the Liverpool Centres & Corridors Strategy.

Council officers propose amendments to the planning proposal, to ensure strategic merit is met. The planning proposal amendments and support from Council officers is detailed in the summary table below.

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Table 1: Summary of planning proposal and council officer recommendation

Proposed Amendment	Support	Comment
Homemaker Centre		
Addition of 'business premises' within 21,000sqm shop limit.	Yes	Support the inclusion of 'business premises', as long as it is capped within the 21,000sqm additional permitted use for shops.
Fashion Spree Site		
Change of legal description.	Yes	Support the administrative amendment.
Addition of 'business premises' within the 19,000sqm cap.	No	The intent of the initial amendment (Am. 22) was to allow for the specialised use as a fashion outlet. The addition of business premises will move away from this intent, and would support the transition to more traditional shop retailing.
Add 2,000sqm GFA of shops/business premises	No	Economic impacts of this addition are believed to be negligible in isolation. Despite this, the additional floorspace may result in the Fashion Spree site connecting with the Homemaker Centre as indicated within the planning proposal report. Council staff are concerned that the current Fashion Spree site could transition to a more expansive retail centre within the broader 'The Grove' site. Council staff identify that this increase would result in a broader cumulative expansion of The Grove and therefore not align with the strategic intent of the stand-alone centre as identified within the Retail Centres and Corridors Strategy.
Removal of 'retail cap', restricting all retail uses on the site to 19,000sqm. The 19,000sqm cap will then only apply only to 'shops', so uses already permissible under B5 zone can be developed without this GFA restriction.	Yes	Since the initial amendment (Am. 22), the definition of 'retail premises' has changed to a group term which incorporates other retail uses, thereby restricting permissible retail uses under the B5 Business Development zone within this GFA cap. As these other retail uses are already permitted with consent within the B5 Business Development zone, they should not be subject to GFA cap within this additional permitted use clause.

Additionally, in their peer review, SGS raised concerns regarding the development of a hospitality precinct at The Grove. The SGS position of restricting 'food and drink premises' within the corresponding GFA caps is supported in principle, to ensure the food and drink retailing on the site is in accordance with the centre hierarchy and role of the centre. Council however recognise that the 'food and drink premises' use is permitted currently within the B5 Business Development zone. Council requests that the LPP provide their advice regarding this element of the proposal in light of the SGS peer review.

The application is referred to the Liverpool Local Planning Panel (LPP) in accordance with cl.2.19 of the *Environmental Planning and Assessment Act 1979* for advice. Council officers recommend that the planning proposal proceeds to Gateway, subject to amendments within this report and the consideration by the elected Council.

2. SITE AND LOCALITY DESCRIPTION

The Site

The planning proposal relates to two lots forming the majority of The Grove retail centre (The Grove), at Warwick Farm.

Homemaker Centre

The northern lot, at 10 Viscount Place (part of Lot 101, DP 1043160), contains the Homemaker Centre, which is a specialised retail (bulky goods) centre. The site is predominantly zoned B5 Business Development, with a strip of B6 Enterprise Corridor along the Orange Grove Road frontage. This planning proposal is applicable to the B5 zoned part of the site.

LLEP 2008, Sch. 1, Cl. 24 applies to this site, as a result of LLEP 2008 Amendment 61. This additional permitted use is mapped green on the Key Sites Map (tile 010). The clause is as follows:

24 Use of certain land at 10 Viscount Place, Warwick Farm

- (1) This clause applies to part of Lot 101, DP 1043160, 10 Viscount Place, Warwick Farm, as shown coloured green on the Key Sites Map.*
- (2) Development for the purpose of shops is permitted with consent if the total gross floor area of shops on the site does not exceed 21,000m².*

The site area of the lot is 99,420sqm, and maximum Floor Space Ratio under the LLEP 2008 is 0.75:1, resulting in a maximum permissible floor space of 74,565sqm. The existing specialised retail centre on site contains approximately 34,500sqm GFA. It is anticipated that a Development Application (DA) for the purposes of developing the additional 21,000sqm of shops is to be lodged in early 2021 with the intention that this DA would progress alongside the progression of this planning proposal.

Fashion Spree

The southern lot, at 5 Viscount Place (part of Lot 23, DP 1190437 and part of Lot 101, DP 1043160), contains the Fashion Spree retail outlet. The site is also zoned B5 Business Development.

LLEP 2008, Sch. 1 Cl. 21 applies to this site, as a result of LLEP 2008 Amendment 22. This additional permitted use is mapped light purple on the Key Sites Map (tile 010). The clause is as follows:

21 Use of certain land at Warwick Farm

- (1) This clause applies to part of Lot 121, DP 876962 and part of Lot 101, DP 1043160, 5 Viscount Place, Warwick Farm, as shown coloured light purple on the Key Sites Map.*
- (2) Development for the purposes of retail premises is permitted with consent if—*
 - (a) the total gross floor area of all retail premises on the site does not exceed 19,000m², and*
 - (b) the gross floor area of any individual retail premises on the site does not exceed 1,200m².*

The site area of the lot is 48,190sqm, and maximum Floor Space Ratio under the LLEP 2008 is 0.75:1, resulting in a maximum of 36,142.5sqm. The existing Fashion Spree development on site contains approximately 14,000sqm GFA, with an additional 4,260sqm approved under DA-1254/2016.



