ATTACHMENT BOOKLET

ORDINARY COUNCIL MEETING 28 APRIL 2021





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LIVERPOOL DESIGN EXCELLENCE PANEL CHARTER AND PROCEDURE

Revised: 27 October 2020

TRIM 331055.2020



PART 1 - CHARTER

EXECUTIVE SUMMARY

Liverpool City Council (**Council**) has established the Liverpool Design Excellence Panel (**DEP**) whose primary function is to advise Council and the public of the design quality of development applications. This allows Council to determine whether such applications will contribute to an improvement in the built fabric of the Liverpool Local Government Area (**LGA**).

Given Liverpool's Regional City status, Council is seeking to encourage quality development and promote best practice urban design for developments of a significant scale.

The growth and expansion of the Liverpool LGA highlights a need to ensure development achieves the desired design outcome that is consistent with Liverpool's Regional City status. This DEP Charter incorporates a relevant scope of development applications to be referred to the DEP to ensure new development in the Liverpool LGA positively contributes to the built environment.

1. PURPOSE OF THE DEP

1.1 What will DEP members do?

Panel members will provide expert advice on applications, planning proposals or policies relating to major commercial and residential development within the Liverpool LGA early in the design process and wherever possible, prior to the submission of relevant development applications or following the receipt of an application by Council, where appropriate.

1.2 What is the DEP's purpose?

The purpose of the DEP is to:

- examine, evaluate and critique the design aspects of relevant proposed commercial, residential and community developments prior to the determination of the relevant development application;
- (b) assess the design quality of development proposals and identify how the proposed development could be improved by design changes in order to better achieve the objectives of the relevant planning controls and an optimum design outcome; and
- (c) provide comments to applicants and their professional consultants on actions that could be taken to improve the quality of the design.

1.3 What is this Charter?

The DEP Charter and Procedure (**Charter**) establishes the membership, function, procedures, and terms and conditions of office for the Liverpool DEP.

2. AIMS AND SCOPE OF THE DEP

2.1 Aims of the DEP

The aims of the DEP are:

 (a) to encourage high quality development in the growth of Liverpool as a Regional City through the promotion of best practice in urban design;

- (b) to connect with the development industry by succinctly communicating practical critiques so they recognise the value of the advice provided by the DEP and are encouraged to respond accordingly;
- to provide pragmatic design advice that encourages development, while ensuring (c) outcomes that contribute to a Regional City of design excellence; and
- to encourage proponents to engage with the DEP during the pre-lodgement stage (d) of development to ensure maximum benefits to all stakeholders.

2.2 Scope of the DEP

The scope of the DEP is to provide expert and independent advice on the following developments:

- (a) All residential flat buildings;
- Medium-density developments of thirty (30) units or more; (b)
- (c) New developments within the Liverpool City Centre over three (3) storeys;
- (d) New buildings or major extensions to existing development within commercial zones (being B1, B2, B3, B4 and B5 zones);
- Any development which has an interface with significant public space or items of (e) heritage significance;
- Any development deemed by the Manager Development Assessment and/or (f) Manager City Design and Public Domain to have a potentially significant impact on the amenity of the locality or region; and
- Any development for a new building or major extensions to existing development (g) (except for low-density residential development) adjacent to the Georges River or environmentally sensitive land or vegetation.
- 2.3 The DEP will make recommendations and provide advice to Council on the matters referred to it having regard to the material forwarded to the DEP in each case and in every case having regard to Council's adopted policies including but not limited to:
 - (a) Liverpool Local Environmental Plan 2008;
 - (b) Liverpool Development Control Plan 2008;
 - State Environmental Planning Policy No. 65 Design Quality of Residential (c) Apartment Development; and
 - (d) Apartment Design Guide.

FUNCTIONS OF THE DEP 3

The function and role of the DEP is to:

- play an advisory role (DEP is not a decision-making body); (a)
- (b) thoroughly examine, evaluate and comment upon the design aspects of proposals for major development in the Liverpool LGA prior to the lodgement of relevant

development applications, or, where occurring; following development application lodgement with Council;

- (c) comment on strategic planning documents relative to the urban design issues of a proposal; and
- (d) provide advice to potential applicants and their professional consultants of actions that could be taken to improve the design quality of development proposals.

4. REPRESENTATIONS OF THE DEP

4.1 Membership

The DEP shall comprise three (3) high-level and respected professionals who are or have been involved in the design of recent (1-5 years) major projects. Such members shall have extensive expertise in specific urban design and sustainable and liveable communities that addresses the needs and conditions found in Western Sydney and also possess extensive qualifications in at least one or more of the following professions:

- (a) Urban Design;
- (b) Architecture;
- (c) Landscape Architecture; and
- (d) Urban Planning.

A DEP member cannot be employed by Council, including Council officers and elected Councillors, in accordance with the requirements of *State Environmental Planning Policy No. 65* (SEPP No. 65).

4.2 Chairperson

The Chairperson will be selected from the pool of DEP representatives for each meeting. The relevant DEP representative selected for each meeting who will undertake the role of Chairperson for that meeting will be advised in advance that they will be undertaking the role of Chairperson.

4.3 Quorum

Three (3) DEP members must be present at a DEP meeting to form a quorum.

4.4 Convenor

Council's Coordinator Urban Design will be the convenor of each meeting. In the absence of the Coordinator Urban Design, a convenor will be appointed by the Director City Economy and Growth.

5. DEP APPOINTMENT AND SELECTION FOR DEP MEETINGS

5.1 <u>Tender Process</u>

Council will advertise and establish a short list of potential panel members via a tender or an expression of interest process which will be presented to a council meeting for approval. Members from the approved short list, will then be appointed to the pool of panel members by the CEO, based on their qualifications and experience, and in the absence of any real or potential pecuniary or non-pecuniary conflict of interest.

Council will select three (3) DEP representatives for each DEP meeting from the pool of DEP representatives (consisting of one (1) Chairperson and two (2) other DEP members).

5.2 No Guarantee

Appointment of DEP members into the pool of DEP representatives does not guarantee selection for DEP meetings. Rather, appointment to the pool of DEP representatives only gives rise to the potential for selection for DEP meetings.

5.3 Past Performance

In considering whether to select and/or re-select a DEP member to a DEP meeting, strong consideration will be given to the relevant DEP member's past adherence to the terms of this Charter and/or performance during past DEP meetings.

5.4 Council's Rights Reserved

Council reserves all rights to select members for each meeting, based on their knowledge, skills, qualifications, along with their past adherence to the terms and conditions of this Charter and/or performance during past DEP meetings.

5.5 If Quorum Not Established

If a quorum is not available for a DEP meeting, Council's Director City Economy and Growth may select an alternative suitably qualified DEP member to establish a quorum.

5.4 Vacancy

If a vacancy occurs in the membership of the DEP, the CEO may appoint a person to fill the vacant position. Council may in its absolute discretion, appoint suitable shortlisted applicants from a previous tender or expressions of interest process.

6. CONDUCT AND DISCLOSURES

6.1 Code of Conduct

DEP members:

- (a) must act lawfully and with integrity and professionalism;
- (b) must comply with all requirements imposed by the Local Government Act 1993
 (NSW) on persons providing advice to a Council; and
- (c) are required to understand, acknowledge and sign a copy of Council's Code of Conduct prior to being appointed on Council's pool of DEP members.

6.2 Breach

If a member of the DEP is found to be in breach of Council's Code of Conduct or any other relevant Council policy, the matter may be referred to the CEO to be dealt with in accordance with Council's Code of Conduct and Code of Conduct Procedures.

6.3 Declarations

Any declarations for a conflict of interest must be disclosed prior to acceptance of meeting attendance

7. TERMINATION OF DEP MEMBER APPOINTMENTS

7.1 Non-Adherence to Charter

If it is deemed that a DEP member has not adhered to the terms of this Charter or their performance is not to the reasonable satisfaction of Council then Council reserves the right to provide a first and final written warning to the relevant DEP member. If, on a subsequent occasion, the relevant DEP member does not adhere to the terms of this Charter or their performance is not to the reasonable satisfaction of Council, then Council reserves the right to terminate their membership to the pool of DEP representatives. The CEO has the authority to terminate the membership of a DEP member.

7.2 Replacement DEP Member

7.3 In the event that a DEP member's appointment to the pool of DEP representatives is terminated, Council reserves the right to replace the relevant DEP member. This may involve Council's procurement process being followed.

7.4 Additional DEP Members

If, during the term of DEP, Council deems it appropriate, Council may tender for further DEP members to be appointed to the pool of DEP representatives. The CEO has the authority to appoint additional DEP members to the pool of DEP representatives.

8. RESPONSIBILITIES OF THE DEP MEMBER PRIOR TO MEETING

Prior to each DEP meeting, it is required that each selected DEP member will have:

- (a) received copies of the development proposal/application and Panel Briefing Report;
- (b) completed a thorough review of the development proposal/application and Panel Briefing Report;
- (c) attended a site visit of the subject site, or if this is not possible, undertaken a desktop site inspection (i.e. via Google Earth/Maps) to become familiar with the site including its context and conditions; and
- (d) declared any conflict/s of interest.

9. CONFLICTS OF INTEREST

- (a) A DEP member who has a conflict of interest in a matter with which the DEP is concerned, must not be present at any meeting of the DEP at which the matter is being discussed or considered.
- (b) A disclosure about a conflict of interest must be acknowledged by the Chairperson and recorded in the minutes of the meeting.
- (c) On and from the date of appointment to the DEP, individual DEP members must not be carrying out or undertaking any type of consultancy work or project (whether

paid or unpaid) as regards to their relevant profession (the basis of their appointment to the DEP) within the Liverpool LGA including in relation to any matter or thing in which the Liverpool LGA is concerned or involved (including any dealings with Council). For the avoidance of doubt, this clause does not affect any pre-existing consultancy work already in existence prior to the DEP member's appointment to the DEP.

10. CONFIDENTIALITY AND MANAGING PRIVACY

- (a) DEP members, through their involvement in the DEP, may come in contact with confidential or personal information retained by Council. DEP members are required to maintain confidentiality and security in relation to any such information and not access, use or remove that information, unless authorised to do so.
- (b) The Privacy and Personal Information Protection Act 1998 (NSW) and Council's Privacy Policy deal with the collection, holding, use, correction, disclosure and transfer of personal information.
- (c) Should a DEP member become aware of any breach of security, or misuse of Council's confidential or personal information, they should inform the CEO immediately.

11. DISCIPLINARY ACTION

Should a DEP member be found to be in breach of the Code of Conduct adopted by Council, the matter may be referred to Council's CEO and will be dealt with in accordance with Council's Code of Conduct and Code of Conduct Procedures.

12. MEDIA PROTOCOL

The Mayor is the only person permitted to speak to the media on behalf of the DEP. No other DEP member is permitted to speak to the media in his or her capacity as a DEP member.

13. REVIEW OF CHARTER

This Charter shall be reviewed annually or as required by any changes in legislation, operational requirements or minor amendments as authorised by Council's CEO in consultation with the Director City Economy & Growth.

PART 2 – MEETING PROCEDURES

1. PROVISION OF DOCUMENTATION TO DEP

The following documentation is to be provided to the selected DEP members electronically at least five (5) business days before the meeting:

- (a) The meeting agenda;
- (b) The assessing officer's Panel Briefing Report;
- (c) Architectural and Landscape Architectural (i.e. including Public Domain) drawings in A3 size; and
- (d) All other relevant information.

2. MEETING PROCEDURES

- 2.1 The DEP will meet at such place and time as notified to the DEP members by a representative from Council (Panel Support Officer). It is expected that the DEP will meet twelve (12) times a year on dates and at places to be scheduled in advance for each year. Meetings will be held at suitable venues or via Audio-Visual link e.g. Zoom or MS Teams.
- 2.2 Council may request the cancellation of a meeting or call an extraordinary meeting to take place as required, with at least five (5) business days written notice to all selected DEP members.
- 2.3 Council will appoint the Chairperson for each DEP meeting, who will be one of the three (3) DEP representatives selected from the pool of DEP representatives.
- 2.4 Council staff may attend the meetings, as observers.
- 2.5 Guest speakers may be invited as required and as determined by the DEP. Guest speakers may include relevant Council staff who are there to provide guidance and support and to respond to enquiries.
- 2.6 The DEP meeting will be conducted in accordance with the meeting agenda.
- 2.7 For items that have previously been heard at a DEP meeting, the DEP's role is to address the applicant's response to the recommendations made in the previous DEP minutes of the meeting.
- 2.8 Council's DEP convenor (Convener) will take minutes of the DEP meetings. The minutes will include the following:
 - (a) A statement of the status and purpose of the meeting;
 - (b) Attendance;
 - (c) Apologies;
 - (d) Declarations of Interest;

- (e) A record of all recommendations made by the DEP; and
- (f) A meeting outcome, selected by the DEP, from the options listed within the DEP minutes of meeting template.
- 2.9 The draft meeting minutes will be sent to the Chairperson by Council's Panel Support Officer for review, following the DEP meeting. The meeting minutes will be reviewed and approved for circulation to the DEP by the Chairperson. The Chairperson will then circulate the minutes to the other DEP members. All DEP members must confirm the accuracy of the minutes to the Chairperson as soon as possible. It is the responsibility of the Chairperson to ensure that the entire review of the draft DEP meeting minutes is completed and the final meeting minutes are returned to Council's Panel Support Officer by no later than seven (7) business days following their receipt of the draft meeting minutes from Council.
- 2.7 The DEP, in their minutes, must not request that an application is re-referred to the DEP unless a full rejection of the application is recommended on design grounds. The DEP must instead include specific recommendations, relating to the changes requested to the design to address any concerns raised.
- 2.8 Should an application require a re-referral to the DEP, new issues, concerns or recommendations must not be made which are different to those raised at the original DEP meeting, except where the design has changed to the extent that new issues have been identified specifically, as a result of those changes.
- 2.9 DEP meeting minutes must be reviewed and circulated to the applicant by Council's allocated planner or assessing officer. The DEP minutes are required to be accompanied by a cover letter signed by the allocated planner or assessing officer which outlines the planner or assessing officer's comments regarding the changes required to be made to the development, based on the DEP recommendations. Note: The DEP recommendations may have implications on the assessment of the application against Section 79C of the Environmental Planning and Assessment Act 1979 (NSW) and this will need to be clearly communicated to the applicant by the planner or assessing officer.
- 2.10 Within seven (7) business days of the allocated planner or assessing officer receiving the final DEP meeting minutes, the final DEP meeting minutes are to be distributed to the applicant, via mail or e-mail.
- 2.11 A DEP meeting must be adjourned if a quorum if not present within 15 minutes after the time designated for the holding of the DEP meeting or at any time during the meeting. In either case, the DEP meeting must be adjourned to a time, date and place fixed by the Chairperson.

3. APPLICANT REPRESENTATION PROCEDURES

- 3.1 Both the applicant and nominated Architect and Landscape Architect for the development application and/or proposal will be invited by Council to attend the DEP meeting.
- 3.2 The applicant will be given seven business (7) days written notice on the time and date of the DEP meeting.
- 3.3 The DEP will be allocated a minimum of thirty (30) minutes and a maximum of one (1) hour for discussions with the applicant and nominated Architect and Landscape Architect.

3.4 Landowners, applicants and nominated Architects and Landscape Architects are not permitted to contact DEP members directly.

4. REVIEW

A review of the DEP meeting procedures shall be conducted annually by Council. To assist Council with this review, DEP members may be invited to meet with those Council staff members undertaking the review to seek comment on current meeting procedures and their feedback on potential improvements.

5. REMUNERATION OF PANEL MEMBERS

- 5.1 DEP members will be engaged for a term of two (2) years.
- 5.2 DEP members shall be paid a remuneration of \$1,200.00 per half day or \$1,700.00 per full day (**Standard Fee**). In addition to the relevant Standard Fee, the Chairperson shall be paid an additional \$150.00 remuneration.
- 5.3 A full day DEP meeting will commence at 9.30am and a half day DEP meeting will commence at 1.30pm.
 - (* The CEO may approve variations to these rates during the term of the DEP subject to budget considerations.)

AUTHORISED BY

Council Resolution

EFFECTIVE FROM

27 October 2020

REVIEW DATE

27 October 2022

DEPARTMENT RESPONSIBLE

City Economy and Growth (Development Assessment); and City Economy and Growth (City Design and Public Domain)

VERSIONS

Version	Amended by	Date	TRIM number
1	Adopted by Council	24 March 2015	058678.2015
2	Planning and Development Committee and endorsed by Council	29 June 2016	058678.2015
3	Adopted by Council	13 December 2017	058678.2015-010
4	Adopted by Council	27 October 2020	331055.2020



Our Ref: DA-904/2019 Contact: Kevin Kim Ph: (02) 8711 7896 Date: 16 November 2020

Muhibbah Construction Pty Ltd Attn: Loy Chin Lee 28 Yarrunga Street PRESTONS NSW 2170

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

I am writing to advise you that Council has determined your Development Application No. DA-904/2019 under Sections 4.16, 4.17 & 4.18 of the *Environmental Planning and Assessment Act* 1979.

APPLICANT: Muhibbah Construction Pty Ltd

C/ Loy Chin Lee

LAND: 28 YARRUNGA STREET NSW 2170

LOT 2 DP 536915

PROPOSED DEVELOPMENT: STAGED DEVELOPMENT - DEMOLITION OF EXISTING

STRUCTURES AND CONSTRUCTION OF A MULTI-STOREY WAREHOUSE COMPLEX OVER TWO STAGES

CONTAINING EIGHT (8) WAREHOUSE UNITS.

DETERMINATION: Approved by the Sydney Western City Planning Panel at

its meeting of 12 November 2020

CONSENT TO OPERATE FROM: 12 November 2020

CONSENT TO LAPSE ON: 12 November 2025 (Unless physically commenced)

ATTACHMENTS: 1. Conditions of Approval

Section 7.11 Payment Form
 Sydney Water Conditions

4. Transport for NSW Advice

Before commencing the development please read the Development Consent carefully and make sure you understand all the conditions that have been imposed. Please contact Council if you have any questions.



Customer Service Centre Ground floor, 33 Moore Street, Liverpool NSW 2170 DX 5030 Liverpool All correspondence to Locked Bag 7064 Liverpool BC NSW 1871 Call Centre 1300 36 2170 Fax 9821 9333 Email loc@liverpool.nsw.gov.au

Web www.liverpool.nsw.gov.au NRS 13 36 77 ABN 84 181 182 471

Proposed Planning Agreement in conjunction with DA-904/2019 at 28 Yarrunga Street, Prestons

Consent for DA-904/2019

DA-904/2019

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DEFINITIONS

AEP Annual Exceedance Probability

NCC National Construction Code (formerly Building Code of Australia)

Council Liverpool City Council

DCP Liverpool Development Control Plan 2008

DECC Department of Environment and Climate Change and Water

CC Construction Certificate 1% AEP Flood The 1 in 100 year flood

EP&A Act Environmental Planning and Assessment Act 1979
EP&A Regulation Environmental Planning and Assessment Regulation 2000

LPI Service Land and Property Information Service

OC Occupation Certificate
PCA Principal Certifying Authority

POEO Act Protection of the Environment Operations Act 1997

RFS NSW Rural Fire Service
RMS Roads and Maritime Services

Attachment 1

DA-904/2019

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ATTACHMENT 1: CONDITIONS OF APPROVAL

CONDITIONS:

The following conditions have been imposed to achieve the objectives of the relevant planning instruments and policies.

THE DEVELOPMENT

STAGED APPROVAL

The conditions referenced in the below table apply to each stage of the development as identified.

Stage	Development works	Part Reference	Condition Reference
1	Demolition of the single storey brick administration building and associated structures within the southern portion of the site and construction of 4 large warehouse over two levels with ancillary office floor area.	All Parts	All conditions
	Retention of the existing warehouse within the northern portion of the site to operate concurrently with Stage 1 of the development with 159 temporary car parking spaces.		
2	Demolition of the existing warehouse and associated structures within the northern portion of the site and Construction of 4 warehouse over two levels with ancillary office floor area and basement carpark with a total of 438 vehicular parking spaces including 4 accessible car parking spaces, 20 motorbike parking spaces and 36 bicycle parking spaces.	All Parts	All conditions

Approved Plans

Development the subject of this determination notice must be carried out strictly in accordance with the following approved plans/reports, except where modified by the undermentioned conditions.

Plan Name	Plan Number	Date	Revision	Prepared By
Cover Sheet	DA000	5/12/2019	Α	Bureau SRH Architecture
Site Analysis	DA001	5/12/2019	Α	Bureau SRH Architecture
Stage 1 – Site Plan	DA002	5/12/2019	А	Bureau SRH Architecture
Stage 2 – Site Plan	DA003	5/12/2019	А	Bureau SRH Architecture
Stage 1 -	DA004	5/12/2019	A	Bureau SRH Architecture

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DA-904/2019

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Demolition Plan				
		5/12/2010		
Construction Management Plan	DA005	5/12/2019	Α	Bureau SRH Architecture
Stage 2 – Demolition Plan	DA006	5/12/2019	Α	Bureau SRH Architecture
Key Plan – Stage 1 Ground	DA100	17/6/2020	В	Bureau SRH Architecture
Key Plan – Stage		17/6/2020		
1 Ground Mezzanine	DA101		В	Bureau SRH Architecture
Key Plan – Stage 1 Level 1	DA102	17/6/2020	В	Bureau SRH Architecture
Key Plan – Stage 1 Level 1 Mezzanine	DA103	5/12/2019	Α	Bureau SRH Architecture
Key Plan – Stage 1 Level 1 Mezzanine 2	DA104	5/12/2019	Α	Bureau SRH Architecture
Key Plan – Stage 1 Roof	DA105	5/12/2019	Α	Bureau SRH Architecture
Key Plan – Stage 2 Basement	DA106	17/6/2020	В	Bureau SRH Architecture
Key Plan – Stage 2 Ground	DA107	17/6/2020	В	Bureau SRH Architecture
Key Plan – Stage 2 Ground Mezzanine	DA108	17/6/2020	В	Bureau SRH Architecture
Key Plan – Stage 2 Level 1	DA109	17/6/2020	В	Bureau SRH Architecture
Key Plan – Stage 2 Level 1 Mezzanine	DA110	5/12/2019	Α	Bureau SRH Architecture
Key Plan – Stage 2 Level 1 Mezzanine 2	DA111	5/12/2019	Α	Bureau SRH Architecture
Key Plan – Stage 2 Roof	DA112	5/12/2019	Α	Bureau SRH Architecture
Stage 1 – Elevations	DA200	17/6/2020	В	Bureau SRH Architecture
Stage 2 – Elevations	DA201	17/6/2020	В	Bureau SRH Architecture
Stage 1 – Sections	DA300	17/6/2020	В	Bureau SRH Architecture
Stage 2 – Sections	DA301	17/6/2020	В	Bureau SRH Architecture
3D Perspectives 1	DA600	5/12/2019	Α	Bureau SRH Architecture
3D Perspectives 2	DA601	5/12/2019	Α	Bureau SRH Architecture
Materials & Finishes Schedule	DA602	5/12/2019	Α	Bureau SRH Architecture
Landscape Plans and Details	SK01-02	12/2019	F	Carmichael Studios
Demolition Statement				Bureau SRH Architecture

Consent for DA-904/2019 Attachment 1

DA-904/2019

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Road Works and	19-648-C045	28/11/19	 AT & LP/L
Stormwater			
Drainage Plan			
Sheet 5			
Road Works and	19-648-C045	28/11/19	 AT & LP/L
Stormwater			
Drainage Plan			
Sheet 6			

Report Name	Date	Reference	Prepared By
BCA Report	22/11/19	NW 19/4620	NW Building Certification
Building Services	22/11/19	SYD0923-2	ADP Consulting P/L
Report			_
Civil Stormwater	12/19	19-683-FAVCO	AT & LP/L
Management Report			
Preliminary Site	11/19	P1907209	Martens Consulting Engineers
Investigation Report	11/19	JR01_1	Waiteris Consulting Engineers
Detailed Site	11/19	P1907209	Martens Consulting Engineers
Investigation Report	11/19	JR03_1	Marteris Consulting Engineers
Remediation Action	12/19	P1907209	Martens Consulting Engineers
Plan	12/19	JR04_1	Marteris Consulting Engineers
ESD Strategy Report	25/11/19	SYD0923-02	ADP Consulting P/L
Fire Services Report	25/11/19	19203-L01	Innova Services P/L
Noise Impact	17/06/20	SYD0923-04	ADP Consulting P/L
Assessment Report			
Preliminary	11/19	P1907209 JR02-	Martens Consulting Engineers
Geotechnical Report	11/19	02	waitens consulting Engineers
Waste Management	11/19	1.1	Auswide Consulting
Plan			

Works at no Cost to Council

2. All roadworks, drainage works and dedications, required to affect the consented development shall be undertaken at no cost to Liverpool City Council.

Sydney Water

All comments provided by Sydney Water shall be complied with prior, during, and at the completion of construction. A copy of the Sydney Water comments is attached to this decision notice.

Transport for NSW (TfNSW)

All comments provided by TfNSW shall be complied with prior, during, and at the completion of construction. A copy of the TfNSW comments are attached to this decision notice.

Comply with EP & A Act

5. The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times.

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Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council.

National Code Construction

- 6. In accordance with Section 4.16(11) of the Environmental Planning & Assessment Act 1979 and clause 98 of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
 - (a) Complying with the Deemed to Satisfy Provisions; or
 - (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions shall be complied with prior to issue of a CC by the PCA:

Fee Payments

- 7. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the DA/CC. The following fees are applicable:
 - (a) Damage Inspection Fee;
 - (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve; and
 - (c) Long Service Levy based on 0.35% of the cost of building work.

These fees are reviewed annually and will be calculated accordingly

Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works. The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.

Road Opening

8. All fees associated with a Road Opening permit required for the connection, extension or amplification of any services within Council's road reserve must be paid to Council and receipts provided to the Principal Certifying Authority. A separate form must be submitted in conjunction with payment of the fees. The fees include the standard Road Opening permit fee and any restoration fees that may be required as a result of the works.

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Site Development Work

- Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a Construction Certificate has been issued.
- 10. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

Access for people with a disability

11. Access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of Australia, Disability (access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of the Certifying Authority.

Recommendations of Acoustic Report

12. The recommendations provided in the approved acoustic report titled: Noise Impact Assessment (Ref. SYD0923, Rev. 04) prepared by ADP Consulting Pty Ltd dated 17 June 2020 shall be implemented and incorporated into the design and construction of the development and be shown on plans accompanying the Construction Certificate application.

A suitably qualified acoustic consultant is to be appointed to assess and provide recommendations in relation to final plant and equipment selection to ensure compliance with the aforementioned acoustic report.

The construction methodology and plans accompanying the Construction Certificate application shall be assessed and certified in writing by a suitably qualified acoustic consultant to verify conformance with the requirements of the aforementioned acoustic report. The written certification from the suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Mechanical Plant and Equipment

13. Mechanical plant and equipment shall be selected in consultation with a suitably qualified acoustic consultant in accordance with the recommendations of the approved acoustic report Acoustic report titled Noise Impact Assessment (Ref. SYD0923, Rev. 04) prepared by ADP Consulting Pty Ltd dated 17 June 2020.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society, Institution of Engineers Australia or the Association of Australasian Acoustical Consultants (AAAC) at the grade of member'.

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Cladding

14. Prior to issue of a construction certificate the certifier must be satisfied that all proposed attachments, cladding material and systems forming part of external walls comply with the NCC BCA and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of the BCA for all products/systems proposed.

Construction Environmental Management Plan (CEMP)

- 15. Prior to issue of a construction certificate, a Construction Environmental Management Plan (CEMP) for the development must be provided to the Principal Certifying Authority for approval. The environmental site management measures must remain in place and be maintained throughout the period of the development. The CEMP must address all environmental aspects of the development's construction phases, and include (where relevant), but not be limited to, the following:
 - (a) Asbestos Management Plan;
 - (b) Project Contact Information;
 - (c) Site Security Details;
 - (d) Timing and Sequencing Information;
 - (e) Site Soil and Water Management Plan;
 - (f) Noise and Vibration Control Plan;
 - (g) Dust Control Plan;
 - (h) Air Monitoring;
 - (i) Odour Control Plan;
 - (j) Health and Safety Plan;
 - (k) Waste Management Plan;
 - (I) Incident management Contingency; and
 - (m) Unexpected Finds Protocol.

The CEMP must be kept on site for the duration of the works and must be made available to Council Officers upon request.

Construction Noise, Vibration Assessment and Management Plan

16. A site-specific Construction Noise, Vibration Assessment and Management Plan prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate. The Construction Noise, Vibration Assessment and Management Plan must include an assessment of expected noise impacts and detail feasible work practices to be adopted to avoid, remedy or mitigate construction noise and vibration impacts.

The Construction Noise, Vibration Assessment and Management Plan shall be consistent with the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and include, but not necessarily be limited to the following information:

- Identification of nearby residences and other noise sensitive land uses;
- Assessment of expected noise impacts;
- Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts;

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- Strategies to promptly deal with and address noise complaints;
- Details of performance evaluating procedures (for example, noise monitoring or checking work practices and equipment);
- Methods for receiving and responding to complaints about construction noise;
- Procedures for notifying nearby residents of forthcoming works that are likely to produce noise impacts; and
- Reference to relevant licence and consent conditions.

The Construction Noise, Vibration Assessment and Management Plan must be made available for inspection when requested by the PCA or Liverpool City Council.

Substation (General)

 Should the Electrical Substation be located outside the building envelope, the location and any associated fire separation walls must comply with Integral Energy Substation Design Instruction Document No SDI 104 (Current Version).

Notification

- 18. The certifying authority must advise Council, in writing of:
 - (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
 - (b) The name and permit of the owner-builder who intends to do the work.

If these arrangements are changed, or if a contact is entered into for the work to be done by a different licensee, Council must be immediately informed.

Crime Prevention Through Environmental Design

- The following Crime Prevention Through Environmental Design principles are to be incorporated into the building.
 - (a) Back to base alarm systems shall be installed;
 - (b) Basement parking areas shall be painted a light colour;
 - (c) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be implemented;
 - (d) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair
 - (e) Lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting; and
 - (f) Access to the parking levels of the building shall be controlled via a security controlled device.

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Regulated Systems

 Regulated systems installed, such as air-handling systems, heated water systems and cooling water systems, must comply with the Public Health Act and Public Health (Microbial Control) Regulation thereunder, including AS3666.1:2011 & AS1668.

The PCA is to ensure a Liverpool City Council approved registration form is completed and submitted to the Council with any relevant fee for the system.

Security Access to car park

21. Secure access is to be provided to the basement car park to prevent any unauthorised entry. Details are to be provided with the Construction Certificate.

S138 Roads Act – Minor Works in the public road

- 22. Prior to the issue of a Construction Certificate a S138 Roads Act application/s, including payment of fees shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:
 - Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
 - Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
 - Road occupancy or road closures

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Liverpool City Council's specifications.

Note: Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

S138 Roads Act - Roadworks requiring approval of civil drawings

23. Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for all works associated with the development in Yarrunga Street (half width road pavement 6.5m wide and street tree planting).

Engineering plans are to be prepared in accordance with the development consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, Austroad Guidelines and best engineering practice.

