

SYDNEY WESTERN CITY PLANNING PANEL COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSWC-172
DA Number	DA-416/2021
LGA	Liverpool City Council
Proposed Development	<p>Partial demolition and alterations and additions to an existing Commercial Centre (The Grove Liverpool), including additional commercial space, amendments to the parking area with additional parking (at Fashion Spree Carpark), new road configuration and access works, landscaping, children play areas, relocation of food truck areas, new signage zones and associated infrastructure works.</p> <p>The proposal is identified as 'Integrated Development' under the NSW Rural Fires Act 1997 requiring concurrence from NSW Rural Fire Service and is also identified as 'Nominated Integrated Development' requiring concurrence from the Natural Resources Access Regulator under the Water Management Act 2000.</p>
Property Description	<p>10 ORANGE GROVE ROAD, WARWICK FARM 5 VISCOUNT PLACE, WARWICK FARM 16 ORANGE GROVE ROAD, WARWICK FARM</p>
Applicant	The Grove Investments Pty Ltd
Owner	<p>The Grove Investments Pty Ltd Fashion Spree Investments Pty Ltd TGL Fast Food Investments Pty Ltd C/- Gazcorp, PO Box A2577, Sydney South NSW</p>
Date of DA Lodgement	30 April 2021
Number of Submissions	One (1) submission
Recommendation	Approved subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP 2011)	Development with a Capital Investment Value (CIV) of \$95,222,545.11.
List of all relevant Section 4.15(1)(a) matters	<p><i>List all of the relevant environmental planning instruments: Section 4.15(1)(a)(i)</i></p> <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021. State Environmental Planning Policy (Planning Systems) 2021.

	<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021. • State Environmental Planning Policy (Transport and Infrastructure) 2021. • State Environmental Planning Policy (Biodiversity and Conservation) 2021. • State Environmental Planning Policy (BASIX) 2004. <p><i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: Section 4.15(1)(a)(ii)</i></p> <ul style="list-style-type: none"> • No draft Environmental Planning Instruments apply to the site. <p><i>List any relevant development control plan: Section 4.15(1)(a)(iii)</i></p> <ul style="list-style-type: none"> • Part 1 – General Controls for all development. • Part 6 - Development in Business Zones (Except Liverpool City Centre) <p><i>List any relevant planning agreement that has been entered into under section 7.14, or any draft planning agreement that a developer has offered to enter into under section 7.14: Section 4.15(1)(a)(iiia)</i></p> <ul style="list-style-type: none"> • A Voluntary Planning Agreement (VPA) pursuant to Section 7.4 (formerly known as Section 93F) of the Environmental Planning and Assessment Act 1979 was agreed to between Liverpool City Council and Gazcorp Pty Ltd, dated 25 May 2018. <p><i>List any relevant regulations: Section 4.15(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</i></p> <ul style="list-style-type: none"> • Consideration of the provisions of the Building Code of Australia.
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> 1. Architectural Plans 2. Landscape Plans 3. Civil Engineering Plans 4. Contamination/Remediation Action Plan 5. Ecologically Sustainable Design (ESD) Report 6. Biodiversity Assessment Report 7. Vegetation Management Plan 8. Flood Risk Management Report 9. Acoustic Report 10. Traffic Report 11. Bushfire Report 12. Consolidated DEP Minutes 13. Statement of Environmental Effects 14. Executed Voluntary Planning Agreement 15. Recommended Conditions of Consent
Report prepared by	Development Assessment
Report date	20 October 2022

Summary of s4.15C matters Have all recommendations in relation to relevant s4.15C matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.11EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	No
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

1. EXECUTIVE SUMMARY

1.1 Reasons for the report

The Sydney Western City Planning Panel (SWCPP) is the determining body as the development has a Capital Investment Value (CIV) in excess of \$30 million, pursuant to Clause 2 of Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021. The CIV is \$95,222,545.11.

1.2 The proposal

The application seeks consent for the partial demolition and alterations and additions to an existing Commercial Centre (The Grove Liverpool), including additional commercial space, amendments to the parking area with additional parking (at Fashion Spree Carpark), new road configuration and access works, landscaping, children play areas, relocation of food truck areas, new signage zones and associated infrastructure works.

1.3 The site

The site is currently identified as:

- 5 Viscount Place Warwick Farm (Lot 23 DP 1190437) 4.82ha ;
- 10 Orange Grove Road Warwick Farm (Lot 101 DP 1043160) 9.942ha
- 16 Orange Grove Road Warwick Farm (Lot 100 DP 1043160)

The combined site is irregular in shape with a total area of 14.799ha (or 147,990m²). The three addresses are reflective of the site of the which is afforded with a primary street frontage to Orange Grove Rd which is also referred to as the Cumberland Highway.

1.4 The issues

The main issues identified during the assessment of the application related to:

- Inadequate information to address Chapter 4 – SEPP (Resilience and Hazards) 2021.
- The provision of recreation and open space matters, such as providing treatment to at grade car parking to reduce the heat traction.
- Flooding Impacts;
- Access and Traffic Impacts;
- Encroachment on Environmental Sensitive Land.
- Ensuring the proposal portrays design excellence.

The applicant has responded to these matters with additional information and by amending the application. As a result of the assessment of the DA it is considered that the above listed matters have been resolved.

1.5 Exhibition of the proposal

In accordance with Liverpool Community Participation Plan 2019 the development application was placed on public exhibition for 30 days between 09 June 2021 to 08 July 2021. One (1) submission was received regarding the proposed development. The matters raised in the submissions are discussed later in the report.

1.6 Conclusion

The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered satisfactory. As such, the subject application is recommended to be determined by way of approval subject to conditions.

2. SITE DESCRIPTION, LOCALITY AND SITE HISTORY

2.1 The site

The subject site is identified as:

- 5 Viscount Place Warwick Farm (Lot 23 DP 1190437) 4.82ha ;
- 10 Orange Grove Road Warwick Farm (Lot 101 DP 1043160) 9.942ha
- 16 Orange Grove Road Warwick Farm (Lot 100 DP 1043160)

The combined site is irregular in shape with a total area of 14.799ha (or 147,990m²). The three addresses are reflective of the site of the which is afforded with a primary street frontage to Orange Grove Rd which is also referred to as the Cumberland Highway.

The site is currently occupied by various commercial and retail premises and includes a large retail precinct comprising of the Grove Homemaker Site, Fashion Spree outlet, and a number of retail/food & drink premises such as Dan Murphy's, Krispy Kreme, McDonalds, Oportos and Officeworks. There are also food trucks located to the south of the Grove homemaker centre that fronts Viscount Place.

Viscount Place is a private road that incorporates 4 pedestrian crossings between the Fashion Spree site and The Grove Homemaker site and provides two lanes of traffic in each direction and serves as the primary vehicular access from Orange Grove Road/ Cumberland Highway to both The Grove Homemaker Centre, Fashion Spree, the various car parks within The Grove Liverpool site and Homepride Avenue.

The site can also be access through the rear, the road is Homepride Avenue, a private road that is a north-south undivided carriageway providing generally one lane in each direction and connects to Viscount Place to the north and the Hume Highway to the south.

The site also includes surface level car parking located to the north and south of Viscount Place that is generally elevated above Viscount Place.



Figure 1: Aerial photograph of the Site

2.2 The locality

The site consists of 3 lots and fronts the Cumberland Hwy to the west. The site is located in a business zoned area which is bounded by Industrial land and enterprise corridor.

The site forms part of the Orange Grove Megacentre/Fashion Spree complex located at the intersection of Viscount Place and Orange Grove Road and located less than 2km north from the Liverpool City Centre. The surrounding locality is characterised by a mix of land uses including public reserves, recreational land, and industrial and residential land.

North of the complex is a public reserve and Cabramatta Creek which separates the Local Government Area (LGA) of Fairfield from Liverpool. Further north of the creek is a residential neighbourhood. South of the complex is characterised by industrial buildings and a range of industrial uses. East of the complex is another public reserve and more residential development located to the south-east. West and south-west of the complex, on the opposite side of Orange Grove Road there is a former golf course, a private reserve and a residential neighbourhood.

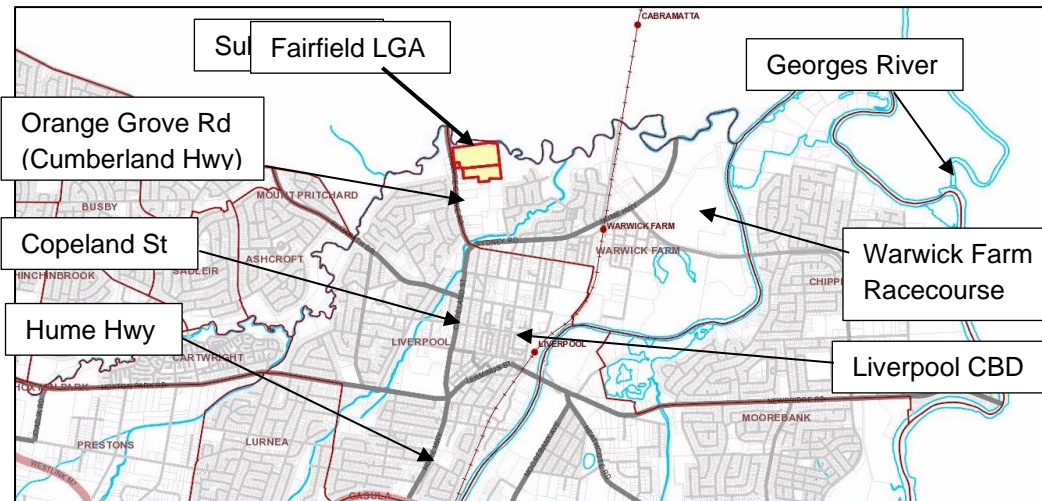


Figure 3: Site Location and Surrounding Area

2.3 Site affectations

The site is affected by the following:

- Bushfire Prone Land;
- Moderate Salinity Potential;
- Environmentally Sensitive Land;
- Potential Contamination;
- Flood Affected Site; and
- Road Noise from Cumberland Highway (Also known as Orange Grove Road).
- Easements and Restrictions Affecting Site.

Maps showing these affectations are below:

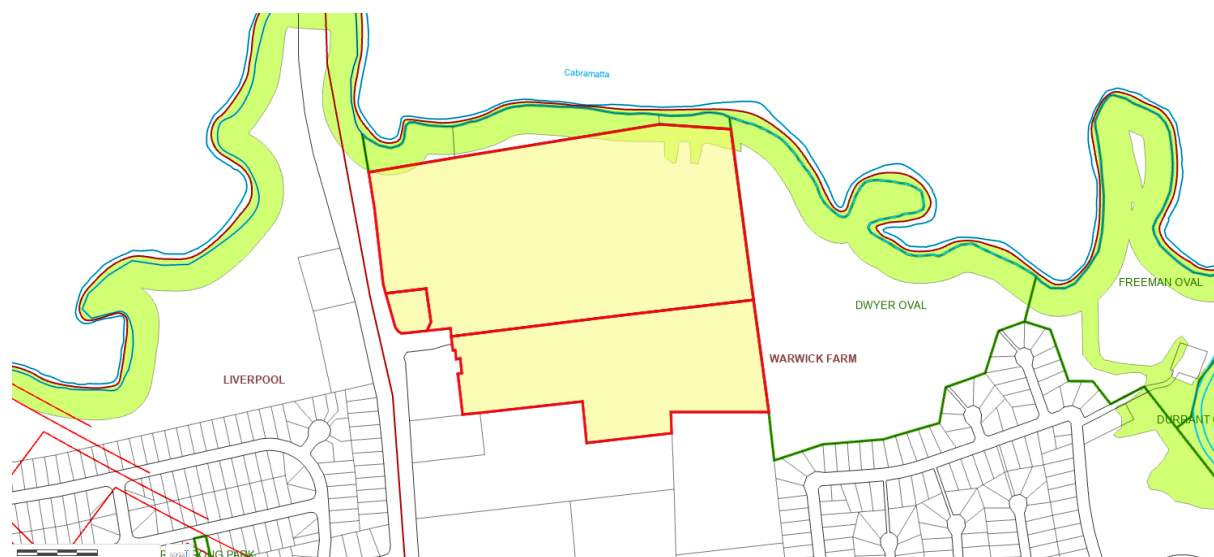


Figure 4: Map showing Environmentally Significant Land.

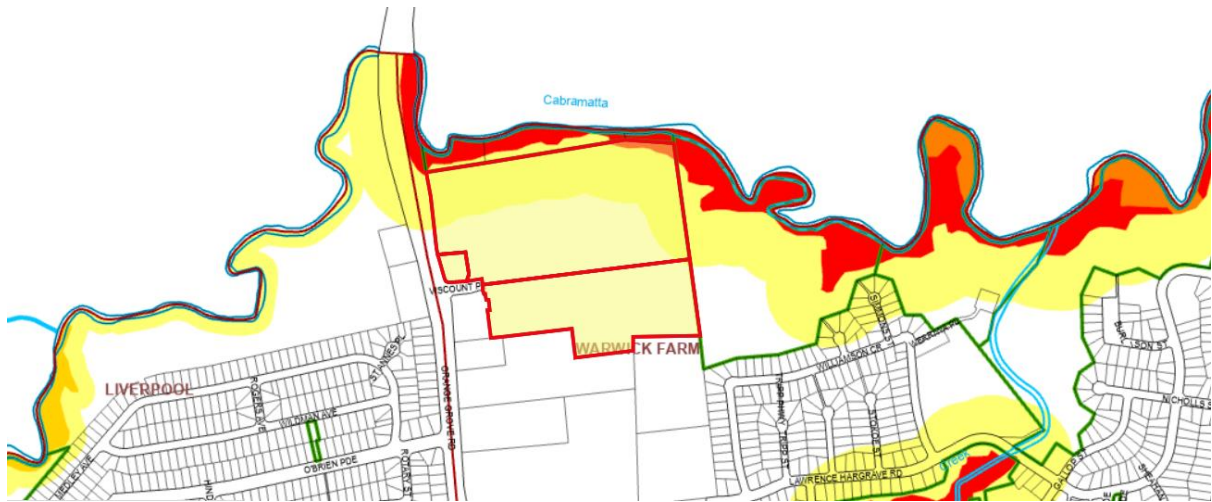


Figure 5: Map showing Bushfire Prone Land.