Figure 2: Aerial Image of sites

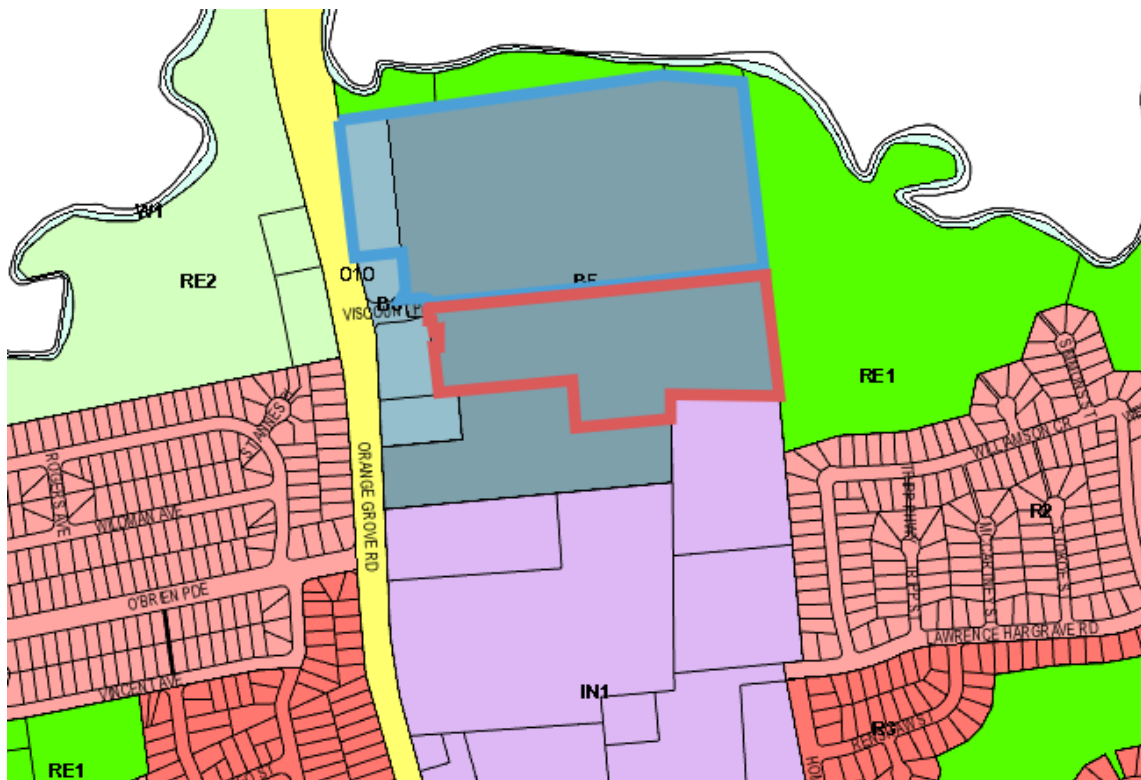


Figure 3: LLEP 2008 Zoning

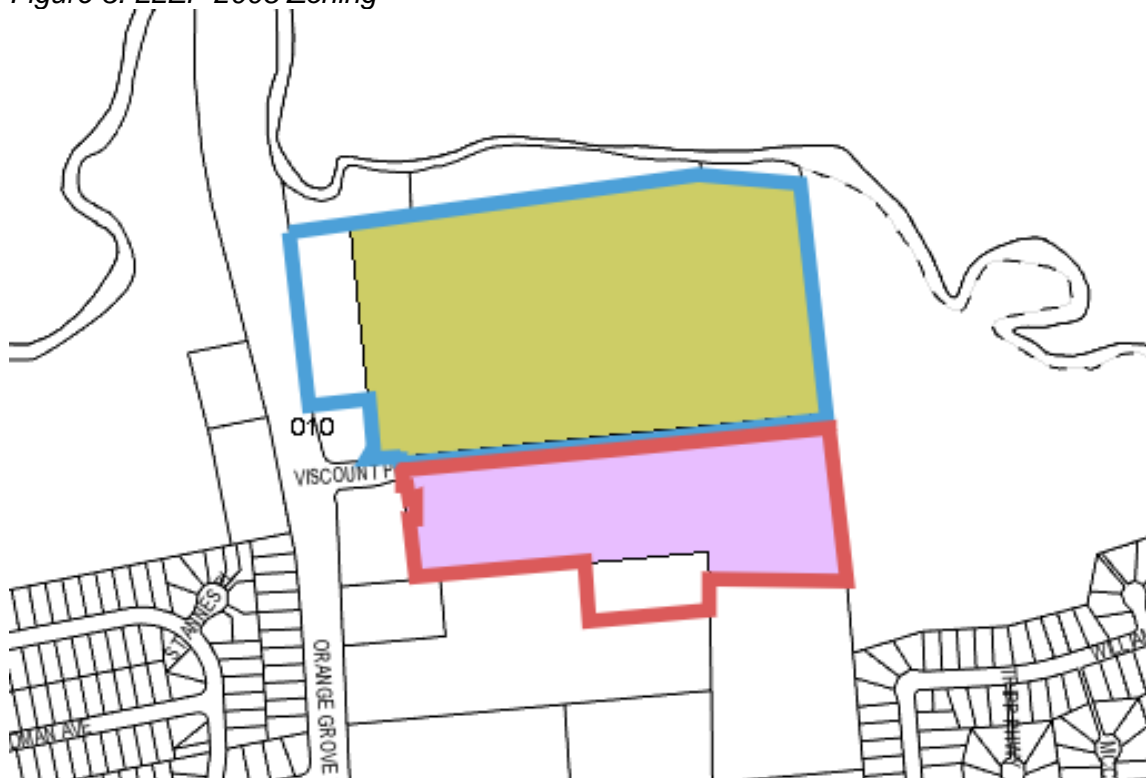


Figure 4: LLEP 2008 Key Sites Map

Environmental Constraints

There are several environmental constraints applying to these sites, as seen in Figures 5 to 9. The sites are subject to flooding, with low and medium flood risk land across both sites and high-risk flooding on the Homemaker site. The Homemaker site is also subject to Environmentally Significant Land mapping under the LLEP 2008. Both sites are subject to Bush Fire Prone Land mapping, with the Homemaker site containing Vegetation Category 1, and both sites identified as containing Vegetation buffer 100m and 30m. The sites are also in the proximity area for coastal wetlands under *SEPP (Coastal Management) 2018*.

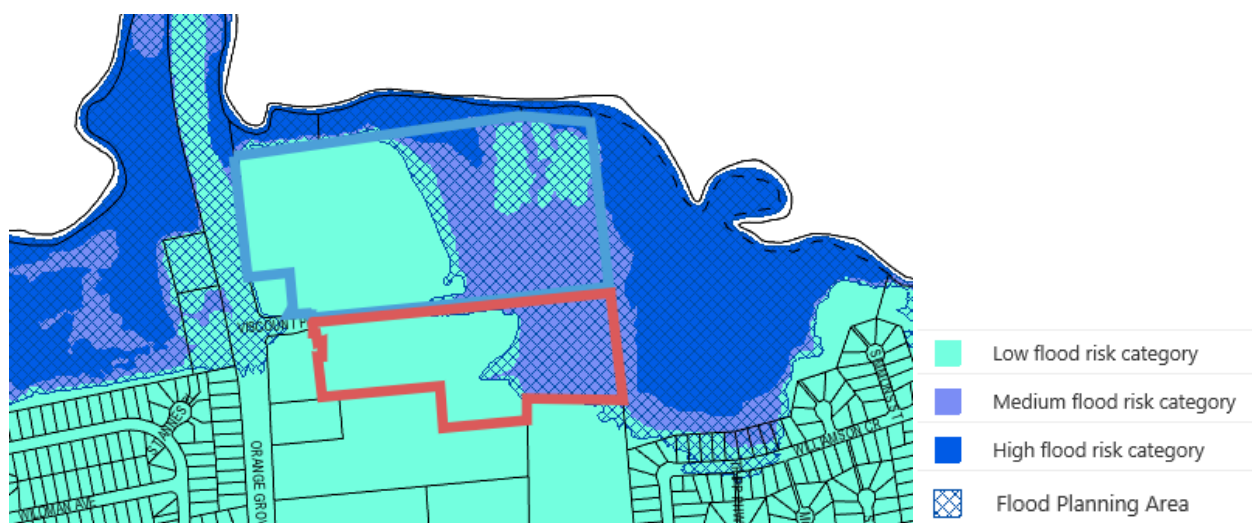
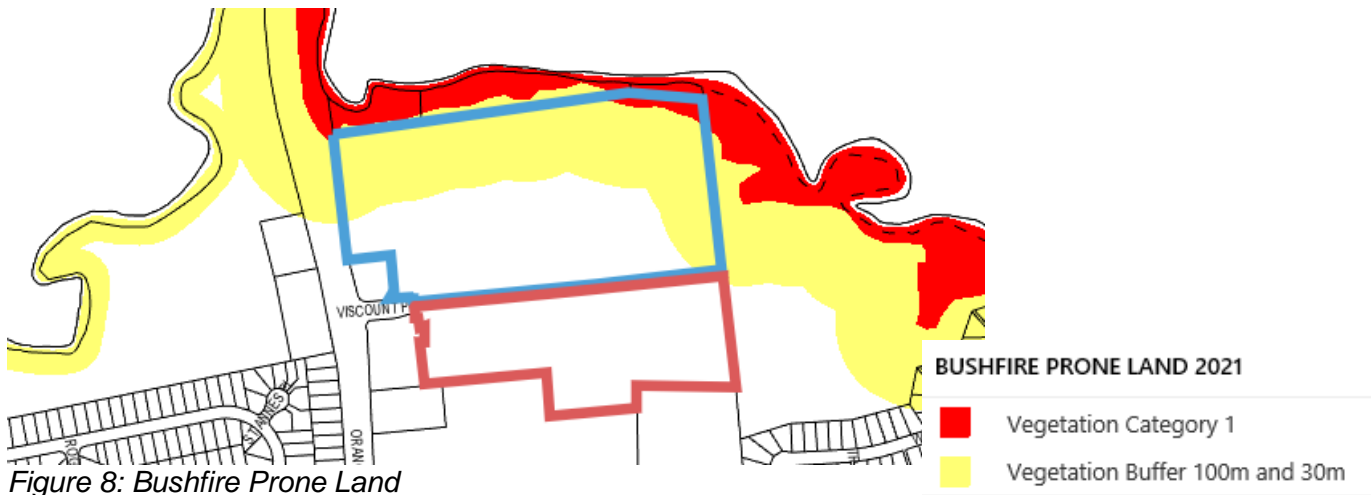
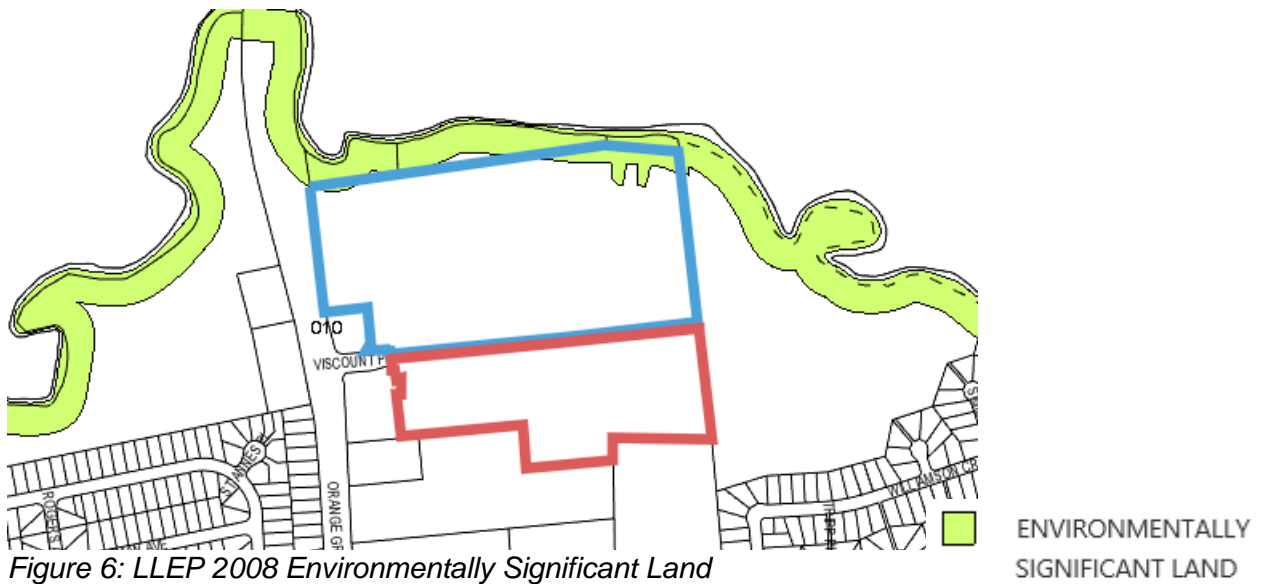


Figure 5: Flood Map



The Locality

The Grove is located approximately 1.5km north of the Liverpool City Centre and 2km south-west of the Cabramatta Town Centre. Directly south of The Grove is a general industrial precinct with frontage to Orange Grove Road to the west, and Homepride Avenue to the East.