Note:

- Where Liverpool City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate
- Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

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Retaining Walls on Boundary

24. All retaining walls must be wholly within the property boundary, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures.

Where a retaining wall exceeds 600mm in height, the wall shall be designed by a practicing structural engineer and a construction certificate must be obtained prior to commencement of works on the retaining wall.

Dilapidation Report Private Property (Excavations)

25. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey is to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property. All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by the developer or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

Land Engineering

26. Prior to the issue of a Construction Certificate for building works the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by AT and I, reference number 19-648-C045, revision B, C, D & E, dated 28/11/19 and that all works have been designed in accordance with conditions of this consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

The works may include but are not limited to the following:

- (a) Public and private road
- (b) Stormwater drainage including water quantity and quality treatment measures
- (c) Interallotment drainage
- (d) Private access driveways
- (e) Sediment and erosion control measures
- (f) Overland flowpaths

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- (g) Flood control measures
- (h) Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
- (i) Earthworks
- (j) Bridges, culverts, retaining walls and other structures
- (k) Landscaping and embellishment works
- All works required for conversion of the proposed sediment basin to a bio retention function
- (m) All works required for the decommissioning temporary OSD systems including pipe removal, basin filling and works to existing pit structures if required

The Construction Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.

Road Design Criteria

27. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works and the following criteria:

Road No.	Road Reserve Width	Carriageway Width	Verge	Footpath (1.5m wide)	ESA
Yarrunga Street	20.115m	5.5m -6.5m (half road width)	3.5m - 4.5m	1.5m	1 x 10 ⁷

28. The applicant is to provide 'No Stopping' parking restrictions along the Yarrunga Street frontage following. Approval is required to be obtained for these parking restrictions from Council's Local Traffic Committee, prior to the issue of any CC. Signage is to be installed prior to any OC.

Stormwater Concept Plan

 A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by AT & I Pty Ltd, reference number 19-648-C045, revision B, C, D & E, dated 28/11/2019.

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

Stormwater Discharge – Basement Car Parks

30. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance

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with the requirements for pumped systems in AS3500.3:2003 and Council's Stormwater Drainage Design Specifications for pump out systems for basement carparks.

On-Site Detention

 On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by AT & I, reference number 19-648-C045, revision B, C, D & E, dated 28/11/2019.

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

Engineering plans and supporting calculations for the OSD system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Liverpool City Council's Design Guidelines and Liverpool City Council's OSD policy and Technical Specification.

Performance Bond

 Prior to the issue of any Construction Certificate, a performance bond is to be lodged with Liverpool City Council for half width road and drainage construction in Yarrunga Street.

The value of the bond shall be determined and administered in accordance with Liverpool City Council's Bond Policy.

Note: Contact Council's Land Development Section for further information relating to bond requirements.

Dilapidation Report

33. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Yarrunga Street is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 40m either side of the development.

No loading on easements

34. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the foundations of proposed structures adjoining the drainage and/ or services easement have been designed clear of the zone of influence.

Water Quality

- 35. Prior to the issue of a Construction Certificate the PCA shall ensure that details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance with the LDCP 2008. The CC must be supported by:
 - Specification & installation details of the stormwater pre-treatment system

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 The approval of an operation and maintenance manual/schedule for the stormwater pre-treatment system

A copy of the approved operation and maintenance manual/ schedule shall be submitted to Council with notification of the CC issue.

Access and Manoeuvring

- 36. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:
 - a) Off street access and parking complies with AS2890.1.
 - Sight Distance at the street frontage has been provided in accordance with AS 2890.1.
 - c) All cars can enter and exit the site in a forward direction
 - d) Arrangements shall be made with the relevant authority for the relocation of the power pole adjoining the proposed driveway/vehicular crossing. Alternatively, written acceptance with regard to the proposed location of the vehicular crossing and the existing asset, and/or any alternative arrangements, shall be obtained and provided to the Certifying Authority.
- 37. Prior to the issue of a Construction Certificate, detailed design plans for the access driveway and car park including swept path analysis, line markings and sign posting in accordance with the DCP and AS2890 should be submitted to Council's Traffic and Transport Branch for review and approval.

The design should demonstrate that all expected vehicles will be accommodated, including B-Doubles. This needs to be accompanied by a certification from a qualified professional that the design of the car parks, driveways, ramps and swept path comply with the relevant Australian Standards and Liverpool City Council's Development Control Plan.

Detailed design of road reconstruction along the section of Yarrunga Street in front of the development site, including path paving shall also be submitted to Council for review and approval.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development as well as road reconstruction along Yarrunga Street are in accordance with the plans approved by Council as required by this condition.

 Street light design is to be submitted to Council for street light category and endorsement for submission to Endeavor Energy for approval.

Construction Traffic Management Plan

39. A Construction Traffic Management Plan (CTMP) is to be submitted to Liverpool City Council's Traffic & Transport Section for review and endorsement. The CTMP is to be prepared by a qualified project manager/engineer. The construction activities are not to commence prior to Council endorsing the CTMP.

All construction vehicles must enter and exit in forward direction, and no construction materials are to be stored on affected road and footpath reserves.

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The construction sites must install shakers to prevent mud spilling from the construction sites being transported onto the road network. Any spillage on the public road network must be cleaned as soon as possible.

Street Tree Planting

40. Detailed plans are required to be submitted to and approved by Council's Manager of Development Assessment showing the proposed street tree locations, species and planting sizes, paving location and layout, including references to the relevant details and specifications.

To ensure that the street tree planting size, quantity and quality is maintained throughout the Liverpool CBD, please contact Council's Land Development Section on 1300 36 2170 for further information.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that street tree planting associated with road reconstruction along Yarrunga Street are in accordance with the detailed plans approved by Council as required by this condition.

Note: A Section 138 Roads Act Approval for all works within Council's road reserve will be required.

Bus Stops

41. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that all bus stops have been designed in accordance with the requirements of the Disability Discrimination Act 2002, Disability Standards for Accessible Public Transport and the Guidelines for assessing compliance of bus stops with the Disability Standards for Accessible Public Transport 2002.

Provision of Services

42. An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the "building and developing" section of Sydney Water's web site at www.sydneywater.com.au, or telephone 13 20 92.

Following receipt of the application, a 'Notice of Requirements' will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of the 'Notice of Requirements' must be submitted to the PCA.

- 43. Written clearance from the Electricity provider, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA.
- 44. Should the Electrical Substation be located outside the building envelope, the location and any associated fire separation walls must comply with Integral Energy Substation Design Instruction Document No SDI 104 (Current Version). The colours and materials used in the construction of any wall of structure are to match those of the approved development.

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- 45. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the requirements of the Telecommunications Act 1997:
 - For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

C. PRIOR TO WORKS COMMENCING

The following conditions shall be complied with prior to works commencing on the subject site:

Commencement of Building Works

46. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

Construction Certificates

- 47. Prior to the commencement of any building works, the following requirements must be complied with:
 - (a) Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979
 - (b) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A (4) of the Act.
 - (c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
 - (d) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and
 - (e) The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.

Notification/Principal Certifying Authority

48. Written notice of intention shall be given to the owners or the adjoining allotments of land, outlining the particulars of the work, which involves:

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- a) Any excavation below the base of the footings of a building on an adjoining allotment of land.
- b) The notice shall be given seven (7) days prior to the commencement of work.

Site Notice Board

- 49. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:
 - (a) The name, address and telephone number of the principal certifying authority for the work:
 - (b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - (c) Unauthorised entry to the premises is prohibited.

Sediment and Erosion Control Measures

50. Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Landcom's publication "Managing Urban Stormwater – Soils and Construction (2004)" – also known as "The Blue Book".

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

Demolition Works

- 51. Demolition works shall be carried out in accordance with the following:
 - (a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001 The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
 - (b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
 - (c) The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.

Waste Classification and Disposal of Contaminated Soil and Material

52. All soils and material(s), liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and certified consultant, in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and related guidelines, in particular the NSW EPA Waste Classification Guidelines, prior to off-site disposal.

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All Waste material(s) must be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the waste must be submitted to the Principal Certifying Authority within 30 days of the waste being disposed of.

All waste must be transported by a contractor licenced to transport the specific waste, and in vehicles capable of carting the waste without spillage, and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.

Traffic Management Plan

- 53. No work or craning shall be undertaken within the adjoining public lands without the prior written consent of Council. In this regard Council may require a Traffic Management Plan to be submitted before giving its approval.
- 54. The developer shall seek road occupancy, road opening permits, and works zone approval from Council if required prior to undertaking any works within public road reserve. The application forms are available on Council's website or can requested from the Council's Customer Services.

Traffic Control Plan

55. Prior to commencement of works a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note: A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Liverpool City Council.

Site Facilities

- 56. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
 - (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the Local Government Act 1993 or
 - (c) be a temporary chemical closet approved under the Local Government Act 1993.
- 57. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

Notification of Service Providers

58. The approved development must be approved through the 'Sydney Water Tap In' service to determine whether the development will affect any Sydney Water wastewater and water

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mains, stormwater drains and/or easement, and if any requirements need to be met. A receipt must be provided to Council.

Please refer to the website www.sydneywater.com.au for more information.

Environmental Management

- 59. An Environmental Management Plan (EMP) shall be developed and submitted to the Principal Certifying Authority for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:
 - (a) Measures to control noise emissions from the site;
 - (b) Measures to suppress odours and dust emissions;
 - (c) Selection of traffic routes to minimise residential noise intrusions;
 - (d) Soil and sediment control measures;
 - Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos; and
 - (f) Community consultation.
- 60. Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:
 - (a) Siltation fencing;
 - (b) Protection of the public stormwater system; and
 - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

Aboriginal Heritage

61. All relevant on-site staff and contractors should be made aware of their statutory obligations for heritage under NSW National parks and Wildlife Act 1974 and the NSW Heritage Act 1977. They are to be informed of what the potential heritage on the site will be and the significant of the heritage. The site supervisor is to maintain a record of who has completed the heritage induction and this is to be provided to Council prior to Issue of Occupation Certificate.

D. DURING CONSTRUCTION

The following conditions shall be complied with during construction:

Building Inspections

62. The building works must be inspected by the Principal Certifying Authority, in accordance with sections 6.5 (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with

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the relevant standards of construction, Council's development consent and the construction certificate.

63. The Principal Certifying Authority must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceedings to the subsequent stages of construction or finalisation of the works (as applicable).

Identification Survey Report

64. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the PCA has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

In the event that Council is not the PCA, a copy of the survey shall be provided to Council within three (3) working days.

On placement of the concrete, works again shall not continue until the PCA has issued a certificate stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.

Construction Requirements (Excavation)

- 65. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
 - (a) Protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.
 - (c) a and b above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
 - (d) Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

Footpath and Road Carriageway

66. The applicant/ builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.

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Retaining Walls

67. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer. Retaining walls on any boundary are to be of masonry construction.

Security Fence

 A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.

Note: Fencing is not to be located on Council's reserve area.

Hours of Construction Work

69. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm on Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council

Drainage Connection

70. Prior to the connection of private drainage to Council's drainage system, an inspection is to be carried out by Liverpool City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.

Removal/ Decommissioning of Underground Petroleum Storage System

- 71. Decommissioning of the unused underground storage tank shall be undertaken in accordance with the following:
 - Protection of the Environment Operations (Underground Petroleum Storage Systems)
 Regulation 2014;
 - AS 4976-2008 (R2016) The removal and disposal of underground petroleum storage tanks; and
 - UPSS Technical note: Decommissioning, Abandonment and removal of UPSS by NSW Department of Environment, Climate Change and Water, now known as Office of Environment and Heritage.

A Validation Assessment of the soils upon removal of the UPSS is to be undertaken by a suitably qualified and certified contamination consultant and a report submitted to Liverpool City Council to confirm that the site is suitable for the proposed use.

Note: 'Suitably qualified and experienced contaminated land consultant' means someone who is certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) Scheme.

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Major Earthworks

 All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

Construction Noise and Vibration

73. Noise and vibration associated with excavation, demolition and construction activities shall comply with the management levels detailed within the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and acceptable vibration values prescribed within the Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006).

All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities which may exceed the construction noise management levels and vibration criteria shall be identified and managed in accordance with the approved Construction Noise, Vibration Assessment and Management Plan.

74. Construction activities, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

General Site Works

- 75. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to water pollution.
- Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
- 77. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
- 78. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.

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- All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.
- 80. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
- 81. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.

Aboriginal Heritage - Unexpected finds

- 82. If Aboriginal object/s or historic archaeological relics are identified during works, then all works in the immediate area must cease and the area secured. The Office of Environment and Heritage must be notified by ringing the Enviroline 131 555. No works are to commence until authorisation has been received from the Office of Environment and Heritage and the appropriate permits have been obtained.
- 83. In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan prior to works re-commencing must be developed in consultation with relevant Aboriginal stakeholders.
- 84. Copies of all Archaeological assessments and reports (including summary excavation and analysis reports) are to be provided to Liverpool City Council, Liverpool City Library and the relevant Local Aboriginal Land Councils (where applicable).

Pollution Control - Truck Movements

35. The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent.

Measures must be implemented to prevent tracking of sediment by vehicles onto roads.

Vehicle loads must be covered when entering and exiting the site with material.

Water Quality

86. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.

Air Quality

87. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.

Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifying Authority may direct that such work is not to proceed.

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All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.

Removal of Dangerous and/or Hazardous Waste

- 88. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with DECCW (EPA) requirements.
- All demolition and construction waste must be separated as it is generated and kept in separate bays, builder's site bins and/or skips.
- 90. All lightweight or granular excavation or construction wastes such as wrapping, packaging materials, bags, insulation, sand, soil etc. must be kept fully enclosed to prevent them from becoming wind-blown litter in strong wind conditions or from washing into drains, sewers or waterways or onto neighbouring properties or public land in wet weather.

Waste Management Plan

91. The Waste Management Plan submitted to and approved by Council must be adhered to at all times throughout all stages of the development. Supporting documentation (receipts/dockets) of waste/recycling/disposal methods carried out, is to be kept and must be produced upon the request of Council or any other authorised officer.

Note: Any non-compliance with this requirement will result in penalties being issued.

Contamination

92. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and *Managing Land Contamination – Planning Guidelines* (Planning NSW/EPA 1998).

Imported Fill Material

- 93. Filling material must be limited to the following:
 - (a) Virgin excavated natural material (VENM)
 - (b) Excavated natural material (ENM) certified as such in accordance with Protection of the Environment Operations (Waste) Regulation 2014; and/or
 - (c) Material subject to a Waste Exemption under Clause 91 and 92 Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW Environment Protection Authority as being "fit for purpose" with respect to the development subject of this application.

Certificates proving that the material imported is ENM or VENM must be provided to the Principal Certifying Authority prior to filling. Certificates are to be provided to Council officers if and when requested.

Fill imported on to the site must be compatible with the existing soil characteristic for site drainage purposes.

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Record Keeping of Imported Fill

- 94. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:
 - (a) The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;
 - (b) The results of a preliminary contamination assessment carried out on any fill material used in the development.
 - (c) The results of any chemical testing of fill material.

Site Remediation Works

- 95. The site must be remediated in accordance with:
 - (a) Remedial Action Plan: Proposed Warehouse Development 28 Yurrunga Street, Prestons, NSW (Ref. P1907209JR04V01, Revision 1) prepared by Martens Consulting PTY LTD dated 6 December 2019
 - (b) State Environmental planning Policy No. 55 Remediation of Land;
 - (c) National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and Traffic Management
 - (d) The guidelines in force under the Contaminated Land Management Act 1997.

The applicant must engage an appropriately qualified and experienced environmental consultant to supervise all aspects of site remediation and validation works in accordance with the approved Remedial Action Plan.

Liverpool City Council must be informed in writing of any proposed variation to the remediation works. Liverpool City Council must approve these variations in writing prior to commencement/recommencement of works.

Unidentified Contamination

96. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination must be notified to Council and the accredited certifier immediately after discovery. A Section 4.55 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

Traffic Conditions

- 97. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RMS's Traffic Control at Worksites Manual and the RMS's Interim Guide to Signs and Markings.
- 98. If a works zone is required, an application must be made to Council's Transport Planning section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.

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Notice must be given to Council's Transport Planning section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours to prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.

- 99. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.
- The endorsed Construction Traffic Management Plan (CTMP) is to be implemented during the construction.

Car Parking Areas

101. Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. The spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities. The design of these spaces must comply with Council's DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.

All car parking areas to be appropriately line marked and sign posted in accordance with the approved plans. All customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only. The applicant is to cover the costs of installation and maintenance of the signage.

The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking.

Street Lighting

102. Street lighting is to be provided for all new and existing streets as part of the proposed development to Liverpool City Council's standards.

The developer shall submit a Public Lighting Design Brief to Council for approval for the provision of street lighting on all new public roads dedicated to Council. A street lighting design plan must be prepared by an accredited service provider for approval prior to construction. All street lighting must comply with the electricity service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy.

All cost associated with the installation of street lighting shall be borne by the developer.

Ventilation

- 103. The premises shall be ventilated in accordance with the requirements of the NCC/BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2).
- 104. The design, construction, installation and commissioning of the mechanical ventilation systems(s) serving the premises shall be carried out in accordance with Australian Standard 1668 Parts 1 & 2.

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The mechanical exhaust discharge point shall be designed and installed by an appropriately qualified person, and shall be positioned to comply with Section 3.7 of Australian Standard 1668 Part 2 – 1991.

External

- 105. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.
- 106. The mailboxes are to be consistent with the design and colours and materials for the development.
- 107. Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.
- 108. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.

Demolition Inspection

- 109. The following inspections are required to be undertaken by Council in relation to approved demolition works:
 - (a) Immediately prior to the commencement of the demolition or handling of any building structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works. Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council.
 - (b) Immediately following completion of the demolition. Please note that proof of appropriate disposal of demolition materials (including asbestos) may be required at this time in accordance with the approved Waste Management Plan.

To book an inspection with Council, please call 1300 362 170.

Craning and Hoarding

110. If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public area or road reserve area a construction hoarding must be erected to prevent any substance from, or in connection with the construction site, falling onto a public area.

Such hoarding or barrier must be designed and erected in accordance with Council's guidelines on hoarding construction. Relevant application under the Roads Act approval must be completed and fees paid prior to the construction of a hoarding on Council road reserve area.

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Construction Requirements

111. Lifting or craning materials over a public footway or roadway is not permitted unless a "B" class construction hoarding has been installed in compliance with Work Cover authority requirements.

Security and Safety

- 112. Adequate lighting is required at the entrances and main foyers or the building, basement carpark, and mailbox area.
- 113. Surveillance cameras are required to be installed covering the entrance and exit and main areas of the car park.
- 114. The underground car park is required to be locked with access to be provided to residents only.

Vegetation and Landscaping

- 115. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
- 116. Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements.
- 117. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.
- 118. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.

Salinity

- 119. All building materials utilised below dampcourse level or water proof membranes are to be resistant to damage from salt damp. Dampcourses and water proof membranes are to have a high resistance to construction damage, are to be themselves resistant to damage from salt damp and are not to be bridged in any manner by porous materials.
- 120. Any site drainage or landscaping works are not to result in the significant mobilisation of soil salts on or off the site.

Waste Storage Area

- 121. Any bin bays must be:
 - (a) Provided with mechanical ventilation;
 - (b) Provided with a hose cock for hosing the garbage bin bay and a sewered drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins;

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- (c) Provided with sufficient light to permit usage at night; and
- (d) Allocated with sufficient space within the bin bay to allow for access to all required bins by occupants and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector

E. PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions shall be complied with prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifying Authority:

Building/Compliance

- 122. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.
- 123. Details of critical stage inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Council with the occupation certificate.
- 124. The premises must not be utilised until an Occupation Certificate is issued by the PCA. Copies of all documents relied upon for the issue of the Occupation Certificate must be attached to the Occupation Certificate and registered with Council.

(Temporary Covid-19) Section 7.11 Payment (Liverpool Contributions Plan 2009)

125. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2009 as amended.

The total contribution for each stage is provided below and will be adjusted at the time of payment in accordance with the contributions plan:

Stage 1 = \$879,998.00 Stage 2 = \$879,998.00

A breakdown of the contributions payable is provided in the attached payment form.

The Contributions Plan may be inspected online at www.liverpool.nsw.gov.au

Payment must be accompanied by the attached form.

Stage 1 Contribution

126. Prior to the issue of any occupation certificate for Stage 1, all section 7.11 contributions must be paid as required by condition 125. Evidence is to be provided to the satisfaction of the relevant certifying authority that all outstanding contributions have been paid to Council. If no construction certificate in respect to Stage 1 has been issued on or before 25 September 2022, the monetary contribution for Stage 1 as required by condition 125 must be paid before the issue of any construction certificate after that date for Stage 1 works.

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Stage 2 Contribution

127. Prior to the issue of any occupation certificate for Stage 2, all section 7.11 contributions must be paid as required by condition 125. Evidence is to be provided to the satisfaction of the relevant certifying authority that all outstanding contributions have been paid to Council. If no construction certificate in respect to Stage 2 has been issued on or before 25 September 2022, the monetary contribution for Stage 2 as required by condition 125 must be paid before the issue of any construction certificate after that date for Stage 2 works.

Cladding

128. Prior to issuing an occupation certificate the Principal Certifying Authority must be satisfied that suitable evidence has been provided to demonstrate that the external wall cladding material and system is consistent with the consent documentation, NCC and relevant Australian Standards.

Fire Safety Certificate

129. A single and complete Fire Safety Certificate, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the Occupation Certificate.

Traffic

130. The developer should provide localised road widening at Bernera Road/Yarrunga Street/Yato Road intersection to allow a 26m B-double to turn left at the same time when right turns occur from Bernera Road to Yarrunga Street and Yato Road. The design plan of the proposed widening should be submitted to Council Traffic and Transport Section for review and approval. A meeting is suggested between the developer and Council Traffic and Transport Section to discuss design requirements prior to the design plan being prepared.

\$138 Roads Act - roadworks requiring approval of civil drawings.

131. Prior to the issue of an Occupation Certificate for building works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council (being the Roads Authority under the Roads Act), for road widening of Bernera Road/Yarrunga Street/Yato Road intersection to allow a 26m B-double to turn left at the same time when right turns occur from Bernera Road to Yarrunga Street and Yato Road.

Engineering drawings are to detail road widening at the Bernera Road/Yarrunga Street/Yato Road intersection to allow a 26m B-double to turn left at the same time when right turns occur from Bernera Road to Yarrunga Street and Yato Road. The design plan of the proposed widening will be submitted to Council Traffic and Transport Section for review and approval.

The proposed intersection upgrade works will require approval by Roads and Maritime Services under Section 87 of the Roads Act, 1993.

Engineering plans are to be prepared in accordance with the development consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, Austroad Guidelines and best engineering practice.

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Note:

 Where Liverpool City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.

Landscaping

132. Upon completion of the approved landscape works associated with the development and prior to the issue of any Occupation Certificate, an Implementation Report is to be submitted to the PCA attesting to the satisfactory completion of the landscape works in accordance with the approved landscape plan. The report is to be prepared by a suitably qualified person.

Liverpool City Council clearance – Roads Act/ Local Government Act

- 133. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.
- 134. All roadworks including the required localised road widening at Bernera Road/Yarrunga Street/Yato Road intersection, signposting and street lighting are to be completed to Liverpool Council requirements, at no expense to Liverpool Council or Roads and Maritime Services.

Works as Executed

135. Prior to the issue of an Occupation Certificate, works-as-executed drawings and compliance documentation shall be submitted to the PCA in accordance with Council's *Design* Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Council with notification of the issue of the Occupation Certificate where Council is not the PCA.

Structural Engineer Certificate

136. A Structural Engineer's construction certification of all structures is to be issued to the PCA prior to the issue of the Occupation Certificate.

Stormwater Compliance

- 137. Prior to the issue of an Occupation Certificate the PCA shall ensure that the:
 - (a) On-site detention system/s;
 - (b) Stormwater pre-treatment system/s; and
 - (c) Basement carpark pump-out system.
 - Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent,
 - Have met the design intent with regard to any construction variations to the approved design, and
 - 3. Any remedial works required to been undertaken have been satisfactorily completed.

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Details of the approved and constructed system shall be provided as part of the Works-As-Executed drawings.

Restriction as to User and Positive Covenant

138. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the on-site detention system/s, stormwater pre-treatment system/s and basement carpark pump-out system shall be registered on the title of the property.

The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Basement Pump-out System

- 139. Stormwater runoff from the proposed driveway to the underground garage shall be via a pump-out system subject to the following conditions:
 - (a) The pump-out system shall be independent of any gravity drainage lines except at the site property boundary inspection pit where a surface grated inlet pit shall be constructed, from which a connection may be permitted to the gravity stormwater system.
 - (b) Engineering details and manufacturer's specifications for pumps and switching system shall be submitted for approval prior to issue of construction certificate.
 - (c) An 88B positive covenant shall be placed on the property title. This requires the property owner to be responsible for the proper maintenance and repair of the abovementioned pumps, pipes and pit system. Council is the Authority benefited and the property owner is burdened by this restriction. Evidence of the creation of the positive covenant shall be forwarded to Council prior to the issue of an OC.

Roadworks

- 140. All roadworks and signposting is to be completed to Liverpool Council requirements, at no expense to Liverpool Council or Roads and Maritime Services.
- 141. All signs and linemarking as approved by the LTC has been installed.

Footpaths

142. Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on one side of all residential access roads and both sides of all collector and distributor roads. Path paving will not be required in minor cul-de-sac with less than fifteen lots.

Rectification of Damage

143. Prior to the issue of an Occupation Certificate any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Council.

Any rectification works within Yarrunga Street will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

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Service Providers

- 144. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA prior to issue of Occupation Certificate.
- 145. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
- 146. Prior to the issue of an occupation certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with:
 - (a) The requirements of the Telecommunications Act 1997;
 - (b) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - (c) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Waste

- 147. All waste products associated with the use of the residential flat building are to be placed in containers and stored within the building.
- 148. A 'restriction as to user' is to be placed on the title of the property at the Applicant's expense, which may not be altered or removed without Council's consent, which states:
 - 'Liverpool City Council is not responsible for the provision of any green waste services or green waste bins to this property.'
- 149. All waste management facilities, equipment (except waste bins), features and permanent signage will be installed and operational prior to the issue of an Occupation Certificate

Dilapidation Report

- 150. The construction of concrete footpath paving and associated works along the frontage of the site shall be carried out by a licensed construction contractor at the applicant's expense and shall in accordance with Council's specifications.
- 151. Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.
- 152. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works and/or requirements associated with the existing power pole adjacent to the driveway in the site frontage have been signed off by the relevant Authority.

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Directional Signage

153. Prior to the issue of an Occupation Certificate, directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

Recommendations of Acoustic Report

154. Upon completion of works and prior to the issue of an Interim or Final Occupation Certificate, written certification prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA).

The written certification prepared by the suitably qualified acoustic consultant shall confirm that the development complies with all requirements and recommendations detailed within the approved acoustic report titled Noise Impact Assessment (Ref. SYD0923, Rev. 04) prepared by ADP Consulting Pty Ltd dated 17 June 2020 and any further requirements associated with mechanial plant and equipment selection. The acoustic consultant shall confirm that the development or use is capable of operating in accordance with the design criteria.

Note: 'Suitably qualified acoustic consultant' means a consultant who is a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Mechanical Ventilation Certification

155. Upon completion of works and prior to the issue of an Interim or Final Occupation Certificate, a Mechanical Ventilation Certificate of Completion and Performance prepared by a professional engineer or other suitably qualified person shall be submitted to the Principal Certifying Authority (PCA) for their review and approval. The certification shall be accompanied by details of the tests carried out in relation to ventilation and acoustics and confirm that the systems comply with the approved plans, specifications, Building Code of Australia and Australian Standard AS 1668 Parts 1 and 2'.

Display of Street Numbers

156. Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit. The number should be a minimum height of 120mm and be visible at night.

Noise Management Plan

157. A Noise Management Plan shall be prepared under the supervision of a suitably qualified acoustic consultant. The Noise Management Plan must identify and implement strategies to minimise noise from the proposed development and incorporate: approaches for promoting noise awareness by patrons and staff; training procedures; a complaint lodgement procedure to ensure that members of the public and local residents are able to report noise issues; an ongoing review process and a plan for responding to noise complaints.

The Noise Management Plan shall clearly specify the responsibilities of site personnel in managing noise and include a detailed list of steps taken to manage potential noise impacts.

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This documentation shall be submitted to the PCA and Council for review and approval prior to issue of an Interim or Final Occupation Certificate.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Validation Report

- 158. Prior to issue of the occupation certificate a detailed Validation report must be submitted to Council and the Principal Certifying Authority. The Report must be prepared in accordance with:
 - (a) NSW Contaminated Land Planning Guidelines (1998);
 - (b) Relevant EPA guidelines. In particular the Contaminated Land Guidelines Consultants Reporting on Contaminated Land (NSW EPA 2020); and
 - (c) National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).

The Validation Report must be prepared or reviewed and approved by a suitably qualified and experienced contaminated land consultant.

The report's cover or title page of the document shall include a personalised electronic seal for either the CEnvP(SC) or CPSS CSAM scheme.

The Validation report must verify that the land is suitable for the purposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the approved Remedial Action Plan.

Note: 'Suitably qualified and experienced contaminated land consultant' means someone who is certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) Scheme.

Parking Management System

159. The applicant is to prepare a parking management system that gives all tenants access to the parking spaces to be provided to assist in the full utilisation of the parking provided.

Bonds

160. A maintenance bond in the form of a bank Guarantee or cash bond (\$TBA at the time of payment), shall be lodged with Council prior to the issue of a Occupation Certificate. The bond shall cover maintenance and any damage to roads, drainage lines, public reserves or other council property or works required as a result of work not in accordance with Council's standards, and /or development consent conditions. The bond will be held by Council for a minimum period of 12 months from the date of Council acceptance of final works.

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F. Conditions Relating to Use

The following general conditions shall be complied with at all times:

Car Parking

161. A total of 438 off street (including 4 accessible car parking spaces) car spaces, 20 motorcycle spaces and 36 bicycle spaces must be provided on site. A total of 159 temporary car parking spaces must be provided for the duration of Stage 1 and whilst the existing warehouse remains operational during Stage 1 of the development.

There will be no on-street parking along the frontage of the development.

The applicant is to have a parking management system that gives all tenants access to the parking spaces to be provided to assist in the full utilisation of the parking provided.

- 162. All parking areas shown on the approved plans must be used solely for this purpose.
- 163. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, including any garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities Off Street Car Parking.
- 164. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.
- 165. Council's on-street assets should be protected at all times. Any damages should be rectified to Council satisfaction.

Landscaping

166. Landscaping shall be maintained in accordance with the approved plan, in a healthy state and in perpetuity by the existing or future owners and occupiers of the development. If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.

Mail-boxes

- 167. The mailboxes must not be accessed by universal keys and must each have their own keys for private access.
- 168. Vegetation must not cover or obstruct natural surveillance to the mailboxes.