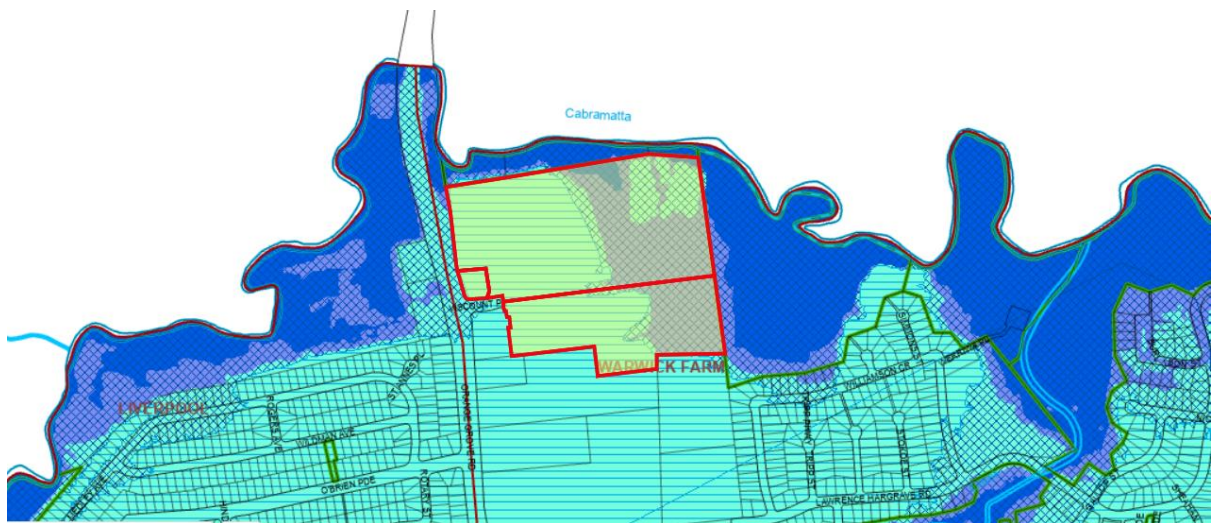


Figure 6: Map showing Flood Prone Land

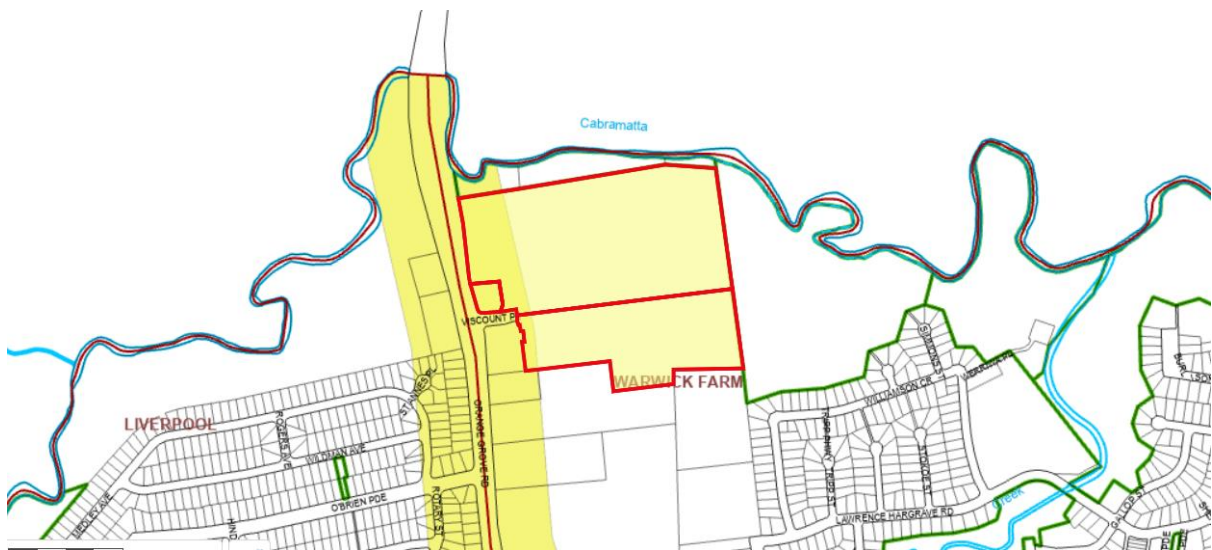


Figure 7: Map showing Classified Road adjacent to the site.

The current Deposited Plans (DP) for the subject lots identify various easements affecting the lots including Rights of Carriageway and easements for services, drainage, electricity and underground mains etc. The proposal does not conflict with any of these easements.

With respect to the Carriageway easements, the following is noted:

- Reciprocal Right of Carriageway is registered over Lot 23, Lot and Lot 2 and forms the extension of Viscount Place into private property. This carriageway will be referred to as 'Viscount Place Carriageway' to distinguish it from 'Viscount Place' which is a public road.
- Right of Carriageway is registered over Lots 1 and 2 and forms the extension of Homepride Avenue into private property. This carriageway will be referred to as 'Homepride Avenue Carriageway' to distinguish it from 'Homepride Avenue' which is a public road.

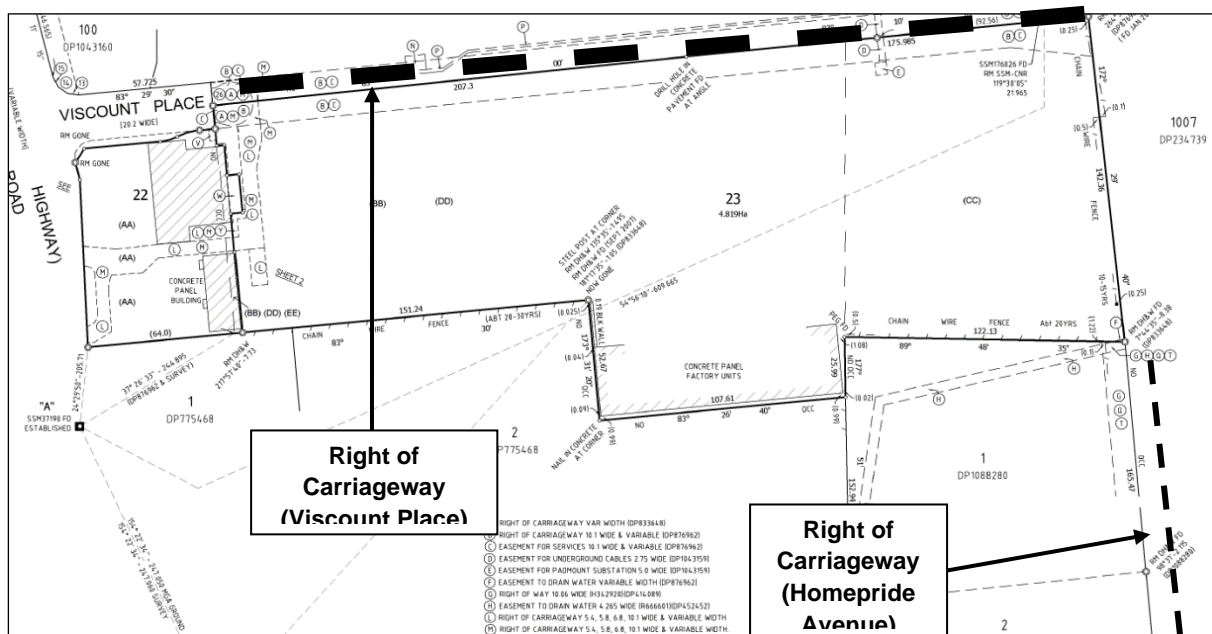


Figure 8: Extract from DP 1190437 identifying the registered easements for Right of Carriageway. The carriageways consist of existing private roads through the sites.

2.4 Active Planning Proposals

- RZ-8/2020 for Amendment of provisions contained within Clauses 21 and 24 in Schedule 1 of the Liverpool Local Environmental Plan 2008 (Liverpool LEP) is currently under assessment. The proposed amendments are as follows:

Schedule 1, Clause 21 (Fashion Spree) – 5 Viscount Place

- Update legal description of the site
- Increase the 19,000sqm GFA cap applying to all 'retail premises' to 21,000sqm.

Schedule 1, Clause 24 (Homemaker Centre) – 10 Orange Grove Road

- Update Address
- Add 'business premises' as a permissible use.

2.5 Site History

2.5.1 Development Application History Onsite

It should be noted that series of applications to develop this part of the site have been lodged with Council; as follows:

- A-3951/1999 approved on 20 October 1999 for erection of 5 Warehouse Units for Warehousing and or Bulky Goods.
- DA-2919/2002 approved on 15 November 2002 for change of use from existing bulky goods / warehousing into warehouse clearance outlet.
- The Liverpool Local Environmental Plan 2008 (Liverpool LEP 2008) was gazetted on 29 August 2009, which replaced the Liverpool LEP 1997. The new LEP zoned the site B5 – Business Development which permitted bulky goods premises, light industries, office premises amongst other permissible uses, but did not permit retail uses.
- RZ-7/2011 approved on 21 June 2013 for Amending Schedule 1 to allow additional use of Factory Outlet Retailing to allow 1900sqm.
 - The amendment to the Liverpool 2008 resulted in the addition of a new Clause 21 to Schedule 1 - Additional Permitted Uses, that applied to part Lot 121 DP876962 (which now forms part of Lot 23 in DP1190437) and part Lot 101 DP1043160, as shown in Figure 1. Accordingly, Clause 21 states:
 - (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.
- DA-839/2014 was approved on 18 September 2015 for use and fit out for the purpose of a retail premises, updated facade treatments, and construction of a new carpark, associated signage, upgrading of roadways and ancillary site works.
- RZ-5/2015 gazetted on 02 August 2019 for Amendment 61 LLEP 2008 - 10 Orange Grove Road, Warwick Farm to allow 'shops' as an additional permitted use.
- DA-1254/2016 was approved on 25 May 2018 for alterations and additions to an existing retail outlet centre. The alterations and additions included to extend the existing Fashion Spree retail outlet building to provide additional retail areas, an outdoor children's play area, urban park and outdoor seating areas, as well as the reconfiguration of the existing at-grade car park and the provision of 151 additional car parking spaces.
- DA-920/2012 approved on 09 January 2014 for use and fit out of an existing building for the purpose of a retail centre (operating as a discount retail outlet centre); construction of a new car park; and ancillary site works.

- RZ-8/2020 for Amendment of provisions contained within Clauses 21 and 24 in Schedule 1 of the Liverpool Local Environmental Plan 2008 (Liverpool LEP) is currently under legal drafting. The proposed amendments are as follows:

Schedule 1, Clause 21 (Fashion Spree) – 5 Viscount Place

- *Update legal description of the site*
- *Increase the 19,000sqm GFA cap applying to all 'retail premises' to 21,000sqm.*

Schedule 1, Clause 24 (Homemaker Centre) – 10 Orange Grove Road

- *Update Address*
- *Add 'business premises' as a permissible use.*

2.6 Design Excellence Panel

The proposal was presented to Council's Design Excellence Panel on 14 October 2021.

The DEP supported the proposal, however, made certain design recommendations, including which is seen in the table below.

DEP Comments	Council Response
The Panel notes that the development proposes significant improvements and is supportive of the proposed development in principle. Panel acknowledges that the applicant has incorporated some of the recommendations made by the previous Panel, however, notes that the response to the adjacent open space / creek corridor has not been addressed adequately.	The panel requested the proposed development to address the open space and creek corridor north of the site that adjoins Cabramatta Creek. Due to physical and natural site constraints including most of the land at the rear is flood prone and would need to be raised, buffer requirements as per comments by NSW RFS, to setback further from residents located in the Fairfield LGA and attenuate noise, and the dense natural environment and steep topography, it is not considered feasible for the proposed development to adequately address the riparian corridor to the North of the site.
The Panel notes that the northern façade of Fashion Spree is not being considered as part of the upgrade and the existing brown walls are being retained. Panel recommends the applicant to incorporate some modifications to the northern façade of Fashion Spree in the overall upgrade works to create a more cohesive development	The northern façade of fashion spree is to be retained and the applicant have advised that any modifications to the northern façade will be considered if the Fashion Spree outlet to be redeveloped in the future.
The Panel notes that the north-eastern corner has been earmarked for future development which will respond to the riparian corridor, however, the applicant does not provide any clarity on the particulars for this future development. Panel	The applicant has advised that due to the uncertainty on the timing of the delivery of the site, a master plan is unable to be developed at this point in time, nevertheless, the current proposal responds to the riparian corridor with a portion of land to be dedicated

requires the applicant to provide a master plan and timeline for the entire site. Panel requires the applicant to better respond to the riparian corridor which is not evident at this stage.	to interact with the creek via development of vistas 3 metres above the ground. Furthermore, a walking trail is to be considered along the creek with connection points to the centre.
The Panel notes that the roundabout at the end of Main Street (i.e., the eastern most roundabout) pushes into the proposed pedestrian and visual link to the existing Fashion Spree shopping centre. Panel requires the applicant to push back the roundabout further west so that the pedestrian link is continuous and unobstructed by vehicles between the two centres	The roundabout was pushed to the west and responded to DEP comments and is unable to be relocated further as the roundabout arrival is considered to be the heart of the development facilitating pickup/drop off area for the public.
The Panel requires the MOD application for Fashion Spree to be included as part of an integrated development proposal for the site. Panel requires the applicant to include the drawings for the existing / proposed DA's and MOD applications as part of the Master plan / staging plan for the next DEP meeting.	<p>The Fashion spree site is not part of this development and plans for redevelopment in the future may occur pending on the outcome of a planning proposal (Amendment 91). The amendment proposes:</p> <ol style="list-style-type: none"> 1. Identify 5 Viscount Place, Warwick Farm (Lot 23 DP 1190437) as also being subject to the agreement; 2. Include a definition for 'business premises'; and 3. Update all relevant clauses and definitions to ensure that a 3% monetary contribution also applies to the additional 2,000sqm of 'retail premises' that is proposed at 5 Viscount Place (Lot 23 DP 1190437).
The Panel requires the applicant to ensure that all drawings are coordinated and represent the latest information.	The applicant has achieved this by submitting to Council with the most up to date drawings and plans for the site.
The Panel recommends that a 'Design Integrity Panel' is established for this site and the same Panel members review the revised design to ensure continuity of the design intent / ensure design integrity.	Noted. This is a matter for Council to consider on whether the same panel members can be selected to review future development applications associated with the site.
The proposal to introduce multiple heritage styles in the facades is generally supported. The Panel suggests the applicant to look at the examples from GroupWork http://groupwork.uk.com/ particularly Upper Street and Greville Street projects, which	The built form and scale of the development considers to be of a 'historic' character of the area and draws influence from a reflection of past building forms in an around the greater locality within the Liverpool LGA.

