

To: The Liverpool Local Planning Panel
From: Luke Oste, Executive Planner
Date: 31 April 2021
Subject: Ethos Urban Response Letter
Reference: RZ-8/2020

This memo is to provide a Council staff response to the letter from Ethos Urban dated 25 March 2021 entitled *Local Planning Panel Report Orange Grove Planning Proposal – RZ-8/2020*.

Revised Amendments Proposed

Council staff have reviewed this letter in relation to the original LPP assessment report. It is understood that the applicant has volunteered revised amendments as part of the planning proposal request. This relates to the 'Fashion Spree' portion of the planning proposal only. The revised amendments within the planning proposal in relation to the original planning proposal are summarised in Table 1 below.

Table 1 - Summary of the original and revised planning proposal amendment

Amendment Proposed – Fashion Spree Site (Sch.1 Cl. 21)	Original Planning Proposal	Revised Planning Proposal
Change the legal description	Proposed	Proposed
Add Business Premises as a permissible use within the existing retail cap	Proposed	Not proposed
Add 2,000sqm to the existing cap	Proposed	Proposed
Amend the current cap on 'retail premises' to only apply to 'shops'	Proposed	Not proposed

The response letter from Ethos Urban proposes that an addition of 2,000sqm should be applied to the existing 'retail premises' floorspace cap applying to the Fashion Spree site. Council notes that the economic impact of this addition is negligible in isolation, as stated by Deep End Services and confirmed by SGS in their Peer Review. The applicant proposes to retain the broader 'retail premises' restriction rather than the formerly proposed 'shop' use under the existing planning proposal.

Liverpool Centres and Corridors Strategy

The Liverpool Centres and Corridors Strategy provides guiding criteria for planning proposals and guidance for the future development of Stand - Alone Centres, which is the designation assigned to The Grove. According to this strategy, future development within a Stand – Alone Centre is only to expand if certain criteria can be met. An assessment against the Liverpool Centres and Corridors Strategy in relation to the additional 2,000sqm proposed for the Fashion Spree site is provided in Table 2.

Table 2 - Assessment Against the Liverpool Centres and Corridors Strategy

Future Development Expansion	Comments
<i>If there is limited capacity elsewhere;</i>	The Fashion Spree site currently offers a unique 'factory outlet retail' offering. It is deemed that there is limited capacity in the immediate vicinity for this type of use.
<i>If they can act as a local or town centre; and</i>	<p>The Fashion Spree site is not proposed to act as a local or town centre but rather retain the stand-alone centre designation assigned to the broader The Grove site.</p> <p>With the retention of the broad 'retail premises' cap applying to the Fashion Spree site, Council foresee that the existing stand-alone centre designation will remain despite the proposed 2,000sqm addition proposed.</p>
<i>If there will not be a substantial impact on the viability of a local or town centre.</i>	Council notes that the economic impacts of this addition negligible in isolation, as stated by Deep End Services and confirmed by SGS in their Peer Review.

Guiding Criteria 5 of the Centres and Corridors Strategy is to “*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*”. The additional 2,000sqm of floorspace proposed is deemed to be a small proportion of the total retail floorspace. Further, the existing ‘factory outlet retail’ offering is unique to the site and provides an appropriate location for such a use.

Traffic Impacts

The proposed addition of 2,000sqm will have some implications in terms of additional traffic impacts. Discussions with Council’s traffic team will be required to ensure these impacts are sufficiently addressed at this stage in the plan making process. The traffic impacts are likely to be minor in nature given the modest increase in floorspace. Nonetheless, these impacts will be addressed in consultation with the applicant and Council’s traffic team. It is noted that should this planning proposal receive a favourable Gateway determination, consultation with Transport for New South Wales (TfNSW) will be required.

Voluntary Planning Agreement (VPA)

An existing 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 2,000sqm of shop and business premises that is being requested on the Fashion Spree site. This letter of offer will need to be updated depending on the final form of the planning proposal supported by Council staff as informed by the LPP advice. Once this has occurred, a revised letter of offer can be included with the planning proposal when reported to a future Council meeting.

If you have any further enquiries in relation to the above issue, please do not hesitate to contact me on 8711 7886.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Luke Oste', with a stylized flourish extending to the right.

Luke Oste
Executive Planner

Summary Table – Council Staff Position on Revised Proposal

Amendment Proposed – Fashion Spree Site (Sch.1 Cl. 24)	Previous Position	Current Position	Comment
Change the legal description	Support	Support	Council's position remains consistent with the LPP assessment report.
Add Business Premises as a permissible use within the existing retail cap	Not – Support	Not – Support	Council's position remains consistent with the LPP assessment report.
Add 2,000sqm to the existing cap	Not – Support	Support	<p>The economic impacts of this addition are believed to be negligible in isolation, as stated by Deep End Services and confirmed by SGS in their Peer Review.</p> <p>The applicant has now proposed to retain the broader 'retail premises' restriction rather than the formerly proposed 'shop' use. This has the effect of limiting development within the floorspace cap more broadly. Council foresee that the existing stand-alone centre designation will therefore remain despite the proposed 2,000sqm addition proposed.</p>
Amend the current cap on 'retail premises' to only apply to 'shops'	Support	Not – Support	<p>Council no longer supports this amendment, as it is now no longer proposed by the applicant in their revised amendment.</p> <p>Removing this element of the proposal will help to ensure the retail uses outside of the more specific 'shops' use is restricted within the floorspace cap applying to the site. It is deemed that this will help to ensure the nature and function of the Fashion Spree site is retained.</p>