Noise and Environmental Emissions

169. The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.

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Waste Management

- 170. Waste and recyclable material generated from the operations of the premises shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. All waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the waste storage bins.
- 171. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.
- 172. Waste bins must be stored in designated garbage areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.
- 173. The development is required to be serviced by a waste collection contractor, once in any one week.

Waste Storage Area

- 174. Any bin bays must be:
 - (a) Allocated with sufficient space within the bin bay to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector.

Noise - General

- 175. Noise associated with the use of the premises, including mechanical plant and equipment, shall not give rise to any one or more of the following:
 - (a) The use of the premises including the cumulative operation of any mechanical plant, equipment, public address system or other amplified sound equipment shall not give rise to the emission of 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.
 - (b) The operation of any mechanical plant, equipment, public address system or other amplified sound equipment installed on the premises shall not cause:
 - i. The emission of noise as measured over a 15 minute period (LAeq (15 minute)) that exceeds the LA90 (15 minute) background noise level by more than 5 dB(A) when measured at the most affected residential boundary. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the NSW Environment Protection Authority's 'Noise Policy for Industry' (2017);
 - ii. An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors;
 - iii. 'offensive noise' as defined by the Protection of the Environment Operations Act 1997; and
 - Transmission of vibration to any place of different occupancy greater than specified in AS 2670.

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176. Any alarm installed on the site is to be "silent back to base" type.

Unreasonable Noise and Vibration

177. The proposed use of the premises and equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties. Should an offensive noise complaint be received and verified by Council an Acoustic assessment is to be undertaken (by an appropriately qualified consultant), and an acoustic report is to be submitted to Liverpool City Council for review. Any noise attenuation recommendations provided in the report and approved by Council must be implemented.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Storage of Flammable and Combustible Liquids

178. Flammable and combustible liquids shall be stored in accordance with AS 1940:2017– The Storage and Handling of Flammable and Combustible Liquids.

Storage and Handling of Corrosive Substances

179. Corrosive Substances must be stored and handled in accordance with AS 3780-2008 The Storage and Handling of Corrosive Substances.

Lighting

180. Illumination of the site is to be arranged in accordance with the requirements and specifications of Australian Standard 4282:1997 – Control of the obtrusive effects of outdoor lighting so as not to impact upon the amenity of the occupants of adjoining and nearby premises.

Noise Management Plan

181. The approved Noise Management Plan shall be complied with at all times.

Forklifts and Delivery Vehicles

182. To minimise potential noise impacts, all forklifts and delivery vehicles associated with the use shall be equipped with smart (self-adjusting) reverse alarms, broadband reverse alarms, combination alarms or other suitable noise reduction technologies instead of tonal reversing alarms.

No diesel forklifts are to be utilised on the site. Forklifts are to be gas or electric as prescribed in the acoustic report titled Noise Impact Assessment (Ref. SYD0923, Rev. 04) prepared by ADP Consulting Pty Ltd dated 17 June 2020.

Environment

183. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities that are a nuisance, injurious or prejudicial to health.

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Compliance with Acoustic Assessment

184. The acoustic report titled Noise Impact Assessment (Ref. SYD0923, Rev. 04) prepared by ADP Consulting Pty Ltd dated 17 June 2020 is to be complied with at all times. Operation requirements are as follows:

Time of day	During Stage 1	Upon completion of Stage 2
Day (7am to 6pm)	> Up to fourteen (14) trucks entering and leaving in any one 15min period > Up to fifty (50) forklifts total to be operating within warehouses	> Up to fourteen (14) trucks entering and leaving in any one 15min period > Up to fifty (50) forklifts total to be operating within warehouses
Evening (6pm to 10pm)	> Up to fourteen (14) trucks entering and leaving in any one 15min period > Up to fifty (50) forklifts total to be operating within warehouses	> Up to fourteen (14) trucks entering and leaving in any one 15min period > Up to fifty (50) forklifts total to be operating within warehouses
Night (10pm to 7am)	> Up to six (6) trucks entering and leaving in any one 15min period > Up to forty (40) forklifts total to be operating within warehouses > Forklifts and trucks to use broadband reverse alarms > Truck motors to be turned off when in warehouse areas	> Up to six (6) trucks entering and leaving in any one 15min period > Up to forty (40) forklifts total to be operating within warehouses > Forklifts and trucks to use broadband reverse alarms > Truck motors to be turned off when in warehouse areas

Use of the Site Not Approved

185. Each separate occupancy shall be subject to submission (and approval by Council), of a separate Development Application for its use.

G. ADVISORY

- a) Sections 8.2, 8.3, 8.4 & 8.5 of the Environmental Planning and Assessment Act 1979 allow Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- b) Under Sections 8.7 & 8.10 of the of the Environmental Planning and Assessment Act 1979 applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.

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- c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.
- d) To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the Environmental Planning and Assessment Act 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- e) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Environmental Planning and Assessment Act 1979. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- f) In accordance with Sections 8.8 and 8.10 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.
- g) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- h) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- i) "DIAL BEFORE YOU DIG"

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

j) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

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- k) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential effect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- m) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

Should you have any queries please contact Kevin Kim on 8711 7896.

Lina Kakish Manager

Development Assessment

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ATTACHMENT 2: SECTION 7.11 CONTRIBUTION

CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

Liverpool Contribution Plan 2009 Prestons Industrial Area

When remitting payment as specified in the Conditions of Consent to the approval, this Form must be submitted with your payment.

These figures have been calculated to the CPI 2019 First Quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICATION NO.: DA-904/2019 Stage 1

APPLICANT: Muhbbah Construction Pty Ltd

PROPERTY: 28 Yarrunga Street, PRESTONS NSW 2170 (LOT 2 DP 536915)

PROPOSAL: Stage 1: Demolition of the single storey brick administration building and

associated structures within the southern portion of the site and construction of 4 large warehouse over two levels with ancillary office floor area. Retention of the existing warehouse within the northern portion of the site to operate concurrently with Stage 1 of the development with 159

temporary car parking spaces.

<u>Facilities</u>	Amount (\$)	Job No.
Liverpool Contributions Plan 2009		
District Transport - Land	\$54,976	GL.10000001865.10055
District Transport - Works	\$91,466	GL.10000001865.10055
Local Transport		
West of M7 - Works	\$20,736	GL.10000001865.10077
West of M7 - Land	\$52,971	GL.10000001865.10077
District Drainage - Land	\$286,694	GL.10000001866.10076
District Drainage - Works	\$50,278	GL.10000001866.10076
Local Drainage		
West of M7 - Land	\$119,494	GL.10000001866.10075
West of M7 - Works	\$179,807	GL.10000001866.10075
Landscape Buffer - Land	\$0	GL.10000001869.10078
Landscape Buffer - Works	\$0	GL.10000001869.10078
Administration	\$7,670	GL.10000001872.10081
Professional Fees	\$15,907	GL.10000001872.10080
TOTAL	\$879,998	

------ OFFICE USE ONLY ------

RECORD OF PAYMENT

291

EGROW 03 Attachment 1 Proposed Planning Agreement in conjunction with DA-904/2019 at 28 Yarrunga Street, Prestons Consent for DA-904/2019

		DA-904/2019
		Page 43 of 49
Total Amount paid: Date:		
Receipt No.:	Cashier:	

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CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

Liverpool Contribution Plan 2009 Prestons Industrial Area

When remitting payment as specified in the Conditions of Consent to the approval, this Form must be submitted with your payment.

These figures have been calculated to the CPI 2019 First Quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICATION NO.: DA-904/2019 Stage 2

APPLICANT: Muhbbah Construction Pty Ltd

PROPERTY: 28 Yarrunga Street, PRESTONS NSW 2170 (LOT 2 DP 536915)

PROPOSAL: Stage 2: Demolition of the existing warehouse and associated structures

within the northern portion of the site and Construction of 4 warehouse over two levels with ancillary office floor area and basement carpark with a total of 438 vehicular parking spaces including 4 accessible car parking spaces,

20 motorbike parking spaces and 36 bicycle parking spaces.

<u>Facilities</u>	Amount (\$)	Job No.
Liverpool Contributions Plan 2009		
District Transport - Land	\$54,976	GL.10000001865.10055
District Transport - Works	\$91,466	GL.10000001865.10055
Local Transport		
West of M7 - Works	\$20,736	GL.10000001865.10077
West of M7 - Land	\$52,971	GL.10000001865.10077
District Drainage - Land	\$286,694	GL.10000001866.10076
District Drainage - Works	\$50,278	GL.10000001866.10076
Local Drainage		
West of M7 - Land	\$119,494	GL.10000001866.10075
West of M7 - Works	\$179,807	GL.10000001866.10075
Landscape Buffer - Land	\$0	GL.10000001869.10078
Landscape Buffer - Works	\$0	GL.10000001869.10078
Administration	\$7,670	GL.10000001872.10081
Professional Fees	\$15,907	GL.10000001872.10080
<u>TOTAL</u>	\$879,998	

	OFFICE USE ONLY	
RECORD OF PAYMENT		
Total Amount paid: Date:		
Deceint No :	Cachier:	

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ATTACHMENT 3: SYDNEY WATER



30 April 2020

Kevin Kim Council Assessing Officer Liverpool City Council kimk@liverpool.nsw.qov.au

RE: Development Application da-904/2019 at 28 Yarrunga Street, Prestons

Thank you for notifying Sydney Water of da-904/2019 at 28 Yarrunga Street, Prestons which proposes the demolition of the existing warehouse and structures and the construction of 8 double-storey warehouse units, office suites and associated landscaping. Sydney Water has reviewed the application based on the information supplied and provides the following comments to assist in planning the servicing needs of the proposed development.

Water Servicing

 Potable water servicing should be available via a 150mm DICL watermain (laid in 2017) on Yarrunga Street. Amplifications may be required.

Recycled Water Servicing

 Recycled water servicing should be available via a 150mm oPVC watermain (laid in 2017) on Yarrunga Street. Amplifications may be required.

Wastewater Servicing

- Wastewater servicing is currently unavailable to this property.
- Extensions of Sydney Water assets will be required to service this property. Further details will be covered under the Section 73 stage.

This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our web page in the Land Development Manual.

Further advice and requirements for this proposal are in the attachments 1 & 2. If you require any further information, please contact the Growth Planning Team at urbangrowth@sydneywater.com.au.

Yours sincerely,

Create Intelligence Manager

Growth Intelligence Manager
City Growth and Development, Business Development Group
Sydney Water, 1 Smith Street, Parramatta NSW 2150

Sydney Water Corporation ABN 49 776 225 038
1 Smith St Paramatta 2150 | PO 80x 399 Paramatta 2124 | DX 14 Sydney | T 13 20 92 | www.sydneywater.com.at Delivering essential and sustainable water services for the benefit of the community

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Attachment 1

Sydney Water Servicing

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Building Plan Approval

The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at: https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tapin/index.htm

Attachment 2

Requirements for Business Customers for Commercial and Industrial Property Developments.

Trade Wastewater Requirements

Sydney Water Corporation ABN 49 776 225 038

1 Smith St Parramatta 2150 | PO Box 399 Parramatta 2124 | DX 14 Sydney | T 13 20 92 | www.sydneywater.com.au Delivering essential and sustainable water services for the benefit of the community

Attachment 1

DA-904/2019

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If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

Backflow Prevention Requirements

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

- 1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
- Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

http://www.sydneywater.com.au/Plumbing/BackflowPrevention/

Water Efficiency Recommendations

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the

Some water efficiency measures that can be easily implemented in your business are:

Sydney Water Corporation ABN 49 776 225 038
1 Smith St Parramatta 2150 | PO Box 399 Parramatta 2124 | DX 14 Sydney | T 13 20 92 | www.sydneywater.com.au Delivering essential and sustainable water services for the benefit of the

Attachment 1

DA-904/2019

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- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, http://www.waterrating.gov.au/
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost
 - http://www.sydneywater.com.au/Water4Life/InYourBusiness/RWTCalculator.cfm
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them

Contingency Plan Recommendations

Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at: http://www.sydneywater.com.au/OurSystemsandOperations/TradeWaste/ or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au.

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ATTACHMENT 4: TRANSPORT FOR NSW (TfNSW)



28 February 2020

TfNSW Reference: SYD19/00880/02 Council Reference: CNR-4526 DA904/2019

Liverpool City Council Locked Bag 7064 Liverpool BC NSW 1871

Attention: Kevin Kim

CONSTRUCT MULTI STOREY WAREHOUSE - 28 YARRUNGA STREET, PRESTONS

Dear Sir/Madam,

Reference is made to Council's correspondence dated 5 February 2020, regarding the abovementioned Application which was referred to Transport for NSW (TfNSW) for comment in accordance with the State Environmental Planning Policy (Infrastructure) 2007.

Roads and Maritime has reviewed the submitted information and raises no objection to the Application as the development is unlikely to have significant impact on classified road network.

Please note the subject may be affected by the Outer Sydney Orbital (OSO) proposal. The applicant may wish to make a further referral direct to the Outer Sydney Orbital (OSO) project team via corridors@transport.nsw.gov.au.

If you have any further questions please direct attention to Laura van Putten on 8849 2480 or email development.sydney@rms.nsw.gov.au. I hope this has been of assistance.

Yours sincerely,

Laura van Putten A/Senior Land Use Planner



Our Ref: DA-904/2019/A Contact: Kevin Kim Ph: (02) 8711 7896 Date: 10 December 2020

Bureau SRH Pty Ltd C/- Emmy Omagari 3/2 Verona Street PADDINGTON NSW 2021

Dear Sir/Madam,

ADDRESS: LOT 2 DP 536915

28 YARRUNGA STREET, PRESTONS NSW 2170

DESCRIPTION: MODIFICATION TO DEVELOPMENT CONSENT DA-904/2019

UNDER SECTION 4.55(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979, TO AMEND CONDITIONS 130 AND

131 OF THE ORIGINAL CONSENT

I am pleased to advise that Council has approved your Section 4.55(1) Application lodged on 27 November 2020 seeking to amend Development Consent DA-904/2019 which granted approval to:

Staged development – demolition of existing structures and construction of a multi-storey warehouse complex over two stages containing eight (8) warehouse units.

The Section 4.55(1) Modification DA-904/2019/A seeks to:

Amend Conditions 130 and 131 of the original consent (DA-904/2019).

The modification is approved under Section 4.55(1) of the *Environmental Planning and Assessment Act 1979*. Development Consent DA-904/2019 has now been amended and is known as DA-904/2019/A (amendments made in red, bold and italicised):

A. Condition 130 of Development Consent DA-904/2019 is amended as follows:

Traffic

130. The developer should provide localised road widening at the north western corner of Bernera Road/Yarrunga Street/Yato Road intersection to allow a 26m B-double to turn left at the same time when right turns occur from Bernera Road to Yarrunga Street and Yato Road. The design plan of the proposed widening should be submitted to Council Traffic and Transport Section for review and approval. A meeting is suggested between the developer and Council Traffic and Transport Section to discuss design requirements prior to the design plan being prepared.

B. Condition 131 of Development Consent DA-904/2019 is amended as follows:



Customer Service Centre Ground floor, 33 Moore Street, Liverpool NSW 2170 DX 5030 Liverpool All correspondence to Locked Bag 7064 Liverpool BC NSW 1871 Call Centre 1300 36 2170 Fax 9821 9333 Email Icc@liverpool.nsw.gov.au

Web www.liverpool.nsw.gov.au NRS 13 36 77 ABN 84 181 182 471

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Consent for DA-904/2019/A Attachment 2

\$138 Roads Act – roadworks requiring approval of civil drawings.

Prior to the issue of an Occupation Certificate for building works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council (being the Roads Authority under the Roads Act), for road widening at the north western corner of Bernera Road/Yarrunga Street/Yato Road intersection to allow a 26m B-double to turn left at the same time when right turns occur from Bernera Road to Yarrunga Street and Yato Road.

Engineering drawings are to detail road widening at the Bernera Road/Yarrunga Street/Yato Road intersection to allow a 26m B-double to turn left at the same time when right turns occur from Bernera Road to Yarrunga Street and Yato Road. The design plan of the proposed widening will be submitted to Council Traffic and Transport Section for review and approval.

The proposed intersection upgrade works will require approval by Roads and Maritime Services under Section 87 of the Roads Act, 1993.

Engineering plans are to be prepared in accordance with the development consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, Austroad Guidelines and best engineering practice.

Note:

Where Liverpool City Council is the Certifying Authority for the 1. development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate".

NOTE: All other conditions of Development Consent No. DA-904/2019 and attachments remain unchanged. No other modifications to the development application are approved as part of this consent.

If you have any questions, please contact Kevin Kim on the number at the top of this letter.

ADVISORY NOTES:

- Section 4.55 of the Environmental Planning and Assessment Act, 1979 gives you the right to request Council to review this determination within six (6) months of the date of determination.
- Sections 8.7 & 8.10 of the Environmental Planning and Assessment Act, 1979 gives you the right to appeal to the NSW Land and Environment Court within six (6) months after:
 - the date on which the applicant received notice, given in accordance with the regulations, of the determination of that application or, if an application for review under section 8.3 has been decided, the date on which the applicant received notice, in accordance with the regulations, of the decision, or
 - the date on which the applicant's application is taken to have been determined in accordance with regulations made under section 8.5 (3), 4.55 (6) or 4.55AA (3).

- (c) The Section 4.55 Modification Application does not extend the timeframe of the development consent initially granted by Council.
- (d) Modification of the development consent does not remove the need to obtain any other statutory consent necessary under the Act.

Yours faithfully

Kevin Kim

Senior Development Planner DEVELOPMENT ASSESSMENT

Planning Agreement 28 Yarrunga Street, PRESTONS NSW 2170

Liverpool City Council (ABN 84 181 182 471) (Council)

Muhibbah Construction Pty Ltd (ACN 93 073 412 012) (Developer)

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Planning Agreement 28 Yarrunga Street, PRESTONS NSW 2170

Parties

Council	Name	Liverpool City Council	
	Address	Ground Floor 33 Moore Street Liverpool NSW 2170	
	ABN	84 181 182 471	
Developer Name		Muhibbah Construction Pty Ltd	
	Address	28 Yarrunga St, Prestons NSW 2170	
	ABN	93 073 412 012	

Background

- A The Developer wishes to carry out the Development.
- B The Developer has applied for the Development Consent.
- C The Developer has agreed to make the Monetary Contribution on and subject to the terms of this document.

Operative Provisions

1 Agreement

The agreement of the parties is set out in the Operative Provisions of this document, in consideration of, among other things, the mutual promises contained in this document.

2 Definitions

2.1 Defined Terms

In this document, words beginning with a capital letter that are defined in Part 1 of **Schedule 2** have the meaning ascribed to them in that schedule.

2.2 Interpretation

The interpretational rules contained in Part 2 of **Schedule 2** apply in the interpretation of this document

3 Application and operation of document

3.1 Planning Agreement

This document is a planning agreement:

(1) within the meaning set out in s7.4 of the Act; and

(2) governed by Subdivision 2 of Part 7 of the Act.

3.2 Application

This document applies to both the Land and the Development.

3.3 Operation

This document operates from the date it is executed by both parties.

4 Application of s7.11 & s7.12

4.1 Application

This document does not exclude the application of section 7.11 or section 7.12 of the Act to the Development.

4.2 Consideration of Benefits

Section 7.11(6) of the Act does not apply to the Contributions that are to be carried out or provided pursuant to this document.

4.3 Section 7.24

This document does not exclude the application of s7.24 to the Development.

5 Provision of Monetary Contribution

5.1 Monetary Contribution

- (1) The Developer must pay the Monetary Contribution by the time specified in **Schedule** 3
- (2) The Monetary Contribution is made for the purposes of this document when Council receives the full amount of the Monetary Contribution in cash or by unendorsed bank cheque or by the deposit by means of electronic funds transfer of cleared funds into a bank account nominated by Council.

5.2 Indexation of Amounts payable by Developer

The Monetary Contribution is to be increased (with the calculation to be made as from the date any such amount is due to be paid under this document) in accordance with the following formula:

where:

- A = the indexed amount;
- B = the relevant amount as set out in this document;
- C = the Index most recently published before the date that the relevant payment or the calculation with respect to the relevant amount is to be made; and
- D = the Index most recently published before the commencement date of this document.

If A is less than B, then the amount of the relevant Monetary Contribution will not change.

6 Security

6.1 Provision of Security

Prior to the issue of a Construction Certificate in respect of the Development, the Developer must deliver to Council a Bank Guarantee, bonds or other form of security to the satisfaction of the Council for the amount equivalent to the Monetary Contribution (**Security**).

6.2 Council may call on Security

- (1) If the Developer commits an Event of Default Council, without limiting any other remedies available to it, may call on any Security provided by the Developer.
- (2) If Council calls on any Security, it may use the amount so paid to it in satisfaction of any costs incurred by it in remedying the relevant Event of Default.

6.3 Release of Security

Unless

- Council has made or intends to make a demand against any Security provided by the Developer;
- (2) the Monetary Contribution on account of which that Security was provided has not been paid; or
- (3) the Developer is in breach of this document at the relevant time,

Council, upon a written request being made by the Developer, must return the Security within ten (10) business days of such a request being made.

6.4 Occupation Certificate not to be issued

- (1) The Developer may only make, or cause, suffer or permit the making of, an application for an Occupation Certificate in respect of the Development if, at the date of the application, the Developer has complied with any provisions of this document which must be complied with prior to the issue of that Occupation Certificate.
- (2) An Occupation Certificate must not be issued if, at the relevant time, the Developer is in breach of any obligation under this document which must be satisfied prior to the issue of that Occupation Certificate.

6.5 Council may withhold Subdivision Certificate

- (1) The Developer may only make, or cause, suffer or permit the making of, an application for a Subdivision Certificate in respect of the Development if, at the date of the application, the Developer is not in breach of its obligation to pay the Monetary Contribution under this document.
- (2) Council may withhold the issue of a Subdivision Certificate if, at the relevant time, the Developer is in breach of its obligation to pay the Monetary Contribution under this document until such time as:
 - (a) the breach is rectified; or
 - (b) Council calls upon the Security...

7 Registration of this document

7.1 Registration of this document

The Developer acknowledges and agrees that:

- this document must be registered on the title to the Land pursuant to section 7.6 of the Act; and
- (2) subject to clause 7.2, Council will undertake that registration at the cost of the Developer.

7.2 Obligations of Developer

- (1) The Developer, at its own expense, will promptly after this document comes into operation, take all practical steps, and otherwise do anything that the Council reasonably requires, to procure:
 - (a) the consent of each person who:
 - (i) has an estate or interest in the Land; or
 - (ii) is seized or possessed of an estate or interest in the Land;
 - (b) the execution of any documents; and
 - (c) the production of the relevant duplicate certificates of title,

to enable the registration of this document in accordance with clause 7.1.

- (2) The Developer, at its own expense, will take all practical steps, and otherwise do anything that the Council reasonably requires:
 - (a) to allow the lodgement of this document with the Registrar-General as soon as reasonably practicable after this document comes into operation but in any event, no later than thirty (30) business days after that date; and
 - (b) to allow the registration of this document by the Registrar-General in the relevant folios of the Register for the Land as soon as reasonably practicable after this document is lodged for registration.

7.3 Discharge from the Register

The Council will provide a release and discharge of this document so that it may be removed from the folios of the Register for the Land (or any part of it) when:

- (1) the obligations under this document have been satisfied; or
- (2) if this document is terminated or rescinded.

8 Assignment

8.1 Restriction on Assignment

Other than in accordance with this clause 8 the Developer may not Assign their rights or obligations under this document.

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8.2 Procedure for Assignment

- (1) If the Developer wishes to Assign its rights or obligations under this document, then the Developer must:
 - (a) provide a written request to Council for the consent of Council to the relevant Assignment
 - (b) provide Council with any evidence required by Council, acting reasonably, to satisfy Council that the third party in whose favour the Assignment is to be made (Assignee) is reasonably capable of performing the obligations under this document that are to be Assigned to it;
 - (c) obtain written consent of Council to the relevant Assignment; and
 - (d) at no cost to Council, procure:
 - the execution by the Assignee of an appropriate deed where the Assignee agrees to be bound by the terms of this document; and
 - (ii) the provision of all Securities to Council by the Assignee that the Developer is required to provide under this document (and any additional securities if required by Council acting reasonably) at the same time as, or prior to, entering into that deed.
- (2) Council is under no obligation to consider granting its consent to any request made by the Developer under paragraph (1)(a) if, at the time the request is made, the Developer is in breach of this document.

9 Dispute Resolution

9.1 Notice of dispute

- (1) If a dispute or lack of certainty between the parties arises in connection with this document or its subject matter (**Dispute**), then either party (**First Party**) must give to the other (**Second Party**) a notice which:
 - (a) is in writing;
 - (b) adequately identifies and provides details of the Dispute;
 - (c) stipulates what the First Party believes will resolve the Dispute; and
 - (d) designates its representative (Representative) to negotiate the Dispute.
- (2) The Second Party must, within five (5) Business Days of service of the notice of dispute, provide a notice to the First Party designating as its representative a person to negotiate the Dispute (the representatives designated by the parties being together, the Representatives).

9.2 Conduct pending resolution

The parties must continue to perform their respective obligations under this document if there is a Dispute but will not be required to complete the matter the subject of the Dispute, unless the appropriate party indemnifies the other parties against costs, damages and all losses suffered in completing the disputed matter if the Dispute is not resolved in favour of the indemnifying party.

9.3 Further steps required before proceedings

Subject to clauses 9.14 and 9.15 and except as otherwise expressly provided in this document, any Dispute must, as a condition precedent to the commencement of litigation, mediation under clause 9.5 or determination by an expert under clause 9.6, first be referred to the Representatives. The Representatives must endeavour to resolve the dispute within five (5) Business Days of the date a notice under clause 9.1(2) is served.

9.4 Disputes for mediation or expert determination

If the Representatives have not been able to resolve the Dispute, then the parties must agree within five (5) Business Days to either refer the matter to mediation under clause 9.5 or expert resolution under clause 9.6.

9.5 Disputes for mediation

- (1) If the parties agree in accordance with clause 9.4 to refer the Dispute to mediation, the mediation must be conducted by a mediator agreed by the parties and, if the parties cannot agree within five (5) Business Days, then by a mediator appointed by the President of the Law Society of New South Wales for the time being.
- (2) If the mediation referred to in paragraph (1) has not resulted in settlement of the Dispute and has been terminated, the parties may agree to have the matter determined by expert determination under clause 9.6.

9.6 Choice of expert

- If the Dispute is to be determined by expert determination, this clause 9.6 applies.
- (2) The Dispute must be determined by an independent expert in the relevant field:
 - (a) agreed between and appointed jointly by the parties; or
 - (b) in the absence of document within five (5) Business Days after the date that the matter is required to be determined by expert determination, appointed by the President of the Law Society of New South Wales for the time being.
- (3) If the parties fail to agree as to the relevant field within five (5) Business Days after the date that the matter is required to be determined by expert determination, either party may refer the matter to the President of the Law Society of New South Wales for the time being whose decision as to the relevant field is final and binding on the parties.
- (4) The expert appointed to determine a Dispute:
 - (a) must have a technical understanding of the issues in dispute;
 - (b) must not have a significantly greater understanding of one party's business, functions or operations which might allow the other side to construe this greater understanding as a bias; and
 - (c) must inform the parties before being appointed of the extent of the expert's understanding of each party's business or operations and, if that information indicates a possible bias, then that expert must not be appointed except with the written approval of the parties.
- (5) The parties must promptly enter into an document with the expert appointed under this clause 9.6 setting out the terms of the expert's determination and the fees payable to the expert.

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9.7 Directions to expert

- (1) In reaching a determination in respect of a dispute under clause 9.6, the independent expert must give effect to the intent of the parties entering into this document and the purposes of this document.
- (2) The expert must:
 - (a) act as an expert and not as an arbitrator;
 - (b) proceed in any manner as the expert thinks fit without being bound to observe the rules of natural justice or the rules of evidence:
 - (c) not accept verbal submissions unless both parties are present;
 - (d) on receipt of a written submission from one party, ensure that a copy of that submission is given promptly to the other party;
 - take into consideration all documents, information and other material which the parties give the expert which the expert in its absolute discretion considers relevant to the determination of the Dispute;
 - (f) not be expected or required to obtain or refer to any other documents, information or material (but may do so if the expert so wishes);
 - (g) issue a draft certificate stating the expert's intended determination (together with written reasons), giving each party ten (10) Business Days to make further submissions;
 - (h) issue a final certificate stating the expert's determination (together with written reasons); and
 - act with expedition with a view to issuing the final certificate as soon as practicable.
- (3) The parties must comply with all directions given by the expert in relation to the resolution of the Dispute and must within the time period specified by the expert, give the expert.
 - (a) a short statement of facts;
 - (b) a description of the Dispute; and
 - (c) any other documents, records or information which the expert requests.

9.8 Expert may commission reports

- (1) Subject to paragraph (2):
 - (a) the expert may commission the expert's own advisers or consultants (including lawyers, accountants, bankers, engineers, surveyors or other technical consultants) to provide information to assist the expert in making a determination; and
 - (b) the parties must indemnify the expert for the cost of those advisers or consultants in accordance with clause 9.6(5) of this deed.
- (2) The parties must approve the costs of those advisers or consultants in writing prior to the expert engaging those advisers or consultants.

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9.9 Expert may convene meetings

- (1) The expert must hold a meeting with all of the parties present to discuss the Dispute. The meeting must be conducted in a manner which the expert considers appropriate. The meeting may be adjourned to, and resumed at, a later time in the expert's discretion.
- (2) The parties agree that a meeting under paragraph (1) is not a hearing and is not an arbitration.

9.10 Other courses of action

lf:

- the parties cannot agree in accordance with clause 9.4 to refer the matter to mediation or determination by an expert; or
- (2) the mediation referred to in clause 9.5 has not resulted in settlement of the dispute, the mediation has been terminated and the parties have not agreed to refer the matter to expert determination within five (5) Business Days after termination of the mediation,

then either party may take whatever course of action it deems appropriate for the purpose of resolving the Dispute.

9.11 Confidentiality of information provided in dispute resolution process

- (1) The parties agree, and must procure that the mediator and the expert agree as a condition of his or her appointment:
 - subject to paragraph (2), to keep confidential all documents, information and other material disclosed to them during or in relation to the mediation or expert determination;
 - (b) not to disclose any confidential documents, information and other material except:
 - (i) to a party or adviser or consultant who has signed a confidentiality undertaking; or
 - (ii) if required by Law or any Authority to do so; and
 - (c) not to use confidential documents, information or other material disclosed to them during or in relation to the mediation or expert determination for a purpose other than the mediation or expert determination.
- (2) The parties must keep confidential and must not disclose or rely upon or make the subject of a subpoena to give evidence or produce documents in any arbitral, judicial or other proceedings:
 - views expressed or proposals or suggestions made by a party or the mediator or the expert during the expert determination or mediation relating to a possible settlement of the Dispute;
 - (b) admissions or concessions made by a party during the mediation or expert determination in relation to the Dispute; and
 - (c) information, documents or other material concerning the dispute which are disclosed by a party during the mediation or expert determination unless such information, documents or facts would be discoverable in judicial or arbitral proceedings.

9.12 Final determination of expert

The parties agree that the final determination by an expert will be final and binding upon them except in the case of fraud or misfeasance by the expert.