The remainder of the locality is predominantly low-density residential development. This consists of R2 Low Density Residential and R3 Medium Density Residential land use zones, although medium density development is not predominant. There is a significant amount of recreation area in the vicinity of the sites, with Cabramatta Creek directly north, Cabramatta Golf Club to the north-west, and Dwyer Oval to the east.



Figure 10: Locality

3. SITE HISTORY & BACKGROUND

Amendments to Liverpool Local Environmental Plan 2008

Zoning History

The Grove was previously zoned 4(b) Industrial under the *Liverpool Local Environmental Plan 1997* (LLEP 1997). When the *Liverpool Local Environmental Plan 2008* (LLEP 2008) was gazetted, The Grove was zoned B5 Business Development due to the presence of specialised retail on the site.

Amendment 19 to the LLEP 2008 (gazetted 16 March 2012), rezoned the front portion of The Grove to B6 Enterprise Corridor. It also amended Clause 7.23 'Bulky goods premises and retail premises in Zone B6' to permit a maximum GFA of 1,600sqm instead of 1,000sqm. This amendment allowed for the development of the Dan Murphy's at The Grove. This area is not subject to this planning proposal.

Fashion Spree Site & Amendment 22

In September 2001, Council approved a Development Application (DA) for a warehouse retail outlet on the Fashion Spree site. In December 2003, this consent was challenged by Westfield in the Land and Environment Court. Subsequently, in January 2004, the Court found that a warehouse retail outlet could not operate under the applicable 4(b) Industrial zone under the LLEP 1997, and the outlet was ordered to close. In December 2008, Council approved a DA for the existing building to be used for the purposes of "weekend markets" only.

In May 2011, Gazcorp submitted a planning proposal to rezone the Fashion Spree site to B6 Enterprise Corridor to "*facilitate a reuse of the existing weekend markets building as a factory outlet retail centre trading seven days per week*" (p12) (Attachment 9).

This planning proposal requested rezoning from B5 Business Development to B6 Enterprise Corridor, as the B6 zone permitted "*retail premises*" with consent. This rezoning would allow for the use of the site as a discount outlet for the sale of clothing, electrical goods and homewares. The planning proposal also states "*rezoning would support the use of an existing facility for seven day a week trading to provide a niche retail offering for which there is demonstrable demand*" (p15).

At this point in time, the LLEP 2008 defined 'retail premises' as:

"a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale)."

This is different from the current definition of 'retail premises', which encompasses a variety of uses, including, but not limited to, 'specialised retail' (bulky goods), 'food and drink premises', and 'shops'.

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In a letter from the proponent dated 29 July 2011, the proponent responded to the request for additional information, stating that:

"The underlying intent of the Planning Proposal... is to lodge a Development Application to seek consent for the use of the 14,440 m² of space in the "Weekend Markets" building as factory retail outlets. The suggested cap on the permissible retail floor area has been proposed as a means of limiting the size that the use could grow to, subject to further Development Consents and satisfactory assessment against Section 79C of the Environmental Planning and Assessment Act 1979."

This letter then suggested the following wording for the inclusion within Schedule 1 of the LLEP 2008:

- (1) *This clause applies to Lot 121 DP 876962 in Zone B5 Business Development at Orange Grove Road, Warwick Farm.*
- (2) *Development for the purpose of a single building comprising retail premises having a maximum Gross Floor Area of 19,000m² is permitted with consent.*
- (3) *No single retail tenancy shall be greater than 1200m²*

The planning proposal was amended to include an additional permitted use within Schedule 1 of the LLEP 2008, rather than rezone the site to B6 Enterprise Corridor. The intention to retain the B5 Business Development zone was explained in the amended planning proposal, which stated *"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."* (p17-18) (Attachment 10).

The amended planning proposal proceeded to public exhibition, and was presented to Council for a post-exhibition report on 5 November 2012. Amendment 22 was gazetted on 21 June 2013.

Homemaker Site & Amendment 61

In April 2015, Gazcorp submitted a planning proposal to rezone the Homemaker site from B5 Business Development to B2 Local Centre. The planning proposal also proposed to place a limit of 21,000sqm GFA of 'shop' floor space on this site.

In September 2015, a letter was sent to the proponent recommending the planning proposal be amended to seek an additional permitted use of 'shops' with a maximum GFA of 21,000sqm for the site, rather than rezone the site to B2 Local Centre. A revised planning proposal was submitted accordingly.

At its Ordinary Meeting on 16 December 2015, Council resolved to forward the planning proposal to DPIE for a Gateway Determination. This Council report (**Attachment 11**) discussed the departure from proposing the B2 Local Centre zone, as the proposal is not in line with the objectives of this zone. It notes that a rezoning would establish a number of uses that are not desirable in the locality, leading to 'unplanned and unintended consequences on the site'.

The planning proposal was reported to Council on 28 February 2018 and gazetted on 2 August 2019.

Development Application History

Fashion Spree

DA-1254/2016 was approved on 25 May 2018 and includes the expansion to total retail GFA on the site to 18,916sqm.

The Grove

The planning proposal (**Attachment 1**) includes a concept layout and illustrative perspective for the site's future development. A pre-Development Application (PL-52/2020) meeting was held on 5th August 2020 and a Design Review Panel was held on 13th October 2020. It is anticipated the DA will be lodged in early 2021 alongside this planning proposal.

Local Strategic Planning Statement & LEP Review

Local Strategic Planning Statement

The Local Strategic Planning Statement (LSPS) was finalised in March 2020. The LSPS Structure Plan identifies The Grove as being 'Bulky Goods and Retail'. LSPS Action 11.1 is to develop a Centres and Corridor Strategy and review the LEP and DCP to ensure alignment with this strategy.

Centre & Corridor Study

In response to the LSPS, SGS Economics & Planning were engaged by Council to develop a Centres & Corridor Study (**Attachment 7**), which replaced the 2012 Study by Hill PDA.

The Hill PDA study identified The Grove a 'stand-alone centre' and the SGS study also identified The Grove as a 'stand-alone centre'. This study identifies the role of stand-alone centres as being to:

"Provide for the convenience and specialised retail needs of the local community, but do not act as mixed-use centres of the local community...Should be expanded only if there is limited capacity elsewhere, if they can act as a local or town centre in the future, and if there will not be a substantial impact on the viability of a local or town centre" (xiv).

Key features of stand-alone centres include:

- A supermarket or significant specialised retail facilities
- No or limited co-location with social infrastructure
- Good access from the arterial road network

Centre & Corridor Strategy

The findings of the SGS Study above were implemented into the Centres & Corridores Strategy (the Strategy) (**Attachment 8**). The Strategy notes that the permissibility within the B5 Business Development zone is relatively narrow, as limited commercial and retail premises are currently permitted. It then states that the addition of service-based uses such as banks or hair and nail salons would increase foot traffic which would make the centre more viable. However, given these stand-alone centres have a car-based role, and given the lack of co-location with social

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infrastructure, these centres are not appropriate for a broader centre role. Therefore, the Strategy notes that changes to permissible land uses in these areas are not encouraged.

The Strategy expanded the number of 'stand-alone' centres within this category. Centres previously identified as village or small village centres (such as Chipping Norton and Hoxton Park Road), are also identified as stand-alone centres, as they were deemed to not have a strong-place based function. The Strategy focuses on placing service, retail and social infrastructure within town and local centres to ensure these centres retain a strong place-based function. Therefore, stand-alone centres are to provide for their specialised use only, and do not act as town or local centres.

The Strategy stipulates five 'Guiding Criteria' for the assessment of planning proposals. These are detailed in Section 5 of this report regarding considerations of strategic merit.

LEP Review Planning Proposal

The Phase 1 LEP Review Planning proposal, as well as the above Study and Strategy were exhibited from 10 June - 21 July 2020. As part of this exhibition, Gazcorp requested various amendments proposed within this planning proposal, such as the inclusion of business premises across both sites, addition of 2,000sqm of additional permitted uses, and removal of retail cap on Fashion Spree site.

SGS were engaged by Council to prepare response to this submission. In summary SGS advice is as follows (**Attachment 6**):

- Inclusion of 'business premises': SGS agree with the submission that business premises are usually included in amongst small retail tenancies, and it would be unusual and restrictive on the operation of a general retail centre to not allow such uses. It is also noted that business premises are not normally considered in retail modelling, as they form a small proportion of floor space.
- Addition of 2,000sqm to Fashion Spree site: retail impact modelling was not performed for this increase, however SGS notes it is not a large amount of floorspace to change the overall structure or impact upon surrounding centres, so long as the outlet clothing retail focus is retained.
- Removal of 'retail cap': SGS note that it is unusual to restrict the overall amount of retail floor space for uses which are already permitted under the B5 Business Development zone.

Council did not include these amendments within the LEP Review planning proposal and advised the proponent that a separate planning proposal was required to be submitted.