show a sophisticated and sincere approach to heritage re-appropriation.	
The Panel suggests creating breaks and insets in the façade in useful and appropriate places that would further develop the ideas of these facades as separate buildings, perhaps creating service entries or laneways into the building running north-south.	The proposed development has been designed to address the impact of adverse weather conditions and as such, buildings have been developed abutting one another to ensure continuous canopy covering along the external retail shops.
The Panel commends the introduction of the breezeway to the east but feel it needs further development. The public interface needs to wrap around the eastern façade for at least the extent of shops 48 and 49, and push the toilets to the north into shop 47. The breezeway itself should be wider and served on both sides by shops (eg. could shop 49 move to the south side of breezeway?)	The applicant has provided amended drawings as a concept to redesign the breezeway precinct.
The Panel recommends the applicant to consider the open-air arcades and streets typology for the built form to create a more placed based experience for the shoppers. The Panel requests that the 'main street retail' approach be extended to the existing and extended east- west running internal arcade and new north-south arcade. Roof lights, natural ventilation, planting and a view/ opening to the east should be provided for this arcade.	The applicant provided amended plans showing an extensive and expansive open-air centre. The proposed development is also predominantly external with retail shops located in the external areas.
The service road to the east should be removed in favour of allowing more seating, public space and view to Dwyer oval. Servicing for those few shops on the eastern façade that cannot be serviced from the north should be from below.	Amended plans have been submitted and the majority of the loading dock design is placed on the northern aspect of the site. The Breezeway precinct provides a visual connection to Dwyer Oval and beyond.
The Panel supports the minor non-compliances with the architectural elements breaching the overall building height limit.	The applicant provided a 4.6 variation to justify the height breach. Further discussion is seen in the report below.
The Panel requires the applicant to ensure that adequate architectural detailing is considered for the remaining facades of the building (i.e., the northern and eastern facades of the building facing the open space / creek corridor).	The eastern façade cannot be seen looking towards the west from Dwyer Oval due to the high tree canopy and dense natural environment which blocks sightlines through the tree lines. The northern façade views are impeded by dense and tall tree canopy which blocks sightlines across Cabramatta Creek.
The Panel recommends the applicant to consider a similar connection to the open	The breezeway provides a visual connection to Dwyer Oval and beyond and activates a

space as that of the Breezeway to the proposed extension for the Fashion Spree precinct.	pedestrian access from the car park under and retail frontages above. There works proposed as part of the Fashion Spree site.
The Panel requires the applicant to provide detailed cross sections through the site to demonstrate the levels and the treatments being proposed on site. The sections should also identify the functions being identified at different levels.	The applicant has responded and provided detailed cross sections.
The Panel recommends the applicant to consider relocating the truck movement along the eastern part of the building to the basement level to establish better connection to the open space / creek corridor.	Providing a loading dock on the car parking level (lower ground) on the eastern edge will delete a large portion of car spaces, making the site unable to meet car parking requirements of Transport for NSW, as well as those outlined in Liverpool City Council's DCP.
The Panel requires the applicant to make sure that the building articulations and façade details respond to the climate of western Sydney	Majority of the external shopfronts face to the south which provides additional shading and sun protection to the shops and pedestrians. Shops orientated to the west will have thermal glass installation.
The Panel notes that the applicant proposes substantial tree planting / vegetation on slab. Panel requires the applicant to ensure adequate soil volume and soil depth for all tree planting and vegetation being proposed on site. Panel requires the applicant to provide details for the tree pits including soil depth and soil volume and method for renewing/ replacing soil	Amended drawings were submitted showing the planting of trees, shrubs and groundcovers proposed over basement areas to achieve shade and increase amenity of the area. The soil depths are consistent with the provisions set out in the Apartment Design Guidelines.
The Panel notes that the connection to riparian zone / Cabramatta Creek is not evident. Panel requires the applicant to reconsider the truck movements to create areas for activation and engagement with the creek corridor.	See previous comments relating to frontage along the riparian corridor.
The Panel require the applicant to improve the overall landscaping for the site and increase the amount of canopy cover being proposed on site. Panel requires the applicant to provide a summary of the overall canopy cover being proposed on site. The existing car park where natural deep soil is available should propose continuous tree canopy along the planter beds.	Amended plans were submitted prepared by Taylor Brammer and includes tree canopy over car parking, expansive landscape, and green open space.
Panel requires the applicant to elaborate on the proposed landscape treatments in and	The extent of new planting to the west of the development around the existing food and

around the existing buildings being retained on site (including the treatments along Cumberland Highway frontage).	drink premises includes shade and amenity tree planting within the setback to the Cumberland Highway, and new shade tree planting within the car park areas. The existing low scaled planting and shrubs immediately around the existing buildings will be retained.
The Panel requires the applicant to ensure amenity for the staff and indicate amenity areas for the staff.	The precinct will have dedicated undercover parking areas for staff in the basement. Facilities are also proposed comprising of showers, mirrored vanities, lockers and change rooms.
The Panel requires the applicant to Elaborate on the safety measures being proposed for the site	Public use areas will be separated from servicing and operational activities. Pedestrian movement and vehicle movement is limited with the central park providing a controlled area for surveillance and control of user activities. Parking is centralised and easily monitored. Concealed areas are avoided giving an open and welcoming environment. Couple all this with monitored surveillance and mobile security throughout the precinct and premises, a good resolution for safety in design matters is achieved. Referral was made to NSW Police who supported the proposed development subject to conditions. Conditions also imposed to comply with principles associated with Crime Prevention Through Environmental Design.
The Panel notes that the proposed heritage referenced façades require an adequate depth within the recessed colonnades and a sufficient frontage as a formal forecourt to establish the context and allow the visitors to appreciate the articulated built form. Panel also notes that the landscape 'rooms' need to complement the proposed building façades to achieve a better design outcome. Panel requires the applicant to have a closer look at the relationship of the proposed built form and landscape for the site.	The applicant responded to the DEP comments and advised that the proposed design aesthetic seeks a replication of a small-scale Australian town with different building styles and typologies to introduce a sense of character, rather than recreate a heritage town appearance. The articulation of the facades including the depth of the colonnades and the landscape design have been carefully considered in the development of the design and the relationship between all these elements is considered to be appropriate for the setting, context, operational requirements and overall functionality.
The Panel recommends the proposed building façade / architectural style should	Amended drawings were submitted of typical awning and colonnades.

have reconciliation for climate and the treatments should respond to the climate adequately (e.g., the South facing facades can have lesser depth or more vertical shading than the eastern facades; and the West facing components might have more depth as compared to the east). Panel requires the applicant to provide a summary of the consideration for climate that have been made as part of the overall design.	
---	--

3. BACKGROUND


3.1 Sydney Western City Planning Panel Briefing

A briefing was held on 01 November 2021 with the Sydney South West Planning Panel. The panel requested that the following issues be addressed as part of the assessment of the application.

Panel Comment	Applicant Response	Assessing Planner Response
Placemaking and connections – including considerations of pedestrian permeability, through access, and amenity. Consideration should be given to how the pedestrian experience will interact with the planned built surroundings taking into account the prominence and location of carparks, and the connection of the proposed completed development with surrounding land.	Only a small part of the entry onto Viscount Place from Orange Grove Road is a public road. The remainder of Viscount Place and part of Homepride Avenue is privately owned. Viscount Place is currently locked each evening when retail trading ceases to prevent anti-social behaviour. The ownership of Viscount Place is not proposed to change and will remain in private ownership. During 'opening times' vehicle and pedestrian access will be available from Viscount Place through to Homepride Avenue, however the configuration of the access provision is altered as per section 4.6 of this report. The primary purpose of the road is to provide access into the retail shopping centre and not as a public thoroughfare or shortcut from the Cumberland Highway to the Hume Highway. Such traffic movements (rat runs) are not desirable and should not be encouraged or enhanced. Provision of such a through link would also be inconsistent with advice received from the RMS through the assessment of previous planning proposals on the Site.	The proposed development allows permeability for pedestrians to traverse the whole centre safely. This has been achieved through the separation of vehicles from pedestrians. Service vehicles are also isolated from pedestrians and is accessed via the periphery of the centre. The subject site also benefits ambulant people, pedestrians and bicycles. The site also joins with the Fashion spree site located adjacent to the subject site and enables extensive pathway network both indoors and outdoors and pedestrians are protected from all weather conditions. The site offers opportunity for pedestrians to navigate through a large body of available facilities, and access retail specialised premises, and recreational areas without impediment. The development also provides a walking trail adjoining the riparian corridor along Cabramatta Creek with a possibility of extending the trail to Dwyer Oval.
The proposal for what the Applicant described as the 5,000sqm green heart of the	This has been clearly articulated within the last round of drawings provided by Taylor Brammer as per Council request dated 5th August 2021. LA001 reflecting the existing and proposed tree canopy and LA002 includes a calculations diagram and shade	The applicant has amended the DA to facilitate the future provision of public open space. This is considered to provide the fine grain permeability and pedestrian opportunities that is consistent with a

<p>development situated at the rear of the site, with no at ground carparking. This area is planned to create a sense of community, with multiple break out points.</p>	<p>compliance over car parking, expansive landscape, green space and tree canopy coverings, with the increase in canopy covering pursuant to Councils DCP (which was previously requested by Liverpool council).</p>	<p>successful retail and food and drink precinct.</p> <p>The applicant has also provided additional activation along the eat street of the development, which is considered to ensure that the precinct core responds appropriately to its immediately adjacent uses. This is considered to establish a sense of place and invites users into the space from the east.</p> <p>The completed precinct centre will provide a range of uses including: retail, food and drink premises, and public open space, at the site. The mix of uses is considered to assist in providing a focal point for the provision of services (community and business development) to the locality beyond a typical shopping centre environment.</p>
<p>The position of TfNSW in relation to the surrounding road network including the major intersection at Cumberland Highway. Issues were said to arise in relation to traffic design taking into account the 3.5m cross fall across the site, and the potential for traffic and pedestrian conflicts. The Applicant stated that central to the design was a planned separation of vehicles and pedestrians through a proposed tunnel network coming into the from Cumberland Highway and Viscount Place. Separation of the pedestrian and vehicle</p>	<p>The applicant and its traffic consultant have met with Council's traffic engineers on several occasions to ensure that traffic is appropriately managed on site and that the modelling undertaken was in accordance with Council and TfNSW requirements.</p>	<p>Transport for NSW have provided concurrence and forms part of the attached in the consent.</p>

<p>pathways is desirable as is the goal of removing queuing into below ground parking area.</p>		
<p>The response from TfNSW is still outstanding. Traffic issues associated with the changes to the vehicular use of main street will be a major issue for the assessment of this DA, with heavy and poorly managed traffic and high car dependence characterising the present use of the site. The Panel queried whether the DA might warrant a consultant transport planner being engaged to resolve with the developer a suite of integrated transport and road measures for the future for this major development within the region which considers government policy of encouraging public transport, cycle use and pedestrian activity. Notably,</p>	<p>The applicant and its traffic consultant have met with Council's traffic engineers on several occasions to ensure that traffic is appropriately managed on site and that the modelling undertaken was in accordance with Council and TfNSW requirements.</p>	<p>Transport for NSW have provided concurrence and forms part of the attached in the consent.</p>

<p>while a large proportion of customers buying more bulky goods are presently likely to access the premises by vehicle, many employees might utilise public transport, bicycles, or pedestrian routes if the development is designed to take advantage of them. The increased scale of this development will also have major impacts on the surrounding land uses.</p>		
<p>The Panel queried whether an active transport connection such as a cycleway to connect the housing in Cabramatta to the north with the sporting fields and Liverpool Hospital to the south east should be integrated into the transport plan.</p>	<p><i>The proposed cycle way is “off road” and is planned on the Dwyer Oval lot, as opposed to our lot. All staff working on site will enjoy the same access as customers to the high quality central park related facilities and amenities, will have dedicated undercover parking areas in the basement, and end of trip facilities for those coming (predominately) by bike or by foot. These will consist of showers, mirrored vanities, lockers and change rooms secured and dedicated to the staff as required. A short-term action from the LSPS is to optimise public transport infrastructure and accessibility as well as connectivity to pathways and cycleways as part of place-making for neighbourhood centres. Council is working to improve active transport access and connectivity, acknowledging the health and amenity benefits of walking and cycling, by implementing the Liverpool Bike Plan 2018-2023. By 2040, there is planned to be a completely connected network of cycle paths in new and established areas. This will also support emerging forms of micro-mobility in the LGA, including e-bikes and e-scooters.</i></p>	<p>In accordance with section 20.3 of the LDCP 2008, the applicant is required to reconstruct any footpath with a shared path on the frontage to Orange Grove Road. Furthermore the proposed development shall include cycle paths along Orange Grove Road, (Cumberland Highway) which is in line with Council's Bike Plan 2018 to 2023.</p> 
<p>In terms of design, the Panel queried the overall design intention and rationale for the site and</p>	<p><i>The proposed design and concept images for development were presented to Council's Design Excellence Panel on 13th October 2020. Following the meeting, minutes were issued that provided the DEP's comments in accordance with the SEPP 65 Design Principals which are relevant to the proposed</i></p>	<p>It is considered that the response to the DEPs comments addresses each matter in a detailed and adequate manner.</p>

<p>whether there is any aspiration to respond to local and environmental context of the development in this part of Liverpool. The Panel would be interested in the final feedback from Council's design review panel in that regard. The selection and quality of materials to be employed in the detailing of the final designs will be important.</p>	<p><i>development; Context; Built Form & Scale; Sustainability; Landscape; Amenity; Safety; and Aesthetics. The design was modified and responded to the Design Excellence Panels (DEP) meeting minutes, issued following the meeting on 14th October 2021.</i></p>	
<p>The proposal to remove a portion of the EEC in the riparian zone to the north of the site will need careful consideration. The Panel understands that a VPA for management of the riparian area is being discussed as an offset for the vegetation removal presumably within the context of the requirements of the Biodiversity Conservation Act 2016. The Panel queried whether discussions in that regard should be directed to management of the whole of the riparian vegetation along the Creek, on the southern</p>	<p><i>Vegetation Management Plan prepared by Narla Environmental, ref no: Gazc1 var1 dated 21 April 2022.</i></p>	<p>The applicant has submitted a Flora and Fauna Assessment (FFA) prepared by Narla Environmental (dated March 2021). The report was prepared to assess potential impacts associated with the proposed development on terrestrial ecology, in particular threatened species, population and ecological community under the Biodiversity Conservation Act 2016. The assessment reports that one (1) endangered ecological community listed under the Biodiversity Conservation Act 2016 was found, comprising of the Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin, and South East Corner bioregions. The FFA reports that the vegetation within this zone was highly degraded and consisted of tall casuarina glauca (also known as Swamp Oak). The report states that the total area of Swamp Oak Floodplain Forest at the subject site is approximately 0.008Ha or 80m².</p>

side at least, which might be considered as to whether it constitutes a coherent stand of vegetation.		
DEP to consider Panel comments	No comment.	Council's DEP were made aware of the SWCPP briefing comments.