9.13 Costs

If any independent expert does not award costs, each party must contribute equally to the expert's costs in making the determination.

9.14 Remedies available under the Act

This clause 9 does not operate to limit the availability of any remedies available to Council under the Act.

9.15 Urgent relief

This clause 9 does not prevent a party from seeking urgent injunctive or declaratory relief concerning any matter arising out of this document.

10 Breach of this document

10.1 Breach Notice

If the Developer breaches this document, Council may serve a notice on the Developer (**Breach Notice**) specifying:

- (1) the nature and extent of the alleged breach;
- (2) if:
 - the breach is capable of being rectified other than by the payment of compensation, what Council requires the Developer to do in order to rectify the breach; or
 - (b) the breach is not capable of being rectified other than by payment of compensation, the amount of compensation Council requires the Developer to pay in order to rectify the breach, and
- (3) the time within which Council requires the breach to be rectified, which must be a reasonable time of not less than forty (40) business days.

10.2 Events of Default

The Developer commits an Event of Default if it:

- (1) fails to comply with a Breach Notice; or
- (2) becomes subject to an Insolvency Event.

10.3 Consequences of Events of default

Where the Developer commits an Event of Default, Council may, in addition to any rights it has at Law:

- exercise the Step in Rights so as to carry out any work specified in the relevant Breach Notice; or
- (2) call on the Security to the extent of any compensation claimed in a Breach Notice and not paid by the Developer.

11 Termination, Rescission or Determination

11.1 Termination

This document terminates in the following events:

- (1) The parties agree in writing to terminate the operation of this document at any time.
- (2) Council serves notice on the Developer terminating this Planning Agreement where the Developer has failed to comply with a notice issued in accordance with clause 10.1.
- (3) The Development Consent lapses.

11.2 Consequence of termination

Upon termination of this Planning Agreement:

- (1) all future rights and obligations of the parties are discharged; and
- (2) all pre-existing rights and obligations of the parties continue to subsist.

11.3 Determination

This Planning Agreement will determine upon the Developer satisfying all of the obligations imposed on it in full.

12 Position of Council

12.1 Consent authority

The parties acknowledge that Council is a consent authority with statutory rights and obligations pursuant to the terms of the Planning Legislation.

12.2 Document does not fetter discretion

This document is not intended to operate to fetter, in any unlawful manner:

- (1) the power of Council to make any Law; or
- (2) the exercise by Council of any statutory power or discretion,

(Discretion)

12.3 Severance of provisions

- (1) No provision of this document is intended to, or does, constitute any unlawful fetter on any Discretion. If, contrary to the operation of this clause, any provision of this document is held by a court of competent jurisdiction to constitute an unlawful fetter on any Discretion, the parties agree:
 - they will take all practical steps, including the execution of any further documents, to ensure the objective of this clause 12 is substantially satisfied; and
 - (b) in the event that paragraph (1)(a) cannot be achieved without giving rise to an unlawful fetter on a Discretion, the relevant provision is to be severed and the remainder of this document has full force and effect; and

- (c) to endeavour to satisfy the common objectives of the parties on relation to the provision of this document which is held to be an unlawful fetter to the extent that it is possible having regard to the relevant court judgment.
- (2) Where the Law permits Council to contract out of a provision of that Law or gives Council power to exercise a Discretion, then if Council has in this document contracted out of a provision or exercised a Discretion under this document, then to the extent of this document is not to be taken to be inconsistent with the Law.

12.4 No Obligations

Nothing in this document will be deemed to impose any obligation on Council to exercise any of its functions under the Act in relation to the Development Consent, the Land or the Development in a certain manner.

13 Confidentiality

13.1 Document not Confidential

The terms of this document are not confidential and this document may be treated as a public document and exhibited or reported without restriction by any party.

13.2 Other Confidential Information

- (1) The parties acknowledge that:
 - (a) Confidential Information may have been supplied to some or all of the parties in the negotiations leading up to the making of this document; and
 - (b) The parties may disclose to each other further Confidential Information in connection with the subject matter of this document.
 - (c) Subject to paragraphs (2) and (3), each party agrees:
 - not to disclose any Confidential document received before or after the making of this document to any person without the prior written consent of the party who supplied the Confidential Information; or
 - (ii) to take all reasonable steps to ensure all Confidential Information received before or after the making of this document is kept confidential and protected against unauthorised use and access.
- (2) A party may disclose Confidential Information in the following circumstances:
 - (a) in order to comply with the Law, or the requirements of any Authority; or
 - (b) to any of their employees, consultants, advisers, financiers or contractors to whom it is considered necessary to disclose the information, if the employees, consultants, advisers, financiers or contractors undertake to keep the information confidential.
- (3) The obligations of confidentiality under this clause do not extend to information which is public knowledge other than as a result of a breach of this clause.

14 GST

14.1 Defined GST Terms

Defined terms used in this clause 14 have the meaning ascribed to them in the GST Law.

14.2 GST to be Added to Amounts Payable

- (1) If GST is payable on a Taxable Supply made under, by reference to or in connection with this document, the party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.
- (2) This clause does not apply to the extent that the Consideration for the Taxable Supply is expressly agreed to be GST inclusive.
- (3) Unless otherwise expressly stated, prices or other sums payable or Consideration to be provided under or in accordance with this document are exclusive of GST.

14.3 GST Obligations to Survive Termination

This clause 14 will continue to apply after expiration of termination of this document.

15 Miscellaneous

15.1 Obligation to act in good faith

The parties must at all times:

- cooperate and use their best endeavours to profitably and professionally give effect to their rights and obligations set out in this document;
- (2) not unreasonably delay any action, approval, direction, determination or decision which is required of them;
- (3) make approvals or decisions that are required of them in good faith and in a manner consistent with the completion of the transactions set out in this document; and
- (4) be just and faithful in their activities and dealings with the other parties.

15.2 Legal costs

The Developer agrees to:

- pay or reimburse the reasonable legal costs and disbursements of Council of the negotiation, preparation, execution, and stamping of this document;
- (2) pay the reasonable legal costs and disbursements referred to in paragraph (1) within ten (10) business days of receipt of a Tax Invoice from Council; and
- (3) pay or reimburse the legal costs and disbursements of Council arising from the ongoing administration and enforcement of this document including any breach or default by the Developer of it obligations under this document.

16 Administrative Provisions

16.1 Notices

- (1) Any notice, consent or other communication under this document must be in writing and signed by or on behalf of the person giving it, addressed to the person to whom it is to be given and:
 - (a) delivered to that person's address;
 - (b) sent by pre-paid mail to that person's address; or

- (c) transmitted by facsimile to that person's address.
- (2) A notice given to a person in accordance with this clause is treated as having been given and received:
 - if delivered to a person's address, on the day of delivery if a Business Day, otherwise on the next Business Day;
 - (b) if sent by pre-paid mail, on the third Business Day after posting; and
 - (c) if transmitted by facsimile to a person's address and a correct and complete transmission report is received, on the day of transmission if a Business Day, otherwise on the next Business Day.
- (3) For the purpose of this clause the address of a person is the address set out in this document or another address of which that person may from time to time give notice to each other person.

16.2 Entire Document

This document is the entire agreement of the parties on the subject matter. All representations, communications and prior agreements in relation to the subject matter are merged in and superseded by this document.

16.3 Waiver

The non-exercise of or delay in exercising any power or right of a party does not operate as a waiver of that power or right, nor does any single exercise of a power or right preclude any other or further exercise of it or the exercise of any other power or right. A power or right may only be waived in writing, signed by the parties to be bound by the waiver.

16.4 Cooperation

Each party must sign, execute and deliver all agreements, documents, instruments and act reasonably and effectively to carry out and give full effect to this document and the rights and obligations of the parties under it.

16.5 Counterparts

This document may be executed in any number of counterparts and all of those counterparts taken together constitute one and the same instrument.

16.6 Amendment

This document may only be amended or supplemented in writing signed by the parties.

16.7 Unenforceability

Any provision of this document which is invalid or unenforceable in any jurisdiction is to be read down for the purposes of that jurisdiction, if possible, so as to be valid or enforceable, and is otherwise capable of being severed to the extent of the invalidity or enforceability, without affecting the remaining provisions of this document or affecting the validity or enforceability of that provision in any other jurisdiction.

16.8 Power of Attorney

Each attorney who executes this document on behalf of a party declares that the attorney has no notice of:

(1) the revocation or suspension of the power of attorney by the grantor; or

(2) the death of the grantor.

16.9 Governing law

The law in force in the State of New South Wales governs this document. The parties:

- (1) submit to the exclusive jurisdiction of the courts of New South Wales and any courts that may hear appeal from those courts in respect of any proceedings in connection with this document; and
- (2) may not seek to have any proceedings removed from the jurisdiction of New South Wales on the grounds of *forum non conveniens*.



Schedule 1- Requirements under s7.4

REQUIREMENT UNDER THE ACT		THIS PLANNING AGREEMENT		
Planning instrument and/or development application – (Section 7.4(1))				
The Developer has:				
(a)	sought a change to an environmental planning instrument.	(a) No		
(b)	made, or proposes to make, a Development Application.	(b) Yes		
(c)	entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.	(c) Not applicable		
	ription of land to which this ment applies – (Section 7.4(3)(a))	Lot 2 DP 536915		
Description of change to the environmental planning instrument to which this agreement applies – (Section 7.4(3)(b))		Does not apply		
Application of section 7.11 of the Act – (Section 7.4(3)(d))		Refer to clause 4.1 of the Planning Agreement.		
Applicability of section 7.12 of the Act – (Section 7.4(3)(d))		Refer to clause 4.1 of the Planning Agreement.		
Consideration of benefits under this agreement if section 7.11 applies – (Section 7.4(3)(e))		Refer to clause 4.2 of the Planning Agreement.		
Mechanism for Dispute resolution - (Section 7.4(3)(f))		See clause 9.		
Enforcement of this agreement (Section 7.4(3)(g))		See clause 6.		
No obligation to grant consent or exercise functions – (Section 7.4(3)(9))		See clause 11.		

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Schedule 2 - Defined Terms and Interpretation

Part 1 - Definitions

Act

means the Environmental Planning and Assessment Act 1979 (NSW).

Assign

as the context requires refers to any assignment, sale, transfer, disposition, declaration of trust over or other assignment of a legal and/or beneficial interest.

Authority

means (as appropriate) any:

- federal, state or local government;
- (2) department of any federal, state or local government;
- (3) any court or administrative tribunal; or
- (4) statutory corporation or regulatory body.

Bank Guarantee

means an irrevocable and unconditional undertaking without any expiry or end date by one of the following trading banks:

- (1) Australia and New Zealand Banking Group Limited.
- (2) Commonwealth Bank of Australia.
- Macquarie Bank.
- (4) National Australia Bank Limited.
- (5) St George Bank Limited.
- (6) Westpac Banking Corporation.
- (7) Any other financial institution approved by the Council, in its absolute discretion, in response to a request from the Developer.

Claim

against any person any allegation, action, demand, cause of action, suit, proceeding, judgement, debt, damage, loss, cost, expense or liability howsoever arising and whether present or future, fixed or unascertained, actual or contingent whether at law, in equity, under statute or otherwise.

Confidential Information

means any information and all other knowledge at any time disclosed (whether in writing and orally) by the parties to each other, or acquired by the parties in relation to the other's activities or services which is not already in the public domain and which:

- (1) is by its nature confidential;
- is designated, or marked, or stipulated by either party as confidential (whether in writing or otherwise);
- (3) any party knows or ought to know is confidential;
- (4) is information which may be reasonably considered to be of a confidential nature.

Can	etruc	tion	Cart	ificat	t۵

has the same meaning as in section 6.4(a) of the Act.

Development

means the development of the Land as permitted under the Development Consent (as modified) including:

- (1) the demolition of existing structures on the Land; and
- (2) construction of a multi-storey warehouse complex over two(2) stages containing a total of eight (8) warehouse units.

Development Application

means an application for the Development Consent.

Development Consent

means the consent issued under the Act for the Development which includes both DA-904/2019 and DA-904/2019/A.

Dispute

has the meaning ascribed to it in clause 9.1.

Event of Default

has the meaning ascribed to it in clause 10.2.

GST Law

means A New Tax System (Goods and Services Tax) Act 1999 (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

Index

means the Consumer Price Index (All Groups - Sydney) as provided by the Australian Bureau of Statistics.

Insolvency Event

means the happening of any of the following events:

- (1) Application which is not withdrawn or dismissed within fourteen (14) days is made to a court for an order or an order is made that a body corporate be wound up.
- (2) An application which is not withdrawn or dismissed within fourteen (14) days is made to a court for an order appointing a liquidator or provisional liquidator in respect of a body corporate or one of them is appointed, whether or not under an order.
- (3) Except to reconstruct or amalgamate while solvent, a body corporate enters into, or resolves to enter into, a scheme of arrangement, agreement of company arrangement or composition with, or assignment for the benefit of, all or any class of its creditors, or it proposes a reorganisation, moratorium or other administration involving any of them.
- (4) A body corporate resolves to wind itself up, or otherwise dissolve itself, or gives notice of intention to do so, except to reconstruct or amalgamate while solvent or is otherwise wound up or dissolved.
- (5) A body corporate is or states that it is insolvent.
- (6) As a result of the operation of section 459F(1) of the Corporations Act 2001 (Cth) (Corporations Act), a body corporate is taken to have failed to comply with a statutory demand:
- (7) A body corporate is or makes a statement from which it may be reasonably deduced that the body corporate is, the subject of an event described in section 459C(2)(b) or section 585 of the Corporations Act.
- (8) A body corporate takes any step to obtain protection or is granted protection from its creditors, under any applicable

	legislation or an administrator is appointed to a body corporate.
(9)	A person becomes an insolvent under administration as defined in section 9 of the Corporations Act or action is taken which could result in that event.
(10)	A receiver, manager or receiver and manager is appointed to the Company.
(11)	A claim is filed in a court against a person that is not defended, released or otherwise settled within twenty eight (28) days of the date of its filing at the court.
(12)	Anything analogous or having a substantially similar effect to any of the events specified above happens under the law of any applicable jurisdiction.
means	the land contained in Lot 2 in Deposited Plan 536915.
	all legislation, regulations, by-laws, common law and other order made by any Authority.
means	the monetary contribution set out in Schedule 3 .
has the	e same meaning as in section 6.4(c) of the Act.
	the Act, the Local Government Act 1993 (NSW) and the Act 1993 (NSW).
has the	e meaning ascribed to it in clause 6.1
has the	e same meaning as in section 6.4(d) of the Act.
	se, annexure or schedule is a reference to a clause in or ure or schedule to this document.
a statu	ite, ordinance, code or other law includes regulations and

Part 2 - Interpretational Rules				
clauses, annexures and schedules	a clause, annexure or schedule is a reference to a clause in or annexure or schedule to this document.			
reference to statutes	a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, reenactments or replacements of any of them.			
singular includes plural	the singular includes the plural and vice versa.			
person	the word "person" includes an individual, a firm, a body corporate, a partnership, joint venture, an unincorporated body or association or any government agency.			
executors, administrators, successors	a particular person includes a reference to the person's executors, administrators, successors, substitutes (including persons taking by novation) and assigns.			
dollars	Australian dollars, dollars, $\$ or A $\$ is a reference to the lawful currency of Australia.			
calculation of time	if a period of time dates from a given day or the day of an act or event, it is to be calculated exclusive of that day.			
reference to a day	a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later.			

Land Law

Security

Monetary Contribution
Occupation Certificate
Planning Legislation

Subdivision Certificate

322

accounting terms an accounting term is a reference to that term as it is used in accounting standards under the Corporations Act or, if not inconsistent with those standards, in accounting principles and practices generally accepted in Australia. a group of persons or things is a reference to any two or more of reference to a group of persons them jointly and to each of them individually. the words "include", "including", "for example" or "such as" are not meaning not limited used as, nor are they to be interpreted as, words of limitation, and, when introducing an example, do not limit the meaning of the words to which the example relates to that example or examples of a similar kind. next day if an act under this document to be done by a party on or by a given day is done after 4.30pm on that day, it is taken to be done on the next day. next Business Day if an event must occur on a stipulated day which is not a Business Day then the stipulated day will be taken to be the next Business Day.

headings headings (including those in brackets at the beginning of

paragraphs) are for convenience only and do not affect the interpretation of this document.

time is a reference to Sydney time.

agreement a reference to any agreement, document or instrument includes the

same as varied, supplemented, novated or replaced from time to

Gender a reference to one gender extends and applies to the other and

neuter gender.

time of day

Schedule 3 – Monetary Contribution

	Time for Completion	Contribution Value
tary Contribution	Prior to the issue of an Occupation Certificate in respect of the Development by Council.	\$207,300.00

Proposed Planning Agreement in conjunction with DA-904/2019 at 28 Yarrunga Street, Prestons Draft Planning Agreement

Execution page				
Executed as an agreement.				
Dated:				
Executed by Liverpool City Council by its General Council in accordance with resolution dated	Manager and Mayor by the affixing of the Common Seal of			
General Manager (Signature)	Mayor (Signature)			
Name of General Manager (Print Name)	Name of Mayor (Print Name)			
Executed by Muhibbah Construction Pty Ltd in accordance with section 127(1) of the <i>Corporations Act 2001</i> (Cth) by authority of its directors.				
Director/Secretary (Signature)	Director (Signature)			
Name of Director/ Secretary (Print Name)	Name of Director (Print Name)			

Proposed Planning Agreement in conjunction with DA-904/2019 at 28 Yarrunga Street, Prestons **Explanatory Note to Planning Agreement**

Explanatory Note

Planning Agreement

28 Yarrunga Street, Prestons NSW 2170

Introduction 1

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft voluntary Planning Agreement (Planning Agreement) under s7.4 of the Environmental Planning and Assessment Act 1979 (NSW) (Act).

This Explanatory Note has been prepared jointly between the parties as required by clause 25E of the Environmental Planning and Assessment Regulation 2000 (Regulations).

This Explanatory Note is not to be used to assist in construing the Planning Agreement.

2 Parties to the Planning Agreement

The parties to the Planning Agreement are:

- Liverpool City Council (ABN 84 181 182 471) (Council); and (1)
- Muhibbah Construction Pty Ltd (ABN 93 073 412 012) (Developer). (2)

3 Description of the Land to which the Planning Agreement applies

The Planning Agreement applies to the land contained in Lot 2 in DP 536915 (the Land).

Description of the Development to which the Planning Agreement 4 applies

The Planning Agreement relates to the proposed development of the Land as permitted under both DA-904/2019 and DA904/2019/A including the:

- (1) demolition of existing structures on the Land; and
- construction of a multi-storey warehouse complex on the Land over two (2) stages (2) containing a total of eight (8) warehouse units,

(the Development).

5 Summary of Contributions, Objectives, Nature and Effect of the Planning Agreement

Prior to the issue of an Occupation Certificate in respect of the Development, the Developer must pay a monetary contribution to Council in an amount of \$207,300.00 (the Contribution).

The **objective** of the Planning Agreement is to primarily provide benefits for the wider community by facilitating the delivery of the Contribution to community infrastructure in consideration of Council consenting to the Development.

The **nature** of the Planning Agreement is a contractual relationship between the Council, the Developer and the Owners for providing the Contribution.

The **effect** of the Planning Agreement is that the Developer will provide the Contribution in the manner provided for by the Planning Agreement (as applicable).

6 Assessment of the Merits of the Planning Agreement and Impact on the Public

The Planning Agreement promotes:

- (1) the public interests; and
- (2) the Objects of the Act.

The Planning Agreement will provide certainty for the Developer and the Council as to provision of the Contribution and promote the provision of public amenities and public services.

7 Identification of how the Planning Agreement promotes the public interest

The Planning Agreement supports the public interest in the following ways:

- (1) By promoting the social and economic welfare of the community and a better environment by the proper management, development and conservation of the community's natural, historical and other resources.
- (2) By facilitating ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment.
- (3) To promote the orderly and economic use and development of land.
- (4) By providing increased opportunity for community participation in environmental planning and assessment.

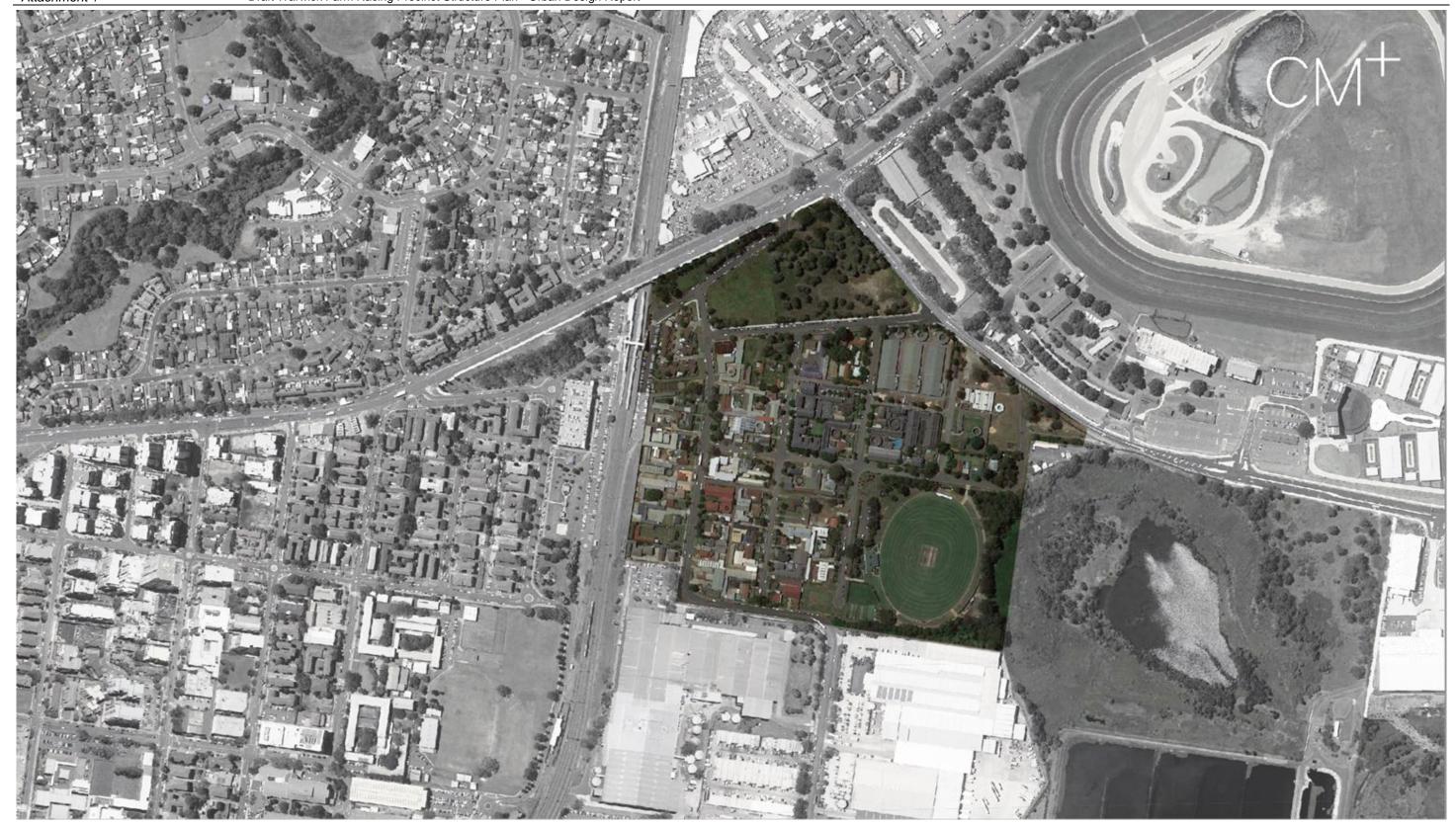
8 How the Planning Agreement promotes the Guiding Principles for Councils

The Planning Agreement promotes a number of the Guiding Principles for Councils under section 8A of the *Local Government Act 1993* (NSW), as follows:

- (1) To plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (2) To act fairly, ethically and without bias in the interests of the local community.
- (3) To recognise diverse local community needs and interests.
- (4) To have regard to the long term and cumulative effects of its decisions on future generations.
- (5) Transparent decision-making and active engagement with local communities, through the use of the integrated planning and reporting framework and other measures
- (6) Providing strong and effective representation, leadership, planning and decisionmaking.
- (7) Applying the integrated planning and reporting framework in carrying out functions so as to achieve desired outcomes and continuous improvements.
- (8) Working with others to secure appropriate services for local community needs

9 Identification of whether the Planning Agreement conforms with the Council's local infrastructure delivery plan

The works and contributions as designated under the Voluntary Planning Agreement align with Council's scheduled program of works in the vicinity.





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WARWICK FARM STRUCTURE PLAN URBAN DESIGN REPORT

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WARWICK FARM STRUCTURE PLAN

Revision	Date	Description	Ву	Chk	Арр
01	22/06/2020	Draft Urban Design Report	WW/DW	DA	
02	30/06/2020	Final Draft Urban Design Report	WW/DW	WV	0M

Prepared for: LIVERPOOL CITY COUNCIL.

Bv

Conybeare Morrison International Pty Ltd

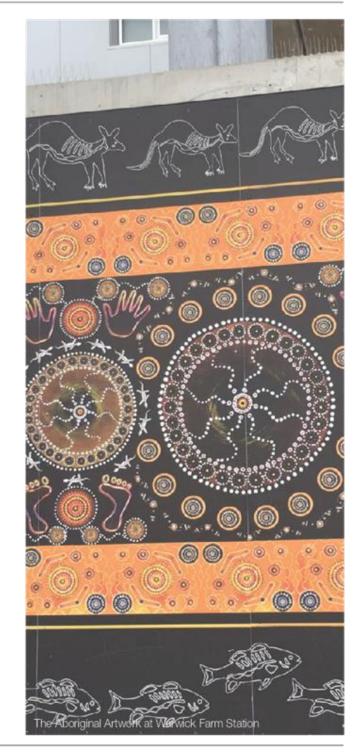
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1.0 Introduction

1.1 Background Introduction

Conybeare Morrison International (CM⁺) and the consultant team are engaged by Liverpool City Council (LCC) to conduct a study of the Warwick Farm Precinct (the precinct) and develop a Structure Plan as well as the associated Planning Proposal and Contributions Plan to submit to the Department of Planning, Industry and Environment (DPIE) for Gateway determination.

In the December 2019 Council meeting, Liverpool City Council decided to support a B4 Mixed Use zoning within the precinct and deliver a high quality Urban Renewal Precinct with optimal urban design outcomes. Council has also resolved to support in principle the Planning Proposal at No. 240 Governor Macquaire Drive (GMD), lodged by SJB Planning on behalf of Warwick Farm Central (Projects) Pty Ltd, with reduced height and density as well as a new VPA offer. Subsequently, Council prepared and lodged a Planning Proposal to the DPIE on the 25th of February 2020 seeking to amend the Liverpool Local Environmental Plan 2008 (LLEP 2008), including:

- Rezone No. 240 GMD from B5 Business Development to part B4 Mixed Use and part R4 High Density Residential.
- Increase the maximum floor space ratio development standard applying to No. 240 GMD from 0.75:1 to 2:1.
- Increase the maximum height of buildings development standard applying to No. 240 GMD from 15m to 50m.
- Reduce the minimum lot size development standard applying to No. 240 GMD from 2ha to 1,000 m².
- Add a site-specific clause to the LEP, which would enable development of No. 240 GMD to access bonus FSR provisions equivalent to Clause 4.4 (2B) of LLEP 2008 up to a maximum of 3:1.

To inform the development of the Structure Plan and the Planning Proposal for the whole precinct, CM⁺ and the consultant team have conducted a thorough background review and analysis of the precinct and its strategic and local context. The team has also considered the latest Council resolutions relevant to the precinct and the Planning Proposal at No. 240 GMD by LCC. The detailed review, Urban Design analysis and the proposed Structure Plan is provided in the following chapters of this report.



Figure 1: Aerial view of the Warwick Farm Precinct

Planning Proposal 240 Governor Macquarie Drive (Lot 1 DP1162276), Warwick Farm Amendment to the Liverpool Local Environmental Plan 2008: - Rezone the site from 83 Business Development to part 84 Mixed Use and part 84 High Density Residential; - Increase the maximum he for space ratio development standard applying to the site from 0.75:1 to 2:1; - Increase the maximum he fight obuildings development standard applying to the site from 15th to 30m; - Reduce the minimum lot size development standard applying to the site from 2ha to 1,000 m², and - Add a site-specific clause to the LEP, which would enable development of the site to access bonus FSR provisions equivalent to clause 4.4 (28) of LLEP 2008 up to a maximum of 3:1



1.0 Introduction

1.2 The Study Area

The Warwick Farm Precinct is located in the Liverpool Council Local Government Area (LGA), in the suburb of Warwick Farm. The Liverpool CBD, which is the third largest CBD of Metropolitan Sydney, is approximately 1.5km (10-minute drive) to the southwest of the precinct. The Warwick Farm Racecourse is across Governor Macquarie Drive to the northeast of the precinct.

The precinct has an area of approximately 28.4 hectares and is bounded by the Hume Highway to the northwest, the railway corridor to the west, Priddle Street to the south, Horseshoe Pond to the east and Governor Macquarie Drive to the northeast.

It is well connected to the surrounding suburbs, parks, sport and recreational facilities as well as educational facilities. Rosedale Oval, located within the precinct, is an 'A-Grade' Cricket Ground. A children's playground is located within Rosedale Oval along National Street. Hart Park is across the railway corridor to the west of the precinct. Liverpool Hospital is approximately 800m to the southwest of the precinct.

The precinct is also well served by the Hume Highway, major roads, local roads and public transport. Warwick Farm Station, which is serviced by T2 Inner West / Leppington, T3 Liverpool / Lidcombe and T5 Richmond / Leppington lines, provide frequent train services to the major strategic and local centres, including Liverpool CBD, Parramatta CBD and Sydney CBD.

The Warwick Farm Precinct currently has a mix of uses, however most are related to the equine business. Residential, hotel and motel accommodation is scattered within the precinct. A general industrial area is immediately adjacent to the Warwick Farm Precinct to the south, which generates a large amount of heavy vehicle traffic movements through Manning and Munday Streets to Governor Macquarie Drive and the Hume Highway. The conflict of uses between small vehicles, heavy vehicles, pedestrian and horses is one of the major issues within the precinct.

Council, at its December 2019 meeting, has identified the Manning Street Bypass as a priority project to redirect heavy vehicles from entering the core of the precinct, therefore facilitating the redevelopment of the precinct to mix of uses, including B4 Mixed Use zone. The Manning Street Bypass project is at the preliminary stage. Detailed information regarding the proposed Manning Street Bypass will be made available to the public once the design is finalised.