4. DETAILS OF THE PROPOSAL

Planning Proposal Summary

This planning proposal was submitted in September 2020. The planning proposal seeks to expand permissible uses across The Grove to enable the further development of these two sites. The planning proposal included concept designs for the proposed development and identifies the future lodgement of a DA that is facilitated by the planning proposal. This DA *“will seek approval for the refurbishment of the existing tenancies, the construction of a new retail centre providing up to 21,000m² of additional GFA for ‘shops’, the integration of The Grove Homemaker and Fashion Spree centres and the construction of regional road works and landscaping”*.

The planning proposal is intended to be enacted through the amendment of relevant clauses within Schedule 1 of the LLEP 2008.

Fashion Spree (Clause 21)	The Grove Homemaker Centre (Clause 24)
<p>Schedule 1, Clause 21 – Use of certain land at Warwick Farm</p> <p>(1) This clause applies to part of Lot 124, DP 876962 and part of Lot 101, DP1043160 and part Lot 23 in DP1190437, 5 Viscount Place, Warwick Farm, as shown coloured light purple on the Key Sites Map.</p> <p>(2) Development for the purposes of retail premises shops and business premises is permitted with consent if-</p> <p>(a) The total gross floor area of all retail premises shops and business premises uses on the site does not exceed 19,000m² 21,000m² and</p> <p>(b) The gross floor area of any individual retail premises shop or business premises on the site does not exceed 1,200m².</p>	<p>Schedule 1, Clause 24 – Use of certain land at 10 Viscount Place, Warwick Farm</p> <p>(1) This clause applies to part of Lot 101, DP1043160, 10 Viscount Place, Warwick Farm, as shown coloured green on the Key Sites Map.</p> <p>(2) Development for the purpose of shops and business premises is permitted with consent if the total gross floor area of shops and business premises on the site does not exceed 21,000m².</p>

Figure 11: Summary of proposed amendments within Planning Proposal (Attachment 1)

Homemaker Site - Schedule 1 Clause 24 (Am. 61)

The planning proposal intends to add ‘business premises’ as a permissible use on this site.

The additional 21,000sqm of shops already permitted under Sch. 1, Clause 24, is anticipated to be developed under a DA in 2021. The planning proposal will allow business premises to be included as part of this development. The intention is to add ancillary services to workers and shoppers already visiting the site for other purposes.

Fashion Spree Site - Schedule 1 Clause 21 (Am. 22)

The planning proposal intends to:

- Update legal description of site (administrative amendment)
- Add business premises as a permissible use
- Remove the 19,000sqm GFA cap (with maximum individual premises being 1,200sqm) applying to all ‘retail premises’, and only apply to ‘shops and business premises’
- Increase the 19,000sqm GFA cap to 21,000sqm

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The intention of the business premises addition is to offer ancillary services to workers and shoppers already visiting the site. The removal of the 'retail cap' by not restricting all retail premises to the current 19,000sqm GFA limit (within Sch. 1 Clause 21), will allow for retail uses (currently permitted under B5 Business zone) to be developed at the rear of the site. The increase of 2000sqm to the 19,000sqm GFA shop area, will allow the 'sleeving' of the northern side of the Fashion Spree building with additional shops to create a 'greater experience for shoppers'.

Voluntary Planning Agreement

It is noted that the executed Voluntary Planning Agreement (VPA) from Am. 61 is to be amended to account for this planning proposal. A letter of offer has been provided by the applicant to ensure the monetary contribution towards public infrastructure which is payable subject to Clause 6 of the existing VPA will be applicable to both shop and business premises uses on the Fashion Spree site and the Homemaker Site as well as the additional 2,000sqm of shop and business premises that is being requested on the Fashion Spree site.

Given Council staff are not supportive of the additional 2,000sqm of floor space for the Fashion Spree site, this element of the letter of offer would not be needed. It is noted that this is a Council staff recommendation at this stage with LPP advice and a Council decision to come. Should this element of the planning proposal remain, it is deemed that the VPA would need to be updated to account for this additional floor space.

Pre-Gateway Public Exhibition Submissions & SGS Peer Review

In accordance with LCC Community Participation Plan, the planning proposal was placed on pre-Gateway exhibition from 15 September – 13 October 2020. Submissions were received from Scentre Group, and LCC's City Economy department. Responses to submissions were prepared by Ethos Urban (on behalf of Gazcorp). A peer review of the planning proposal was undertaken by SGS, specifically for the economic impacts of the planning proposal, including a review of submissions from this initial exhibition (**Attachment 5**).

Several issues were raised in this pre-exhibition of the planning proposal. The SGS peer review summarised and responded to these as summarised below.

Addition of Business Premises

The planning proposal intends to add business premises across both sites, as they will enable the ancillary and complementary services for the convenience of the visitor and working population. Scentre Group's response was that the addition of business premises is inconsistent with the objectives of the B5 Business Development zone (which is to enable uses with large floor plates), would reduce trips to Westfield, and The Grove is in close proximity to other centres which can provide business premises. Similarly, City Economy's submission raised concerns that the addition of business premises would detract from the activation of the city centre.

In response to these submissions, Ethos Urban noted that the Liverpool City Centre has a large offering of retail, and the addition of business premises at The Grove would be an ancillary function only. Additionally, it noted that the planning proposal is consistent with previous advice from SGS at the LEP Review stage which noted that it is not unreasonable to allow business premises within the existing retail caps.

SGS reviewed their previous advice as part of this peer review. They maintain the position that the inclusion of 'business premises' within a traditional retail centre (which is proposed to be developed on the Homemaker site) is acceptable. However, within a specialised retail precinct, such as the Fashion Spree, which has a specific focus as a fashion outlet, the inclusion of 'business premises' is not standard practice. The peer review notes that the addition of business premises could transition the Fashion Spree site from a fashion outlet to the operation of a standard shopping centre and/or cause it to operate as part of the broader shopping centre linked with retail across the broader site.

Removal of 'retail cap'

The planning proposal details that the intent of Amendment 22 relating to the Fashion Spree site was to not cap 'retail premises', but was to cap the fashion outlet as an additional permitted use, therefore other permissible retail uses permissible under the zone should not be subject to the 19,000sqm cap. Scentre Group requested that the removal of this cap be considered as part of a cumulative economic assessment. Ethos Urban response was that this amendment is in-line with the intent of the B5 Business Development zone, and SGS previous advice at the LEP Review stage also supported this amendment.

As part of this peer review, SGS maintain their previous position that it is unusual to prescribe a cap on uses which are already permissible under the zone, and that the impacts of this amendment on the Liverpool City Centre will be minimal. SGS do note that no economic assessment has been performed regarding the removal of the retail cap, however any expansion is expected to be in the form of specialised retail premises or hardware and landscaping supplies, which are suited to this location, however it would also allow further development of food and drink premises on this site.

Cumulative Economic Impacts of Additional Retail Floorspace

Deep End Services (on behalf of Gazcorp) reason that the additional 2,000sqm of shop floorspace on the Fashion Spree site will have limited impact on turnover of surrounding centres. In their submission, Scentre Group argues that The Grove has incrementally increased retail at their site, leading to cumulative economic impacts which have not been considered or tested as a whole. Council's City Economy submission notes that the economic assessments are focused on impacts to Westfield and not the wider Liverpool CBD which includes a number of small traders. Ethos Urban's response to these submissions (on behalf of Gazcorp) was that economic impacts of all amendments have been tested, and the additional 2,000sqm would be negligible.

SGS peer review of this planning proposal is consistent with their previous advice provided at the LEP Review stage. This was that the impact of additional 2,000sqm is unlikely to have economic impacts due to the size of the increase. In relation to cumulative impacts, SGS notes that previous economic impacts assessments have included the overall turnover on Westfield and have found that the effects on this turnover would not reduce to below an acceptable level. SGS also completed modelling for the Centres and Corridor Study, taking into account the additional permitted uses on The Grove site, and found an increase in retail floorspace demand in the Liverpool City Centre. SGS also note that the type of development at The Grove is likely to primarily compete with Westfield, and would have a limited impact on retail viability outside of Westfield and Liverpool Plaza.

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Notably, SGS stated it is important to consider the broader implications of additional floorspace, which may not be solely captured by economic modelling. This is in relation to the intent of this amendment (to use the additional 2,000sqm of floor space to join the two sites) as this may change the role and operation of the stand-alone centre.

Food & Drink Premises

Within their peer review, SGS raised concerns that a large hospitality precinct could be established across The Grove. This is inconsistent with the strategic planning framework of the site as a stand-alone centre with a focus of specialised retail, and would detract from the Liverpool City Centre as a dining destination. This was primarily identified through the indicative concept plans and illustrations within the planning proposal, which showed the development of seating gazebos around a central park, indicating a hospitality precinct of some form.

The review notes that 'food and drink premises' are permissible and uncapped on the Homemaker site, however the lifting of the retail cap on the Fashion Spree site would further contribute to the extent of food and drink retailing provided across The Grove. SGS recommends that the restriction of food and drink premises, potentially by capping the use on each site, restricting permissibility to 'takeaway food and drink premises' only, or through the use of design principles.

SGS Peer Review Summary & Council Officer comment

The SGS peer review only noted the economic impacts of the planning proposal. A summary of the SGS findings and the corresponding Council officer position is provided in Table 2 below.

