

# SCENTRE GROUP

13 October 2020

A/CEO  
Liverpool City Council  
Locked Bag 7064  
Liverpool BC NSW 1871

Dear Council,

## Submission to RZ-8/2020 - The Grove, Warwick Farm

### 1. Introduction

This submission has been prepared by Scentre Group Limited (**Scentre Group**) in response to the public exhibition of Planning Proposal RZ-8/2020 which seeks changes to the permissible uses and retail cap at the site known as 'The Grove Liverpool,' a large retail precinct in Warwick Farm.

This submission has been informed by a detailed review of the draft exhibited material on Liverpool City Council's website including the Planning Proposal, Economic Analysis, and accompanying documentation.

We understand it is proposed to amend Clause 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 (**LLEP 2008**) that apply to the site, in order to provide greater flexibility in the permissible uses of The Grove Liverpool site which comprises the 'Grove Homemaker Centre', at 2-18 Orange Grove Road and 'Fashion Spree' at 5 Viscount Place. An aerial view of the site in the context of Westfield Liverpool is provided in Figure 1.

Scentre Group raise concerns regarding the appropriateness of the proposed LEP amendment given the sites zoning, proximity to other local retail centres and its predominant use for bulky goods retailing. Our concerns with the current Draft Planning Proposal are discussed in the following sections and summarised below:

- Economic impacts on Westfield Liverpool and surrounding retail centres;
- Inconsistent with the objectives of the B5 zone;
- Lack of information regarding future development proposals on the site;
- Inconsistent with *Liverpool Centres and Corridors Strategy 2020* and *Liverpool Local Strategic Planning Statement*; &
- Traffic implications on the surrounding road network as a result of the additional uses and retail GFA.

In summary, Scentre Group seek to understand how Council will manage the future anticipated development of the site in line with the zone objectives and the blurring of the line between what was originally proposed on The Grove Site and expected outcomes from the owners.

Figure 1 Aerial view of site



Source: Six Maps

## 2. General Comments and Recommendations

### 2.1 Economic Impacts

Scentre Group have reviewed the Planning Proposal and accompanying Economic Analysis prepared by Deep End Services. Over time the proportion of retail at The Grove and Fashion Shopping Spree site has increased incrementally. In 2013, **Amendment 22** was made to enable up to 19,000sqm of retail premises to be developed on the Fashion Spree site. A DA was approved in 2014 for the construction of the initial stage of around 10,000sqm at the Fashion Spree site and a further application was made in 2016 to expand the centre to approximately 14,000sqm.

The Grove currently has a total floorspace of approximately 55,758 sqm across the various elements which include the Grove Homemaker centre and the Fashion Spree outlet centre. Future expansions are already anticipated including DA approved expansions at Fashion Spree for an additional 4,260sqm and up to an additional 21,000 sqm permissible at The Grove homemaker centre site as a result of **Amendment 61** to the Liverpool LEP which introduced Clause 24 at Schedule 1, providing for up to 21,000sqm of shop floorspace to be developed on the Grove Homemaker site.

The Planning Proposal seeks to increase the total gross floor area of retail premises on the site from 19,000sqm to 21,000sqm (+2,000sqm), remove the cap on 'retail premises' which will enable an increase in permissible uses such as food and drink premises and allow business premises to be permitted on site (see Figure 2).

The Planning Proposal refers to economic studies undertaken as part of previous LEP amendments however a more detailed economic assessment should be undertaken to consider the **cumulative impacts** of these LEP amendments on Westfield Liverpool (and broader retail context) over time. Scentre Group request that a detailed Economic Impact Assessment is prepared that considers the additional GFA associated with:

1. 2,000sqm increase in *shop and business premises* GFA; &



2. Increase in GFA associated with removing the cap on *retail premises* (i.e. other permissible uses) which are currently restricted to a max of 19,000sqm and individual gross floor area of 1,200sqm

Figure 2 Proposed amendments to Schedule 1 (extract from Planning Proposal)