Figure 2: The Warwick Farm Precinct



1.0 Introduction

1.3 Project Objectives

The project aims to:

- Rezone the Warwick Farm Precinct to a mix of uses, including B4 Mixed Use, R4 High Density Residential and RE1 Public Recreation consistent with the Liverpool Local Strategic Planning Statement (LSPS).
- Incorporate the Council endorsed Planning Proposal at No. 240 Governor Macquarie Drive into the overall precinct planning.
- Develop a well considered Structure Plan for the precinct to guide future development.
- Achieve the objectives and actions identified in the Liverpool Local Strategic Planning Statement (LSPS).
- · Mitigate the potential traffic and flooding impacts.
- Improve the public domain, including pedestrian / cycling linkages, wayfinding and new public spaces.
- · Deliver public benefits as a result of the redevelopment.
- Provide appropriate height and density across the precinct based on the analysis of constraints and opportunities.
- Prepare a Planning Proposal and Contributions Plan based on the Structure Plan to submit to the DPIE for a Gateway Determination.

1.4 The Team

The CM⁺ led Consultant Team includes the following expertise:

- Project Management CM⁺
- Urban Design CM⁺
- Strategic, Statutory Planning and Contributions Plan- GLN Planning
- · Transport Planning SCT Consulting
- · Flood Management WMA Water
- · Social and Community Planning Cred Consulting
- · Economic and Land Valuations Atlas Urban Economics
- · Quantity Surveying Mitchell Brandtman

The Consultant Team has worked closely with Liverpool City Council to deliver this project. The team structure is illustrated in Figure 3.

1.5 Methodology

The development of the Structure Plan has been undertaken using the following methodology:

- Attend an Inception Meeting with Council to familiarise with the background information and confirm the project objectives, program and deliverable.
- Conduct a site visit of the precinct and its surrounding context to familiarise with the area.
- Undertake background information review.
- Conduct Urban Design Analysis, planning study, traffic and transport study, flood study and social infrastructure study to identify constraints and opportunities.
- Establish the Urban Design Vision and Principles for the precinct
- Develop Structure Plan options based on the Urban Design Vision and Principles as well as the input from the Consultant Team.
- · Workshop with Council on the Structure Plan options.
- Develop and document the preferred Structure Plan option, based on the feedback from Council and the Consultant Team.
- Present the Structure Plan to Councillors and refine it based on the feedback received.
- Present the Structure Plan to Liverpool Local Planning Panel and finalise the plan addressing comments received.





Figure 3: The team structure

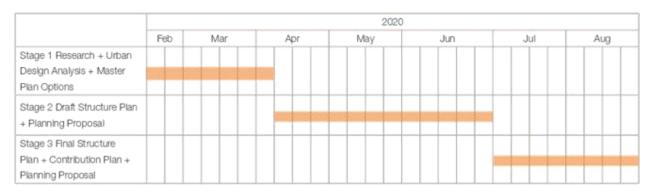


Figure 4: The program





2.0 Planning Context

2.1 Strategic Context

A Metropolis of Three Cities

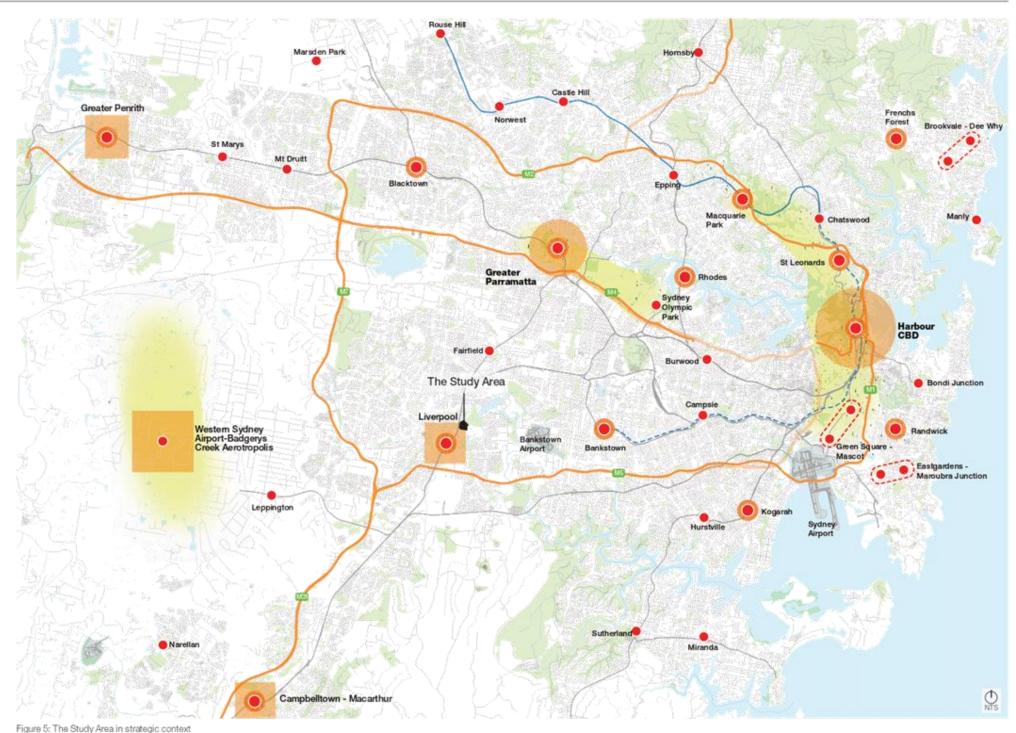
The Greater Sydney Regional Plan - A Metropolis of Three Cities by the Greater Sydney Commission is a 40 year vision for Metropolitan Sydney. It envisions a 30-minunte city, where residents live within 30 minutes travel of their jobs, education and health facilities, services and great places. The three cities identified in the Plan are:

- · The Easter Harbour City
- · The Central River City
- · The Western Parkland City

The Regional Plan projects that almost half of the population growth in Greater Sydney over the next 40 years will reside west of Parramatta in the Central River City and the Western Parkland City. It is projected that the population of Western Parkland City will grow from 740,000 in 2016 to 1.1 million by 2036 and to over 1.5 million by 2056.

The Regional Plan promotes the ongoing growth of the Western Parkland City. It emphasises the role of collaboration, and encourages urban renewal and new neighbourhood establishment close to the existing centres, including the Liverpool CBD. A place-based approach, that provides great public spaces, and Transport-Oriented Development (TOD), is encouraged to deliver high quality neighbourhoods and a healthy lifestyle in the Western Parkland City.

The Warwick Farm Precinct will contribute to the Liverpool Metropolitan Cluster which comprises civic, health, education, residential, retail and commercial uses. The Hume Highway connects the precinct to the M5 Motorway, which forms part of the Sydney Orbital Network. The precinct is approximately 1.5km to the Liverpool CBD (10-minute drive), 14km to the Parramatta CBD (30-minute drive), 27km to the future Western Sydney Airport (35-minute drive) and 40km to the Sydney CBD (40-minute drive). The precinct is also close proximity to Warwick Farm Station. The revisioning of the precinct presents a TOD opportunity and enables the creation of a high-quality new neighbourhood that fulfils the 30-minute city vision in the Regional Plan.





2.0 Planning Context

Western City District Plan

The Western City District Plan (the District Plan) is a 20-year plan to manage growth and achieve the 40-year vision identified in the Regional Plan. The District Plan will guide the growth of the Western Parkland City to year 2036.

The District Plan covers eight individual councils, including Liverpool City Council. It is projected that the Western City District will have a population of 1,534,450 by 2036, which is an additional 464,450 people compared with 2016. The Western City District will accommodate 27% of the total population growth in Greater Sydney. An additional 184,500 dwellings are projected by 2036, which comprises 25% of the total housing increase in Greater Sydney. The District Plan also estimates that an additional 370,200 jobs will be created which is 15% of the Greater Sydney total.

The District Plan emphasises the importance of transport infrastructure to facilitate the population and job growth of the district. It promotes housing diversity and easy access to public transport and infrastructure, including schools, hospitals and community facilities. Active transport, including walking and cycling paths, and green links will improve the district's livability.

Collaboration Area - Liverpool Place Strategy

The Liverpool CBD and the Warwick Farm Precinct are identified as part of the Collaboration Area, which promotes rezoning land for additional housing, improving connections, and undertaking urban renewal of the Warwick Farm Precinct. The District Plan nominates a five year housing target of 8,250 for Liverpool. In addition to the housing target, a baseline job target of 36,000 by 2036 (7,000 increase compared with 2016) is nominated for Liverpool.

The 2019 NSW Population Projections by DPIE estimates the population of Liverpool will increase by 229,450 and reach 441,450 people by 2041. A total of 156,800 dwellings is projected by year 2041.

The Liverpool Collaboration Area Place Strategy

The District Plan has identified the Liverpool area as a Collaboration Area as it involves complex urban challenges. The Place Strategy sets out the vision and actions to enable the redevelopment of the area.

The Warwick Farm Precinct is identified as an Innovation / Research / Health / Advanced Manufacturing area under the Place Strategy. The Place Strategy also identifies the need to upgrade the

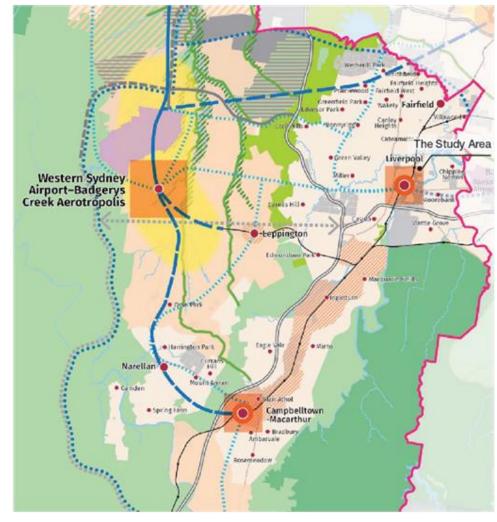


Figure 6: West District Plan

Warwick Farm Station Interchange underpass, the commuter car park and its access as a priority. The vision outlines in the Liverpool Collaboration Area Place Strategy for the Warwick Farm Precinct is included in the Liverpool Local Strategic Planning Statement which has been endorsed by the Greater Sydney Commission.



Figure 7: Liverpool Collaboration Area Plan



Key

WATERWAY

RAILWAY

NEW ROAD

PROPOSED SHARED PATH

RECYCLED WATER OPEN SPACE

LIVERPOOL WATER RECYCLING PLANT

EXISTING VEHICULAR CONNECTION

NEW PEDESTRAIN CONNECTIVITIES



2.0 Planning Context

River Sensitive Liverpool: Cool, Comfortable, Connected Ideas for the Liverpool Collaboration Area

In February 2019, a two-day workshop was co-hosted by Liverpool City Council and Sydney Water. The workshop intended to explore opportunities to deliver Council's Water Management Policy and implement the priorities and actions of the Liverpool Place Strategy. A report was published by the Cooperative Research Centre for Water Sensitive Cities (CRC) summarising the workshop outcomes.

There were 35 participants from eleven organisations that attended this workshop, including:

- · NSW Department of Planning, Industry and Environment (DPIE)
- . NSW Office of Environment and Heritage (now a part of DPIE)
- Greater Sydney Commission
- · NSW Department of Health
- · NSW Environmental Protection Authority
- · Sydney Water
- Liverpool City Council
- CRC
- Property developers

The workshop envisaged providing public access to both Horseshoe Pond and the Georges River foreshore area within the Liverpool Sewage Treatment Plant, which are currently owned by Sydney Water(refer to Figure 8).

The workshop also identified the next steps to realise the ideas proposed. It identified that Council and Sydney Water co-develop the strategic masterplan for the Sydney Water site.

Council has been working with Sydney Water to deliver the masterplan for the Sydney Water Site.

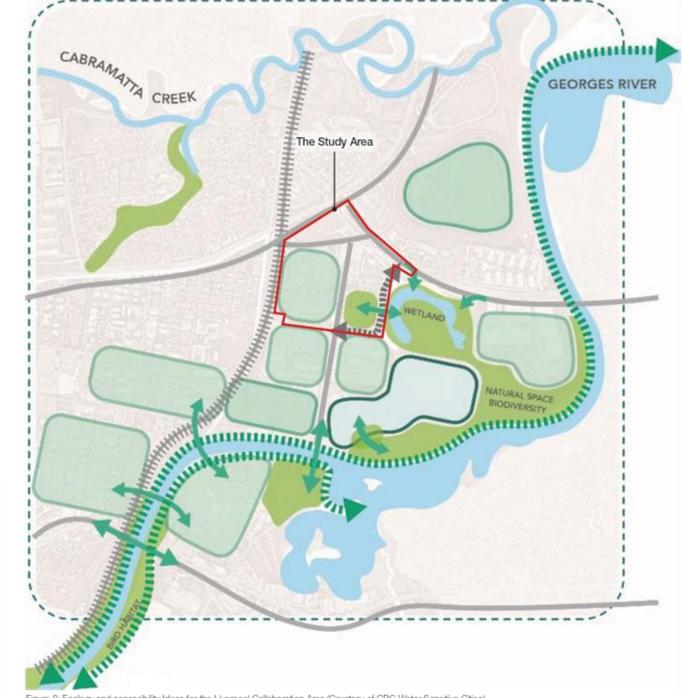


Figure 8: Ecology and accessibility Ideas for the Liverpool Collaboration Area (Courtesy of CRC Water Sensitive Cities)



2.0 Planning Context

Liverpool Local Strategic Planning Statement (LSPS)

In 2018, the DPIE introduced a new requirement for local councils in NSW to prepare an LSPS, which sets out a 20-year land use vision to manage future growth and realise the regional / district plans. The LSPS will also inform the changes to the local level plans including the Local Environmental Plan (LEP) and Development Control Plan (DCP). The LSPS will need to be endorsed by the DPIE or the relevant planning authority (e.g. the Greater Sydney Commission).

Liverpool City Council endorsed the Liverpool LSPS - Connected Liverpool 2040 in December 2019. The Greater Sydney Commission (GSC) has accepted the Liverpool LSPS through its assurance review process. The Liverpool LSPS provides a 20-year vision for the Liverpool Local Government Area (LGA) to facilitate the continuous growth of the area. It identifies 16 priorities across connectivity, livability, productivity and sustainability to realise the vision:

'A vibrant place for people that is community focused, walkable, public transport-oriented, sustainable, resilient and connected to its landscape. A place that celebrates local diversity and history, and is connected to other Sydney centres. A jobs-rich city that harnesses health, research, education, innovation and growth opportunities to establish an inclusive and fair place for all.'

Warwick Farm is identified as a Town Centre. The overall Structure Plan and Action 10.2 identifies the necessity of preparing a Structure Plan and Planning Proposal to rezone the land to a mix of uses, including B4 Mixed Use (Figure 9).

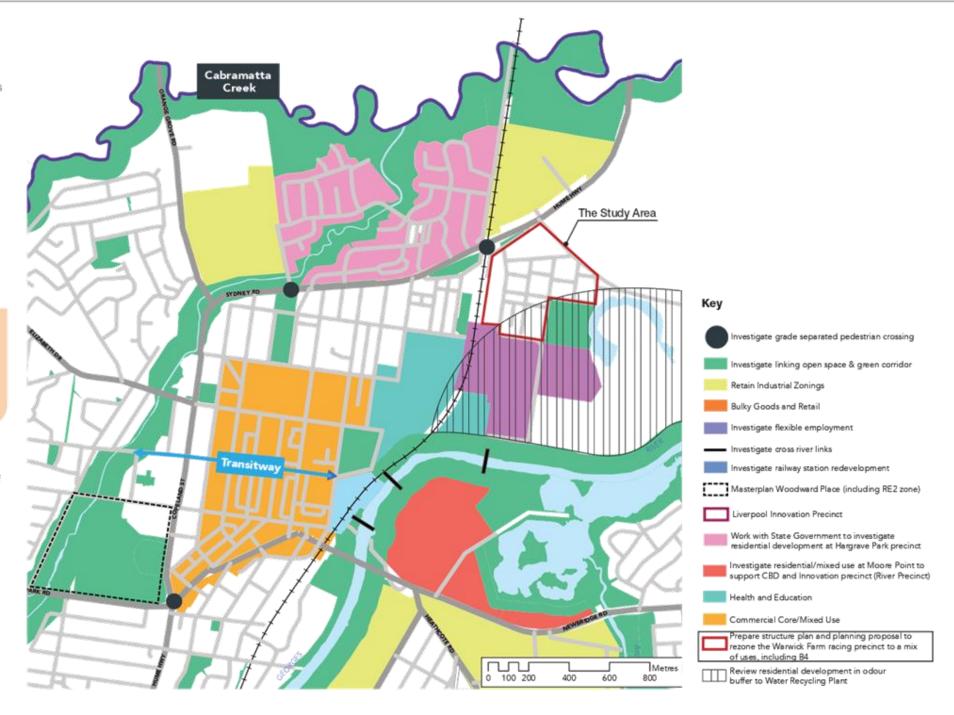


Figure 9: Liverpool LSPS



2.0 Planning Context

2.2 Liverpool Local Environmental Plan 2008 (LLEP 2008)

Land Zoning

The current zoning that applies to the precinct is illustrated in Figure 10. The majority of the precinct is zoned low to medium density residential. Rosedale Oval is zoned RE1 Public Recreation, providing a recreational facility to the general public. The triangular land along Governor Macquarie Drive is zoned B5 Business Development, in which warehouse-type businesses are permitted. RE2 Private Recreation zoning can be found along Governor Macquarie Drive close to the Warwick Farm Racecourse.

There is a parcel of land along Rosedale Oval zoned SP2
Infrastructure - Sewage System. SP2 Infrastructure zoning can also
be found along the Hume Highway and the railway corridor.

A General Industrial area (zoned IN1) is situated immediately to the south of the precinct.

LEGEND

Study Area

B1 Neighbourhood Centre

B5 Business Development

IN1 General Industrial

R2 Low Density Residential

R3 Medium Density Residential

High Density Residential

RE1 Public Recreation

RE2 Private Recreation

SP2 Infrastructure



Figure 10: Existing zoning map



Building Height

The majority of the precinct has a maximum building height of 8.5m (2.5 storeys), with the triangular site along Governor Macquarie Drive with a maximum allowable height of 15m (4 storeys).

The general industrial area to the south has a height control of 15m (4 storeys). The Warwick Farm Racecourse adjacent to the precinct has a height limit of 30m, equivalent to about 9 storeys. The land to the west of the railway corridor has a height limit of 35m which is about 10 to 11 storeys.

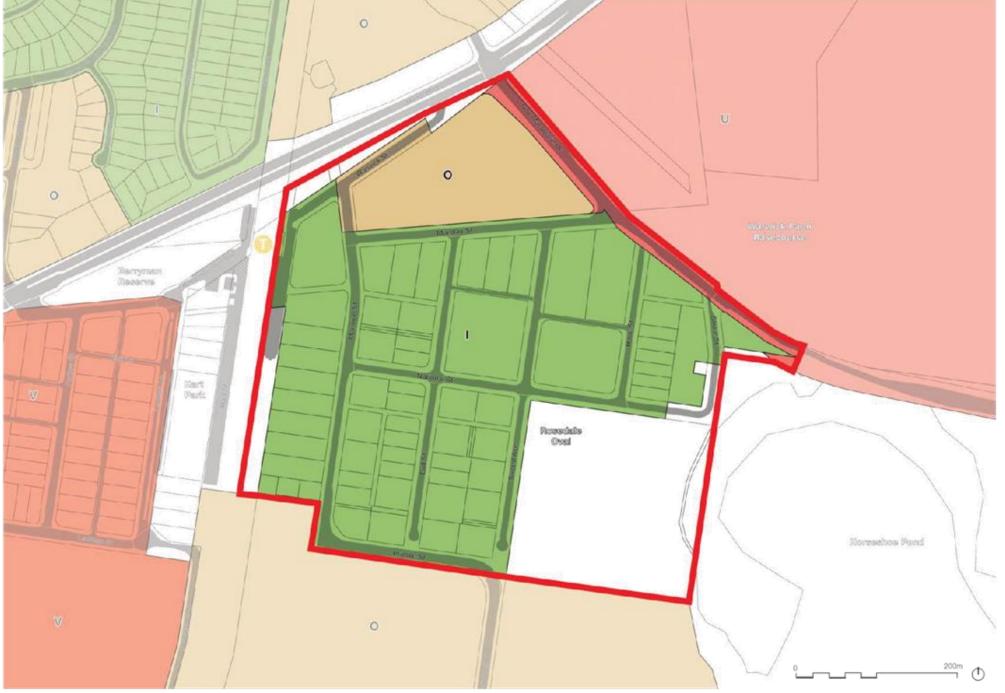


Figure 11: Existing building height map

8.5

0 15

U 30



Floor Space Ratio (FSR)

The precinct is relatively low in density. FSR 0.5:1 applies to the majority of the land, with the highest FSR of 0.75:1 applicable to the triangular site along Governor Macquarie Drive.

The area to the west, across the railway corridor enjoys a higher FSR, ranging from 2.0:1 to 2.5:1. There is no FSR control for the industrial land to the south of the precinct.



Study Area

0.25:1

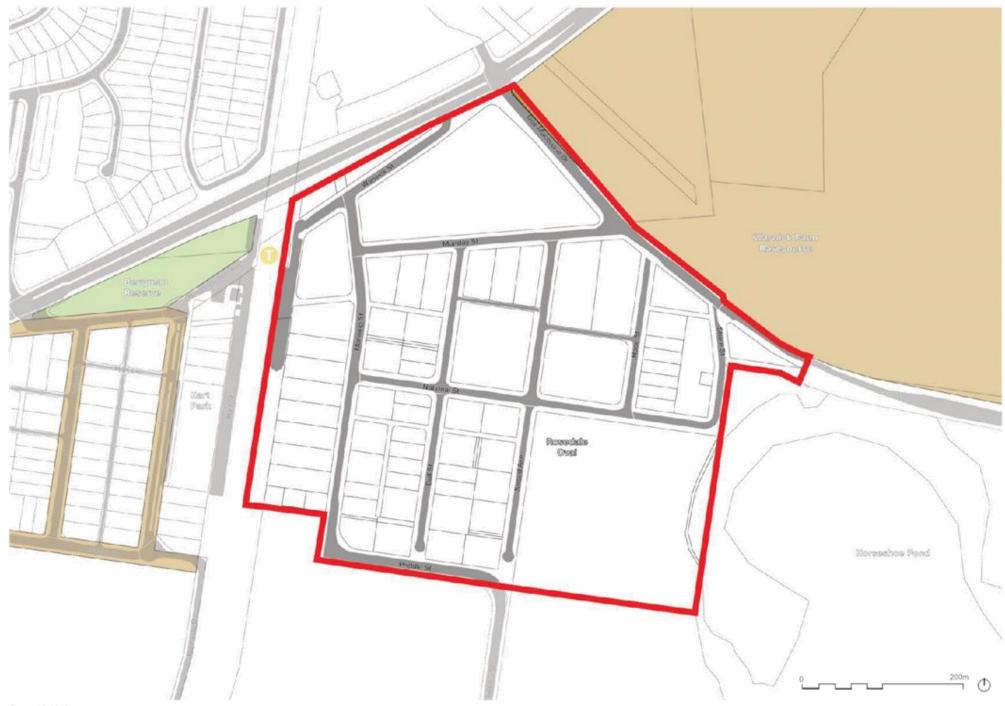
LEGEND



Heritage Item

There is no heritage item or Heritage Conservation Area (HCA) within the precinct. Warwick Farm Racecourse, which is across Governor Macquarie Drive to the northeast of the precinct, is identified as a heritage item with State level significance.

Berryman Reserve along the Hume Highway has a local landscape heritage. The grid of streets to the west of the railway corridor are identified in LLEP 2008 as local heritage, which represent the early Liverpool Town Centre layout which dates back to the 1800s.



LEGEND



Figure 13: Heritage map



Minimum Lot Size

The minimum lot size controls ensure that subdivisions and associated developments promote the desired future character of the neighbourhood through consistent lot size, shape, orientation and housing density. The minimum lot size controls within the precinct vary. The land within the R2 Low Density Residential Zoneare set at 600m². The site adjacent to Warwick Farm Station, which is zoned R3 Medium Density Residential has a minimum lot size of 450m². Larger lot sizes apply to the sites zoned B5 and RE2, with minimum lot sizes of 2ha and 1ha respectively.

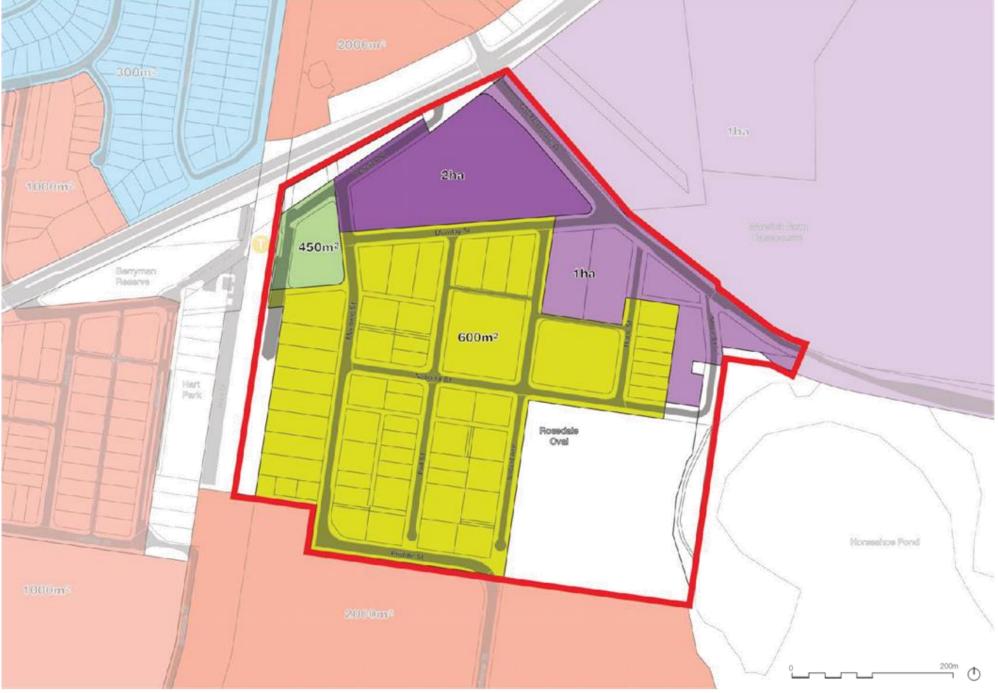


Figure 14: Existing minimum lot size map

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3.0 Local Context

3.1 Local Context

The Warwick Farm Precinct is located within the Liverpool Metropolitan Cluster identified in the Western City District Plan. The precinct is close to the Liverpool CBD (about 1.5km), which has a mixed use character, providing civic, educational and recreational facilities as well as retail, commercial and residential uses.

The precinct is well connected to the surrounding areas via public transport and main roads. Warwick Farm Station provides frequent services to Liverpool, Leppington and other major centres including Sydney CBD and Parramatta. The Hume Highway links the precinct to the M5 Motorway. Governor Macquarie Drive provides a crossing point of the Georges River and links the Hume Highway and Newbridge Road, which is another east-west state route providing access to Central River City and Eastern Harbour City. It is envisaged that the whole stretch of Governor Macquarie Drive will be widened to accommodate four-lane traffic, which will further improve the precinct's connectivity and traffic capacity.

Educational facilities, including Warwick Farm Public School, Liverpool Girls High School and Liverpool Public School are within 2km of the precinct to the west of the railway corridor. The precinct is well serviced by sport and recreational facilities. Rosedale Oval and Warwick Farm Racecourse provide sport facilities for both local residents and the broader community. Public open spaces along the Georges River foreshore, Chipping Norton Lake and Cabramatta Creek provide regional level open spaces. Liverpool Hospital and associated medical facilities provide the precinct easy access to public health facilities.

The future public domain improvement projects, including the development of the Georges River Parklands and Chipping Northon Lake Masterplan and Liverpool Water Treatment Facility Masterplan (LCC is currently working with Sydney Water to deliver this masterplan), coupled with the proposed additional bridges across Georges River (refer to Liverpool LSPS) will further improve the precinct's access to surrounding open space. The proposed new bridges will also provide easy access from the Liverpool CBD and the precinct to the future masterplan area - Moore Point Mixed Use Development.

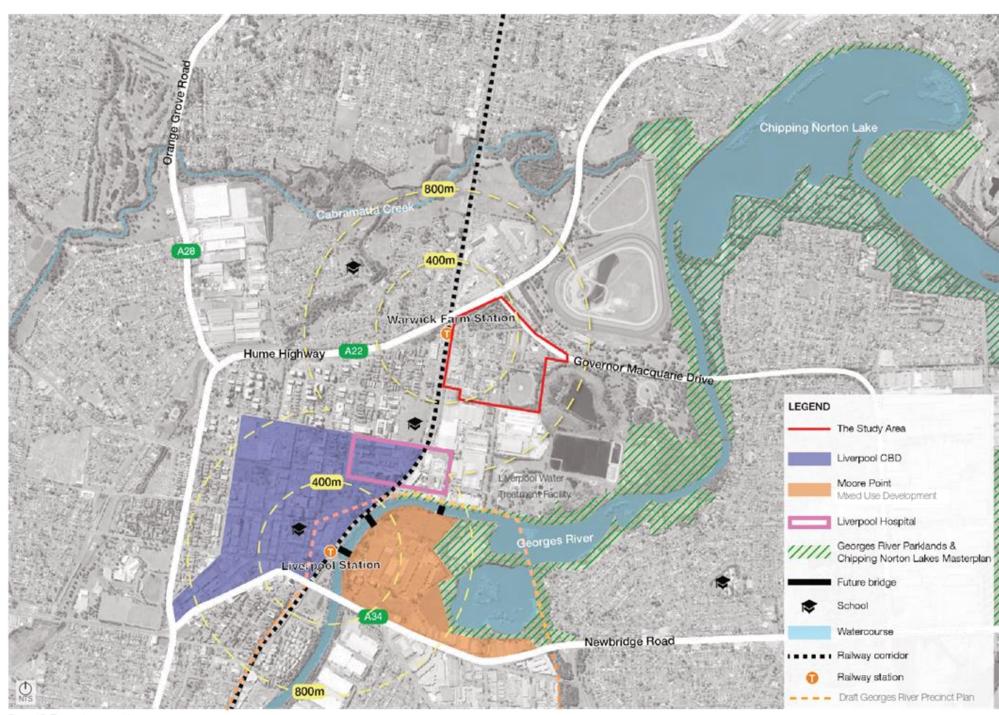


Figure 15: The study area and its context



3.0 Local Context

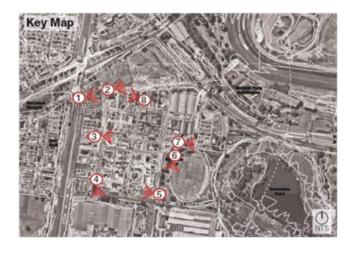
3.2 Existing Site Conditions

The Warwick Farm Precinct is predominantly occupied by equine related facilities (View 5). However, there is a mixture of character and built form within the precinct.

The precinct has a low scale character, with buildings ranging between one to two storeys in height. Low density residential houses spread throughout the precinct and are generally associated with horse training facilities. Poorly maintained houses also exist in the precinct, which contribute negatively to the streetscape character (View 8). Medium density residential dwellings are scattered along Manning Street close to Warwick Farm Station (View 1 and 3).