Table 2: Summary of SGS peer review with Council officer comments

Proposed Amendment	SGS Support & Comment	Council Officer Support & Comment
Homemaker Centre		
Addition of 'business premises' within the 21,000sqm cap on shops.	Yes. Subject to cap, along with shops, at 21,000sqm.	Support the amendment in accordance with SGS comments that 'business premises' is also capped within the 21,000sqm additional permitted use for shops. The intent is to be complimentary to the shop use at the rear of the Homemaker site. SGS found that the addition of this use will have minimal economic impacts and that it would be unusual to restrict this use in conjunction with traditional shop uses.
Fashion Spree Site		
Change of legal description.	N/A	Support the administrative amendment.

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Proposed Amendment	SGS Support & Comment	Council Officer Support & Comment
Addition of 'business premises' within the 19,000sqm cap.	No. This is contrary to the principle SGS proposed of maintaining function separation as much as possible between outlet retailing and traditional retailing, and creates a risk of creation of a larger traditional retail centre than has been supported.	Do not support this amendment as per SGS advice. The intent of Amendment 22 was to allow for the fashion outlet, and this is achieved by permitting shops. This is a specialised use, and the addition of business premises will transition away from the intent of Am. 22. Council staff want to avoid the possible future transition of this site into traditional shops with business premises retailing, when the intent of the site is to be a fashion outlet.
Addition of 2000sqm GFA of shops and business premises.	Qualified. Unlikely to have a substantial retail turnover impact in itself, but only supported if it is for additional outlet retailing and would not have the design outcome of removing functional separation of the outlet and traditional retailing.	Do not support this amendment, with consideration of SGS advice. Although the economic impacts of this addition are believed to be negligible, the impacts of this amendment are not in-line with the strategic direction of the stand-alone centre. It is deemed that there is insufficient strategic justification for the additional 2,000sqm of GFA. The planning proposal facilitates a possible way of connecting the Fashion Spree site with the Homemaker Centre and the possible moving away from the use of the Fashion Spree site as a specialised retail outlet.
Removal of 'retail cap', which currently restricts all retail uses on the site to 19,000sqm. The 19,000sqm cap is to apply only to 'shops', so uses already permissible under B5 zone can be developed without a GFA restriction.	Yes	Support this amendment in-line with SGS comments. The definition of 'retail premises' has changed since Am. 22, and now is a group term definition which incorporates other retail uses, such as specialised retail and landscape material supplies. The current wording of Sch. 1 Cl. 21 achieves the intent of Am.22, however Council staff agree with the SGS analysis that it is unusual to cap floor space of uses already permitted under the zone. The SGS peer review notes that the expected uses to be developed are the specialised retail, landscape supplies, and food & drink premises, which have not been modelled as these are already permitted on the site.

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Proposed Amendment	SGS Support & Comment	Council Officer Support & Comment
Food & Drink Premises across The Grove		
SGS raised concerns regarding the development of a hospitality precinct at The Grove.	SGS would not support the creation of a large dining precinct on either or both sites, which could be facilitated by uncapping food and drink premises, and which would be compete with the Liverpool CBD and be contrary with the intended stand-alone centre function of the site.	<p>Support SGS position regarding concerns about 'food and drink premises'.</p> <p>'Food and drink premises' is a group term, also containing 'takeaway food and drink premises', 'restaurants or café', 'pub' and 'small bar'. Therefore, a wide range of uses are permitted across both sites.</p> <p>The B5 Business Development zone objectives include the limiting of food retailing, as the intent of the zone is to provide for large floor plate uses.</p> <p>The conceptual plans and illustrations indicate a shift towards a food and drink precinct, and although permissible, this is not the intent of the zone, as they are meant to be ancillary uses only.</p> <p>Council staff request advice from the LPP regarding this concern and how to address this within the planning proposal amendment.</p>

5. CONSIDERATIONS FOR STRATEGIC MERIT

The Department's *A guide to preparing planning proposals* includes the following questions to justify the proposal.

Section A – Need for the planning proposal

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

The planning proposal is not the result of any endorsed strategic study or report. As discussed above in Section 3 Site Background & History, the planning proposal is the result of a submission to the exhibition of the LEP Review planning proposal and Liverpool Centres and Corridor Strategy. The proponent was advised by Council to submit a planning proposal regarding their intended amendments to the LLEP 2008.

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

The planning proposal intends to “*provide greater flexibility in the permissible uses and realise the full development potential of The Grove Liverpool site.*”

In order to achieve this, it is proposed that additional permitted uses are proposed across the Homemaker and Fashion Spree sites, and floor space of additional permitted uses are increased to allow for additional floorspace to be developed. The planning proposal also proposes an amendment to reflect the legal descriptions of the Fashion Spree site. Given the legislative nature of these amendments, a planning proposal is the best means of achieving the intent.

However, it is noted that significant development potential is available through the existing planning controls across these sites. The Homemaker site can already expand with 21,000sqm of shops which are permissible under the LLEP 2008. This planning proposal intends to also allow business premises as part of this expansion.

The Fashion Spree site has an approved DA expanding retail uses on this site to approximately 19,000sqm. However, the proponent intends to expand this site further, thereby requesting the proposed amendments within the planning proposal. These includes the addition of business premises, removal of ‘retail cap’ restricting all retail uses to 19,000sqm, and the additional 2,000sqm of GFA for shops and business premises.

Section B – Relationship to the strategic planning framework

Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Regional Plan - A Metropolis of Three Cities

The *Greater Sydney Regional Plan - A Metropolis of Three Cities* (Regional Plan) was released in March 2018 and prepared by the Greater Sydney Commission (GSC). The plan encompasses a global metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City. The plan envisions for the people of Greater Sydney to live within 30 minutes of their jobs and have access to education and health facilities, services and high-quality places. The Liverpool LGA is located within the Western Parkland City and is identified as a significant metropolitan cluster and future health and education precinct.

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Consistency with the relevant parts of the Regional Plan is assessed below in the following table.

Table 3: Consistency with the Regional Plan

Objective	Comment
A city for people	
Objective 7 Communities are healthy, resilient and socially connected	<p>This objective states “<i>Well-planned neighbourhoods can improve people’s health... Enhancing the safety, convenience and accessibility of walking and cycling trips has many benefits including healthier people, more successful businesses and centres and reduced traffic congestion.</i>”</p> <p><u>Homemaker Site:</u> the addition of business premises to the Homemaker site is justifiable, as shops are already permitted to be developed on the site as an additional permitted use. The inclusion of business premises within the existing 21,000sqm will allow for ancillary supporting uses to be co-located with the shops permitted already.</p> <p><u>Fashion Spree Site:</u></p> <ul style="list-style-type: none"> The addition of business premises and increase additional permissible uses by 2,000sqm are inconsistent with this objective, as they have the potential to change the way in which the site is used. It is currently a stand-alone centre focusing on a specific form of retailing (fashion outlet stores), and these changes have the potential to transition to a more traditional retailing format, containing traditional shops and business premises, whilst also integrating with the neighbouring Homemaker site containing bulky goods premises. <p>This would transition the site to a local or town centre (as further discussed in detail when assessing against the Centre & Corridor Strategy). Given the car-based nature of the stand-alone centre and lack of supporting social infrastructure, it is not an appropriate location to support further traditional retailing.</p> <ul style="list-style-type: none"> The lifting of the retail cap on Fashion Spree site is consistent, as it will provide for large floor plate uses suitable to the site, as they are already permissible under the zone. <p><u>Food & Drink Precinct:</u></p> <ul style="list-style-type: none"> The possible future transition toward a substantial hospitality offering with numerous food and drink premises is not consistent with this objective, as the site does not promote walking or cycling trips, and these uses should be located within accessible centres.

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Objective	Comment
A city of great places	
<p>Objective 12 – Great places that bring people together.</p>	<p>This objective encourages placed-based planning to achieve the following:</p> <ul style="list-style-type: none"> • <i>Well-designed built environment: great places are enjoyable and attractive, they are safe, clean and flexible with a mix of sizes and functions.</i> • <i>Social infrastructure and opportunity: great places are inclusive of people of all ages and abilities, with a range of authentic local experiences and opportunities for social interaction and connections.</i> • <i>Fine grain urban form: great places are walkable of human scale, with a mix of land uses including social infrastructure and local services at the heart of communities.</i> <p>The planning proposal used this objective to justify the proposed amendments. However, this objective is not applicable to the role of stand-alone centres. The Grove contains specialised retail (bulky goods) on the Homemaker Site, and specialised use of fashion outlet on the Fashion Spree site. These two sites have their own individual functions in line with the B5 zone objectives of providing for large floor plate uses.</p> <p>As discussed in the LSPS and Strategy section, the site is to retain its use as a stand-alone centre, which does not have a place-based function, and is not to transition into a town or local centre.</p>
A well-connected city	
<p>Objective 14 – A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</p>	<p>This objective focuses of delivering the 30-minute city and intends to “<i>Co-locate activities in metropolitan, strategic and local centres</i>”.</p> <p>The planning proposal justifies its proposed amendments against this objective by claiming that The Grove is in a walkable catchment of Liverpool and Warwick Farm, and improvements to site accessibility can be provided at the DA stage.</p> <p>The planning proposal is also inconsistent with this objective, as The Grove is a stand-alone centre with its specialised retail use, and is not to act as a local or town centre. Whilst it is in close proximity to other centres, it is a car dominant centre located along Orange Grove Road and is not supported by active transit routes. The B5 Business Development zone objectives are to provide for the uses with large floorplates, near other centres.</p>