As per the table above, the proposed development is considered acceptable with regards to the concern raised by the SWCPP as a result of the 01 November 2021 briefing meeting.

4. DETAILS OF THE PROPOSAL

Development consent is sought for partial demolition and alterations and additions to an existing commercial centre (The Grove Liverpool), including additional commercial space, amendments to the parking area with additional parking (at Fashion Spree Carpark), new road configuration and access works, landscaping, children play areas, relocation of food truck areas, new signage zones and associated infrastructure works., consisting of the following:

- The following parts of the Homemaker Centre will be demolished or removed to allow for the construction and expansion of the development:
 - The south-western portion of the retail space;
 - Western and southern building facades;
 - Internal walls, shopfronts, escalators, loading dock, stores and staff facilities;
 - Existing car spaces and hardstand areas;
 - Median strips located within Viscount Place;
 - Existing roundabout located in Homepride Avenue; and
 - Median strip on the Hume Highway.
- Following the partial demolition outlined above, bulk earthworks will be undertaken in line with the Bulk Earthworks Cut & Fill Plan, prepared by Henry & Hymas. The maximum depth of excavation will be 8m.
- Approval is sought for staged construction certificates as part of this development. The staging is an indicative plan and may comprise of:
 - Construction Certificate 1 - Site preparation, bulk earthworks and internal roadworks;
 - Construction Certificate 2 – Construction of new shop, food and drink and recreation facilities (internal) building elements, main street and urban park landscaping; and
 - Construction Certificate 3 – demolition and remodelling of specialised premises and other ancillary works.
- Reconfiguration and expansion of the existing Homemaker Centre to provide a total Gross Floor Area (GFA) of 55,674m² to include;
 - An additional 20,543m² of GFA, including the provision of 18,009m² GFA of shop floor space;
 - A new pad site for 239m² GFA fast food outlet; and

- A total of 1,962 car spaces

Area	Existing Area	Proposed Area
Total Gross Floor Area Lot 101*	35,131m ²	20,543m ²
• Specialised retail premises (internal arcade area)	24,999m ²	25,922m ² (i.e. additional 923m ²)
Shops (including internal arcade area)	--	18,009m ²
Food and drink premises (inc Krispy Kreme)	561m ²	632m ² (i.e. additional 239m ² pad site)
Recreational facilities (indoor)	4,928m ²	4,835m ² (i.e. reduction of 93m ²)
Public administration building	670m ²	635m ² (i.e. reduction of 35m ²)
Community space	--	80m ²

- Reconfiguration of the Fashion Spree car park layout (approved under DA 1254/2016) to provide a total of 403 spaces.
- The upgrade of Viscount Place to provide:
 - Two entry lanes and four exit lanes at the junction to the nexus of Cumberland Highway;
 - Reconfiguration of the road layout to provide access to and from the new at-grade and basement car parking areas and a new roundabout;
 - 68 at grade parking spaces;
 - Relocate food truck areas;
 - Petting farm (relocation from fashion spree) and children's play/discovery area; and
 - New pedestrian footpaths.
- The construction of a new central park area that will be connected to the Ground Floor level of the Fashion Spree extension and include:
 - Hard and soft landscaping including water features, tree planning and turfed areas;
 - Outdoor seating areas; and
 - Children's play equipment
- Provide additional landscaping to the site which focuses on four separate landscape precincts:
 - The Entry Precinct – Proposes to significantly increase the vegetation mass for the primary visual setting of the development from Orange Grove Road/Cumberland Highway. Provide additional eighty six (86) new shade/canopy trees to increase amenity and provide shade to existing car parking areas and street fronts and includes the provision of a focal primary water fountain;
 - The Main Street – Green Link – Proposes to reconfigure the street and provide a single lane road (each way) with 45 degree parking bays paved with permeable paving and a formal avenue styled tree planting arrangement. Extensive tree planting is likely to improve visual amenity and provide shade and shelter within the vicinity;

- The Central Park Community Heart – Central focal point for the development, proposes large green open space with connections to adjoining retail spaces. The Central Park contains significant tree planting which assists the place making strategy for the site and supports the playground and water feature elements, as well as the retail kiosks located on adjacent decking areas; and
 - The Breezeway – Located on the eastern boundary of the site, which provides a link to Dwyer Oval.
- Bicycle Parking – A total of 196 bicycle spaces is proposed within the proposed development. 126 bicycle spaces are proposed along the 'main street' portion of Viscount Place and 70 Spaces are proposed in the Area 2 car park. No changes made to approved bicycle spaces as approved on the fashion spree site which currently have 35 spaces.
- Motorcycle Parking – A total of 113 motorcycle car parking spaces is proposed.
- Access - Vehicular access to and from the development site will mostly remain the same as the existing arrangements, with the primary access via Viscount Place. However, the internal circulation routes have been altered to:
 - Separate the majority of the customer traffic from pedestrian movements between The Grove Homemaker Centre and Fashion Spree;
 - Separate the servicing vehicles from customer traffic;
 - Provide a minimum 300m queuing lane within the site boundary that will enable better operation of the Orange Grove Road/ Viscount Place intersection;
 - Upgrade Homepride Avenue to provide a more formalised entry to the site from Homepride Avenue; and
 - The operational nature of the development is that all delivery vehicles access the site from Viscount Place at the rear which allows the entry of Orange Grove Road to be mainly for visitor's entry and new Central Park and shared shopping areas.
- Intersection Upgrade Works - As part of the development and pursuant to the Executed VPA, upgrade works to the Orange Grove Road/ Cumberland Highway-Viscount Place intersection and the Hume Highway- Homepride Avenue intersections will be undertaken.
- Pedestrian Access - Pedestrian access from Orange Grove Road/ Cumberland Highway to the development will remain unchanged with pedestrians able to access the wider Grove Liverpool site via footpaths on either side of Viscount Place. However, the pedestrian access provisions along Homepride Avenue will be significantly upgraded in accordance with the VPA. Further, pedestrian circulation within the development site will be significantly upgraded and enhanced to increase the level of safety and reduce conflicts with vehicular traffic.
- Hours of operation – The proposed retailing hours of operation for the entire development are as follows:
 - Monday-Wednesday, and Friday-Saturday: 9:00am-6:00pm;
 - Thursday: 9:00am-9:00pm
 - Sunday: 10:00am-7:00pm.

Servicing and operational logistics to occur 24 hours a day, 7 days a week,

- Signage zones - Separate applications will be submitted for the detailed signage designs that will specify the exact location, design, materiality and level of illumination.
- The proposed development aims to incorporate a number of ESD initiatives into the design and operation of the proposed development such as:
 - Lighting;
 - Heating, ventilation and air conditioning;
 - High efficiency gas hot water systems;
 - Solar photovoltaic systems;
 - High efficiency water fixtures; and
 - Native, drought resistant landscape selection.

- Stormwater Management - Stormwater management controls will be implemented to ensure that the proposed development does not adversely impact on stormwater capacity and the water quality of the stormwater system downstream of the site.

An on-site detention is not proposed due to the significant flood inundation from Cabramatta Creek, however water quality treatment is proposed for the new road and roof areas and for areas that are proposed to have a change in catchment type.

Accordingly, whilst there is no requirement for on-site stormwater detention, stormwater from the site is to be stored within a 30KL rainwater tank and treated by a combination of Ocean Protect 690mm Psorb Stormfilters, and enviropod pit baskets.

- Waste Management - the existing tenancies within the Grove Homemaker Centre will have relocated waste storage and collection points, but the size and number of bins will not change. Additional waste storage facilities are proposed and shall comprise of:
 - Building Management will be responsible for all aspects of the site wide waste management including access for the waste contractor to enter the site and bin store on the days of collection;
 - A private collection service will collect all waste from the existing and proposed bin store locations;
 - Individual smaller retail tenancies will collect their own waste and store 1 day's worth of waste in their individual tenancy. They will also be responsible for transferring their own waste to the bin store locations and the shared bins located there;
 - Major retail outlets including the small scale discount department store, the mini major and proposed supermarkets will also provide their own waste management system that will be fully contained within their own service areas; and
 - Cleaners and staff (site management and tenancy) will be responsible for placing waste in the appropriate colour coded bins within the tenancies and throughout the site. They will also be responsible for transferring the colourcoded bins to the corresponding bin in the bin storage areas to ensure that all waste types are collected and recycled where possible.
- Public Art - It is proposed that the public art may include graphic treatments, discovery artworks, an Art as Play area, urban elements and temporary activations, that are all based on the vision of celebrating community, people and place.
- Infrastructure works.

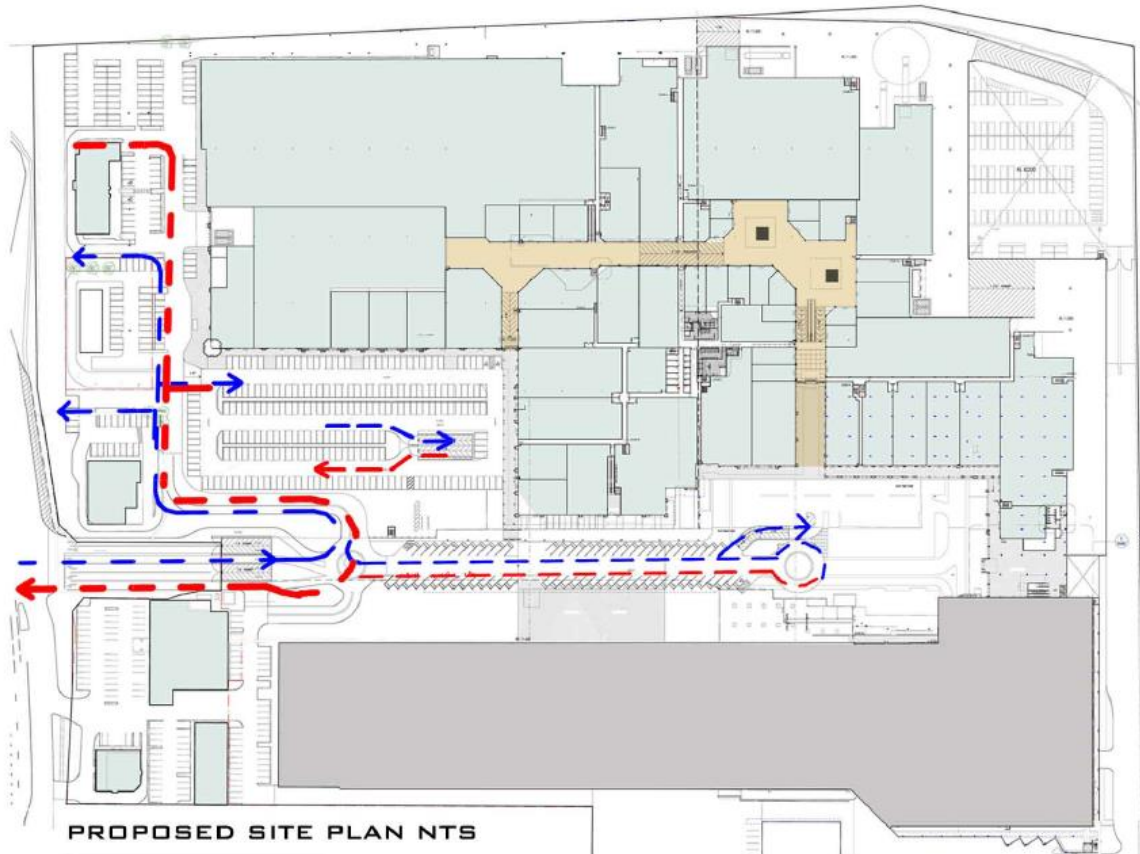


Figure 9: Proposed Site Plan



Figure 10: Artist's impression of main street and central park to east.

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

The following Environmental Planning Instruments, Development Control Plans and Codes or Policies are relevant to this application:

Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- State Environmental Planning Policy (Planning Systems) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Draft Environmental Planning Instruments

- No draft Environmental Planning Instruments apply to the site.

Other Plans and Policies

- Crime Prevention through Environmental Design (CPTED) principles

Provisions of Relevant Legislation (Commonwealth and State)

- Biodiversity Conservation Act 2016

5.5 Biodiversity Conservation (BC) Act 2016

The Biodiversity Conservation Act replaces the related parts of the *Environmental Planning and Assessment Act 1979* in regard to impact assessment of listed threatened species and communities and details the Biodiversity Offsets Scheme that replaces Biobanking.

In relation to impacts upon threatened species and communities, the Flora and Fauna Assessment Report submitted with the Development Application (prepared by Narla Environment, dated March 2021 (REF: Gazc1 Var1)) revealed that:

This management zone encompasses areas that have been historically cleared and are to be revegetated to Swamp Oak Floodplain Forest. The zone was devoid of native canopy trees and mid-storey species. The shrub and groundlayer was highly degraded, dominated by Bidens pilosa (Cobblers Pegs), Cardiospermum grandiflorum (Balloon Vine), Cenchrus clandestinus (Kikuyu Grass), Cinnamomum camphora (Camphor laurel), Erythrina crista-galli (Cockspur Coral Tree), Foeniculum vulgare (Fennel), Ligustrum lucidum (Large-leaved Privet), Ligustrum sinense (Small-leaved Privet), Paspalum dilatatum (Paspalum), Senna pendula var. glabrata and Tradescantia fluminensis (Trad). Infestations of priority weeds were

also present, including Anredera cordifolia (Madeira vine), Cestrum parqui (Green cestrum), Lantana camara (Lantana) and Rubus fruticosus species aggregate (Blackberry).

As confirmed in the Flora and Fauna Report the subject site does not contain areas mapped on the Biodiversity Values Map and the proposed development will result in impacts to 0.06ha of native vegetation. Accordingly, the Biodiversity Offsets Scheme does not apply to this development. The application was referred to Council's Natural Environment who raised no objection to the proposal, subject to conditions requiring compliance with the works, activities and mitigation measures recommended in the Flora and Fauna report submitted, implementation and monitoring of the VMP, any tree removal to be examined by a qualified ecologist for presence of hollows or native nests of birds, and construction of permanent fences to protect, conserve and limit access to the bushland onsite as indicated in the VMP. Accordingly, no further consideration is required under the BC Act 2016.