The industrial area to the south of Priddle Street generates heavy vehicle traffic in the precinct (View 4), as Priddle - Manning -Munday Street provide the only access to Governor Macquarie Drive and the Hume Highway from the industrial area. Conflict of uses among light and heavy vehicles, and pedestrian and horse movement is a major issue (View 2, 4 and 7).

Rosedale Oval (View 6) is the major open space within the precinct, which provides sport facilities and a children's playground. Dense mature Eucalyptus trees define the edge of the oval to its south and





















4.1 Introduction

CM⁺ has conducted a thorough Urban Design Analysis, informed by the site visit, and a background document review. The Urban Design Analysis assesses the existing conditions of the Warwick Farm Precinct, identifies the constraints and opportunities and establishes the future vision and Urban Design principles to guide the redevelopment of the precinct.

4.2 Topography

The precinct is relatively flat with most of the area at RL 8m Australian Height Datum (AHD), Rosedale Oval is lower than the rest of the precinct and sits at RL 7m AHD.

The Hume Highway is higher than the precinct. It rises up gradually towards the railway corridor, and reaches its highest point at RL 15m AHD above the railway line

The land to the west of the railway corridor is higher than the precinct, and sits at RL 9m AHD and above.

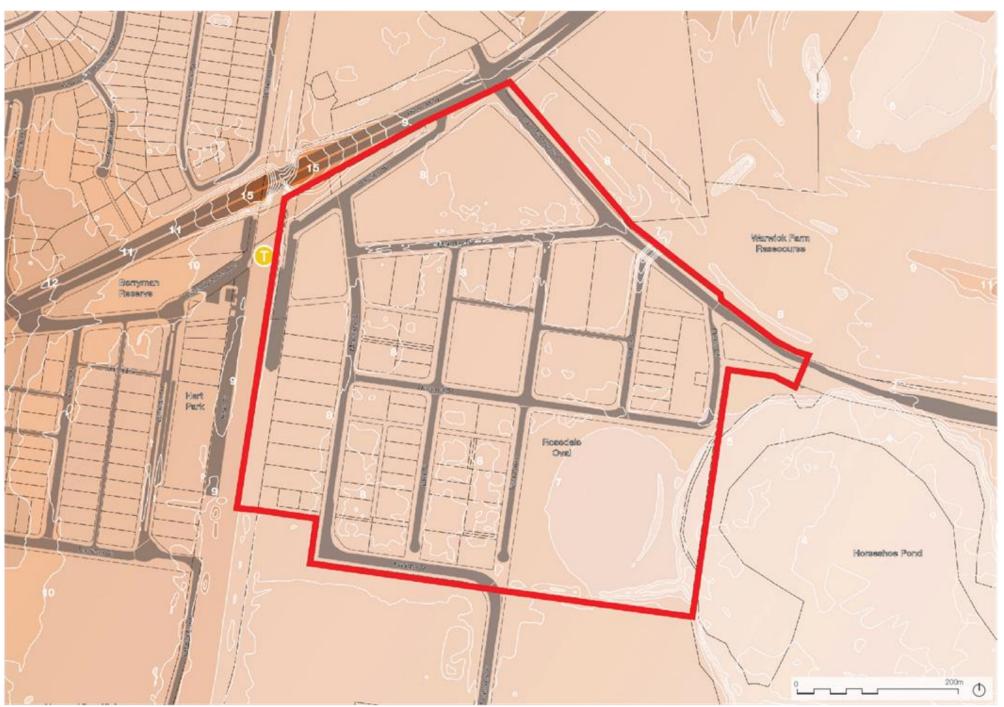


Figure 16: Existing topography



4.3 Flooding

The existing peak flood depths and extents within the study area are derived from the 2004 Georges River Floodplain Risk Management Study and Plan and are shown in Figures 17 and 18, and are summarised below:

- 1. 1% Annual Exceedance Probability (AEP) is 8.5m AHD
- 2. Probable Maximum Flood (PMF) is 10.8m AHD

A key issue with this development is the evacuation of residents during a flood. Shelter in place is not appropriate and therefore there must be appropriate access from every building in events larger than a 1% AEP. The key features of the evacuation approach are:

- 1. All floors to be at or above 9m AHD (1% AEP + 0.5m).
- All floors must be at least 0.3m above the surrounding ground / road to allow for local drainage.
- 3. All internal roads to be at or above 8.5m AHD (1 % AEP).
- All roads or pedestrian access used for evacuation must rise to the PMF.
- There must be either pedestrian or vehicle access from all floors that is always at or above 8.5m AHD (1 % AEP) to above the PMF.

Please refer to Warwick Farm Structure and Planning Proposal Flooding Assessment report by WMA Water.

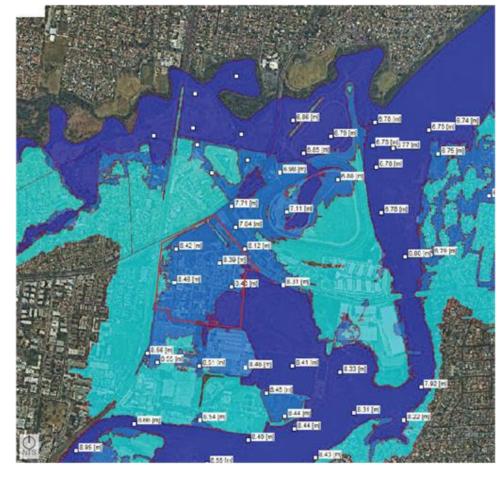


Figure 17: 1 in 100 flood level (Source: MIKE-11 model)

Note in both diagrams: Light blue = PMF extent, mid blue = 1% AEP extent

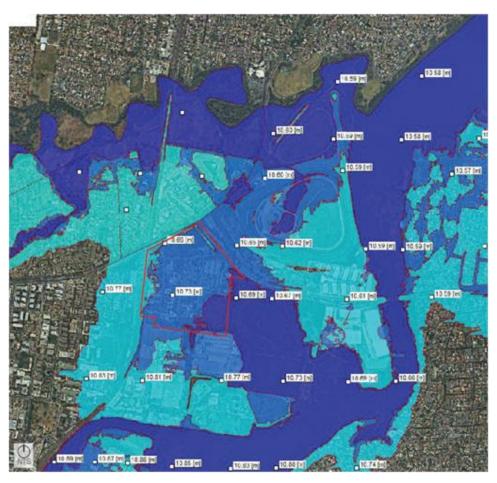


Figure 18: PMF level map (Source: MIKE-11 model)



4.4 Community Facility, Open Space and Significant Landscaping

Social infrastructure and open space have significant impacts on the wellbeing of the local community, as they provide community services, places for social gathering and recreational uses. Landscaping plays an important role shaping the character of the precinct and has significant impacts on the visual and residential amenity.

There are no multipurpose or hireable community facilities within the precinct. The closest one - Warwick Farm Community Hub is about 800m to the northwest of the precinct; however, it is ageing and is not available for general community hire.

Rosedale Oval, which is approximately 5ha in size, is a major open space within the precinct providing recreational uses and a children's playground. There are no local parks within the precinct; however, smaller parks, including Hart Park and Berryman Reserve are immediately to the west of the precinct.

A cluster of dense mature Eucalyptus trees are located within Rosedale Oval, especially along its southern and eastern boundaries. Munday Street and National Street present some consistency in street tree planting. However, the trees cover within the precinct is generally low.



LEGEND



Major open space recreational facility



Tree canopy

Surrounding Parks



4.5 Traffic and Transport

Road Network

The characteristics of the roads surrounding the subject precinct are:

- Hume Highway is a primary road connecting Liverpool to Sydney's Inner West. It is a state road (A22) and has three lanes in each direction. In the vicinity of the precinct, there is a footpath on the northern side and a shared pedestrian/cycle path on the southern side. Pedestrian crossings are provided at the intersection of Hume Highway / Governor Macquarie Drive (except on the east side) and an underpass is available to the west of Warwick Farm Station to connect Warwick Farm to the south of Hume Highway with Station Street to the north of Hume Highway.
- Governor Macquarie Drive is a distributor road. It intersects
 with Hume Highway to the north and Newbridge Road to the
 south. The road has only one lane in each direction between
 Munday Street and the signalised access to Warwick Farm
 Racecourse. The road has recently been upgraded to two
 lanes in each direction plus turning lanes between the Warwick
 Farm Racecourse and Georges River. The section of the road
 between Georges River and Newbridge Road remains one lane
 in each direction, with future plans to be upgraded to two lanes
 in each direction. Footpaths are not provided on the west side
 in the vicinity of No. 240 Governor Macquarie Drive. Pedestrian
 crossings are present on all approaches of the Munday Street
 intersection.
- Warwick Street is a local road that connects Warwick Farm Station and Manning Street with Hume Highway. It has one lane in each direction. Except for the recently completed shared path on the south side of the road close to the station, there is no footpath on either side of the road, making it unattractive for walking.
- Munday Street / Manning Street / Priddle Street is the local collector road that connects Governor Macquarie Drive with the industrial area to the south of the Warwick Farm precinct. It has one traffic lane and one parking lane in each direction. A recently completed shared path is provided on the northern side.
- Shore Street is a one way (northbound) one lane local road that mainly services the residences and visitors of the Rosedale Oval and nearby racecourse. It currently terminates at a left-out only intersection with Governor Macquarie Drive.

Active Transport

Shared pedestrian / cycle paths are provided on the southern side of Hume Highway, on the northern side of Munday Street, and a small section of Manning Street and Warwick Street connecting to the station. A shared path crossing of Hume Highway is provided via an underpass located to the west of the Warwick Farm Station, although the underpass is in poor condition. There is an extended shared path network to the southwest of the precinct to connect to Liverpool CBD, providing potential opportunity to promote cycle use in the local area.

Footpaths are provided on some internal streets within the precinct in various qualities. Along Governor Macquarie Drive, there is no footpath on the western side between Munday Street and Hume Highway and on the eastern side between Munday Street and Shore Street.

Please refer to Traffic and Transport Impact Assessment by SCT for more information.



Figure 20: Road network (Source: SCT Consulting)

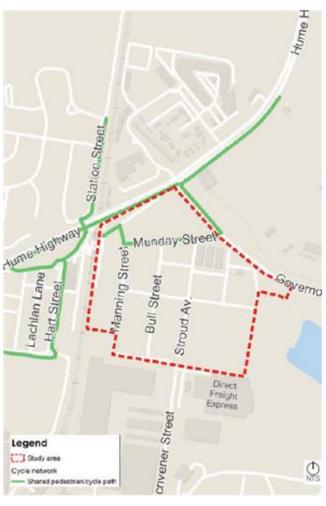


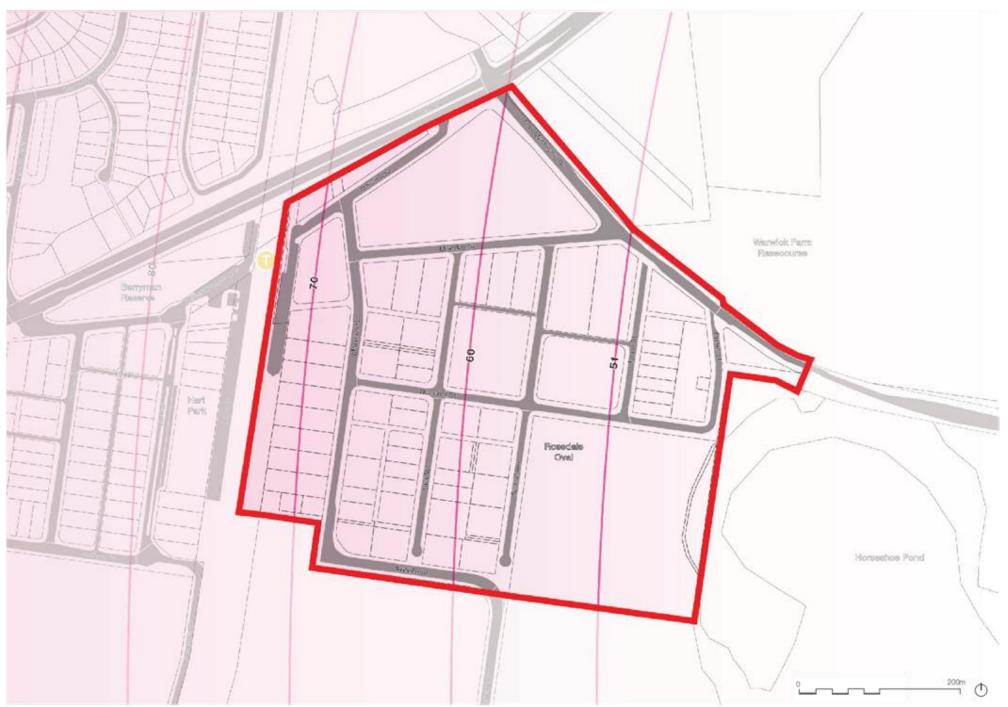
Figure 21: Existing shared pedestrian / cycle path (Source: SCT Consulting)



4.6 Bankstown Airport Obstacle Limitation Surface (OLS)

The Warwick Farm Precinct is in an area affected by the operational requirements for Bankstown Airport, which is located approximately 9.5km to the east of the precinct. Obstacle Limitation Surface is used to define the airspace that is protected from obstacles to ensure the safety of aircraft during takeoff and landing phases.

The nominated Bankstown Airport OLS ranges between RL 51m AHD and RL 70m AHD. Considering the existing ground level height of RL 8m AHD, the Bankstown Airport OLS limits the building height within the precinct to a maximum of 62m (about 20 storeys) close to Warwick Farm Station.



LEGEND

The Study Area

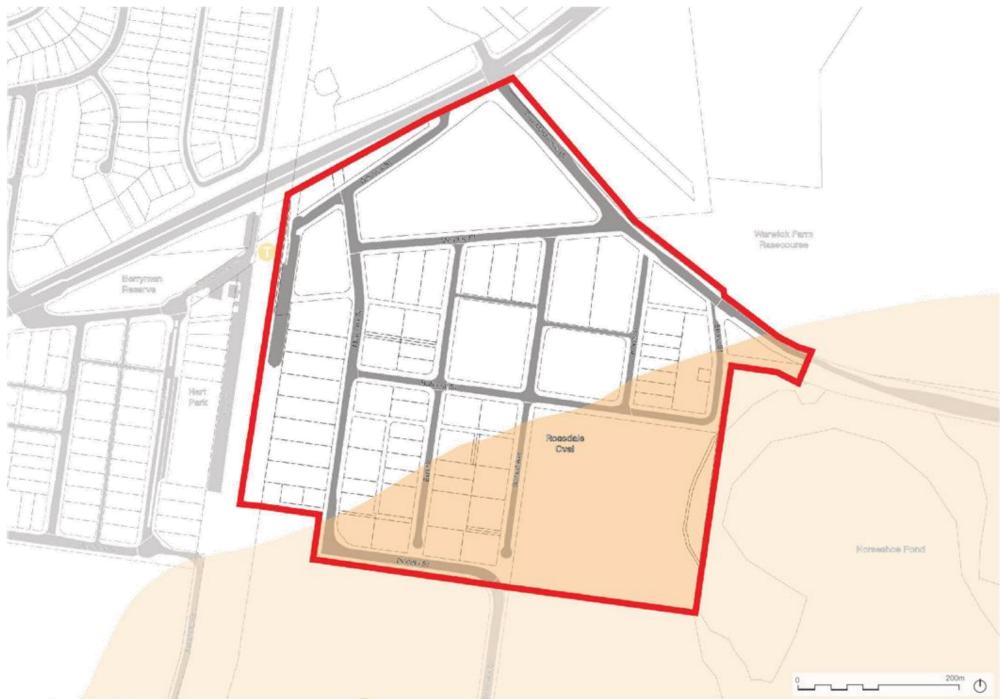
 Bankstown Airport Obstacle Limitation Surface Contours (m AHD)



4.7 Odour Buffer

Liverpool Sewage Treatment Plant is situated adjacent to the Warwick Farm Precinct and generates odour that impacts surrounding areas. The odour buffer zone provided by Sydney Water indicates that the southeast portion of the site is within the odour buffer zone, including Rosedale Oval.

The LSPS and Sydney Water Guidelines seek to avoid residential development within the odour buffer. A reduction of the odour buffer size may be achievable as a result of upgrading the Sewage Plant facilities.



Sydney Water Treatment Facility odour buffer area

The Study Area

LEGEND

Figure 23: Sydney Water Treatment Facility odour buffer



4.8 Planning Proposal and Development Applications

The study has identified sites that are subject to a Planning Proposal or an approved Development Application (DA). The Planning Proposal site is:

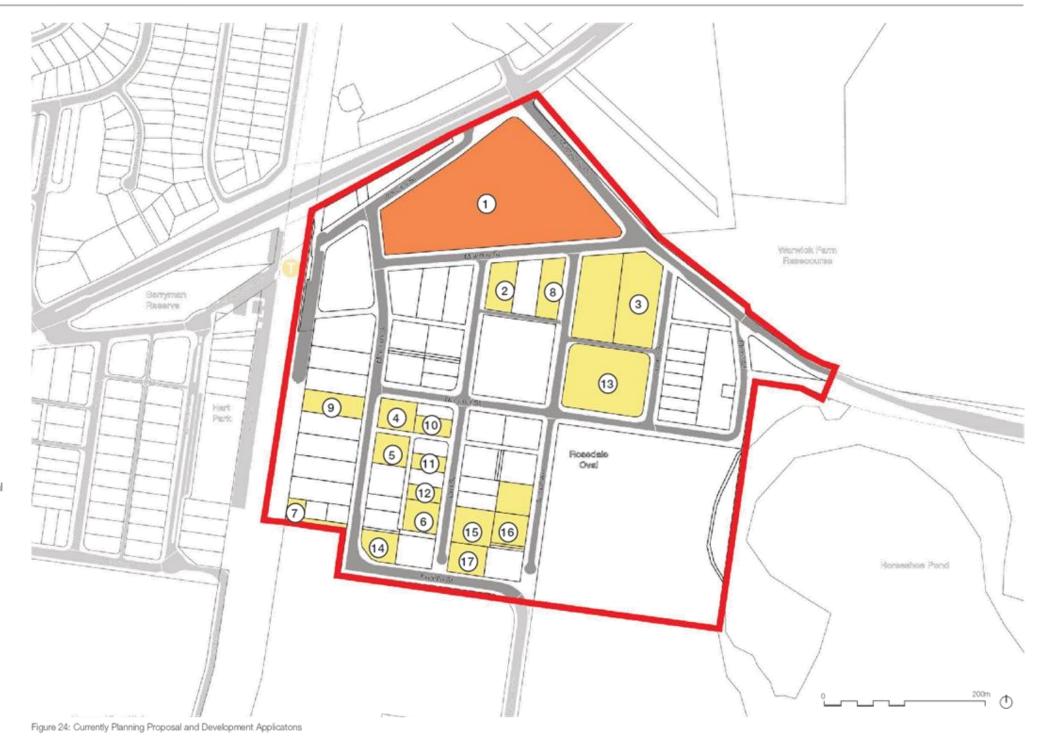
1. 240 Governor Macquarie Drive (refer to Figures 25-27)

Recently approved DAs include:

- 2. 12 Munday Street
- 3. 2 Stroud Avenue
- 4. 6 Manning Street
- 5. 8 Manning Street
- 6. 13 Bull Street
- 7. 21C Manning Street
- 8. 1 Stroud Avenue
- 11 Manning Street10.7 Bull Street
- 11.9A Bull Street
- 12.11A Bull Street
- 13.10 Stroud Avenue
- 14.14 Manning Street
- 15.12 Bull Street
- 16.17 Stroud Avenue
- 17.14 Bull Street

The majority of the DAs listed above are in relation to horse training facilities and alteration and additions to existing residential dwellings.



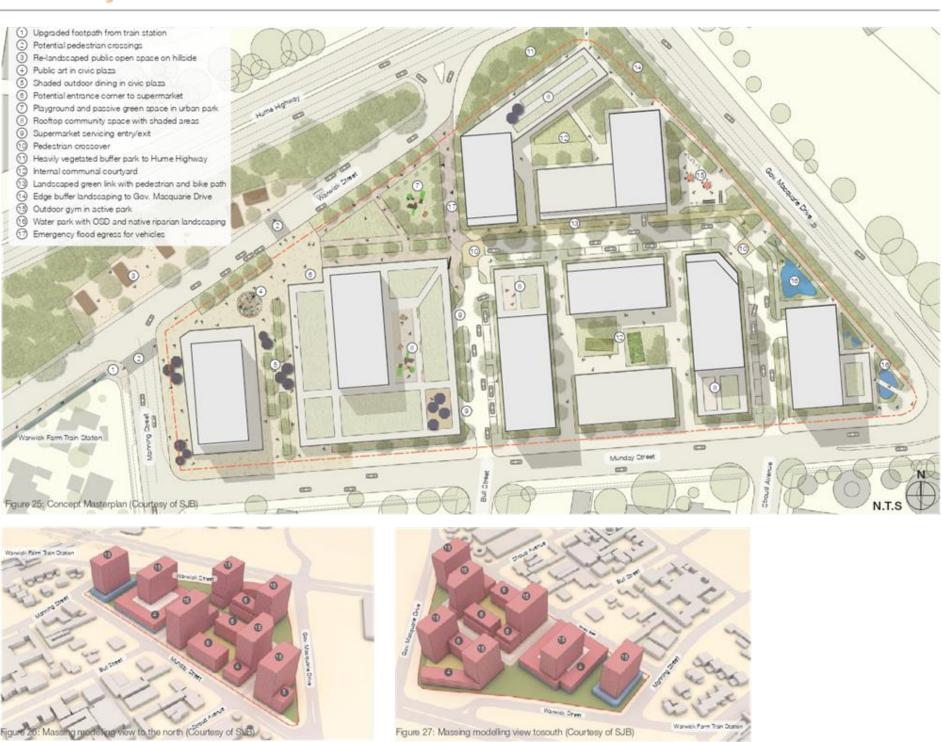




240 Governor Macquarie Drive

This Planning Proposal was endorsed by Liverpool City Council and submitted to the DPIE for 'Gateway' determination on 25 February 2020. Please note that this Planning Proposal has not received any determination from the DPIE at this point in time.

The plan and 3D views on this page illustrates the Council endorsed built form and height strategy for No.240 Governor Macquarie Drive.





4.9 Ownership Pattern

The Warwick Farm Precinct has a relatively fragmented ownership, with some large land holdings in the precinct.

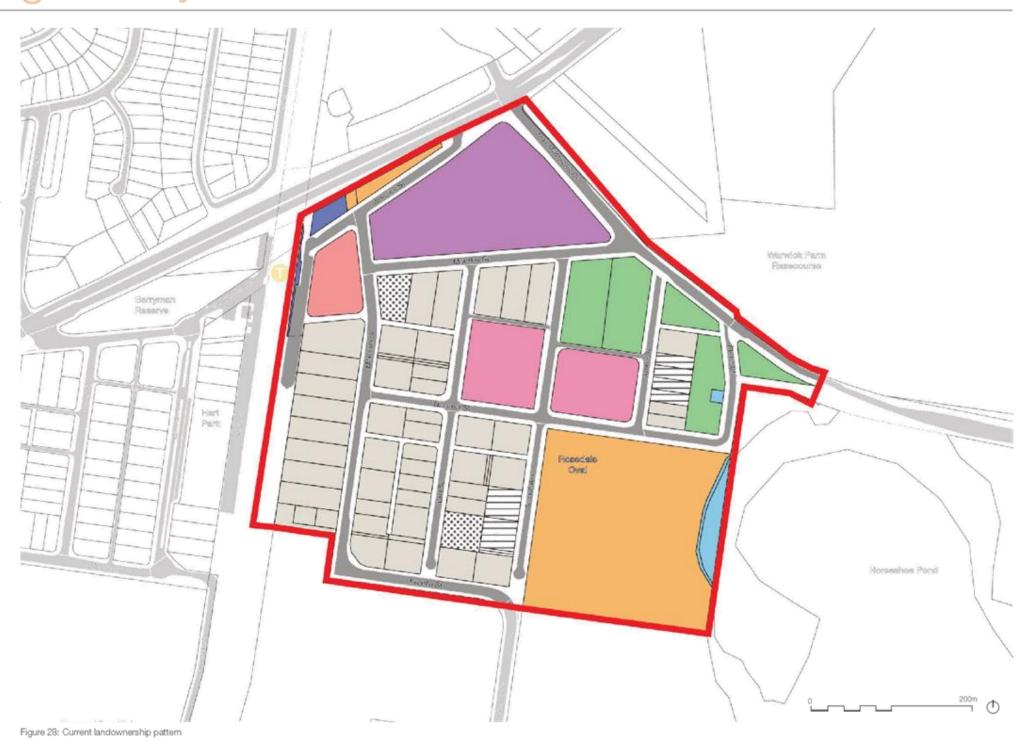
Rosedale Oval and a strip of land along the Hume Highway are Council owned land. There are some small land parcels close to Warwick Farm Station that are owned by Transport for NSW (TfNSW). Sydney Water owns a piece of land adjacent to Rosedale Oval, which is known as Liverpool Sewage Treatment Plant. Another Sydney Water facility is located along Shore Street.

The large vacant site at No. 240 Governor Macquarie Drive is under one ownership and currently has a Planning Proposal lodged with DPIE for assessment. The Australian Turf Club (ATC) owns several properties along Governor Macquarie Drive, which are currently occupied by horse training facilities.

Darley is another private landowner within the precinct. It owns two large lots along National Street, close to Rosedale Oval, which are also occupied by equine related uses.

The land opposite Warwick Farm Station is strata constrained, which has over 20 separate owners. Land with strata constraints presents less opportunity to be redeveloped in the short to medium term; however, there are precedents in the Metropolitan Sydney area where strata titled land has been consolidated and redeveloped.







4.10 Constraints and Opportunities

The Urban Design Analysis of the Warwick Farm Precinct in terms of its strategic, local and planning context as well as existing conditions, has identified the flowing constraints and opportunities to be addressed in the planning of the precinct.

Constraints

The constraints include:

- The precinct is prone to flood. The majority of the land is identified as having medium flood risk. Rosedale Oval has high flood risk. Flooding issues would affect the design of buildings, places, land uses and earth works.
- Residential development within the Liverpool Sewage Treatment Plant odour buffer zone is to be avoided.
- → The only through site vehicular access (Priddle Sreet Manning Street - Munday Street) linking the industrial area to the south of the precinct to the Hume Highway limits the area's permeability. It also creates conflicts of uses among pedestrian, light and heavy vehicles.
- The Warwick Farm Station concourse provides the only eastwest cross railway corridor access for pedestrians and cyclists, which limits the precinct's access to surrounding recreational, educational, and health facilities as well as the Liverpool CBD.
- The Hume Highway underpass adjacent to the precinct is narrow and lacks maintenance, which provides an unsafe environment for pedestrians and cyclists.
- The vehicular traffic along the Hume Highway and the railway corridor generate noise to the precinct, which affects the area's acoustic amenity.
- Bankstown Airport OLS contours limit the maximum building height within the precinct.
- The industrial area immediately to the south of the precinct could potentially affect the area's residential amenity.
- The lots in the precinct are in fragmented ownership. It may be challenging to sequence development.
- The strata constrained land opposite Warwick Farm Station would potentially retain its current form in the short to medium term.

- Governor Macquarie Drive is currently at capacity. Future development within the precinct needs to assess and address the potential traffic impacts to Governor Macquarie Drive.
- There are no multipurpose or hireable community facilities within the precinct. The closest one - Warwick Farm Community Hub, is 800m away from the precinct and is ageing.
- Tree coverage along the main streets is minimal.

Please also refer to Figure 29

Opportunities

The precinct presents the following opportunities:

- To provide a high quality mixed-use, Transport Oriented Development (TOD) close to Warwick Farm Station.
- To create an urban centre close to Warwick Farm Station, providing a mix of uses and community facilities.
- To activate the main streets close to the urban centre by providing a mixed-use building typology with ground floor retail / commercial uses fronting the streets.
- To concentrate height and density close to Warwick Farm Station and transitioning down towards Rosedale Oval.
- To enable the redevelopment of the precinct by moving horse training facilities and stables to the Warwick Farm Racecourse (subject to agreement with ATC).
- To facilitate the future growth of the precinct by improving the capacity of Governor Macquarie Drive.
- To provide a bypass road at the edge of the precinct redirecting heavy vehicles from entering the heart of the precinct.
- To improve the pedestrian amenity and streetscape along Priddle Street - Manning Street - Munday Street and reduce use conflicts in light of the reduced through site heavy vehicle traffic.
- To promote active transport (walking and cycling) within and around the precinct.
- To improve east-west cross railway corridor connection by
 improving the station concourse and providing new links.
- To upgrade the Hume Highway underpass improving the precinct's access to Warwick Farm northwest and Cabramatta Creek.

- To provide future pedestrian and cyclist accesses to Georges
- River Foreshore via Governor Macquarie Drive and Horseshoe Pond.
- To improve access to Liverpool Boys High School, and the surrounding open spaces via existing and new links.
- To create 'green links' connecting east and west of the precinct.
- To protect the existing mature trees and improve the precinct's
- tree coverage by planting additional street trees along main streets.
- To provide flood escape route from the precinct to the flood free area along the Hume Highway.

Please also refer to Figure 30.











4.11 Urban Design Vision

Urban Design Vision

The Warwick Farm Precinct will be a new mixed-used community, providing living and employment close to Warwick Farm Station. It will be a precinct that addresses the community needs by leveraging the surrounding natural and built assets as well as delivering new high quality urban spaces. Its rural character will be transferred to a vibrant and multifunctional community that facilitates urban living.

Its character will be defined by diverse built forms and uses; and further strengthened by the precinct's rich history. Leafy streets and prime open spaces will complement the high quality urban living and distinct the precinct from the surrounding suburbs.

A new urban centre will be formed close to Warwick Farm Station, facilitating greater density and height. The new urban centre will become a 'community heart' providing high quality urban spaces and community facilities for the precinct and the suburb of Warwick Farm.

Mixed-use buildings will provide active street frontages and living and working opportunities in convenient proximity. The urban environment will gradually transition down in height towards Rosedale Oval providing a sensitive approach interfacing with the public domain.

The pedestrian and vehicular accessibility of the precinct will be improved. Governor Macquarie Drive will be widened to facilitate the future growth of the area. The proposed bypass road, which is Council's priority project, will provide an alternative route to access to the industrial area, thereby improving the road amenity and streetscapes in the heart of the Warwick Farm Precinct. The eastwest connectivity across the railway corridor will be improved via upgrading the existing station concourse and additional crossing.

Active transport, including walking and cycling, will be encouraged, connecting the precinct to the surrounding suburbs, facilities and open spaces. Tree line streets together with active street frontages will improve public domain amenity and passive surveillance.

The precinct's amenity and appearance will be further improved by the proposed local parks, which will be provided within walking distance from any medium to high density development. Local parks coupled with tree-line streets will form 'green grids' linking the precinct to the surrounding regional and local open space networks.

The access to the regional parks will be enhanced. Rosedale Oval will continue to accommodate recreational uses for different age groups. The future pedestrian and cycle link to Horseshoe Pond and Georges River foreshore, through the Sydney Water site, will provide the community with additional access to the picturesque natural assets of the region.