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Objective	Comment
Jobs and Skills for the city	
Objective 22 – Investment and business activity in centres	<p>This objective sets out principles for centres and their future development. It notes that clusters of large format retail should be treated as part of the retail network, so they can grow and evolve over time. In relation to local centres, these are to provide access to goods and services close to where people live with a strong focus on walkability.</p> <p>In relation to the Fashion Spree site (i.e the addition of business premises and 2,000sqm GFA), this has potential to transition the site away from a stand-alone centre, and towards a local or town centre. The Grove is to continue to operate as a stand-alone centre.</p> <p>On the Homemaker site, the addition of business premises to the existing additional permitted use of shops allows for some ancillary uses that can co-locate with the shops use that is already permitted.</p> <p>Similarly, the lifting of the retail cap on the Fashion Spree site, allows for the future development of this site, with development permissible with consent under the land use zone. This allows for further investment at the site, with appropriate uses.</p>
A city in its landscape	
Objective 27 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced	<p>This objective is to <i>“Protect and enhance biodiversity by:</i></p> <ul style="list-style-type: none"> • <i>supporting landscape-scale biodiversity conservation and the restoration of bushland corridors</i> • <i>managing urban bushland and remnant vegetation as green infrastructure</i> • <i>managing urban development and urban bushland to reduce edge-effect impacts.”</i> <p>Section 2 of this report notes the site has environmental constraints, including Environmentally Significant Land mapped under the LLEP 2008. This relates to land on the Homemaker site.</p> <p>The proposed amendment on this site is to add business premises within an area already marked with the additional permitted use of ‘shops’. Any environmental considerations in relation to this can be appropriately addressed at the DA stage.</p>
A resilient city	
Objective 37 – Exposure to natural and urban hazards is reduced	<p>This objective states <i>“Effective land use planning and design can reduce the exposure to natural and urban hazards and build resilience to shocks and stresses.”</i></p>

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Objective	Comment
	Section 2 of this report notes the sites are subject to flooding and mapped with bushfire risk. The planning proposal primarily relates to the permissible uses across the site, and further development of the site is anticipated to be within the existing LLEP 2008 Floor Space Ratio development standards. Therefore, the planning proposal is not deemed to increase exposure to natural hazards, and these constraints can be appropriately managed at the DA stage.

Western City District Plan

Section 3.8 of the EP&A Act requires that the planning proposal authority gives effect to any district strategic plan applying to the LGA to which the planning proposal relates. The Western City District Plan provides a series of priorities and actions to guide development and expected growth throughout the district. Relevant priorities and actions are outlined in the table below:

Table 4: Consistency with the District Plan

Planning Priority	Comment
Liveability	
Planning Priority W6 Creating and Renewing great places and local centres, and respecting the Districts heritage	<p>Building upon the Region Plan, this planning priority sets out actions for the development of centres. Action 22 <i>“Use place-based planning to support the role of centres as a focus for connected neighbourhoods.”</i></p> <p>The planning proposal justifies the proposed amendments with this action, as it will realise their vision for the site, with a focus on the public realm, open space, improved active and public transport connections, and employment opportunities.</p> <p>The transition of The Grove from a stand-alone centre to a local centre is not in-line with this objective, which is to have place-based outcomes delivered within local centres.</p>
Productivity	
Planning Priority W9 Growing and strengthening the metropolitan cluster	<p>This priority clearly specifies that Liverpool is to <i>“encourage a vibrant mix of uses, new lifestyle and entertainment uses to activate streets and grow the night-time economy”</i>.</p> <p>Aspects of the planning proposal which have potential to change the operation of The Grove as a stand-alone centre are not in-line with this priority, as it will affect the hierarchy of this centre with the Liverpool City Centre.</p> <p>The planning proposal shows the possible future establishment of a hospitality offering, with food and drink premises (permissible in the B5 zone) comprising more than an ancillary function across both sites. This would detract from the night-time economy being established within the city centre.</p>

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Planning Priority	Comment
Planning Priority W11 Growing investment, business opportunities and jobs in strategic centres	<p>The planning proposal has justified its proposed amendments against Action 56 “<i>Provide access to jobs, goods and services in centres by...diversifying the range of activities in all centres... focusing on a human-scale public realm and locally accessible open space... providing for a diverse and vibrant night-time economy in a way that responds to potential negative impacts...</i>”</p> <p>Proposed amendments which have potential to move the site away from its stand-alone centre use are not in-line with this priority, as The Grove is not to act as a local or town centre with place-based functions.</p> <p>The addition of business premises to the Homemaker site is appropriate as the shops use has already been added, and it will provide for an appropriate range of traditional retailing within this site. The lifting of the ‘retail cap’ on the Fashion Spree site is also consistent, as it provides for business opportunities for large floor plate uses appropriate for the site and land use zone.</p>
Sustainability	
Planning Priority W12 Protecting and improving the health and enjoyment of the District’s waterways	<p>This priority relates to the management of riparian areas and waterways. The Grove is situated south of Cabramatta Creek, and both sites are subject to flood constraints.</p> <p>As the planning proposal relates to the permissibility of uses, and any proposed intensification is proposed to be within the existing Floor Space Ratio of the LLEP 2008, flood constraints can be appropriately managed at the DA stage.</p>
Planning Priority W14 Protecting and enhancing bushland and biodiversity	<p>As noted in the assessment against the Region Plan, the site has environmental constraints, including Environmentally Significant Land mapped under the LLEP 2008. Any environmental considerations in relation to this can be appropriately addressed at the DA stage.</p>
A resilient city	
Planning Priority W20 Adapting to the impacts of urban and natural hazards and climate change	<p>As noted in assessment against the Region Plan, sites are subject to flooding and mapped with bushfire risk. The planning proposal is not deemed to increase exposure to natural hazards, and these constraints can be appropriately managed at the DA stage.</p>

Will the planning proposal give effect to council’s endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Connected Liverpool 2040 - Local Strategic Planning Statement (LSPS)

The Local Strategic Planning Statement (LSPS) identifies The Grove as being ‘Bulky Goods and Retail’. Assessment of consistency with the LSPS is below.

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Table 5: Consistency with LSPS

Planning Priority	Comment
Liveability	
Planning Priority 5: A vibrant, mixed-use and walkable 24-hour City Centre with the Georges River at its heart	<p>Liverpool is working to create a vibrant 18-hour economy in the City Centre. The planning proposal is generally consistent with this, however the potential for the Fashion Spree to transition to an out of centre traditional retail development (by reducing focus on specialised retail functions) has potential to adversely impact the vibrant city centre.</p> <p>Food and drink premises should not become a substantial or primary component of development on the sites but rather remain ancillary. This will ensure the Liverpool City Centre is retained as a destination for food and drink premises, and an out of centre hospitality precinct is not developed at The Grove.</p>
Productivity	
Planning Priority 11: An attractive environment for local jobs, business, tourism and investment	<p>The LSPS notes that Council will prioritise the future expansion of retail within local or town centres rather than stand-alone centres, as they do not provide multi-function community gathering places.</p> <p>In this regard, the addition of business premises and 2,000sqm expansion of 'shops' on the Fashion Spree site is not supported as it will be further adding to the expansion of retail above what is strategically meritorious as discussed throughout this report. The lifting of the retail cap on this site is supported, as those uses are suited to the site and require large floorplates, not within local or town centres.</p>
Sustainability	
Planning Priority 14: Bushland and waterways are celebrated, connected, protected and enhanced	<p>The sites are subject to environmental constraints, being flooding, bushfire risk and environmentally significant land. The planning proposal is not deemed to increase exposure to natural hazards no introduce adverse impacts. These constraints can be appropriately managed at the DA stage.</p>

Liverpool Centres and Corridors Strategy 2020

The planning proposal states that the Liverpool Centres and Corridors Strategy (the Strategy) does not account for the unique nature of The Grove and its approved range of additional use of shops. The Strategy was developed based from the Centres and Corridors Study by SGS which had consideration of the land use zones and additional permitted uses under the LLEP 2008 applying to The Grove site.

Stand-Alone Centre

As noted within Section 3 Site History and Background, the Strategy identifies The Grove as a 'stand-alone centre'. The table below assesses the planning proposal against the role, function and development of stand-alone centres, as per the Strategy.