**Table 3 Proposed amendments to Schedule 1, Clauses 21 and 24 of the Liverpool LEP 2008**

<b>Fashion Spree (Clause 21)</b>	<b>The Grove Homemaker Centre (Clause 24)</b>
<b>Schedule 1, Clause 21 – Use of certain land at Warwick Farm</b>	<b>Schedule 1, Clause 24 – Use of certain land at 10 Viscount Place, Warwick Farm</b>
<p>(1) This clause applies to part of <del>Lot 121, DP 876962 and part of Lot 101, DP1043160</del> <b>Lot 23 in DP1190437</b>, 5 Viscount Place, Warwick Farm, as shown coloured light purple on the Key Sites Map.</p> <p>(2) Development for the purposes of <del>retail premises</del> <b>shops and business premises</b> is permitted with consent if-</p> <p>(a) The total gross floor area of all <del>retail premises</del> <b>shops and business premises</b> <del>uses</del> on the site does not exceed <del>19,000m<sup>2</sup></del> <b>21,000m<sup>2</sup></b> and</p> <p>(b) The gross floor area of any individual <del>retail premises</del> <b>shop or business premises</b> on the site does not exceed 1,200m<sup>2</sup>.</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 <b>and business premises</b> is permitted with consent if the total gross floor area of shops <b>and business premises</b> on the site does not exceed 21,000m<sup>2</sup>.</p>

Source: Ethos Urban

Scentre Group also request the Applicant provide more clarity on the type of shops and business premises envisioned on the site. We understand the effect of Amendment 22 has meant that 'specialised retail premises' (formerly known as 'bulky goods premises', a type of retail premises) are now restricted under the maximum GFA cap on the site for 'retail premises,' which would otherwise be permissible with consent and subject to no cap. We also understand the purpose of Amendment 22 was to reinstate the retail outlet use of the existing building.

The Applicant states that in their view it was not Council's intention for Amendment 22 to restrict the future development of bulky goods/ specialised retail premises or other permissible uses on the site, such as food and drink premises, restaurants and cafés.

The proposed concept plan suggests the Applicant is seeking to create a much larger dining precinct and 'destination shopping experience.' Whilst it is acknowledged that specialised retail premises such as bulky goods are permissible on the site, the site has historically been a predominantly bulky goods destination and the focus should remain on bulky goods retail outlets as opposed to 'shops' which could encompass smaller retail opportunities that would typically not be permitted in the B5 and B6 Zone.

Similarly, whilst food and drink premises and restaurants/cafes are permissible with consent, the site is not considered suitable for large format food and beverage as suggested by the concept plan prepared by Leffer Simes Architects. Food and drink premises should serve an '**ancillary**' function to the predominantly bulky goods use. Expanding the existing food and beverage offering is not considered appropriate in the B5 zone and is inconsistent with the objectives of the zone which is:

*"To maintain the economic strength of centres by limiting the retailing of food and clothing."*

Accordingly, any future modifications to Schedule 1, Clause 21 should specifically identify what **type** of shops and business premises are permissible on site. We also suggest that consideration be given to implementing a minimum gross floor area requirement for individual shops and business premises on the Grove Homemaker Centre site with the objective of aligning with bulky goods/specialist retail style premises in accordance with the objectives of the B5 Zone.

## 2.2 Inconsistent with Zone Objectives

*Business premises* are permissible in the B6 Enterprise Corridor Zone however prohibited in the B5 Business Development Zone. The majority of the site is zoned B5. We understand the Proponent would like to introduce

a range of business premises into the B5 zone to “complement and support the site’s specialised retail, discount department store and traditional retailing operation.”

Business uses envisaged on the site include shoe repairs, dry cleaners, tailors, nail salons, hairdressers and banks. The Planning Proposal states that the objective of this additional use is to “reinforce its [the site] ability to provide everyday services for the convenience of the visitor and working population on the site.”

The above statement appears to describe a centre seeking to fulfil the role of a B3 Commercial Core zone or B2 Local Centre Zone which is to “provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.” This is reinforced by the following statement within the Planning Proposal:

*“...the Economic analysis report, prepared by Deep End Services (Appendix C) considers that the small scale businesses would rely on the visitation generated by the centre and would have a complementary or ancillary function that would improve the amenity of the visitors and enable them and employees on site to obtain a limited range of personal or business services while experiencing the retail offer. Otherwise the visitors and staff would need to make separate trips to other centres in the area.”*

The above statement suggests that the proposal is seeking to create a centre that provides a range of uses to prevent visitors and staff to have to make separate trips to other centres. This would inevitably have an impact on other centres such as Westfield Liverpool, which is specifically zoned to provide a wide range of retail and business uses such as those identified above. This is not the objective of the B5 zone. It appears the Proponent are seeking to create a ‘one stop shop’ which ultimately will pull people away from other key centres such as Westfield Liverpool which again is inconsistent with the zone objectives.