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000 as follows:

6.1 Section 4.15(1)(a)(i) – Any Environmental Planning Instrument

a) State Environmental Planning Policy (Planning Systems) 2021

The Capital Investment Value (CIV) of this application as outlined in a detailed cost report by a registered Quantity Surveyor is \$86,565,950.10 (excluding GST). The proposed development is best defined as "Specialised retail premises, shops, food and drink premises, recreation facility (indoor), public administration building" within the definitions of the Liverpool Local Environmental Plan 2008 and as a 'General Development over \$30 million' under Schedule 6 of the SEPP.

b) State Environmental Planning Policy (Resilience and Hazards) 2021

i) Chapter 4 – Remediation of Land

The objectives of Chapter 4 are:

- *to provide for a state wide planning approach to the remediation of contaminated land.*
- *to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.*

Pursuant to the SEPP, Council must consider:

- whether the land is contaminated.
- if the land is contaminated, whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.

Council's Environmental Health Section has reviewed the DA in accordance with the provisions of Chapter 4 and provided the following comments:

"Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021

<i>A consent authority must not consent to the carrying out of any development on land unless:</i>	<i>Environmental Health comments:</i>
<i>(a) it has considered whether the land is contaminated, and</i>	<p>DA-416/2021 was initially supported by a Preliminary Site Investigation, (reference no: E24831.E01, Version 1.0) prepared by EI Australia dated 19 March 2021 and - Supporting Documentation titled Preliminary Site Investigation (Ref. E24831.E09.Rev0) prepared by EI Australia, dated 17 August 2021.</p> <p>When reviewing the aforementioned documentation, it is believed the site can be made suitable for the proposed commercial development, provided the recommendations outlined in the report are completed.</p>
<i>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</i>	<p>Based on the above findings, the potential for site contamination was low to moderate.</p>
<i>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</i>	<p>Based on the above findings the land does not require remediation.</p>

ii) Coastal Management

The proposed development is within the area mapped as a coastal wetlands proximity area so SEPP (Resilience and Hazards) 2021 – Chapter 2 applies to the development.

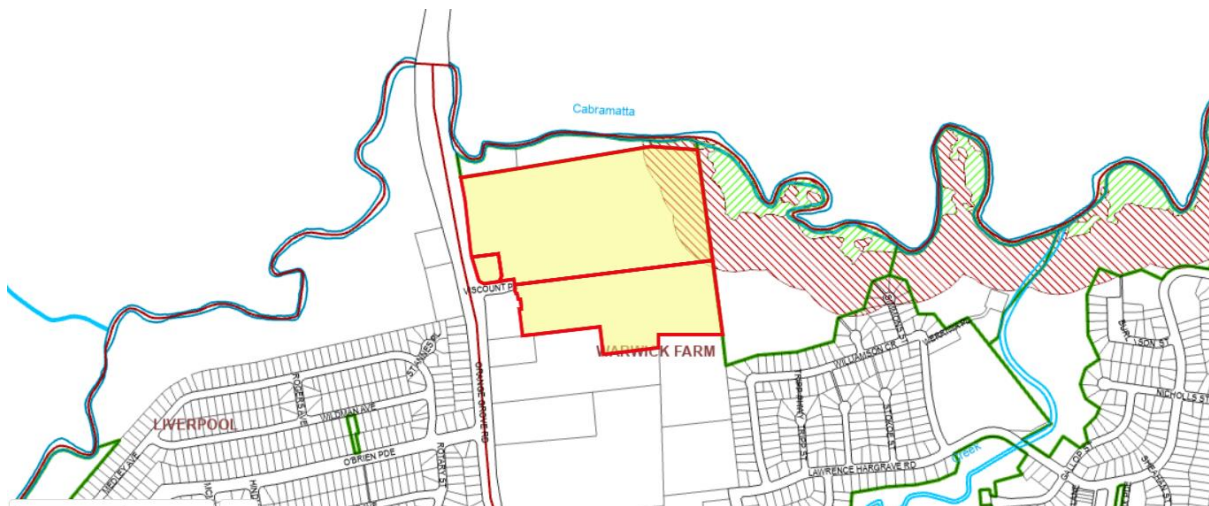


Figure 11: Proximity area for coastal wetlands proximity area (Source, Geocortex GIS).

Accordingly, Council is required to undertake a merit assessment of the proposed development against Clause 2.8 Development on land in proximity to coastal.

Following are tables summarising the matters for consideration in determining development application and compliance:

Clause 2.8 – Development on land is proximity to coast wetlands or littoral rainforest.	Comment
(1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on—	
(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or	Narla Environmental has prepared a Flora and Fauna Assessment Report that confirms that the proposed development is not expected to significantly impact on the adjacent coastal wetland and considering the highly disturbed nature of the landscape.
(b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.	the Civil Engineering Report recommends and confirms that appropriate stormwater management practices will be implemented to minimise the impact of the development on the existing stormwater system.
(2) This clause does not apply to land that is identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map.	This land is not mapped as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforest Area Map.

The Applicant has provided Council with sufficient information to address Chapter 2 and Chapter 4 of SEPP (Resilience and Hazards) 2021. The site is considered suitable for the proposed use and the provisions of SEPP (Resilience and Hazards) 2021 have therefore been satisfied.

c) State Environmental Planning Policy (Transport and Infrastructure) 2021

Traffic Generating Development

In accordance with Schedule 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 the proposed development is considered to be traffic generating development, as it proposes shops more than 500m² of Gross Floor Area. As such, Schedule 3 – Traffic-generating development, of the SEPP (Transport and Infrastructure) 2021 applies to the proposal. Before determining an application under this clause the consent authority must refer the DA to Transport for NSW and take in consideration any response they provide. Accordingly, the DA was referred to Transport for NSW and they provided a written response, dated 05 October 2022, which confirmed they had no objection to the development.

Before determining an application under this clause the consent authority must also consider the following:

(ii) the accessibility of the site concerned, including:

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

The subject DA was referred to Council's Traffic Engineering Section with regards to the above considerations. Council's traffic engineers raised no objection to the proposed development with regards to adequacy of the off-street parking provision, suitability of vehicle access arrangement, internal circulation and servicing arrangement, and traffic impacts including review of existing traffic conditions adjacent to the proposed development site.

In this regard, the development is considered to be acceptable with regards to Schedule 3 of SEPP (Transport and Infrastructure) 2021.

d) State Environmental Planning Policy (Biodiversity and Conservation) 2021

The subject land is located within the Georges River Catchments and as such, Chapter 11 – Georges River Catchment of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, formerly the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River, applies to the application.

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

When a consent authority determines a development application, planning principles are to be applied (Clause 11.5). Accordingly, a table summarising the matters for consideration in determining development applications (Clause 11.6 and Clause 11.7), and compliance with such is provided below.

Clause 11.6 General Principles		Comment
(a) the aims, objectives and planning principles of this plan,		The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,		Proposal reviewed by Council's Land Development Engineer and considered satisfactory subject to conditions.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,		The engineering plans were submitted and reviewed by Council's Land Development Engineer. Conditions of consent apply with respect to sediment and erosion mitigation measures.
(d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),		The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),		Consistent with the strategy.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,		The application was referred to the Natural Resource Access Regulator (NRAR) and GTAs were provided to Council.
(g) whether there are any feasible alternatives to the development or other proposal concerned.		No. The site is located in an area nominated for residential development.
When this Part applies the following must be taken into account:		Planning principles are to be applied when a consent authority determines a development application.
Clause 11.7 Specific Principles		Comment
(1) Acid sulfate soils		The land is not identified as containing acid sulphate soils on LLEP 2008 Acid Sulphate Soil mapping.

(2) Bank disturbance	No bank disturbance is proposed.
(3) Flooding	The site is located in a floodplain area and a referral was made to Council's Floodplain Engineer who supported the proposal subject to conditions.
(4) Industrial discharges	Not applicable.
(5) Land degradation	The proposed development is unlikely to cause land degradation.
(6) On-site sewage management	The site will be connected to a reticulated sewer system.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	Water management details provided in civil engineering details and approved by condition of consent by Council's Engineers.
(10) Urban development areas	The area is within an Urban Release Area.
(11) Vegetated buffer areas	Not applicable.
(12) Water quality and river flows	Erosion and sediment control and salinity measures to be implemented in construction.
(13) Wetlands	Not applicable

It is considered that the proposal satisfies the provisions of the SEPP (Biodiversity and Conservation) 2021 subject to appropriate sedimentation and erosion controls during construction. The development will have minimal impact on the Georges River Catchment.

(f) Liverpool Local Environmental Plan 2008

(i) Permissibility

The proposed development would be defined as a number of land uses which is as follows:

- Specialised retail premises;
- Shops;
- Food and Drink premises;
- Recreational Facilities (indoor) and
- Public administration building

2) A 'specialised retail premises' is defined as follows:

"Specialised Retail Premises means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—

- (a) *a large area for handling, display or storage, or*
- (b) *direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.*

Specialised Retail Premises are permissible land uses within the B5 Business Development zone.

- 3) The development application seeks approval for the use of ‘shop’ which is defined as follows:

“shop” means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

Shop are permissible land uses within the B5 Development Zone pursuant to Schedule 1 – Additional Permitted Uses, Clause 24 if the total gross floor area of shops on the site does not exceed 21,000m².

- 4) The development application seeks approval for the use of ‘Food and drink premises’ which is defined as follows:

‘Food and drink premises’ means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) *a restaurant or cafe,*
- (b) *take away food and drink premises,*
- (c) *a pub,*
- (d) *a small bar.*

Food and drink premises are permissible land uses within the B5 Business Development zone.

- 5) The development application seeks approval for the use of a recreational facility (indoor)

A ‘recreational facility (indoor)’ is defined as:

“recreation facility (indoor)” means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.”

A ‘recreational facility (indoor)’ is listed as permitted in the B5 zone with consent.

- 6) The development application seeks approval for the use of a public administration building which is defined as the following:

“Public administration building” means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

Public administration building is listed as permitted in the B5 zone with consent.

(ii) Zone Objectives

The objectives of the B5 – Business Development are as follows:

- *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.*
- *To maintain the economic strength of centres by limiting the retailing of food and clothing.*
- *To provide for a larger regionally significant business development centre in a location that is highly accessible to the region.*
- *To ensure a reasonable concentration of business activity.*

The objectives of the B6 – Enterprise Corridor are as follows:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting the retailing activity.*
- *To provide primarily for businesses along key corridors entering Liverpool city centre, major local centres or retail centres.*
- *To ensure residential development is limited to land where it does not undermine the viability or operation of businesses.*

The proposed development, which involves the creation of the Orange Grove Precinct at the site will facilitate the provision of various uses including: Specialised retail premises, shop, food and drink premises, recreation facility (indoor) and public administration building. This will provide a mixture of compatible land uses at the site. Accordingly, the proposed development is considered to be consistent with the objectives of the B5 and B6 zone.

(iii) Principal Development Standard and Provisions

The application has been considered against the relevant provisions and principal development standards of the LLEP 2008, which are listed in the table below. The proposal demonstrates compliance with applicable controls of the LEP.

Clause	Development Standards	Comment
Part 4 Principal Development Standards		
2.7 Demolition	The demolition of a building or work may be carried out only with development consent	Complies

		<p>Development consent is sought for the partial demolition of the existing buildings on the development site.</p> <p>A Waste Management Plan (WMP) has been submitted with the proposal.</p> <p>Demolition will be carried out in accordance with Australian Standard AS-2601 and WorkCover requirements. Conditions of consent can be imposed in this regard.</p>
4.3 Height of Buildings (as per HOB Map)	The proposed development shall not exceed height of 15m.	<p>Does not comply (variation request)</p> <p>The proposal will result in a predominant building height of 12.9m which complies with the maximum building height control, however individual architectural features will exceed the maximum building height control by a maximum of 16.9m.</p>
4.4 Floor Space Ratio (as per FSR Map)	The proposed development shall not exceed FSR of 0.75:1	<p>Complies</p> <p>FSR calculations undertaken indicate a Gross Floor Area of 70,656sqm which includes the new additions to the shopping centre. The site area for the Orange Grove precinct area is 99,420m². Therefore, the total area equates to 0.72:1, which complies.</p>
Clause 4.6 – Exceptions to Development Standards	Development consent can be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.	<p>Complies</p> <p>A written request has been submitted by the applicant pursuant to Clause 4.6 for variation to Clause 4.3 of LLEP 2008. A discussion is provided following this table.</p>
5.21 Flood Planning	<p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p>	<p>Complies</p> <p>The site is identified as flood prone land on the flood planning area map, and the eastern portion of the site is mapped as being a flood planning area. A referral was made to Council's Floodplain engineer who supported the proposal subject to conditions.</p>

	<p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p> <p>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</p> <p>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p>	
7.6 Environmentally Significant Land	Consider impacts of development on environmentally significant land, bed and banks of waterbody, water quality and public access to foreshore.	<p>Acceptable</p> <p>Refer to discussion in Section 6.1(b) SEPP Biodiversity Conservation (BC) Act 2016 of this report.</p> <p>Council's Natural Environment has reviewed the Biodiversity</p>