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Table 6: Consistency with Strategy

Stand-alone centre	Consistency
<p><u>Role</u> Provide for the convenience and specialised retail needs of the local community, but do not act as mixed-use centres of the local community.</p> <p><u>Function</u></p> <ul style="list-style-type: none"> • Supermarket or significant specialised retail facilities • No or limited co-location with social infrastructure • Good access from the arterial road network 	<p>The Grove currently aligns with this role and function. Each site currently holds a separate and specialised function for the retail needs of the community, and does not hold a greater place-based function.</p> <p>The Homemaker site contains specialised retail (bulky goods) and has potential to expand with 21,000sqm of 'shops'. The Fashion Spree site contains a factory outlet centre which meets a specialised need for this use. The sites have good access from Orange Grove Road and currently are not co-located with social infrastructure.</p> <p><u>Homemaker Centre:</u> the addition of business premises does not adversely change the role and function of this site, as it is ancillary to the additional shops already permissible with consent.</p> <p><u>Fashion Spree:</u></p> <ul style="list-style-type: none"> • The addition of business premises is contrary to the role and function, as it detracts from the factory outlet use. It also has potential to dilute this specialised use and transition into a traditional retailing format. • The additional 2000sqm GFA could allow for the current use to evolve into one that is not aligned with the 'stand-alone centre' function that it serves. The expansion could lead to a connection with the Homemaker site which would result in an overall centre with diverse offerings. Stand-alone centres are to provide for their specialised use only. They are not intended to act as nor compete with town or local centres. Further they lack the required social infrastructure to act as a local or town centre. • The lifting of the 'retail cap' is in-line with the role and function, as it is allowing uses permissible under the B5 Business Development zone to be developed. <p>Food and drink premises should not become a substantial component of development on the sites but rather remain ancillary to the operation of each site in line with the role and function of a stand-alone centre.</p>
<p><u>Future Development</u> Should only be expanded if there is limited capacity elsewhere, if they can act as a local or town centre in the future, and if there will not be a substantial impact on the viability of a local or town centre.</p>	<p>The Strategy notes that amendments to include further retail or service-based uses in the B5 Business Development zone is not encouraged, as these stand-alone centres have a car-based role and are not appropriate for a broader centre role.</p> <p><u>Homemaker Centre:</u> the addition of business premises is justifiably inconsistent with the Strategy. Its addition to the already permissible 21,000sqm of shops will not have an adverse economic impact on the city centre. Additionally,</p>

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Stand-alone centre	Consistency
	<p>according to the SGS reviews, it is reasonable to place shops and business premises together within a traditional retailing centre.</p> <p><u>Fashion Spree:</u></p> <ul style="list-style-type: none"> • The addition of business premises is not in-line with the strategy, as there is capacity elsewhere, (including within The Grove at the Homemaker site) and these uses are not required for the effective functioning of the fashion outlet. • The additional 2000sqm GFA is also not in-line with the strategy, as it can be located elsewhere. Although not having a substantial economic impact in isolation, the way this facilitates the possible future integration of the two separate sites changes the role of the centre by transitioning it to an integrated town or local centre with place based functions, rather than focusing on the specialised retail provided on each site. • The lifting of the 'retail cap' is in-line with the strategy as it allows for permissible uses to be expanded on the site, e.g. specialised retail premises and landscape material supplies. <p>Food and drink premises should not become a substantial component of development on the sites but rather remain ancillary to the operation of each site in line with the role and function of a stand-alone centre. This will protect the viability of the Liverpool City Centre as the primary food and drink destination in the Liverpool LGA.</p>

The Strategy stipulates five 'Guiding Criteria' for the assessment of planning proposals.

Table 7: Assessment against the Strategy's Guiding Criteria

Guiding Criteria	Consistency
1. Proposals must not have a significant negative impact on the retail operation of the Liverpool City Centre, town centres and local centres (including planned future centres).	<p><u>Homemaker Centre:</u> business premises are not usually included in retail modelling, due to their ancillary role in conjunction with shops. Therefore, minimal economic impacts are anticipated by this addition.</p> <p><u>Fashion Spree:</u> proposed amendments to this site have potential to move away from current retailing of the fashion outlet, to create traditional retailing centre connected with the Homemaker site. This will change the retail operation of the centre, thereby affecting the centre. The lifting of the retail cap will allow for permissible uses to be developed, thereby not impacting the centre hierarchy as they are acceptable on this site.</p> <p>If food and drink premises are developed as a substantive component of either site, there is potential for a hospitality</p>

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Guiding Criteria	Consistency
	precinct to be developed which could significantly affect the operation of the Liverpool City Centre.
2. The creation of new out of centre retail developments are not encouraged.	<p><u>Homemaker Centre:</u> addition of business premises is not deemed to create a new centre, so long it is capped with the existing additional use of shops.</p> <p><u>Fashion Spree:</u> the proposed amendment (addition of business premises and 2,000sqm GFA) have potential to allow the transition to traditional retailing and away from the existing use as a fashion outlet. This would effectively create a new centre which would not be consistent with these guiding criteria.</p> <p>Council staff are concerned that a possible substantial 'food and drink premises' offering could develop. Food and drink uses are to be ancillary to the primary specialised retail function of the stand-alone centre designation of The Grove.</p>
3. In all centres (except neighbourhood centres), proposals must retain the existing amount of retail and commercial floorspace as part of a mixed-use development.	Not applicable. The proposal does not relate to mixed-use developments.
4. Proposals for redevelopment or expansion of town centres and local centres must demonstrate improved integration with the public domain and with nearby open space, social infrastructure and other services.	<p>Not applicable. The proposal does not relate to the development of town and local centres. It is the role of local and town centres to provide for place-based retailing, not stand-alone centres.</p> <p>As discussed, the role of a stand-alone centre is to be retained on this site, and the possible integration of both sites and development of a hospitality precinct is not in-line with this criteria.</p>
5. Allow additional retail uses in the B5 zone if it can be demonstrated they could not reasonably locate in another centre and they constitute a small proportion of the total retail floorspace.	<p><u>Homemaker Centre:</u> addition of business premises is ancillary to shops, and will be a small portion of floorspace.</p> <p><u>Fashion Spree:</u> the addition of business premises is not supported as it can be located within the Liverpool City Centre and next-door on the Homemaker Centre site. Further business premises are not currently required for the role of the Fashion Spree site.</p> <p>The lifting of the retail cap is consistent with this criteria as it allows for permissible uses under the B5 zone to be developed on the site, which is appropriate for their development.</p>

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

The planning proposal is not inconsistent with all SEPPs that apply to the land. Further justification can be viewed under Question 5 of the submitted Planning Proposal.

The planning proposal does not identify that *SEPP (Coastal Management) 2018* applies to the sites, as the eastern boundary of the Homemaker site, and the north east corner of the Fashion Spree site are identified as being subject to 'Proximity Area for Coastal Wetlands' under the SEPP. There are no further implications at the planning proposal stage, and the SEPP can be addressed at the DA stage.

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

The Planning Proposal addresses the following Directions, pursuant to Section 9.1 of the EP&A Act 1979:

Table 8: Ministerial Direction Consistency

Section	Comment	Consistency
1. Employment and Resources		
Direction 1.1 Business and Industrial Zones	<p>In its current form, the planning proposal is inconsistent with this direction. The objectives of this direction are to:</p> <ul style="list-style-type: none"> • <i>encourage employment growth in suitable locations,</i> • <i>protect employment land in business/industrial zones,</i> • <i>support the viability of identified centres.</i> <p><u>Homemaker Centre:</u> addition of business premises will not reduce floor space of other employment uses, as it will be capped within the 21,000sqm of the additional permitted use of 'shops'.</p> <p><u>Fashion Spree:</u></p> <ul style="list-style-type: none"> • The addition of business premises and additional 2,000sqm of additional permitted uses is not consistent as this use can be located in the Liverpool City Centre. It will also reduce the floorspace available for retail uses permitted under the B5 Business Development zone. The future growth of the centre may lead to the transition from a stand-alone centre to a local centre which is not supported as it detracts from the large floorplate uses to be located within this zone. • The lifting of the 'retail cap' is consistent as it allows uses permissible with consent within the zone to be developed on the site. <p><u>Food & Drink Premises</u> The planning proposal could facilitate the future development of The Grove into a development that includes a substantial hospitality offering. Food and drink</p>	<p>Not consistent in current form.</p> <p>Deemed consistent as amended by Council staff.</p>

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Section	Comment	Consistency
	premises are to be ancillary to the primary use of the site as per the B5 Business Development zone objectives, and their development beyond an ancillary use will detract from the viability of Liverpool City Centre to have a vibrant night time economy.	
2. Environment and Heritage		
Direction 2.1 Environmental Protection Zones	<p>The Homemaker site has environmental constraints, including Environmentally Significant Land mapped under the LLEP 2008. The Planning Proposal does not seek to change this identification under the LLEP 2008.</p> <p>The proposal is for additional permitted use of business premises within an area and GFA cap already approved for the use of shops. Any environmental considerations in relation to this can be appropriately addressed at the DA stage.</p>	Yes
Direction 2.2 Coastal Management	<p>As noted, <i>SEPP (Coastal Management) 2018</i> is applicable. The planning proposal has not addressed this direction, therefore is inconsistent with this Direction.</p> <p>The planning proposal is justifiably inconsistent given the nature of the proposal (being related to non-intensive additional permitted uses) and any further development on the sites being with the development standards of the LLEP 2008.</p>	Justifiably inconsistent.
Direction 2.6 Remediation of land	<p>The planning proposal states, <i>“the site is not known to have been used for any contaminating uses in the past”</i>. As the planning proposal primarily seeks to change permissible uses at The Grove, and does not seek intensification of the sites further than what is permissible under the LLEP 2008, or introduce sensitive uses, it is deemed to be consistent with this direction.</p>	Yes
3. Housing, Infrastructure and Urban Development		
Direction 3.4 Integrating Land Use and Transport	<p>The objective of this direction is <i>“to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <ul style="list-style-type: none"> <i>• improving access to housing, jobs and services by walking, cycling and public transport, and</i> <i>• increasing the choice of available transport and reducing dependence on cars, and</i> <i>• reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i> 	<p>Not consistent in current form.</p> <p>Deemed consistent as amended by Council staff</p>