The proposal is also inconsistent with the *Liverpool Local Strategic Planning Statement* which states that there is limited demand for new centres within the LGA and Council will prioritise the future expansion of retail within local or town centres rather than stand-alone centres:

*“The Liverpool LGA also has ‘stand-alone centres’ that contain either a supermarket or another large retail role, such as bulky goods retailing. Whilst these stand-alone centres meet the retail needs of the community, they do not provide multi-function community gathering places. As there is limited demand for new centres within the LGA, Council will prioritise the future expansion of retail within local or town centres rather than stand-alone centres.”*

Given the site is located in close proximity to other local and commercial centres and that business premises are prohibited within the B5 Zone, Scentre Group question the need for the site to cater for *business premises* when the underlying objective of the B5 zone is to “enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of centres.”

Land uses on the site should focus on delivering specialised retail premises that are complementary to and **support** the viability of other centres such as Westfield Liverpool, rather than **compete**.

The Planning Proposal also states:

*“The Grove Liverpool is expected to service unmet demand resulting from the limited retailing in surrounding suburbs, such as Cabramatta and Fairfield. It will also continue to provide specialised retail in the form of bulky goods and discount retailing. Therefore, the site has the potential to attract additional retail expenditure to Liverpool LGA which may have otherwise been spent elsewhere.”*

The site is proximate to Westfield Liverpool, located 1km south-east of the site, Cabramatta Plaza, located 2.2km north-east of the site and Fairfield Chase Shopping Centre located 5km north-east of the site. There are also other more appropriately zoned sites to accommodate additional retailing and business premises such as Edmondson Park and Liverpool CBD, consistent with the recommendations of the *Liverpool Centres and Corridor Study 2020*.

### 2.3. Inadequate information regarding future Development Proposals

Scentre Group request that prior to the planning proposal progressing further, more information is provided regarding the underlying intent of the proposed LEP amendment and the 'imminent' DA to be lodged to ensure it is consistent with the underlying objectives of the B5 and B6 zone.

The following statement suggests that the planning proposal seeks to facilitate the construction of a new retail centre that extends beyond bulky goods premises and would include supermarkets, mini majors and specialty retailers. The planning proposal also seeks to remove the restrictions on permissible uses such as food and drink premises and restaurants and cafes:

*"The Grove operates as a hybrid stand-alone retail destination offering both bulky goods and apparel-focussed discount retail, and with future approvals for traditional shopping centre elements as described in the next section."*

Whilst food and drink premises are permissible in the B5 zone, the concept plan provided below includes a reasonably large amount of floor space dedicated to shops / food and drink premises and business premises. Whilst it is acknowledged that food and drink premises serve a purpose in the B5 zone and are permissible with consent, the broader objective of the B5 zone is to enable a **m**ix of business and warehouse uses with a **f**ocus on specialised retail premises such as bulky goods.

The *Liverpool Centres and Corridor Study 2020 (the Study)* was prepared by SGS Economics and Planning (commissioned by Liverpool City Council) to review the existing retail centre hierarchy in the local government area (LGA) and provide recommendations regarding future retail and business development. The Study identifies the Grove Liverpool as a bulky goods precinct, consistent with the Liverpool Local Strategic Planning Statement. It appears the planning proposal and future DA is seeking to create what is effectively a new local centre. As noted in the Study, the Casula Central development is an un-successful example of this:

*"It [Casula Central] contains a large grocery store, medical centre, local offices and a range of restaurants as well as some other premises. As such, it essentially acts as a local centre but is poorly integrated with the local walking pedestrian network. It has low vacancy rates and so relatively successful as a retail centres but is located out-of-centre and so may draw activity out of existing retail centres."*

The Study classifies the Grove as a 'stand alone centre' however notes social infrastructure is **poor**, walkability is **very poor** and integration with the street is **limited**. The Study concludes stand-alone centres "were previously classified as village or small village centres, but do not perform as well as the other village or small village centres in the place-based criteria of social infrastructure integration, walkability from the surrounding area and design integration with the street."