		Assessment Report (BAR) and included relevant conditions relating to appropriate protection and mitigation measures throughout the development.
7.9 Foreshore Building Line	Consider impacts of development on the visual environment, the environmental heritage and scenic qualities of the foreshore.	<p>Acceptable</p> <p>No structures are proposed within the Foreshore Building Line (FBL) as part of the DA.</p> <p>Any future stage DA near the FBL will be considered against Clause 7.9 of the LLEP 2008.</p>
7.22 – Development in Zone B6	Development consent must not be granted for development for the purposes of a building on land to which this clause applies that is within 50 metres of a classified road unless the consent authority is satisfied that the ground floor of the building will have at least one entrance and at least one other door or window on the front of the building facing a street other than a service lane.	The proposed development involved is located in the B5 – Business Development Zone. The buildings located in the B6 – Enterprise Corridor is existing.
7.23 – Specialised retail premises and retail premises in Zone B6	<ol style="list-style-type: none"> 1) Development consent must not be granted to development for the purposes of specialised retail premises on land in Zone B6 Enterprise Corridor if the gross floor area of the specialised retail premises is more than 2,500 square metres. 2) Development consent must not be granted to development for the purposes of retail premises on land in Zone B6 Enterprise Corridor if the gross floor area of the retail premises is more than 1,600 square metres. 	<p>Complies</p> <p>The proposed development includes a food and drink premises pad site within the portion of Lot 101 in DP1043160 that falls within the B6 zone. Given food and drink premises are a type of retail premises, then development consent can only be granted if the GFA is less than 1,600m². The GFA of the pad site is 239m².</p>
7.31 Earthworks	Council to consider matters such as cut and fill, general excavation and drainage for the site.	<p>Complies by condition</p> <p>Referral to Council's Development Engineer was made who</p>

		supported the proposed development subject to conditions.
Schedule 1 – Additional Permitted Uses – Clause 21 Use of certain land in Warwick Farm.	<p>(1) This clause applies to part of Lot 121, DP 876962 and part of Lot 101, DP 1043160, 5 Viscount Place, Warwick Farm.</p> <p>(2) Development for the purposes of retail premises is permitted with consent if –</p> <p>a) the total gross floor area of all retail premises on the site does not exceed 19,000m², and</p> <p>b) the gross floor area of any individual retail premises on the site does not exceed 1,200m².</p>	<p>Complies</p> <p>Clause 21 applies to the Fashion Spree site and permits retail premises to be developed subject to meeting certain criteria. Given the proposal only seeks to undertake landscaping works and amendments to the configuration of the approved car park, within the Fashion Spree site, no additional retail premises floorspace is proposed and therefore the proposal is consistent with Clause 21.</p>
Schedule 1 – Additional Permitted Uses – Clause 24 Use of certain land at 10 Viscount Place, Warwick Farm	<p>(1) 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.</p>	<p>Complies</p> <p>The proposed total gross floor area of 'shops' on Lot 101 in DP1043160 is 18,009m², which comprises 15,979m² of floorspace within the tenancies and 2,030m² of floorspace within the arcade area.</p>

Clause 4.6 Exception to development standards

As identified in the compliance table above, the application proposes variations to Clause 4.3 Height of Buildings under the LLEP 2008. These are discussed below:

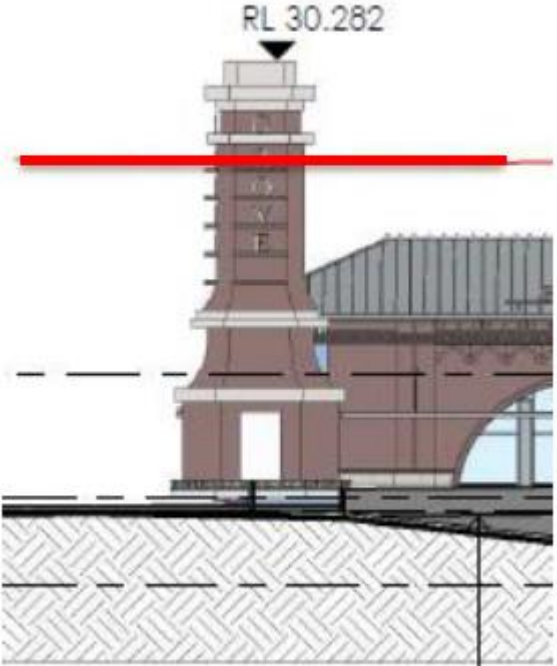

Variation to Clause 4.3 – Height of Buildings

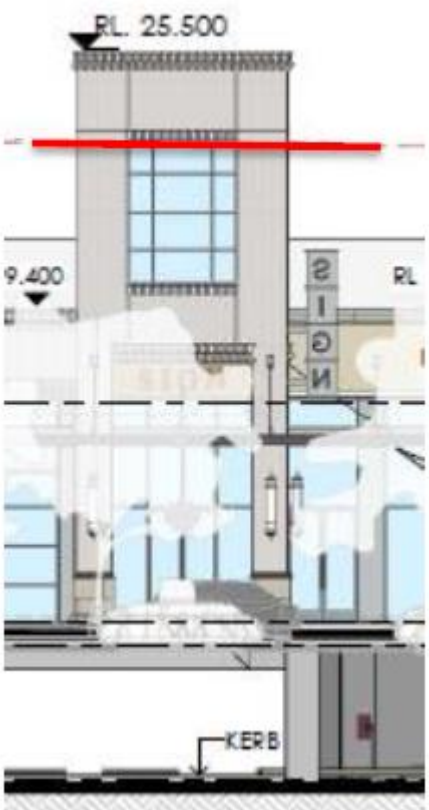
Clause 4.3(2) of the LLEP 2008, stipulate that:

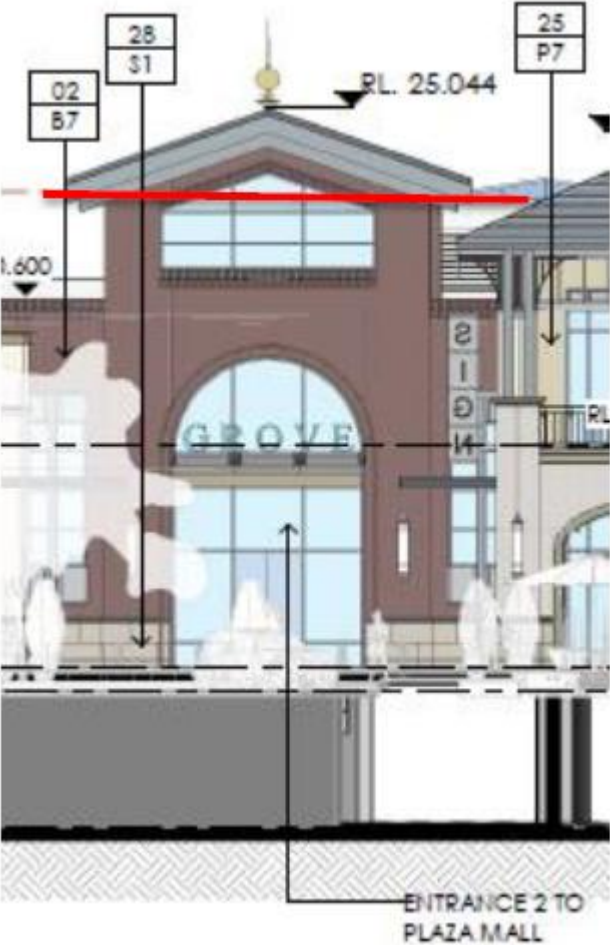
The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.


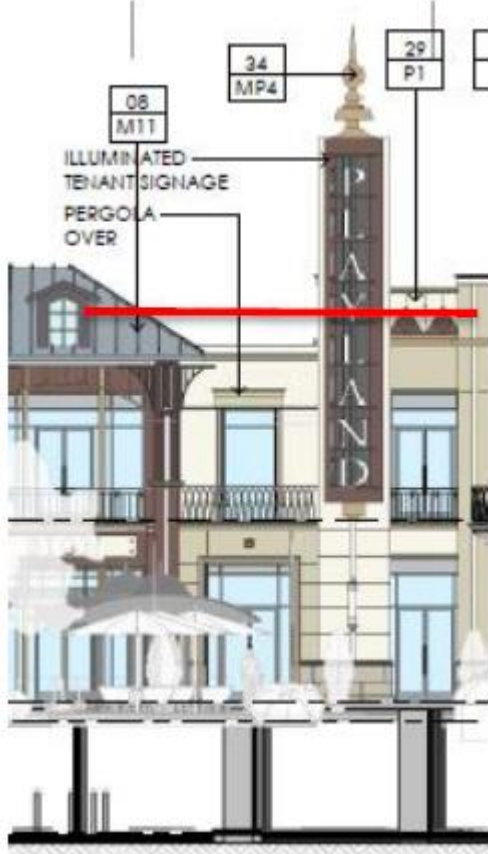
The maximum building height applicable to the site is 15m. The development proposes various façade materials and finishes and within the façade, identifies seven architectural features exceed the 15m height limit. The architectural features that exceed the height limit are seen below:

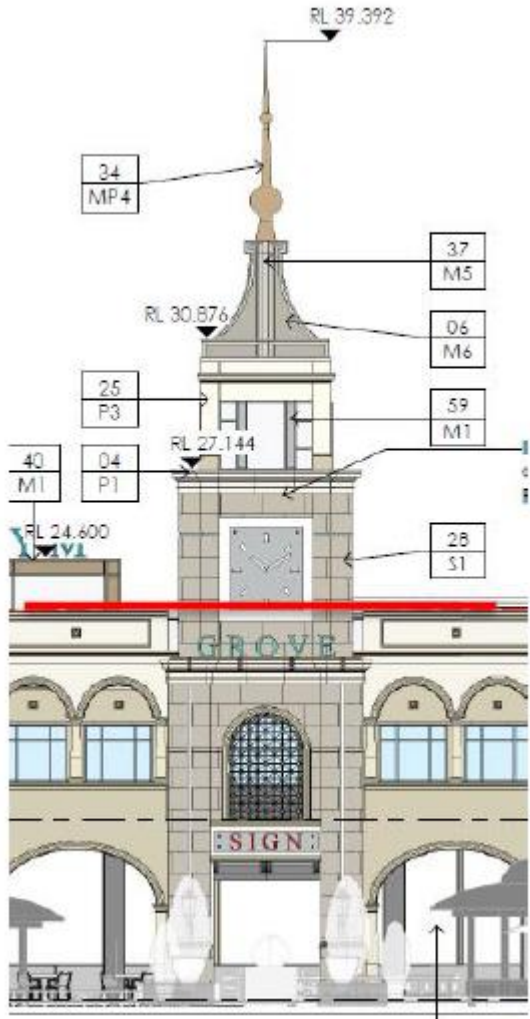
Location	Proposed height	Elevation Image
----------	-----------------	-----------------

<p>Feature corner tower on the western and southern facades</p>	<ul style="list-style-type: none"> - Existing floor level: RL 11.3. - Overall Height: <ul style="list-style-type: none"> i) RL 30.28 ii) 18.98m - Variation: 3.98m 	
<p>Entry 1 – feature roof on the southern façade</p>	<ul style="list-style-type: none"> - Existing floor level: RL 8.2. - Overall Height: <ul style="list-style-type: none"> i) RL 25.04 ii) 16.84m - Variation: 1.84m 	

<p>Feature corner tower on the southern façade</p>	<ul style="list-style-type: none"> - Existing floor level: RL 8.2. - Overall Height: <ul style="list-style-type: none"> i) RL 25.5 ii) 17.3m - Variation: 2.3m 	
--	--	---

<p>Entry 2 - feature on the southern facade</p>	<ul style="list-style-type: none"> - Existing floor level: RL 8.2. - Overall Height: <ul style="list-style-type: none"> i) RL 25.04 ii) 16.84m - Variation: 1.84m 	 <p>The diagram is an architectural elevation of a building facade. It features a central arched window with the word 'GROVE' inscribed above it. Above the arch is a smaller rectangular window. The building has a red-tiled roof with a central finial. A red horizontal line is drawn across the facade at the level of the top of the central window. Annotations include: <ul style="list-style-type: none"> Top left: Box with '02' and 'B7'. Top center: Box with '28' and 'S1'. Top right: Box with '25' and 'P7'. Right side: 'RL. 25.044' with an arrow pointing to the roofline. Left side: '1.600' with a vertical arrow indicating height. Bottom right: 'ENTRANCE 2 TO PLAZA MALL' with an arrow pointing to the ground level. Center: A vertical double-headed arrow indicating the overall height of the building. </p>
---	---	--

<p>Feature roof on the southern façade facing the new central park</p>	<ul style="list-style-type: none"> - Existing floor level: RL 8.2. - Overall Height: I) RL 25.04 II) 16.84m - Variation: 1.84m 	
<p>Feature sign on the southern façade facing the new Central Park</p>	<ul style="list-style-type: none"> - Existing floor level: RL 8.2. - Overall Height: I) RL 31.28 II) 23.08m - Variation: 8.08m 	

<p>The Clock Tower on the western façade facing the new Central Park</p>	<ul style="list-style-type: none"> - Existing floor level: RL 8.2. - Overall Height: <ul style="list-style-type: none"> i) RL 39.18 ii) 31.19m - Variation: 16.18m 	 <p>The diagram shows a cross-section/elevation of a clock tower. Key height markers and labels include: <ul style="list-style-type: none"> Top spire: RL 39.392 Below spire: 24 MP4 Below that: RL 30.876 Below that: 37 M5, 06 M6, 59 M1 Below that: 25 P3, RL 27.144, 40 M1, 04 P1 Below that: RL 24.600 Below that: 28 S1 Below that: A section labeled 'GROVE' with a 'SIGN' below it. </p>
--	--	---

“building height (or height of building) means:

(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or

(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

The proposal does not comply with the maximum of 15 metres required as per Clause 4.3 of the LLEP 2008 and is seeking a variation from the development standard. Consequently, the applicant has provided a written request to vary the height of buildings development standard.

The submitted written request to vary Clause 4.3 has been assessed against the provisions of Clause 4.6, and is discussed below:

The objectives and pertinent considerations of Clause 4.6 of the LLEP 2008, as they relate to the subject DA, are as follows:

- (a) *To provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *To achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) *That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *That there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *The consent authority is satisfied that:*
 - (i) *The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- 1) **Written request addressing why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify the contravening of the development standard**

The applicant has provided the following comments addressing why compliance with the development standard is unreasonable or unnecessary in this case, as follows:

Reason for Variation

Applicant comment:

The built form of the proposed development, which extends to a total of 55,647m² in floorspace is generally compliant with the maximum height control given that the majority of the building is approximately 12.9m in height.

The predominant height of approximately 12.9m is brought about because the existing Grove Homemaker Centre building is being internally reconfigured and extended so that the roof levels of the existing centre and the extension match. The proposed development is not seeking to add additional bulk and scale to the development and only seeks to exceed the maximum height limit in seven specific locations.

Accordingly, the proposed seven architectural features contravene the maximum height limit in order to provide visual interest and decorative elements along the southern and western facades of the development and therefore notwithstanding the non-compliance with the height of buildings standard, the proposal meets the aims of objective 4.3(1)(a).

Council comment:

In response to the applicant's comments listed above, Council has provided the following commentary as to why compliance with applicable building height development standard is considered unreasonable and unnecessary in this instance:

The exceedance in height limit are architectural roof features and the elements of the buildings is not considered to detract from the design and appearance of the building and would not impact on the amenity of neighbouring sites or the wider area. The architectural features that are included within the proposed development provide visual interest and decorative elements (in line with the objectives of clause 5.6 (architectural roof features) of Liverpool LEP 2008) that contribute to a high quality built and urban form. The architectural roof features is not an advertising structure and does not cause overshadowing to the immediate surrounding area and thus is a decorative element to the building.