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Section	Comment	Consistency
	<ul style="list-style-type: none"> • <i>supporting the efficient and viable operation of public transport services, and</i> • <i>providing for the efficient movement of freight.”</i> <p>In its current form the planning proposal is deemed to be inconsistent with this Direction. This is because the proposed amendments are seen to be facilitating the possible evolution of The Grove site away from its stand-alone centre designation. This possible transition is seen to be made possible by allowing for business premises and extra GFA for additional permitted uses on the Fashion Spree site. This has potential to develop into a traditional retailing centre and also combine with the Homemaker site.</p> <p>The Grove site currently is not well serviced by public transport or active transport connections but rather relies on trips by car. The Fashion Spree site should continue to operate as a stand-alone centre with specific use for the retail outlet. The existing stand-alone centre designation of The Grove as identified in Liverpool’s strategic planning framework allowing for more lenient requirements for improving public and active transport access.</p>	
4. Hazard and Risk		
Direction 4.1 Acid Sulfate Soils	The site is identified as having moderate salinity potential. The planning proposal did not address this direction. As the planning proposal primarily seeks to change permissible uses at The Grove, and does not seek intensification of the sites further than what is permissible under the LLEP 2008, or introduce sensitive uses, it is deemed to be justifiably inconsistent with this direction given the minor significance of this inconsistency.	Justifiably inconsistent.
Direction 4.3 Flood Prone Land	The sites are identified as being flood prone. The planning proposal has addressed this ministerial direction, and flooding implications can be further addressed at the DA stage.	Yes
Direction 4.4 Planning for bushfire protection	The sites are identified as containing bush fire prone land. The planning proposal has addressed this Direction. If the planning proposal receives a positive Gateway determination and proceeds to formal exhibition, the NSW rural Fire Service will be engaged for comment.	Yes

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5. Regional Planning		
Direction 5.10 - Implementation of Regional Plans	This Direction requires consistency with the relevant Region Plan. This has been assessed in Table 3 of this report, and in its current form has not demonstrated consistency with this plan.	Not consistent in current form. Deemed consistent as amended by Council staff.
6. Local Plan Making		
Direction 6.1 – Approval and referral requirements	The planning proposal is consistent with this Direction as it does not introduce additional concurrence, consultation or referral requirements.	Yes.

6. CONSIDERATIONS FOR SITE SPECIFIC MERIT

Section C – Environmental, social and economic impact

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?

As identified in Section 2 Site Locality & Description, the Homemaker site is subject to Environmentally Significant Land mapping under the LLEP 2008. This is identified as containing 'Red Gum - Rough-barked Apple grassy woodland' in good condition.

Amendment 61 of the LLEP 2008 enabled the additional permitted use of 'shops' up to 21,000sqm on this site, and this planning proposal seeks to add the use of 'business premises' to as part of this use. Therefore, there are no additional adverse threats as part of this proposed amendment.

A future DA for the expansion of this site will manage adverse effects on the Environmentally Significant Land on the Homemaker Site.

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

As identified in Section 2 Site Locality & Description, there are several environmental constraints applying to these sites.

Flooding

The sites are subject to flooding, with low and medium flood risk land across both sites and high-risk flooding on the Homemaker site. Given the nature of the planning proposal, primarily focusing on permissible uses, the planning proposal is supported from a flood planning perspective.

Any future development of the site shall be carried out in compliance with the Liverpool Development Control Plan 2008 and NSW Floodplain Development Manual 2005. A future DA on the site will be assessed on its merits, and further conditions will apply at the time of assessment.

Bushfire

Both sites are subject to Bush Fire Prone Land mapping, with the Homemaker site containing Vegetation Category 1, and both sites identified as containing Vegetation buffer 100m and 30m.

As above, the Homemaker site intends to add business premises to an additional use clause already gazetted within the LLEP 2008, therefore this proposed amendment does not exacerbate bush fire risk. Only a small portion in the north west corner of the Fashion Spree site is identified as being bushfire prone, and a future DA can include appropriate measures to address the bushfire risk identified.

Transport

The planning proposal seeks amongst other things to permit an additional 2,000sqm of 'shops and business premises' at the Fashion Spree site. To support this increase in development, a Traffic Report was lodged in support of the planning proposal.

Upon review and evidenced by the SGS peer review report, Council staff are not supportive of this additional floor space for the Fashion Spree site. Consequently, traffic issues caused by development floor space above and beyond what is already permitted are no longer relevant if Council staff's amended proposal is to proceed.

It is noted that LPP advice and an ultimate Council decision may lead to this element of the planning proposal remaining as part of the amendment. If this occurs, it is deemed that traffic implications can be analysed and addressed at the post-Gateway stage.

Section D – State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

Yes. The sites are within an established urban area. The proposed amendments do not seek to intensify the use of the site beyond what is currently permissible under Floor Space Ration under the LLEP 2008, rather seek to alter the types and extent of uses permissible across the sites.

It is noted that an existing Voluntary Planning Agreement (VPA) applies to the subject site. A letter of offer has been provided by the applicant to ensure the monetary contribution towards public infrastructure which is payable subject to Clause 6 of the existing VPA will be applicable to both shop and business premises uses on the Fashion Spree site and the Homemaker Site as well as the additional 2,000m² of shop and business premises that is being requested on the Fashion Spree site.

Given Council staff are not supportive of the additional 2,000sqm of floor space for the Fashion Spree site, this element of the letter of offer would not be needed. It is noted that this is a Council staff recommendation at this stage with LPP advice and a Council decision to come. Should this element of the planning proposal remain, it is deemed that the VPA would need to be updated to account for this additional floor space.

What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Views of State and Commonwealth public authorities will be consulted should a Gateway determination be issued. Relevant public authorities will be identified for consultation at the Gateway determination stage.

7. NEXT STEPS

Following the Panel's consideration, the planning proposal will be finalised and reported to Council for consideration. Should the planning proposal request be endorsed, it will be forwarded to DPIE seeking a Gateway determination.

Following a Gateway determination in support of the planning proposal, there will be public authority and community consultation, a public exhibition period and a further report to Council, prior to proceeding with the making of any amendment to the LLEP 2008. It is noted that the provision of various additional studies and clarification may be required by DPIE prior to exhibition occurring.

8. CONCLUSION

Pursuant to the requirements of a Guide to Preparing Planning Proposals and relevant Ministerial Directions, this report provides a merit assessment of the planning proposal request.

The report finds that the proposal in its current form does not demonstrate strategic merit, as it contains amendments to the LLEP 2008 which have the potential to transition the site from a stand-alone centre to having a more traditional and expansive retailing role akin to a local or town centre. This transition is identified as inconsistent with the centre hierarchy within the LSPS and Liverpool Centres & Corridor Strategy as well as the broader strategic planning policy framework at the district and regional levels. The amendments proposed by Council staff within this report seek to align the proposal with the strategic planning framework to ensure strategic merit is achieved.

The planning proposal request is presented to the Panel for consideration and advice.

9. RECOMMENDATION

That the planning proposal is supported subject to the following amendments, as discussed in this report, and that the proposal be presented to Council seeking a Gateway determination.

Homemaker Site: Proceed with addition of business premises, subject to it being capped within the 21,000sqm of 'shops' permissible under Schedule 1 Clause 24.

Fashion Spree Site:

- Proceed with update of legal description
- Proceed with removal of 19,000sqm GFA cap (with maximum individual premises being 1,200sqm) applying to all 'retail premises', and seek this applies to 'shops';
- Not proceed with the proposed addition of business premises as a permissible use; and
- Not proceed with the proposed 2,000sqm increase of the GFA cap to 21,000sqm.

Food and Drink Premises: Council staff share the concern identified within SGS peer review in relation to the expansion of food and drink offerings above and beyond their intended ancillary function. Council requests that the LPP provide their advice regarding this element of the proposal in light of the SGS peer review.

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10. ATTACHMENTS

1.	<u>The Grove Planning Proposal</u>	<u>310612.2020</u>
2.	<u>The Grove Economic Analysis</u>	<u>242880.2020</u>
3.	<u>The Grove Traffic Report</u>	<u>310683.2020</u>
4.	<u>The Grove Public Benefit Offer</u>	<u>310610.2020</u>
5.	<u>SGS Peer Review of Planning Proposal</u>	<u>062943.2021-001</u>
6.	<u>SGS response to submissions for LEP Review exhibition</u>	<u>016883.2021</u>
7.	<u>Liverpool Centres & Corridors Study</u>	<u>239550.2020</u>
8.	<u>Liverpool Centres & Corridor Strategy</u>	<u>233351.2020</u>
9.	<u>Am. 22 Original Planning Proposal</u>	<u>081576.2011</u>
10.	<u>Am. 22 Exhibited Planning Proposal</u>	<u>166671.2012</u>
11.	<u>Am. 61 Council Report & Resolution</u>	<u>342017.2015</u>
12.	<u>Gazcorp Response to SGS Peer Review</u>	<u>081878.2021</u>