Figure 3 Indicative Concept Layout for The Grove expansion development application



Source: Leffer Simes Architects

## 2.4 Inconsistent with Liverpool Centres and Corridor Strategy

The *Liverpool Centres and Corridors Strategy 2020* outlines a set of guiding criteria to assist in the assessment of future planning proposals. The Planning Proposal prepared by Ethos provides a response to this criteria. Scentre Group consider the Proposal to be inconsistent with the criteria for the following reasons:

Criteria	Applicant Response	Scentre Group Response
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)	<i>As discussed in detail in Section 5.3, the Planning Proposal will not result in any significant negative impact on the retail operation of the Liverpool City Centre, or any other town and local centres.</i>	Whilst the proposal only seeks an additional 2,000sqm of GFA for the purposes of shops and business premises, over time the retail GFA has increased incrementally. A detailed Economic Impact Assessment needs to be prepared that considers the incremental GFA increase and the maximum potential GFA that can be accommodated on the site prior to the Planning Proposal progressing further. Scentre Group also recommend that any changes to Schedule 1, Clause 24 should specifically identify the type of shops and business premises as over time the site appears to be transforming from a predominantly bulky goods precinct to a centre with a more diversified retail and business offering, which is not the underlying objective of the B5 and B6 zone.
The creation of new out of centre retail developments are not encouraged	<i>The Grove Liverpool has been a 'stand-alone centre' since 2012 and remains so. This Planning Proposal does not seek to create any new out of centre retail developments. It only seeks minor amendments</i>	Scentre Group question the nature of the 'minor amendments' given the proposal seeks to introduce <i>business premises</i> which are typically prohibited in the B5 zone, remove the cap on retail premises and increase GFA for the purposes of shops and business premises.  Consideration needs to be given to these incremental changes over time and the

	<i>to the existing site-specific development controls that relate to The Grove Liverpool site.</i>	predominant land use of the site which is for bulky goods. Furthermore, the planning proposal suggests the Applicant are seeking to diversify the uses on the site, to create a 'one stop shop' to prevent people from having to go to other centres. The proposal should complement rather than compete with these centres.
In all centres (except neighbourhood centres), proposals must retain the existing amount of retail and commercial floorspace as part of a mixed-use development.	<i>This Planning Proposal does not seek to reduce the volume of retail floorspace that can be developed on the Site.</i>	No comment.
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.	<i>This Planning Proposal along with and the future development application will to help facilitate an outcome on the Site that provides a better urban design outcome, and a greater shopping experience which improves its integration with the public domain, nearby open spaces, public transport infrastructure and other services</i>	The site is located in a standalone centre. As noted in the Study prepared by SGS, SGS continues to consider The Grove Liverpool as being isolated from nearby dwellings and services, difficult to walk to or catch public transport to and have little social infrastructure and good design infrastructure with the adjacent open space.  On this basis, the site is not considered suitable for the type of shops and business premises envisaged by the Planning Proposal and imminent DA.
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.	<i>An additional 2,000m2 of floorspace for shops or business premises uses on the Fashion Spree site, will not make a significant change to the overall structure of the centre and the impact on other centres, as discussed in further detail in Section 5.3.</i>	The site is located in close proximity to other centres including Liverpool CBD, Casula and Cabramatta, all of which provide for the local retail and convenience needs of the community. The proposal is also inconsistent with the Liverpool Local Strategic Planning Statement which states:  <i>"As there is limited demand for new centres within the LGA, Council will prioritise the future expansion of retail within local or town centres rather than stand-alone centre."</i>  Accordingly, it is considered the Planning Proposal does not adequately demonstrate that the proposed uses cannot be reasonably located in other centres.