Flooding issues that impact the precinct will be carefully dealt with through managing cut and fill and adopting Water Sensitive Urban Design (WSUD). The proposed open space network will also play an important role, facilitating flood water runoff and water storage.







5.1 Introduction

The Urban Design Study and the input received from Council and the consultant team in regard to flooding, traffic and social infrastructure requirements have informed the development of the Urban Design Vision and the structure plan for the precinct.

The Urban Design framework identified below has formed the basic structure and principles to guide the redevelopment of the precinct, as well as fulfilling the Urban Design Vision outlined in Chapter 4.

- Create a high quality, lively 'community hub' near Warwick Farm Station, comprising new community infrastructure and a mix of uses
- Concentrate higher built from and density around the future town centre and transition the height / density down to the lower lying areas to the southeast
- Create a mixed use town centre in close proximity to Warwick Farm Station providing living and job opportunities.
- Promote high quality residential living in the precinct, utilising the existing and proposed parks and natural resources.
- Recognise Rosedale Oval as a valuable asset to the broader community as well as to future residents in the precinct.
- Deliver new local open spaces throughout the precinct, providing amenity to the future community and to primarily address flood water displacement.
- Create 'green links', utilising streets, laneways, existing and future open spaces.
- Improve cross rail corridor accessibility via upgrading the old connection and exploring a new link.
- Explore opportunities to harness the natural assets of the area, in particular Horseshoe Pond and the Georges River foreshore, to enable the general public access to picturesque areas.
- Upgrade the road infrastructure in the precinct to prevent heavy vehicles from entering the precinct, whilst promoting active transport and local traffic within the precinct.
- Improve streetscapes within the precinct via tree planting, footpath upgrades and ground floor activation.
- Mitigate the flood impact through design and management and implementing Water Sensitive Urban Design (WSUD) measures.





Precedent Images













5.2 Structure Plan

The Structure Plan is developed based on the nominated Urban Design framework. In developing the Structure Plan, CM⁺ and the consultant team have tested several options and conducted strengths and weakness analysis for each option. Please refer to Appendix 1 for the options testing.

The maximum building height in the precinct will be 15 storeys (near Warwick Farm Station), and overall density (FSR) will be approximately 0.8:1. Approximately 2,295 dwellings (including No. 240 Governor Macquarie Drive) and 4.7ha of additional open space is to be introduced to the precinct. Please refer to the yield tables on page 35.

The precinct is subject to flooding issues. The Structure Plan has carefully considered the floodplain water displacement by balancing the associated cut and fill. The purple table on page 35 provides a high level summary of the calculation.

The existing road levels need to be raised slightly to address the flood evacuation requirement. Please refer to Section 5.9 of the report for the detailed information. Section A (Figure 32) indicates the proposed new street levels and the proposed relationships between the future buildings and the streets.

Notes:

- The built forms at No. 240 Governor Macquarie Drive correlate with the Council endorsed Planning Proposal (Planning Proposal No. 81, by Liverpool City Council, dated 25 February 2020)
- New stormwater pipelines will be introduced to the future Local Sport Venue open spaces to drain the areas during a flood event. We acknowledge that detailed measures in regard to hazard reduction and hydraulic engineering design will need to be undertaken in the detailed design stage.
- * The location of the proposed community facility shown on the plan is indicative only. The final form and location will be determined in the detailed design stage

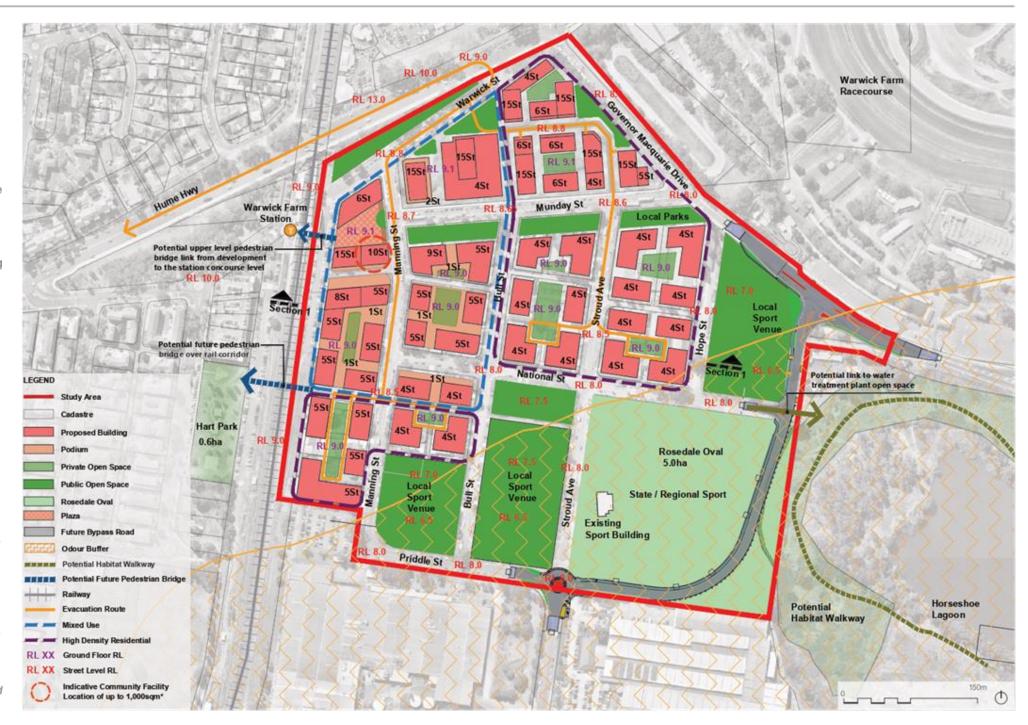
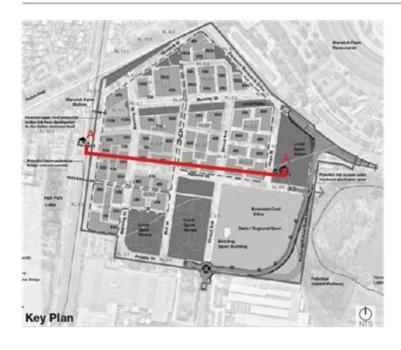


Figure 31: Preferred Structure Plan





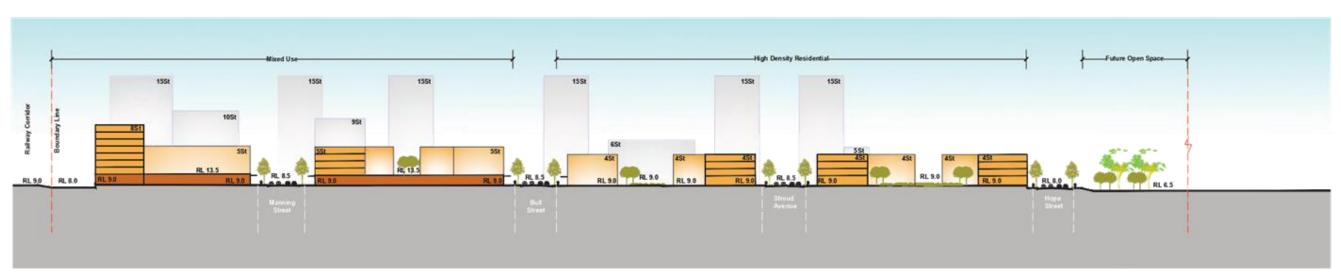


Figure 32: Preferred Structure Plan - Section A



Preferred Structure Plan - Yield Calculation

240 Governor Macquarie Brive (GMD)*			
Residential GFA	82,300 m²		
Commercial GFA	5,000 m ²		
Total GFA	87,300 m²		
Site Area	29,307 m²		
No. of Dwellings	830		
FSR	3.0:1		

Development Parameters (Excl. 240 GMD)

	Total GBA (m²)	Efficiency	Total GFA (m²)	Dwelling Size (m²)	No. of Dwellings
Residential	166,047	75%	124,535	85*	1,465
Commercial (GF)	25,425	70%	17,798	N/A	
Commercial (1st Floor)	2,601	85%	2,211	N/A	
Total GFA			144,544		
Site Area			254,735		
Overall FSR			0.56:1		

Overall Development Parameters (Incl. 240 GMD)				
Residential GFA	206,835 m²			
Commercial GFA	25,008 m²			
Total GFA	231,843m²			
Site Area	284,042m²			
No. of Dwellings	2,295			
FSR	0.82:1			

Open Space Calculation			
Open Space 1 (OS1)	2,490 m ²		
Open Space 2 (OS2)	4,948 m²		
Open Space 3 (OS3)	13,507 m ²		
Open Space 4 (OS4)	26,887 m²		
Total Proposed Local Open Space**	47,832 m ² (16.8% of the site area)		
Rosedale Oval	49,927 m ²		
Total Open Space Area	97,759 m ² (34% of the site area)		

Floodplain Displacement Calculation (approximate only)			
Existing Building Footprint (EBF) 50,000 m ²			
Proposed Developed area (PDA)	137,000 m ²		
FILL**	43,500 m ²		
CUT (in OS3 & OS4)***	44,300 m ³		

- + The yield is extracted from the approved Planning Proposal Urban Design Report by SJB dated 27/06/2018.
- + + This does not include Hart Park, which has an area of approximately 0.66ha. The total local open space percentage will be approximately 18.8%.
- * The average dwelling size does not apply to 240 GMD.
- ** The volume of fill = (PDA-EBF) X 0.5m
- ****The volume of cut = OS3 Cut Volume + OS4 Cut Volume

Note: 0.5m is an average depth calculated based on the level difference between 1%AEP (RL8.5) and average existing level of the site (RL8.0). Detailed floodplain displacement will need to be undertaken in the detailed design stage.



Hart Park





5.3 Proposed Land Zoning Map

The proposed structure plan intends to change the current zoning within the precinct. The proposed zoning (refer to Figure 33) includes:

- B4 Mixed Use Zone In close proximity to Warwick Farm Station and the future town centre.
- R4 High Density Residential Zone Adjacent to the proposed B4 Mixed Use zone to its east and south.
- 3. RE1 Public Recreation Zone Adjacent to Rosedale Oval.

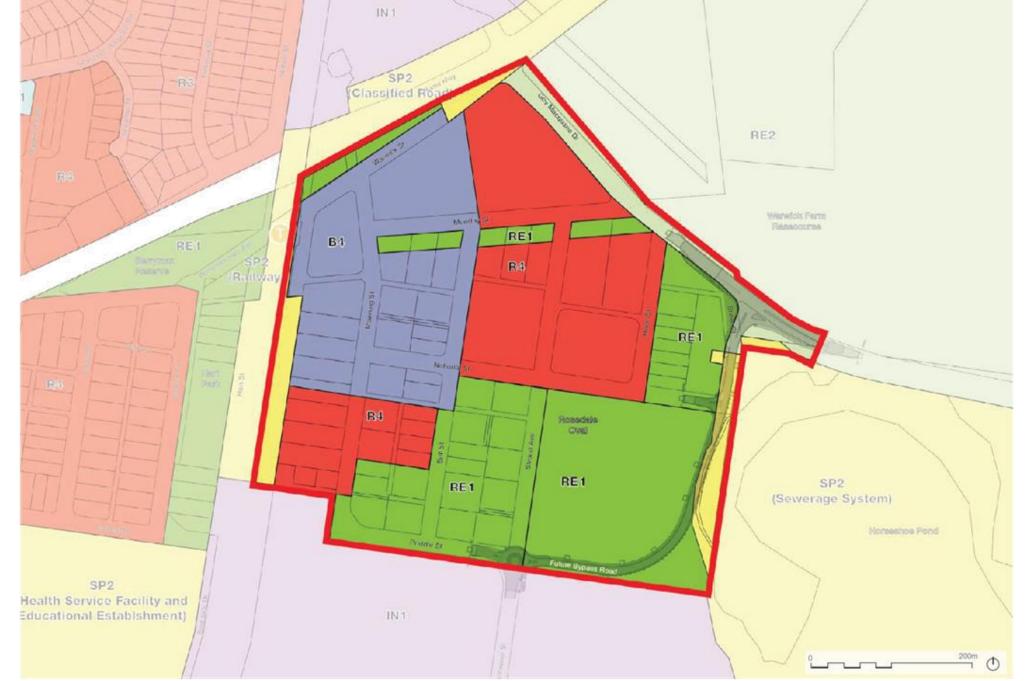


Figure 33: Proposed Zoning Map

Study Area

B1 Neighbourhood Centre

B4 Mixed Use

IN1 General Industrial

R3 Medium Density Residential

R4 High Density Residential

RE1 Public Recreation

RE2 Private Recreation

SP2 Infrastructure



5.4 Active Street Frontages

Streets play an important role in shaping the amenity and character of an area. Active street frontages, in the form of retail and commercial uses define the streets, and bring vibrancy to the area, provide passive surveillance and create an attractive town centre. Please refer to Figure 34 for the nominated active street frontages. The key principles are:

- Active street frontages are required along the local streets within the future town centre (B4 Mixed Use Zone).
- Active street frontages along laneways and internal roads are desired.
- Active uses, including retail, commercial shop front, civic uses, display windows and the like should define the active frontages.
- High quality pedestrian environment along active street frontages should be provided through improving footpath condition, tree planting and awnings all support this street activity.
- Reduce long sections (i.e. greater than 40m)of blank walls, building services (i.e. substation) and minimise vehicular access points and width along active frontages to improve pedestrian safety and footpath continuity.



Figure 34: Active Street Frontages Plan

Study Area

Active Street Frontages - Required

Active Street Frontages - Preferred



5.5 Proposed Building Height Map

An increase in building height is proposed in the precinct. The proposed building height ranges from four storeys up to 15 storeys in the future town centre, close to Warwick Farm Station.

The proposed height transitions down from 15 storeys near the transport node (Warwick Farm Station) to 4 storeys towards the edge of the precinct, which provides a sensitive built form transition towards Rosedale Oval as well as the future open spaces.

The recommended building height is illustrated in Figure 35. The maximum height will need to be reduced, where the maximum height may result in impacts on either the public domain or adjacent properties, due to overshadowing, privacy or other loss of urban amenity.

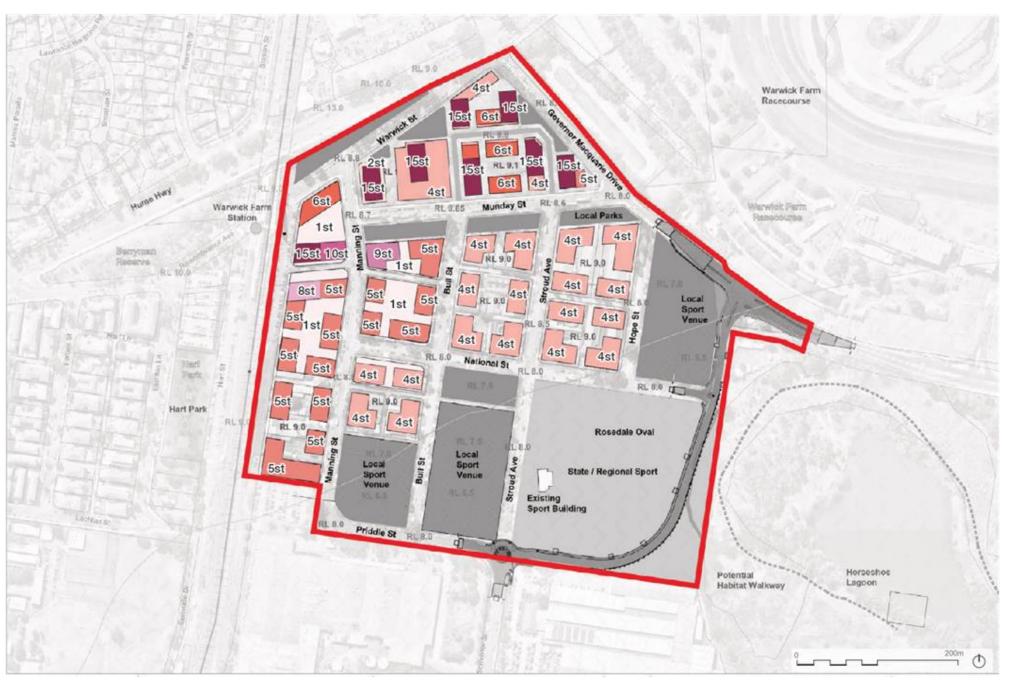


Figure 35: Proposed Building Height Map

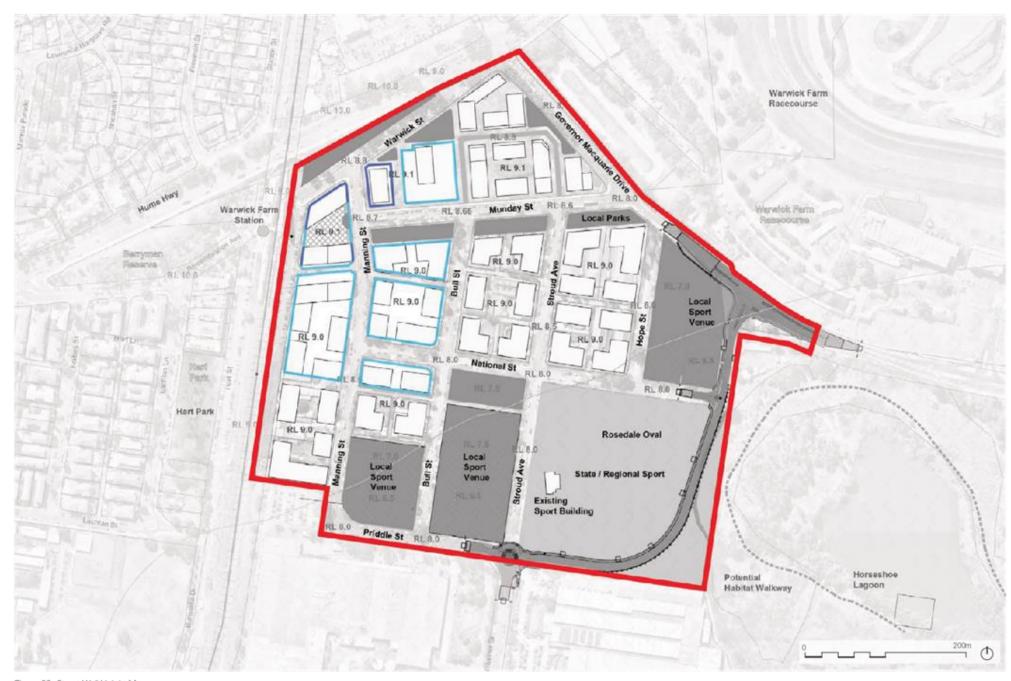
15 Storey



5.6 Street Wall Height

Street wall height defines the character of an urban space. It forms and shapes the urban experience from the street level. A proper street wall height will assist creating a human-scale streetscape and provide a consistant urban setting. Figure 36 illustrates the desired street wall height. The key principles are:

- Provide one to two storey street wall height within B4 Mixed Use Zone.
- Promote human scale through a well proportioned, consistent street wall height.
- 3. Make the upper levels distinct from the street wall height.
- Include active and employment generating uses within the building podium level(s) to activate the street and to provide local employment.



LEGEND

Study Area
2 Storey Street Wall (8.5m)
1 Storey Street Wall (4.5m)

Figure 36: Street Wall Height Map



5.7 Open Space Network

The open space network provides a structure for the future public domain improvements. It also adjoins the adjacent existing / proposed open spaces and forms a part of Liverpool's green network.

Future residential development will benefit from the proposed large and small size local open spaces within walking distance from the door step, providing amenities and views.

Green links along Munday Street, National Street and laneways will improve the precinct's permeability. They will provide east-west spines linking the community to the west of the railway corridor to the future habitat walkway in Horseshoe Pond (subject to the collaboration with Sydney Water) through the heart of the precinct.

Tree-lined streets within the precinct will provide shades to pedestrian and cyclists and improve the overall streetscape.

The future open spaces will provide multi purpose sport facilities, playground, natural based discovery facilities, BBQ and picnic areas.

Potential to Extend the Green corridor to the



Figure 37: Open Space Network Map

Proposed Main Green Comidor

Surrounding Open Space

Proposed Open Space

LEGEND

Study Area

--- Potential Habitat Walkway

Existing Open Space



5.8 Active Transport

LEGEND

Study Area

Existing Shared Path (Pedestrian / Cycle)

One Side of Shared Path

← ■ ■ ▶ Potential Pedestrian Link to Open

--- Potential Habitat Walkway Bus Stop

Local Road - One Side of Pedestrian Footpaths +

■ ■ ■ Local Road - Pedestrian Footpaths on both sides = = = Improved Through Site Laneway - Shared Zone

♦ ■ ■ Potential Pedestrian Bridge Over Rail Corridor

Water Treatment Plant Open Space

Active transport, which priorities walking and cycling, will improve the quality of the public domain as well as the wellbeing of the future residents.

The precinct currently has a shared path (pedestrian and cyclists) along Warwick Street, Manning Street, Munday Street and Governor Macquarie Drive, linking Warwick Farm Station to the Hume Highway (refer to Figure 38). The walking and cycling environment will be further strengthened via improved existing footpaths / through site laneways and new footpath / shared way.

The over railway corridor connection will be improved via additional pedestrian / cyclists over bridge and updated station concourse. The proposed active transport network in the precinct will also link to the Chipping Norton Cycleway, which provides access to the Georges River foreshore. The potential link to Horseshoe Pond will provide a habitat walkway through the scenic area and create another access to the Georges River foreshore.



Figure 38: Active Transport Map



5.9 Evacuation Route

The precinct is subject to flooding issues. A key issue with the proposed development is the evacuation of residents during a flood. Shelter in place is not appropriate and therefore there must be appropriate access from every building in events larger than a 1% Annual Exceedance Probability (AEP). The key features of the evacuation approach are:

- 1. All floors to be at or above 9m AHD (1% AEP + 0.5m).
- All floors must be at least 0.3m above the surrounding ground / road to allow for local drainage.
- 3. All internal roads to be at or above 8.5m AHD (1 % AEP).
- All roads or pedestrian access used for evacuation must rise to the Probable Maximum Flood (PMF).
- There must be either pedestrian or vehicle access from all floors that is always at or above 8.5m AHD (1 % AEP) to above to the PMF.

The proposed evacuation route fulfils the abovementioned requirements by providing a continuously rising route from 8.5m AHD to 10.8m AHD (PMF) and above along the Hume Highway. The proposed evacuation route should be detailed later in the Development Application (DA) stage. Please refer to Warwick Farm Structure and Planning Proposal Flooding Assessment report by WMA Water.



Figure 39: Evacuation Route Plan

LEGEND

Study Area

Evacuation Route





Figure 40: Aerial View

APPENDIX 1 DESIGN OPTIONS



Appendix 1 Design Options

Design Approach



Pros

- Developable area is maximised.
- Mixed-use zone along Munday and Manning Street is maximised.

Cons

- Long escape paths are proposed.
- Floodplain displacement cannot be achieved
- Open space benchmarks cannot be achieved.



Pros

- Additional open spaces are provided.
- Additional communal open spaces are provided.

Cons

- Mixed-use zone is reduced.
- Long escape paths are proposed.
- Open space benchmarks cannot be achieved.
- Inactive frontage along Stroud
 Avenue.



Pros

- Open space benchmarks are met.
- The escape paths are shorten.
- Floodplain displacement can be achieved.

Cons

- Mixed-use zone is reduced.
- Smaller open spaces are missing.
- No visual connections between the station and the future open spaces.
- Less development yield.



Pros

- Open space benchmarks are met.
- Small to large scale open spaces are introduced.
- The escape paths are shorten.
- Floodplain displacement can be achieved.
- Mixed-use zone along Munday and Manning Street is maximised.
- Visual connections between the station and the future open spaces are provided

Cons

Less development yield.



Options Snapshot

Option 1



Option 2A



Option 2B



Development Parame	ters
Residential GFA (m²)	149,930
Commercial GFA (m²)	39,857
Total GFA	190,122
Overall FSR	0.7:1
No. of Dwellings	1,744

Open Space Calculation Total Open Space Area 114,647 m²			
Floodplain Displacemen	t Calculation		
Floodplain Displacemer FILL	t Calculation 22,574 m ^a		

Development Parameters		Open Space Calculation		
Residential GFA (m²)	171,897	Total Open Space Area	137,429 m	
Commercial GFA (m²)	39,857			
Total GFA	211,755	Floodplain Displacement	Calculation	
Overall FSR	0.7:1	FILL	27,357 m ³	
No. of Dwellings	2,006	CUT (in OS3 only)	30,186 m ³	

rs
169,850
40,383
210,233
0.7:1
1,982

Total Open Space Area	98,491 m ²
Floodplain Displacement	Calculation
Floodplain Displacement FILL	Calculation 50,391 m ⁹

Recreation and Open Space Benchmarking	
Scenario 1 - 1,000 Dwellings - Demand (precinct site only - 1,000 dwellings, 2,349 people)	6.6
Scenario 2 - 1,500 Dwellings - Demand (precinct site only - 1,500 dwellings, 3,523 people)	10.0
Scenario 3 - 2,000 Dwellings - Demand (precinct site only - 2,000 dwellings, 4,697 people)	13.3

Recreation and Open Space Benchmarking	
Scenario 1 - 1,000 Dwellings - Demand (precinct site only - 1,000 dwellings, 2,349 people)	6.6
Scenario 2 - 1,500 Dwellings - Demand (precinct site only - 1,500 dwellings, 3,523 people)	10.0
Scenario 3 - 2,000 Dwellings - Demand (precinct site only - 2,000 dwellings, 4,697 people)	13.3

Recreation and Open Space Benchmarking	
Scenario 1 - 1,000 Dwellings - Demand (precinct site only - 1,000 dwellings, 2,349 people)	6.6
Scenario 2 - 1,500 Dwellings - Demand (precinct site only - 1,500 dwellings, 3,523 people)	10.0
Scenario 3 - 2,000 Dwellings - Demand (precinct site only - 2,000 dwellings, 4,697 people)	13.3

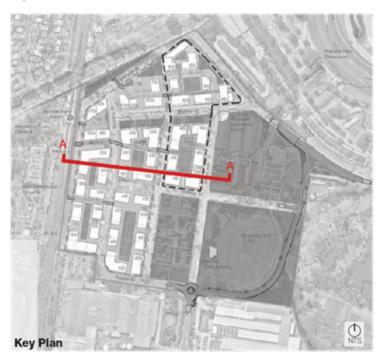


Option 1 - Plan





Option 1 - Cross Section



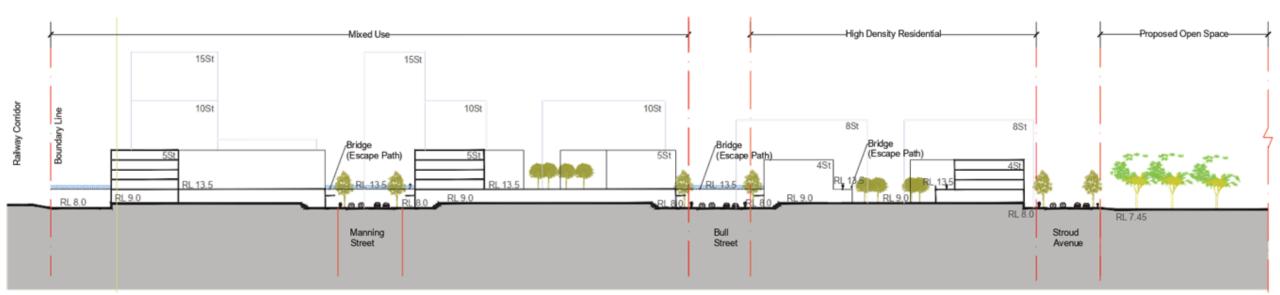


Figure 42: Option 1 - Section A



Option 1 - Yield Calculation

	Total GFA	
Residential	54,263 m ²	
Commercial	4,616 m²	
Total GFA*	58,879 m²	
Site Area	29,307 m ²	
FSR	2.0:1	

^{*} Efficiency rates are uses to calculate the GFA. No detailed floor plans are developed at this stage.

Development Parameters					
	Total GBA (m²)	Efficiency	Total GFA (m²)	Dwelling Size (m²)	No. of Dwellings
Residential	199,907	75%	149,930	85	1,744
Commercial	56,661	70%	39,857	N/A	
Total GFA			190,122		
Site Area			284,042		
Overall FSR			0.7:1		

Open Space Calculation		
Open Space 1 (OS1)	2,490 m ²	
Open Space 2 (OS2)	2,993 m²	
Open Space 3 (OS3)	40,916 m ²	
Open Space 4 (OS4)	18,321 m²	
Total Proposed Open Space	64,720 m ²	
Rosedale Oval	49,927 m²	
Total Open Space Area	114,647 m²	

Floodplain Displacement Calculation		
Existing Building Footprint (EBF)	49,977 m²	
Proposed Developed area (PDA)	95,125 m²	
FILL**	22,574 m ³	
CUT (in OS3 only)***	22,504 m ³	

^{**} The volume of fill = (PDA-EBF) X (1% flood level)



^{***}The volume of cut = OS3 area X (1% flood level)

^{1%} flood level is 0.5m (based on MIKE - 11 model)





Figure 44: Option 1 - Aerial View

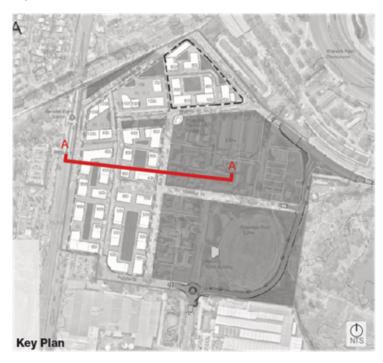


Option 2A - Plan





Option 2A - Cross Section



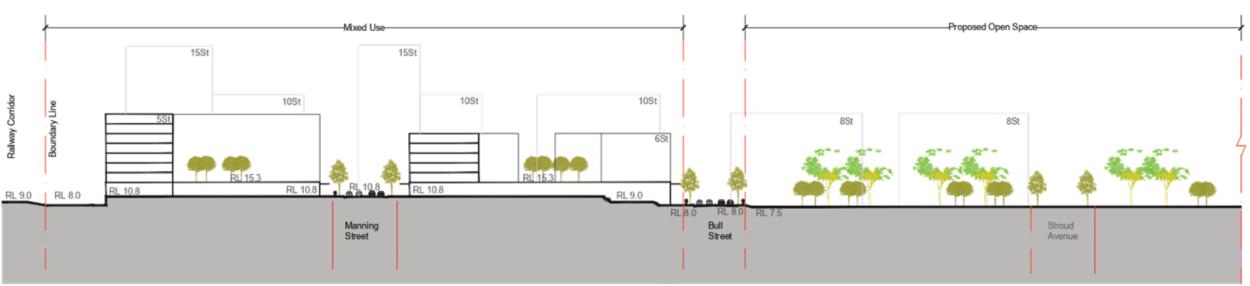


Figure 46: Option 2A - Section A



Option 2A - Yield Calculation

240 Governor M	acquarie Drive
	Total GFA
Residential	54,263 m ²
Commercial	4,616 m²
Total GFA*	58,879 m²
Site Area	29,307 m ²
FSR	2.0:1

^{*} Efficiency rates are uses to calculate the GFA. No detailed floor plans are developed at this stage.