In addition to the above, the Design Excellence Panel reviewed the proposed development and supports the proposed variations to the overall building height limit.

2) Consistency with objectives of the development standard Clause 4.3 Height of Buildings

The objectives of Clause 4.3 and assessment are as follows:

(1) The objectives of this clause are as follows:

- (a) To establish the maximum height limit in which buildings can be designed and floor space can be achieved.*
- (b) To permit building heights that encourage high quality urban form,*
- (c) To ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,*
- (d) To nominate heights that will provide an appropriate transition in built form and land use intensity.*

As mentioned above, in relation to objective (b), the extensions have been carefully designed to minimise the additional bulk and to ensure it remains in keeping with the adjacent area. The overall height is only marginally over and, the existing home maker site is well below the height limit.

The proposed development would not adversely affect the neighbouring properties in terms of daylight and sunlight, in keeping with objective (c).

In terms of objective (d), the non-compliance with the standard does not result in a scale of building that is out of character with the existing or anticipated future character of the surrounding business development. The proposed non-compliance with the numerical building height control is not materially different in presentation than that of a numerically complying building height when viewed from the surrounding area and is commensurable to a number of existing buildings built in the area.

Given the above, it is considered that the proposed development is consistent with the objectives of Clause 4.3 of LLEP 2008.

3) Consistency with objections of the zone – B5 Business Development

The objectives of the B5 Business Development zone are as follows:

- 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.
- To maintain the economic strength of centres by limiting the retailing of food and clothing.
- To provide for a larger regionally significant business development centre in a location that is highly accessible to the region.
- To ensure a reasonable concentration of business activity.

The proposed development would meet and satisfy the above stated objectives. Specifically, 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. This is demonstrated through the proposed developments involving shops, food and drink premises, recreation (indoor), public administrative building and specialised retail premises.

4) Consistency with Clause 4.6 objectives

- a) To provide an appropriate degree of flexibility in applying certain development standards to particular development.*
- b) To achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

It is considered appropriate in this instance to apply a degree of flexibility when applying the maximum height development standard applicable to the subject site having regard to the comments above.

5) Recommendation

With considerations to the discussion above, the proposed variation to the Clause 4.3 “height of buildings” has satisfied the provisions of Clause 4.6 and it is supported in this circumstance.

6.2 Section 4.15(1)(a)(ii) - Any Draft Environmental Planning Instrument

Liverpool Local Environmental Plan 2008 Amendment 91 - Schedule 1 amendment to facilitate expansion of The Grove, Warwick Farm

The site is currently subject to a planning proposal which seeks to amend Schedule 1 of the LLEP 2008 as follows:

Schedule 1, Clause 21 (Fashion Spree) – 5 Viscount Place

- Update legal description of the site.
- Increase the 19,000m² GFA cap applying to all ‘retail premises’ to 21,000m².

Schedule 1, Clause 24 (Homemaker Centre) – 10 Orange Grove Road

- Update Address
- Add ‘business premises’ as a permissible use.

An existing planning agreement applies to the ‘Homemaker Centre’ at 10 Orange Grove Road, Warwick Farm and includes provisions for:

- A cash payment to Council equivalent to 3% of the CIV for proposed development,

with future development excluded from any further contributions under the Contributions Plan.

- Payment to Council to cover expenses incurred in the acquisition and dedication of Homepride Avenue as a public road.
- Delivery of road works to mitigate the traffic impacts of the proposal including:
 - Rehabilitation and upgrade of the road surface on Homepride Avenue to allow for bus services;
 - Construction of pedestrian access along Homepride Avenue;
 - Upgrades to the Orange Grove Road/Viscount Place intersection, including a slip lane on the northern approach and dual right turn lanes on the southern approach; and
 - Upgrades to the Hume Highway/Homepride Avenue intersection, extending the right run bay from Hume Highway into Homepride Avenue.

As a result of Draft Amendment 91, the existing planning agreement is proposed to be amended to:

- Include 5 Viscount Place, Warwick Farm (Lot 23 DP 1190437);
- Include a definition for 'business premises'; and
- Update all relevant clauses and definitions to ensure that a 3% monetary contribution also applies to the additional 2,000sqm of 'retail premises' that is proposed at 5 Viscount Place (Lot 23 DP 1190437).

6.5 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following parts of DCP 2008 are applicable to the proposed development:

- Part 1 – General Controls for all Development
- Part 6 – Development in Business Zones (Except Liverpool City Centre)

The proposal is considered to be consistent with the key controls outlined in the Liverpool Development Control Plan 2008 and all relevant compliance tables for the LDCP 2008 can be found in Report Attachment 1.

6.6 Section 4.15(1)(a)(iiia) - Any Planning Agreement or any Draft Planning Agreement

Gazcorp Pty Ltd had elected to enter into a Voluntary Planning Agreement (VPA) with Liverpool Council for this development proposal.

Schedule 4 of the VPA provides description of works proposed such as:

- The roadworks which will include the rehabilitation of the road surface and construction of a pedestrian access on the Homepride Avenue Land;
- Roadworks to include:
 - Construction of a 90 metre long left turn slip lane on the on the north approach to the signalised intersection of Orange Grove Road and Viscount Place. Any land components required for the provision of the slip lane will be dedicate to RMS by the Development as public road at no cost to RMS; and
 - Extend dual right turn lanes on the south approach to 120 (adjacent median) and 180 metres (adjacent through lane); and
- A geometric road design concept plan of the roadworks outlined in this item of work below on either a scaled aerial photograph and/or survey plan. Roadworks which will include an extension of the existing right turn storage bay on the east approach to Homepride Avenue within the constraints of the existing Hume Highway corridor.

The requirements of the VPA in relation to the subdivision should also be applied to this application. A condition to this effect is recommended.

6.7 Section 4.15(1)(a)(iv) – The Regulations

The development application has been assessed in accordance with the regulations.

6.8 Section 4.15(1)(b) – The Likely Impacts of the Development

(a) Natural and Built Environment

The impacts of the development on the natural environment have been assessed and the development is considered to be acceptable and unlikely to cause any adverse impact to the natural environment. Consideration has been given to site-specific and broader issues such as, but not limited to the bushfire prone land; potential soil contamination; impact of earthworks; stormwater management; water quality; erosion and sediment control; and provision of new landscaping. Further discussion on these issues is provided below.

Bush Fire Risk

A small portion of the north-east corner of the Lot 101 is identified as bush fire prone vegetation buffer land. However there is no major development proposed over the small area of affected land other than the construction of a new roundabout over the existing concrete carriageway.

Consideration has been given to the provisions of Section 4.46 of the EP&A Act 1979 and Section 100B of the Rural Fires Act, 1997. It is satisfied that the proposed development is capable of conforming to the specifications and requirements of the Planning for Bush Fire Protection and conditions to this effect have been recommended.

Impact of Earthworks

The extent of earthworks for the construction of the proposed development is unlikely to have any negative impacts on the environment or on the surrounding locality. Consideration has been given to factors such as drainage patterns and flood behavior, quality of the fill, effect of the fill on neighbouring properties, the source of the fill, appropriate removal of the stockpile on Lot 101, and the unlikelihood of discovering relics. Where relevant, conditions have been recommended to address some of these matters.

Flooding

The site is located on the floodplain of Cabramatta Creek and is affected by 1% and 5% Annual Exceedance Probability (AEP) flood events. The proposal includes the removal of an existing stockpile of fill located on the north-east part of Lot 101 to compensate the filling that is required for the construction of the car park. The compensatory excavation ensures that:

1. There is no loss of flood storage as a result of the development and the current situation is slightly improved by providing additional storage,
2. There is no increase in flood levels, and

Council's technical officers have assessed this aspect of the proposal and raise no issues subject to recommended conditions to mitigate potential flooding impacts.

Stormwater Management

The stormwater management of the site including drainage works and discharge to the existing system have been assessed by Council's technical officers who raise no objections to the proposed drainage system, subject to conditions of consent.

Drainage of the site involves the construction of a new pipe and pit system to collect surface runoff from the proposed car park and discharge the runoff primarily into the existing system connected to Cabramatta Creek.

Existing Vegetation and Landscaping

The impacts of the development on the built environment have been assessed and the development is considered to be acceptable and unlikely to have any significant impacts. Consideration has been given to site-specific and broader issues such as, but not limited to the car parking and traffic impacts; acoustic and amenity impacts; built form; compliance with Building Code of Australia (BCA); fire safety requirements; and site services and utilities. Further discussion in relation to the key issues is provided below.

It is considered unlikely that the operation of the centre would negatively impact on the amenity of the adjoining residences or on the locality, as long as the recommended conditions of consent are complied with at all times.

(b) Social Impacts and Economic Impacts

The proposal is likely to contribute positively to the locality by increasing retail options and offering discounted and ideally, more affordable products to the local and wider community.

The NSW Police were consulted over this application and subsequently reviewed the design of the development in terms of its susceptibility to incidents of crime. The Police raised no issues or objections to the proposal but have recommended 'safer by design' principles which this report recommends should be added as conditions of consent, where relevant.

The proposal is considered to be reasonable in terms of hours of operation as public access will be limited to hours that are appropriate for this type of development and similar to the hours of other retail centres.

Based on assessment of potential economic impacts on the locality, it is agreed with previous resolutions of Council as well as the conclusions of the economic impact assessment submitted in support of the application, that the economic impacts are considered to be acceptable.

Overall, the proposal is acceptable with respect to any potential social and economic impacts in the locality.

6.9 Section 4.15(1)(c) – The Suitability of the Site for the Development

The site is suitable for this development as it does not have constraints that would prohibit development from occurring. The size and shape of the land is appropriate and contributes to the appropriate siting of access and car parking areas. The location of the site in a highly accessible location is appropriate given the proposal is a high traffic generator. Also, the siting of this retail centre within the existing mixed-use centre is considered to be compatible and will encourage multi-purpose trips and complimentary use of facilities such as car parking.

6.10 Section 4.15(1)(d) – Any submissions made in relation to the Development

(a) Internal Referrals

The following comments have been received from Council's Internal Departments:

Department	Comment
Land Development Engineering	No objection subject to conditions.
Landscape (Tree Officer)	No objection no conditions.
Environmental Health	No objection subject to conditions.
Flood Engineering	No objection subject to conditions.
Traffic Engineering	No objection subject to conditions.
Heritage Advisor	No objection subject to conditions.
Public Art Officer	No objection subject to conditions
Community Planning	No objection no conditions.
Economic Development	No objection no conditions.
Waste	No objection subject to conditions.
Natural Resources Planner	No objection subject to conditions.

(b) External Referrals

The DA was referred to the following public authorities for comment:

Department	Comment
Transport for NSW	No objection subject to conditions.
Endeavour Energy	No objection subject to conditions.
NSW Police – Liverpool Local Area Command	No objection subject to conditions.
NSW Rural Fire Service	General Terms of Approval provided.
Natural Resource Access Regulator	General Terms of Approval provided.

(c) Community Consultation

In accordance with Liverpool Community Participation Plan 2019 the proposed development was required to be advertised. The development was advertised for 28 days from the 09 June 2021 to 08 July 2021.

One submission was received. Objections to the development seen below with a response provided by Council.

Submission comment	Council's Response
<p><u>Maintenance and Traffic</u></p> <p>Homepride Avenue is proposed as a secondary access road for the shopping centre allowing visitors and service vehicles to the site. The proposal to increase GFA will increase the volume of traffic in the area which will naturally occur over Homepride Avenue as the vast majority of customers travel to the centre by car. As Homepride Avenue is a private road the additional maintenance cost on Aryzta to upkeep, needs to be resolved, given buses and emergency fire vehicles will access the shopping centre.</p> <p>The development also proposes to run a public bus up Homepride Avenue, every 30 minutes on weekdays and weekends from 2024. Given the terms of the existing row we do not understand how this would extend to allowing the use of the row as a public bus route.</p>	<p>The DA was supported by a Traffic and Transport Assessment prepared by SCT Consulting (Dated 20 December 2021) and was referred to Council's Traffic and Transport team and Transport for NSW and both departments supported the proposed development subject to conditions.</p> <p>The proposed development is estimated to generate an additional 861 vehicle trips in the weekday peak hour and 1,076 vehicle trips in the weekend peak hour (including both The Grove Liverpool and Fashion Spree). The submitted SIDRA results show that the intersections of Cumberland Highway/Viscount Place and Hume Highway/Homepride Avenue currently operate at an acceptable level of service (LoS). The degree of saturation (DoS) indicates that the intersections have at least 20 per cent of spare capacity to cater for potential traffic growth around the site.</p> <p>Conditions of consent imposed to ensure Homepride Avenue is to be upgraded/rehabilitated to industrial standard.</p>
<p><u>Operation</u></p> <p>Given it is a narrow private road with no shoulders, in the event of visitors, service or emergency vehicles break down on Homepride Avenue it could affect the operations of Aryzta. The bakery operates 24 hours for seven days a week. Aryzta utilises this road for their own visitors, staff and supply and delivery vehicles.</p>	<p>The hours of operation of the retail premises are limited to:</p> <p>Monday to Wednesday and Friday – Saturday: 9:00am to 6:00pm. Thursday: 9:00am to 9:00pm. Sunday: 10:00am to 7:00pm.</p> <p>a) Up to 14 days prior to Christmas Day (25 December) trading is permitted to extend until 10:00pm; and</p> <p>b) On Boxing Day (26 December) trading is permitted to extend until 8pm, or 9pm should 26 December fall on a Thursday.</p> <p>Based on the above it is unlikely that there will be impacts outside of these hours,</p>

	nevertheless, a condition of consent shall be imposed for the preparation of a management plan for the centre in the event of a vehicle that would break down on Homepride Avenue.
<p><u>Acquisition</u></p> <p>An existing Planning Agreement between Gazcorp and Council was signed in 2018 for monetary contribution and/or acquisition of Homepride Avenue by Gazcorp. Does Gazcorp still intend on acquiring the road? If so, will they be upgrading the road to the current road standards? It is noted that Homepride Avenue, is approximately 10m wide and to upgrade the road to Council typical standards this could potentially require widening. The impact on Aryzta's operations have not been assessed to our knowledge.</p>	<p>There is a Voluntary Planning Agreement signed and executed between Gazcorp (the development) and Liverpool City Council (dated 25 May 2018) and Gazcorp is to commit to rehabilitate the road surface and construction of a pedestrian access on the Homepride Avenue Land.</p>

6.11 Section 4.15(1)(e) – The Public Interest

The proposal is considered to be in the public interest on the basis that it is consistent with the objectives for development described in Council's LLEP and presents a positive development outcome. The positive benefits of the proposal are considered to outweigh any potential negative impacts. Overall, it is unlikely that the development would detrimentally impact the environment or the amenity of the locality and its impacts are considered to be reasonable and acceptable.