## 2.5 Traffic Implications

One of the key drivers for the proposed amendments to the Liverpool LEP, as proposed through this Planning Proposal, is the imminent DA which is to be lodged with Liverpool Council that will seek approval for the refurbishment of the existing tenancies, the construction of a new retail centre providing up to 21,000m<sup>2</sup> of additional GFA for 'shops' and the construction of regional road works.

We understand the Applicant has undertaken a preliminary traffic consultation meeting with RMS and Council's Traffic engineers on 12th March 2020 and a pre-da meeting was held with Council staff on 5th August 2020.

As part of the Planning Proposal, a Traffic and Parking Study needs to be undertaken to determine the impacts of the additional uses (business, food and drink, retail) on the surrounding local road network.

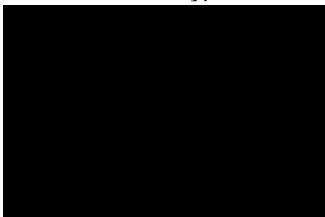
### 3. Summary and Conclusion

The analysis of the Planning Proposal and supporting documentation raises genuine concern that the long-term vision for the site is inconsistent with the underlying zone objectives and predominant bulky goods land use. In summary:

- The Planning Proposal refers to economic studies undertaken as part of previous LEP amendments however a more detailed economic assessment should be undertaken to consider the **cumulative impacts** of these LEP amendments on Westfield Liverpool (and broader retail context) over time.
- Business premises are prohibited in the B5 zone and not considered consistent with the zone objectives. Scentre Group request the Applicant provide more clarity on the type of shops and business premises envisioned on the site. Any future modifications to Schedule 1, Clause 21 should specifically identify what type of shops and business premises are permissible on site.
- Consideration should be given to implementing a minimum gross floor area requirement for individual shops and business premises on the Grove Homemaker Centre site with the objective of aligning with bulky goods/specialist retail style premises in accordance with the objectives of the B5 Zone.
- The proposal suggests it is seeking to fulfill the role of a B3 Commercial Core zone or B2 Local Centre Zone by diversifying the mix of land uses to include *shops* and *business premises*. This would inevitably have an impact on other centres such as Westfield Liverpool.
- The proposal is inconsistent with the *Liverpool Local Strategic Planning Statement* which states that there is limited demand for new centres within the LGA and Council will prioritise the future expansion of retail within local or town centres rather than stand-alone centres.
- Given the site is located in close proximity to other local and commercial centres and that business premises are prohibited within the B5 Zone, Scentre Group question the need for the site to cater for *business premises*.
- Land uses on the site should focus on delivering specialised retail premises that are complementary to and **support** the viability of other centres such as Westfield Liverpool, rather than **compete**.
- As part of the Planning Proposal, a Traffic and Parking Study needs to be undertaken to determine the impacts of the additional uses (business, food and drink, retail) on the surrounding local road network.

We respectfully request that Council consider the above submission and request additional information from the Proponent prior to proceeding further.

Yours Sincerely,





**From:** [REDACTED]  
**Sent:** Sunday, 27 September 2020 11:41 AM  
**To:** LCC  
**Cc:** [REDACTED]  
**Subject:** RZ-8/2020r

**RZ-8/2020.**

The Grove Warwick Farm

This area is a congested mess

Either Service NSW (the RTA) or Fashion Spree should be told to move

There is not enough parking not enough room for traffic to flow

The RTA is a testing site for new drivers it is dangerous

Cars are being driven by beginners' in one of the most hazardous and chocked areas in Liverpool

There are pedestrians moving across the roads from the /Harvey Norman side to Fashion House

If the shops stay there needs to be an overpass

There should be no more shops ,no increase in height, no more businesses it is already a disaster

[REDACTED]

[REDACTED]

Casula

### **Disclaimer**

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**Subject:** Warwick Farm

**From:** [REDACTED]

**Date:** 6/10/2020, 11:13 am

**To:** [REDACTED]

Application Number-R7-8/2020.

Warwick Farm 2170 NSW-Phone

Number [REDACTED]

Your Submission-We

completely agree with the rezoning of the area and because of our close proximity to the railway line and station they should maximize by putting more residential along the railway line like every other suburb in Sydney. Also it is in walking distance to hospitals and schools and the CBD That area should be made the gateway to Liverpool.

Received by

- 9 OCT 2020

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