As a result of the additional information and amendments to the application made by the applicant in consultation with Council and the various stakeholders discussed in this report, it is considered that the development of the town centre core east is in the public interest.

7 SECTION 7.12 – Contribution Plans

The Liverpool Contributions Plan, 2018 – Established Areas identifies the site as forming part of the Established Areas Catchment. The plan levies Section 7.12 Contributions for commercial developments in this catchment. As such, the contribution of 1% of the total Capital Investment Value of the development would apply being \$952,225. However, there is a Voluntary Planning Agreement signed between the developer (Gazcorp) and Liverpool City Council and under Clause 6 of the VPA, prior to the issue of an Occupation Certificate for the development, the developer must pay to Council a monetary contribution of 3% of the Capital Investment Value.

Clause 4.2 of the Voluntary Planning Agreement states that *Section 94(6) (now known as 7.11(6) of the Act does not apply to any contributions that are to be carried out or provided pursuant to this Planning Agreement.*

As a result of the above, correspondence was made to Council's Contribution Coordinator to seek advice on whether 7.12 Contribution Calculations apply and the response was that 7.12 Contributions are required in this case. Discussions with the developer reveal that the executed Voluntary Planning Agreement is not yet registered on the title of the land.

The requirement for the development to be undertaken in accordance with the VPA was imposed as a condition of consent which forms as part of this development consent (DA-416/2021).

8 CONCLUSION

In conclusion, the following is noted:

- The application has been assessed having regard to the matters of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The proposal generally complies with the provisions of the provisions of State Environmental Planning Policy (State Significant Precincts) 2005 and the approved Concept Plan for the Edmondson Park Town Centre and its relevant modifications.
- The development will facilitate the future development of the Edmondson Park Town Centre which is well located in relation to existing transport, and future employment, shopping, business and community services, as well as recreation facilities.

It is for these reasons that the proposed development is considered to be satisfactory and the subject application is recommended to be determined as a Deferred Commencement, subject to conditions.

9 ATTACHMENTS

1. DCP compliance tables
2. Architectural Plans
3. Landscape Plans
4. Civil Engineering Plans
5. Contamination/Remediation Action Plan
6. Ecologically Sustainable Design (ESD) Report
7. Biodiversity Assessment Report
8. Vegetation Management Plan
9. Flood Risk Management Report
10. Acoustic Report
11. Traffic Report
12. Bushfire Report
13. Consolidated DEP Minutes
14. Statement of Environmental Effects
15. Executed Voluntary Planning Agreement
16. Recommended Conditions of Consent

ATTACHMENT 1: LIVERPOOL DEVELOPMENT CONTROL PLAN 2008 COMPLIANCE TABLES

Tables 1 below address the key provisions Part 1 of the LDCP 2008 applies to 'General Controls for All Development'

Development Control	Proposal	Comment
PART 1 – General Controls for All Development		
2. Tree Preservation	<p>vegetation within the development site is proposed for removal. However although this comprises a small section of Swamp Oak Floodplain Forest EEC, (BC Act 2016), the vegetation removal is required in order to facilitate the use of the land. A vegetation buffer will continue to exist between the proposed development and Cabramatta Creek.</p> <p>Council's Natural Environment & Landscaping officer have reviewed the proposal and advised that the proposal will be satisfactory subject to conditions of consent.</p>	Acceptable
3. Landscaping	<p>Landscape Plans seeks to plant a significant number of trees on the site to improve canopy cover, shade access and pedestrian amenity. Council's Natural Environment & Landscaping officer have reviewed the proposal and advised that the proposal will be satisfactory subject to conditions of consent.</p>	Acceptable
4. Bushland and Fauna Habitat Preservation	<p>No existing bushland surrounding the development site is proposed to be cleared as part of this proposal. All potential impacts upon the adjacent riparian corridor have been assessed in the Flora and Fauna Assessment has been prepared by Narla Environmental. Referral was made to NRAR and GTAs were provided to Council.</p>	Acceptable
5. Bush Fire Risk	<p>Land on or adjacent to bushfire prone land to comply with RFS requirements.</p> <p>The site is mapped as Bushfire Prone Land and a Bushfire Assessment Report was submitted with the DA. The RFS has provided advice that the proposal is supported subject to attachment of conditions it has provided.</p>	Acceptable
6. Water Cycle Management	<p>Water management and conservation through the means of retention of stormwater has been assessed as compliant by Council's Land Development Engineer and further, compliance with the stormwater drainage plans and report supplied can be conditioned.</p>	Acceptable

7. Development Near a Watercourse	NRAR has reviewed the application and provided General Terms of Approval (GTA) requiring the submission of a controlled activity approval and general requirements: for design of works and structures; erosion and sediment controls; on-going management and reporting requirements.	Acceptable
8. Erosion and Sediment Control	Soil and erosion measures have been reviewed by Council's Land Development Engineer and conditions of consent will be attached to any consent.	Acceptable
9. Flooding Risk	Flooding risk has been addressed in the assessment under Clause 5.21 of LLEP 2008.	Acceptable
10. Contamination Land Risk	Council's Environmental Health officer has reviewed the application and has raised no objections to the proposed development based on contamination grounds. It is considered that the proposed documentation provided by the applicant adequately addresses. It is considered that the site can be made suitable for the intended industrial use, subject to conditions.	Complies by condition
11. Salinity Risk	The site is identified as containing moderate salinity potential. A detailed salinity assessment has not been carried out as the ground water conditions are noted to be dictated by the site being in a flood plain and directly adjacent to Cabramatta River.	Complies by condition
12. Acid Sulphate Soils	Site is not identified as affected by Acid Sulphate Soils.	Not Applicable
13. Weeds	Site is not affected by Noxious Weeds.	Not Applicable
14. Demolition of Existing Development	Demolition of existing buildings is to comply with the relevant standards. Appropriate conditions of consent can be imposed to achieve compliance with this requirement.	Complies by condition
15. On-Site Sewerage Disposal	The site will be connected to Sydney Water reticulated sewer.	Acceptable
16. Aboriginal Archaeological Sites	Applies to land in which Aboriginal sites, places or relics have been previously identified; or within an identified cultural landscape; or land that has not been cleared. Nevertheless, Council's Heritage officer have reviewed the proposal and advised that the proposal will be satisfactory subject to conditions of consent.	Acceptable
17. Heritage and Archaeological Sites	The site does not contain a heritage item; is not in the vicinity of a heritage item; is not in a heritage conservation area; and is not an archaeological site.	Not Applicable

18. Notification of Applications	The application was notified and advertised in accordance with the EP&A Regulation and Council's policy. One submission has been received with regards to the proposed development, which is detailed in Section 6.8 of this report.	Acceptable
20. Car-parking and Access	<p>Approximately 2,430 parking spaces would be required across both the Grove Homemaker Centre and Fashion Spree retail centres. The parking demand for these two centres has been considered together, due to the likelihood of visitors attending both shopping centres in the same visit. Therefore, this proposal seeks to deliver 2,433 car parking spaces will be delivered, which is 3 spaces in excess of the minimum required by the DCP. 113 motorcycle spaces and 196 bicycle spaces are also to be provided. The plans satisfactorily address the requirements for adequate car parking; access that accommodates the size and volume of vehicles likely to visit the site; provision of adequate loading facilities; separation of car parking from service vehicles; adequate landscaping to improve amenity; and minimises situations that may cause queuing or impacts to the surrounding street network</p> <p>The application was referred to Council's Traffic Engineer for review who has raised no objection subject to conditions of consent.</p>	Acceptable
21.Subdivision of Land and Buildings	No subdivision is proposed by this application.	Not Applicable
22. Water Conservation	<p>Reuse and recycling of stormwater proposed. Includes a strategy to optimise use of water for site activities.</p> <p>Council's Land Development Engineer has reviewed the proposal and advised that the proposal will be satisfactory subject to conditions of consent.</p>	Acceptable
23.Energy Conservation	<p>An Ecologically Sustainable Design Report has been prepared by Integrated Group Services and is provided at Appendix S. This report identifies that the proposed works will incorporate a wide variety of energy conservation measures, including:</p> <ul style="list-style-type: none"> - Building fabric improvements. - Maximisation of natural lighting. - High efficiency heating, ventilation, lighting, hot water and appliances. - Rainwater harvesting. 	Acceptable

	- Application of solar energy or solar thermal systems where practical.	
25.Waste Disposal and Re-Use	A waste management plan submitted, which outlines procedures for demolition, construction and ongoing waste management. Standard conditions to be included in any consent. Further waste management requirements will be required for future stages.	Acceptable
26.Outdoor Advertising	No operational and signage details are proposed at this stage and are subject to future DAs.	Not Applicable
27. Social Impact Statement	Social Impact Assessment prepared by Ethos Urban, ref no: 2200411, dated 5 April 2021	Acceptable
29. Safety and Security	Appropriate conditions of consent can be imposed to achieve compliance with the Crime Prevention Through Environmental Design (CPTED) principles. A referral was made to NSW Police and supported the proposed development and provided comments which are formed as part of an attachment in the consent.	Acceptable

Table 2: Consideration of LDCP, 2008 - Part 6: Development in Business Areas.

Standard	Comment	Compliance
Chapter 1 Preliminary	Chapter 1 confirms that Part 6 of LDCP applies.	Yes
Chapter 2 Subdivision, Frontage & Allotment Size	Chapter 2 is applicable to subdivision of land however there is no subdivision proposed with the subject application.	N/A
Chapter 3 Site Planning Business Development (B5 zone) 1. Where possible, site planning should allow for the retention of trees and vegetation particularly near the street frontage. 2. The development must be designed around the site attributes such as slope, existing vegetation and land capability. 3. Development must address the street frontage. 4. Development should provide for articulation and variation of materials to minimise bulk/scale and visual dominance of the streetscape.	The proposal addresses objectives relating to site planning. The proposed development is considered to contribute to the retention of trees and vegetation, and in addition, proposes to plant additional trees at the site to create shade. The proposed development is designed around site attributes and has been designed to provide greater continuity and surety of landscaping success within the public domain. The development addresses the street frontage of Viscount Place, and is almost entirely activated at the street level by commercial uses. The development is compliant with FSR requirements and provides good commercial amenity and provides a visual interesting active, safe and comfortable public domain.	Yes

Chapter 4 Setbacks Front Setbacks – Classified Road – 15m	The building that fronts the classified road remains existing and is setback at a minimum of 15m. Furthermore, the development proposed involves extensions and includes alternations and additions to the existing building.	Yes
Chapter 5 Landscaped Areas and Pedestrian Areas Business Development and Enterprise Corridor (B5 and B6 zones) 1. Pedestrian areas should minimise any changes in levels and allow wheelchair access to the shops from the car parking area and public footpaths.	Satisfactory pedestrian access has been provided including pedestrian linkages between the various uses across the complex.	Yes
2. Pedestrian areas should link all major activity areas of the centre.	Pedestrian areas are proposed and link to major activity hubs such as public open space, commercial spaces and retail shops.	
3. Pedestrian areas should be separate from loading areas.	Pedestrian links and access is not located in close proximity to loading areas.	Yes
4. Separate pedestrian access should be provided to adjoining public footpaths, community facilities and open space.	The proposed development will provide a high quality retail environment that reduces pedestrian and vehicle conflict and significantly increases the customer retail experience.	
5. Sufficient area shall be provided to permit landscaping and tree planting within pedestrian areas and car parking areas.	New landscaping and existing vegetation should retain and improve sightlines. In this regard, the proposed vegetation, shrubs and trees should not (as far as possible) impede sightlines for pedestrians and should be regularly maintained to minimise concealment opportunities throughout the site.	
Chapter 6 Building Form, Streetscape and Layout	<p>The development is satisfactory with respect to the relevant objectives of Chapter 6 which are:</p> <ul style="list-style-type: none"> • <i>To ensure the height and scale of a development complements neighbouring development, and/or the desired character of a business centre.</i> • <i>To ensure a development is integrated with the public domain and contribute to an active pedestrian-orientated environment.</i> • <i>To maximise natural surveillance.</i> • <i>To ensure pedestrian entrances and exits are clearly visible from the street.</i> 	Yes

	<ul style="list-style-type: none"> • <i>To promote high quality architectural design.</i> <p>Although the proposal will be contained within an existing warehouse-type building with minimal architectural quality, alterations/treatments to the façade will improve building presentation. Furthermore, the amenity of the centre is further enhanced by the relocation of car movements underground which enables the delivery of new public domain and landscaping. This creates safer pedestrian connections with greater amenity and significantly greens the site with vegetation.</p>	
Chapter 7 Landscaping and Fencing	The landscape plan provides good landscaping across the site. The proposed scheme will contribute to softening the appearance of expansive hardstand areas and will provide shade/amenity for users of the centre.	Yes
Chapter 8 Car Parking and Access	Car parking and access is satisfactory and ensures adequate provision for on-site parking; loading facilities; landscaped areas; appropriately located service facilities.	Yes
Chapter 9 Amenity and Environmental Impact	Chapter 9 applies to developments that include residential development or are in the vicinity of residential development. The application has been referred to Council's Traffic Engineering Section for comments regarding the functionality and safety of the proposed vehicle management and access arrangements onsite. Council's traffic engineers have raised no objections to the development with regards to those matters, subject to conditions. As part of their assessment, they have also investigated and supported the ability of service vehicles to service the premises.	N/A
Chapter 10 Site Services	Arrangements will be made to provide services on the site.	Yes
Chapter 11 Non Business Uses	Chapter 11 applies to developments for non-business uses such as industrial uses.	N/A
Chapter 12 Shop Top Housing	Chapter 12 applies only to shop top housing developments.	N/A
Chapter 13 Restaurants/Outdoor Cafes	Chapter 13 applies to restaurants where outdoor dining is proposed on public land.	N/A
Chapter 14 Child Care Centres	Chapter 14 applies to proposals for child care centres.	N/A
Chapter 15 Telecommunications Facilities	Chapter 15 applies to proposals for telecommunications facilities.	N/A

Chapter 16 Used Clothing Bins	Chapter 16 applies to proposals involving installation of used clothing bins on any land.	N/A
Chapter 17 Service Stations	Chapter 17 applies to proposals for service stations.	N/A