Development Parameters						
	Total GBA (m²)	Efficiency	Total GFA (m²)	Dwelling Size (m²)	No. of Dwellings	
Residential	229,197	75%	171,897	85	2,006	
Commercial	56,661	70%	39,857	N/A		
Total GFA			211,755			
Site Area			284,042			
Overall FSR			0.7:1			

Open Space Calculation	
Open Space 1 (OS1)	2,490 m²
Open Space 2 (OS2)	1,800 m²
Open Space 3 (OS3)	60,372 m ²
Open Space 4 (OS4)	22,840 m ²
Total Proposed Open Space	87,502 m ²
Rosedale Oval	49,927 m²
Total Open Space Area	137,429 m²

Floodplain Displacement Calculation				
Existing Building Footprint (EBF)	49,977 m²			
Proposed Developed area (PDA)	104,684 m²			
FILL**	27,354 m ³			
CUT (in OS3 only)***	30,186 m ³			

^{**} The volume of fill = (PDA-EBF) X (1% flood level)



^{***}The volume of cut = OS3 area X (1% flood level)

^{1%} flood level is 0.5m (based on MIKE - 11 model)





Figure 48: Option 2A - Aerial View

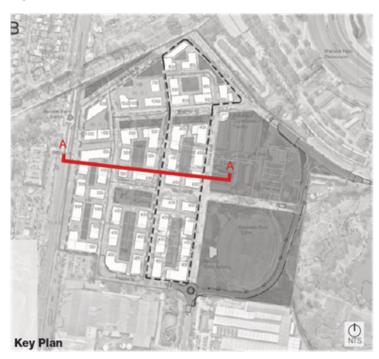


Option 2B - Plan





Option 2B - Cross Section



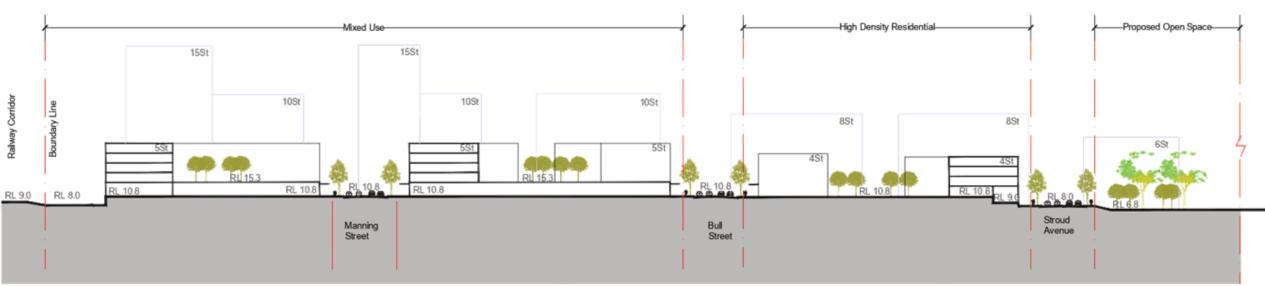


Figure 50: Option 2B - Section A



Option 2B - Yield Calculation

	Total GFA	
Residential	54,263 m ²	
Commercial	4,616 m ²	
Total GFA*	58,879 m ²	
Site Area	29,307 m ²	
FSR	2.0:1	

^{*} Efficiency rates are uses to calculate the GFA. No detailed floor plans are developed at this stage.

Development Parameters						
	Total GBA (m²)	Efficiency	Total GFA (m²)	Dwelling Size (m²)	No. of Dwellings	
Residential	226,467	75%	169,850	85	1,982	
Commercial	57,279	70%	40,383	N/A		
Total GFA			210,233			
Site Area			284,042			
Overall FSR			0.7:1			

Open Space Calculation	
Open Space 1 (OS1)	2,490 m²
Open Space 2 (OS2)	1,800 m ²
Open Space 3 (OS3)	40,916 m²
Open Space 4 (OS4)	3,358 m²
Total Proposed Open Space	48,564 m²
Rosedale Oval	49,927 m²
Total Open Space Area	98,491 m² (34.6% of the site area)

Floodplain Displacement Calculation	
Existing Building Footprint (EBF)	49,977 m²
Proposed Developed area (PDA)	150,759 m²
FILL**	50,391 m ³
CUT (in OS3 only)***	49,099 m ³

^{**} The volume of fill = (PDA-EBF) X (1% flood level)



^{***}The volume of cut = OS3 area X (1% flood level)

^{1%} flood level is 0.5m (based on MIKE - 11 model)





Figure 52: Option 2B - Aerial View

Appendix B: Detailed summary of submissions received for Draft Warwick Farm structure plan, planning proposal and contributions plan

- Angry that Council has given support to the draft Warwick Farm (WF) structure plan;
- Suggests the Council report incorrectly characterises the east of the WF precinct as low-lying.
- No information is provided as to the provenance of the "odour buffer", which appears
 to sterilise much of the land currently zoned R2 Low Density Residential;
- The models advanced in the Flooding Impact Assessment are wrong. Warwick Farm has not flooded since 1956. The impacts of the Chipping Norton Lakes scheme have not been considered.
- How has the raising of the land for the recent Inglis/Stockland industrial development been offset?
- o Council needs to provide updated (laser-determined) levels for the WF precinct.
- There is no need to provide additional open space for the precinct (noting proximity of the Coopers Paddock and Horseshoe Lagoon, as well as Rosedale Park). There has been no provision for additional open space for other high-density dwellings to the west of the Warwick Farm station.
- All properties on the eastern side of Hope Street should be zoned R4 High Density Residential instead of RE1 Public Recreation.
- The 8 single blocks on the plan are either on the edge of, or just outside, the odour buffer zone. The Godolphin property to the south is also slightly impacted by the odour buffer zone, yet it is not included among land to be zoned for public recreation.
- The draft plan's reliance on the existing odour buffer zone does not take account of the likely upgrade to the Warwick Farm sewage treatment plant over time.
- Properties on the eastern side of Hope Street are prime locations for redevelopment, owing to their proximity to existing open space (Rosedale Park) and relative distance from the noise of the train line/Hume Highway.
- According to the PoEO Act, Sydney Water should have responsibility to control
 offensive odorous emissions from its Warwick Farm sewage treatment site. The
 imposition of an "odour buffer" should therefore be dismissed.
- In a submission to the Productivity Commission of 2010, Sydney Water acknowledges the need to upgrade a number of their sewage treatment plants around Sydney.
- References a legal case won by Meriton against Sydney Water regarding the Warriewood sewage treatment plant, where Sydney Water were required to cap the sewage treatment facility to enable the development of apartments in the vicinity.
- Suggest that Sydney Water has a pecuniary interest in reducing the develop potential
 of Warwick Farm, mitigating the need for them to upgrade the (ageing) Warwick Farm
 facility.

Detailed Summary of Submissions

Submitter 2

- The proposal should not be supported by Council.
- The area is flood prone.
- There is existing traffic congestion, including heavy vehicles from the south of the precinct. The proposal will make traffic congestion the area worse.
- o High-density residential development equates to crime and congestion.
- o There is no room at local schools for the proposed growth.
- There is already insufficient parking at Warwick Farm station, and this proposal will exacerbate that.
- o Warwick Farm should be preserved as an "open area".

Submitter 3

- There are significant problems with the proposal that means it is untenable.
- o The proposal will not succeed unless the entire precinct is compulsorily acquired.
- The need to raise the roads above the flood planning level makes the project impractical on a block-by-block basis.
- Redevelopment of 240 Governor Macquarie Drive (GMD)may be feasible, but not the remainder of the precinct.
- Council has spent ratepayers' money on a project doomed to fail from the start. Council
 should have ensured that all landowners were ready to vacate before proceeding with
 the project.

- Cannot support the proposal in its current form, however, supports the principal of rezoning the precinct for higher-density residential uses.
- The rezoning is necessary to alleviate the land-use conflict between the horse industry and industrial (heavy-vehicle) uses to the south.
- The planning is not consistent with state government provisions for maximising density close to railway stations (questioning transition of height to adjacent lots).
- A greater dwelling density would take pressure off Liverpool city centre, which could develop as a commercial centre. Greater density would also reduce contribution plan costs. The high costs will deter potential developers.
- FSR should be more evenly spread throughout the precinct (for the benefit of all current landowners).
- The structure plan does not take account of potential overshadowing (from 240 GMD) of properties along the southern side of Munday Street.
- Excavation for underground car parks should provide sufficient fill to increase height of land/roads for redevelopment.
- There is no offensive odour. Sydney Water is responsible under the PoEO Act to control offensive odour from its own site.
- Warwick Farm has not been known to flood. Supports a review of the current flooding assessments.
- The proposed Manning Street bypass road should pass around the east of Rosedale Park. Money has been set aside by Council to pay for this bypass road. It should not

- be part of the Contributions Plan. The industrial land to the south should be rezoned and the heavy industry moved to Badgerys Creek.
- Why was Governor Macquarie Drive not raised when it was improved in 2017/18? Why can't federal government funds be used to improve road access in the precinct?
- The rezoning of the precinct is dependent upon the relocation of the horse training/stabling industry to the Warwick Farm racetrack.
- Fully support the ATC submission.

Submitter 5

- Concerned that major landowners were not consulted about the draft WF structure plan prior to public exhibition.
- Supports DPIE decision to refuse Gateway for 240 GMD. The inclusion of the 240 GMD proposal in the draft structure plan prevented master planning from first principles. There is an "abrupt" transition of heights.
- 240 GMD should be incorporated into planning proposal for the entire precinct. Supports development of 240 GMD for employment purposes, as supported in District Plan (and DPIE refusal).
- Supports rezoning to R4 on the basis that Clause 1 additional use for horse training/stabling is retained.
- Does not support 4-5 storey. The OLS would permit 14-15 storeys.
- Additional feasibility modelling is required. Private modelling (not supplied) indicates that "significantly higher" density would be required to convince some landowners to relocate.
- Disagrees with the proposed perimeter-block layout depicted in the structure plan.
- Supports the "eastern" route for the Manning Street bypass. Does not support the "western" route for the Manning Street bypass as it would take heavy vehicle traffic through the precinct and create a barrier to access Rosedale Park. It would have a serious impact on amenity and proposed pedestrian routes.
- Recommends that Council investigate "upstream" measures to alleviate flooding in the precinct.
- Proposed Contribution Plan (CP) rates are too high and will impact the feasibility of redevelopment. It is far higher than the 3% CIV applying to the Liverpool city centre.
 Recommends that Council find other ways to fund some of the necessary improvements to reduce the CP cost and enhance feasibility.

- States there are hundreds of trucks competing with horses daily as roads become more congested and the risks to staff and horses is becoming more dangerous every day.
- Supports the plan but suggests it doesn't go far enough.
- o There is too much proposed public recreation land.
- Properties included in the "odour buffer zone" are marked for rezoning to RE1. Yet
 properties in Chipping Norton, an aged care facility and the Inglis Hotel are closer to
 the Warwick Farm sewage treatment plant and in the buffer zone.
- Rosedale Park and Horseshoe Lagoon should be used to absorb flood waters rather than additional RE1 land provided.

The proposal should be redesigned to incorporate more units and less "green space".

Submitter 7

- Flood studies are outdated. Warwick Farm precinct has not flooded since the inception of the Chipping Norton Lakes scheme.
- The proposal requires the relocation of the stabling industry to the Warwick Farm racetrack. There would need to be sufficient return on property sales to facilitate this.
- Should the proposal go ahead, the sewage treatment plant would need to be enlarged/modernised. The odour buffer zone should therefore be irrelevant to longerterm planning.
- Ignoring the odour buffer zone would allow a more equitable distribution of dwellings across the precinct, which would be more attractive to those considering moving to the area.
- Vigorously opposed to the (draft) plan.

Submitter 8

- Almost half the Warwick Farm precinct is to be rezoned RE1. This appears to be because of the "arbitrary" designation of the odour buffer zone.
- Designation of so much open space does not appear to be driven by need for open space, but rather the odour buffer. Would it not be a better planning outcome for Sydney Water to mitigate the odour itself?
- o References 2010 Productivity Commission submission by Sydney Water.
- Rezoning of land RE1 will reduce its value and limit options for resale. Reserves the right to activate hardship provisions under the Land Acquisition (Just Terms) Act.
- o Council should reconsider draft plan and rezone the subject land to R4.

Submitter 9

- Supports the rezoning of their land to R4
- Flood storage should be provided under the road system, to allow for greater development of the precinct.
- The flood study should be revised as it is understood that Bull Street is no longer subject to flooding.
- o Agree with Option 1 of the Warwick Farm structure plan.

- Not opposed to the proposal in principle but uncertain as to the implications for landholdings, as all are proposed to be rezoned RE1 Public Recreation.
- Have funding arrangements for infrastructure upgrades associated with the proposal been established yet. Is it expected that individual landowners will be burdened with any of the associated costs?
- Is any compensatory action envisaged for lots that have their land potential reduced as a result of any zoning modifications?
- o Are copies of the flood studies that informed the proposal available?
- o Will further opportunity for engagement be offered prior to gateway?

Detailed Summary of Submissions

Submitter 11

o Proposed infrastructure costs are excessive and will make relocation unviable.

- Flooding: It is not clear why Council's position remains that it is not necessary to update
 the flooding assessment, despite the current study being over 15 years old. Most
 recent flood was in 1986/88. Request that the 2020 Flood Study be made publicly
 available. Horseshoe Lagoon should be used for flood mitigation purposes.
- <u>Urban Design</u>: The structure plan is supported in principle as a transit-oriented development (TOD). Support increased density closer to the train station. To maintain continuous and active street frontage along major roads (Bull Street and National Street). Built form to maintain solar access amenity to existing and proposed open space by ensuring compliant heights and separation distances (ADG). To provide a built form height transition from higher buildings around the train station to low rise buildings around the Horseshoe pond and Rosedale Oval.
- Open space: Open space provided is excessive. The 2.83 ha per 1000 people is unachievable. Council should look to creating links from the precinct to Berryman reserve, Hart Park, Horseshoe Lagoon, Rosedale Park and the Georges River foreshore. The quantum of open space identified is not required for flood mitigation. All nominated open space have a purpose, rather than simply being provided pursuant to a ratio.
- Traffic and Transport: Support the active transport proposals in the WF structure plan.
 Support the "eastern" Manning Street bypass route (and opposed the "western" route).
 A more detailed plan for staging of the development should be placed on public exhibition.
- Odour: As the Warwick Farm sewage treatment facility would need to be upgraded to facilitate growth (including at Moore Point), this would entail a reduction in the Odour Buffer Zone. The Odour Buffer Zone should not therefore be considered an impediment to developing high-density residential throughout the precinct.
- <u>Transition of Heights</u>: Proposed heights of buildings located within 240 Governor Macquarie Drive do not provide an appropriate and equitable height transition to proposed heights of buildings on the southern side of Munday Street.



Submitter 12 — alternative structure plan



Submitter 12 — alternative urban design for residential/open space development



Precinct Area *	Area *	284,042 m²
Total Sal	Total Saleable Lot Area	119,348 m²
Residential GFA	al GFA	242,907 m²
Commercial GFA	dal GFA	20,784 m²
Total GFA	4	263,691 m ²
Precinct FSR	FSR	0.93:1
Total Sal	Total Saleable Lot Area FSR	2.21:1
Number	Number of Dwellings (80m²)	2,890 dwellings
Total Pop	Total Population (2.4 per awelling)	6,936 people
Open Sp	Open Space Summary	
Total Ope	Total Open Space required (1ha per 1,000 people)	6.93 ha
Total Ope Precinct	Open Space provided within not	7.34 ha
Additional C	Additional Open Space above benchmark	0.41 ha
Precinct /	* Precinct Area is the same area within CM+ Urban Design Report	M+ Urban Design Report
LEGEND	Figure 11: Develope	Figure 11: Developement Scenario - Option 1
	Precinct Boundary	
	Cadastre	
	Open Space	
	School	
	Built Form	
0	Private Communal Open Space	
	Commercial Podium	
	4 Storeys	
	5+ Storeys	



Development Summary



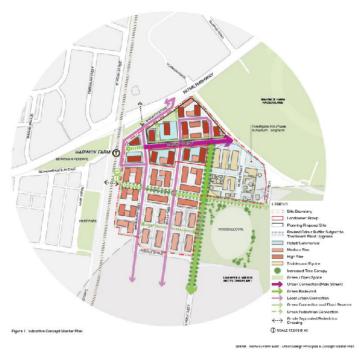
Precinct Area	Area .	M 240,042
Total Sal	Total Salcable Lot Area	119,348 m²
Residential GFA	al GFA	210,730 m²
Commercial GFA	dal GFA	20,784 m²
Total GFA		231,514 m²
Precinct FSR	FSR	0.82:1
Total Sal	Total Saleable Lot Area FSR	1.94:1
Number	Number of Dwellings (80m²)	2,508 dwellings
Total Pop	Total Population (2.4 per dwelling)	8,019 people
Open Sp	Open Space Summary	
Total Ope (1 ha per	Total Open Space required (1ha per 1,000 people)	6.02 ha
Total Ope Precinct	Total Open Space provided within Precinct	7.34 ha
Additional	Additional Open Space above	1.32 ha
Derichmark	¥ .	
- Freding /	Trecinci Free is the same area within Lin + Urban Lessign helpon	M+ Orban Design Report
LEGEND	Figure 13: Develope	Developement Scenario - Option 2
	Preclnct Boundary	
	Cadastre	
	Open Space	
	School	
	Built Form	
0	Private Communal Open Space	
	Commercial Podum	
	4 Storeys	

Detailed Summary of Submissions

Submitter 13

- Not necessarily opposed to the draft structure plan but concerned that the cost of the infrastructure items will make the plan infeasible.
- Review the necessity of the flooding/evacuation plan.
- o Increase the density of the proposed residential redevelopment.

- Oppose the incorporation of the (now refused) planning proposal for 240 Governor Macquarie drive into the draft structure plan.
- Retain 240 GMD for employment uses and "the total yield of up to 2,295 dwellings for the precinct should be distributed amongst those areas currently identified for residential or mixed uses or the entire precinct re-thought in its entirety."
- "Incentivise" lots on the south of Munday Street for amalgamation (by increasing height/FSR).
- The proposal does not relate to the Liverpool Innovation Precinct. The Traffic and Transport Impact Assessment prepared by SCT Consulting (dated 24 June 2020) for the Warwick Farm master plan does not address the impacts of the Liverpool Innovation Precinct Strategy on the transport mode share in the Warwick Farm precinct. Greater provision of active transport would reduce private vehicle reliance.
- The Warwick Farm sewage treatment plant will need to be upgraded. Council needs to be "forward thinking" and therefore discount the impact of the odour buffer zone on urban design.
- Reconsider potential flooding impacts based on a consideration of how the Chipping Norton Lakes scheme has reduced flood risk.



Submitter 14 proposed alternative structure plan

Submitter 15: TfNSW

- Notes that the planning proposal is Council's response to Action 10.2 of Liverpool LSPS.
- Planning Proposal identifies outcomes of 2,252 dwellings and a commercial (retail and office) GFA of 24,417 m2. This a substantial proportion of the uplift envisaged for the Collaboration Area: 18,800 dwellings and 16,200 jobs by 2036.
- It is evident that traffic and transport implications of the subject PP would likely have an effect across the Collaboration Area and not just at the precinct level.
- Council is leading a Collaboration Area wide traffic study (Georges River North Precinct). The TIA should be reviewed once the GRNP traffic study is completed.

Submitter 16: Australian Turf Club

- <u>Stabling</u>: The existing stabling within the Precinct has a mutual relationship with the
 operation of the Racecourse and provides significant economic and employment
 benefits in its own right. Retention in Liverpool is "vital", also to the economic viability
 of WF racetrack itself.
- Success of the planning proposal is highly dependent on the relocation of existing stabling on to the Warwick Farm racetrack.
- ATC is concerned the planning proposal provides no clarity as to how stabling would be relocated from the precinct to the racetrack.
- Draft structure plan limits development potential on ATC owned sites within the precinct, limiting the potential for the ATC to relocate stables in the racetrack.

- Recommends that Council discuss the timing/efficacy of relocating the stables onto the racetrack. Council should also increase the incentive with regards to the ATCowned sites to enhance the feasibility of the relocation.
- <u>Urban Design</u>: Overall, the proposed density and built form outcomes results in an unbalanced urban design outcome, with higher density grouped to the north of the precinct, and a uniform lower built form with limited height variation provided south of Munday Street.
- The proposed concentration of height/density in the north will have overshadowing implications. It also concentrates residential density the furthest distance from proposed open space, which has CPTED implications.
- Urban design was informed by the PP for 240 Governor Macquarie Drive, which has been refused a Gateway.
- There are issues with ADG compliance, particularly with respect to natural ventilation.
- Need to distribute available density more equitably throughout the precinct, particularly for ATC-owned sites.
- Fragmented ownership, particularly south of Munday Street, will limit development potential. This could be overcome by incentivising a transition on the ATC-owned lots. However, appropriate uplift in development standards would be needed to incentivise this transition.
- Open Space: "The oversupply of 2,000sqm of open space within the Precinct [per the open space guidelines] presents a lost opportunity to deliver residential and employment generating floor space and an increased burden for land acquisition."
- Proposed linear park along south of Munday Street disadvantages landowners in the south of the precinct. Why not include open space on 240 Governor Macquarie Drive?
 The proposed linear park will suffer from overshadowing. "Green" transition to Warwick Farm racetrack can be provided via other means including provision of a tree-lined avenue, including pedestrian linkages to the racetrack.
- Flooding: Cost of flood mitigation works is extremely high and will impact the feasibility
 of the structure plan. ATC would consider compensatory cut on the Warwick Farm
 racetrack if Council paid for associated hydraulic studies and increased the uplift on
 ATC-owned sites in the precinct to facilitate the transition of stabling to the racetrack.
- Odour: Unclear from the planning proposal how the odour buffer was determined.
 Recommend an Air Quality (Odour) assessment to determine the scope of the odour buffer.
- Infrastructure costs: Costs are too high and there is insufficient uplift. Redevelopment would be infeasible. CRED consultants recommends provision of 9.5 ha of open space but the draft structure plan incorporates 9.7 ha. Council should focus on quality, not quantity, and therefore reduce provision of open space.
- <u>Expand the scope</u>: Increasing the size of the redevelopment area, to include the southwest portion of the Warwick Farm racetrack, would defray infrastructure costs over a larger number of dwellings, reducing the impact of infrastructure per dwelling.
- No staging plan: Implications are that there is no clarity on how the development will
 proceed and enable existing uses to continue.
- Wider benefits: The proposed infrastructure will benefit surrounding landowners (eg, the bypass will benefit industrial uses, and additional open space will benefit residents in Liverpool city centre). Consideration should be made to distribute the costs of additional infrastructure among all those who benefit, rather than expecting the developers of the precinct to foot the entire bill.

EGROW 04

Update on the draft Warwick Farm Racing Precinct Structure Plan, draft Planning Proposal and draft

Contributions Plan

Attachment 2 Detailed Summary of Submissions

<u>Dwelling potential</u>: ATC questions whether the 18,800 dwelling target in the Liverpool Collaboration Area Place Strategy should be considered a hard target rather than a guide or minimum. It further questions whether residential development in Liverpool city centre will meet it stated potential. Dwelling growth in Warwick Farm racing precinct could be expanded to "make up" for any shortages elsewhere in the Liverpool Collaboration Area.

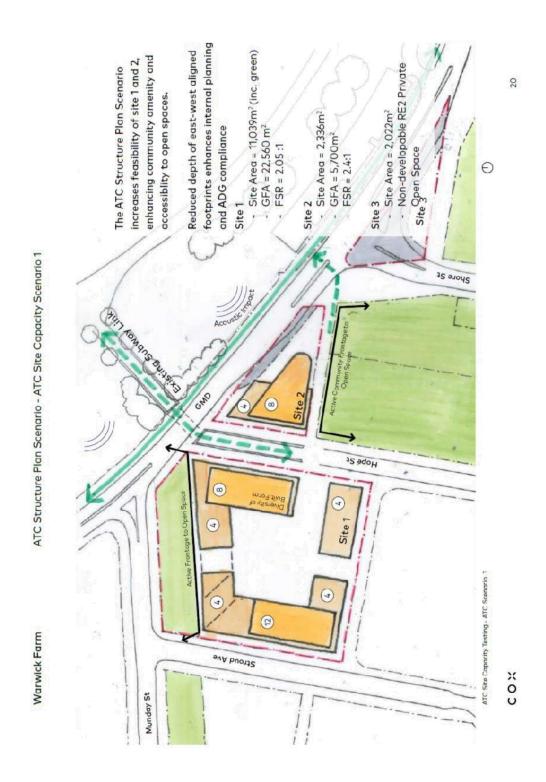
 Warwick Farm racetrack: Failing to incorporate the potential for residential development at the south-west corner of the Warwick Farm racetrack would be a significant lost opportunity.

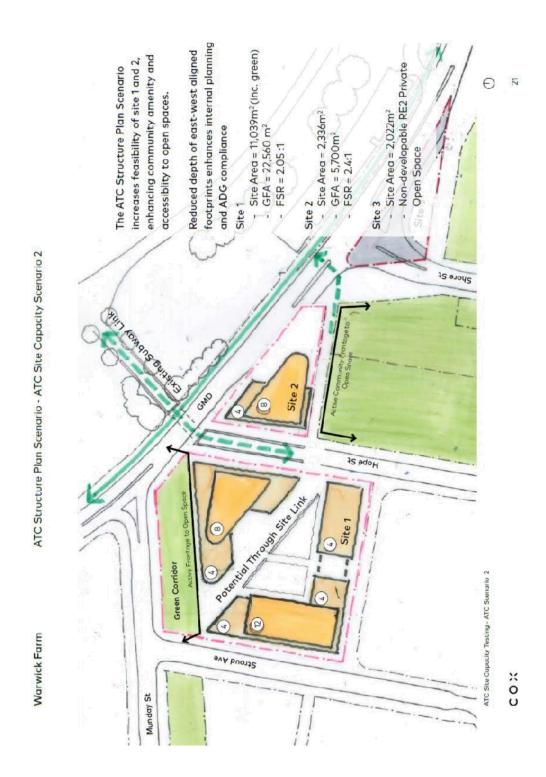


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Update on the draft Warwick Farm Racing Precinct Structure Plan, draft Planning Proposal and draft Contributions Plan Detailed Summary of Submissions EGROW 04

Attachment 2





Detailed Summary of Submissions

Submitter 17: Sydney Water

- Sydney Water cannot support the plan in its current form. More detail is needed on timing/staging and details of how odour is to be mitigated.
- Sydney Water is unlikely to upgrade the Warwick Farm sewage treatment plant until 2027, but this timeframe will only be confirmed in 2021.
- There is unacceptable risk to Sydney Water if development proceeds before upgrade of the plant. Proponent contributions may be required for a plant upgrade.
- There are potential visual impacts associated with overlooking the Warwick Farm sewage treatment facility.

- Open space should not be concentrated in one portion of the precinct only. This
 would advantage landowners elsewhere in the precinct to the disadvantage of
 those landowners whose land is to be rezoned RE1. Establishment of a land coop should be considered.
- The Odour Buffer Zone should be reduced to 300m as elsewhere in Sydney.
 Sydney Water has not taken account of growth/has not upgraded the plant (as they should be expected to).
- The flood studies are wrong. The heights of flooding have been misrepresented.
 The majority of properties shown as being flood prone are not.

Appendix C: Council floodplain engineers' response to questions/comments regarding flood liability of the Warwick Farm racing precinct

 The models advanced in the Flooding Impact Assessment are wrong/outdated. Warwick Farm has not flooded since 1956/1986/88. The impacts of the Chipping Norton Lakes scheme have not been taken into account. The heights of flooding have been misrepresented. Most properties shown as being flood prone are not.

Eight participating councils sharing the catchment of the river — including Liverpool, Bankstown, Fairfield, Campbelltown and Sutherland Councils — developed the Georges River Floodplain Risk Management Study and Plan 2004 (FRMP). Flooding in 1986 and 1988 are the largest floods to have occurred over the last 30 years and are both estimated to be 1-in-20-year floods. The flood in 1956 was about one metre higher than the 1986 and 1988 floods throughout much of the river but was still estimated to be less than the 1-in-100-year flood. As per the adopted flood mapping, the Warwick Farm precinct will be inundated by a 1-in-100-year flood.

The adopted flood levels are being widely used by all participating councils for planning and development of flood prone lands in the catchment of the Georges River. Flood impact assessment for the Warwick Farm Precinct was undertaken based on the adopted flood levels.

The Chipping Norton Lake was incorporated in the flood model; hence its impact has been considered.

2. How was the raising of the land for the recent Inglis/Stockland industrial development offset?

The Inglis/Stockland development sites are located above the 1-in-100-year flood level, within the low risk flood zone, except small patches of low points, which would be affected by a 1-in-100-year flood. Council's flood policy does not require compensatory flood mitigation/offset for filling of low risk flood zone and therefore the developer was not required to offset the full amount of filling. However, compensatory excavation for the loss of flood storage volume for the area affected by the 1-in-100-year flood was required as part of development consent.

 Excavation for underground car parks should provide sufficient fill to increase height of land/roads for redevelopment (i.e land need not be excavated to provide fill to raise the areas the precinct to be redeveloped).

Low-lying lands including roads will need to be filled at or above the 1-in-100-year flood level. To mitigate the adverse impact of filling on flood levels, compensatory excavation must be provided (balanced cut and fill). Access to the car parks will require adequate freeboard above the 1-in-100-year flood level in accordance with the provision of Council's DCP to ensure flood water does not enter basement car parks.

Detailed Flood FAQ - Warwick Farm Racing Precinct

Council should investigate "upstream" measures to alleviate flooding the precinct.

There are a number of floodplain management measures that were investigated as part of the development of Floodplain Risk Management Study and Plan 2004 (FRMP). Among others, construction of a flood mitigation dam or detention basin option in the upper catchment area was investigated.

A potential dam site was identified in a deep gorge in the Georges River, adjacent to Kentlyn, near Campbelltown. While the flood mitigation benefits of the dam option were high, due to high construction costs, potential environmental impacts and other concerns, the dam option was not recommended in the FRMP.

5. Why can't Rosedale Park and Horseshoe Lagoon absorb flood waters (so there is no need to rezone land for compensatory excavation)?

Due to potential environmental constraints, Horseshoe Lagoon may not be a suitable option for compensatory excavation. However, as part of detailed flood impact assessment, all reasonable potential flood mitigation options, including Rosedale Park, will be investigated. In identifying potential flood mitigation options, consideration will be given to economic, environmental and social impacts.

Flood storage should be provided under the road system to allow for greater development of the precinct.

Given the large amount of loss of flood storage volume, provision of flood storage under the road system is not feasible.

7. The flood study should be revised, as Bull Street is no longer subject to flooding.

While Bull Street is not subject to frequent flooding from the Georges River, it is affected by rarer flood events including a 1-in-100-year flood. Regarding revision of the flood study, the Georges River Floodplain Risk Management Committee (GRFRMC), which comprises eight councils as well as DPIE, State Emergency Service (SES) and the Georges Riverkeeper, has initiated a review of the FRMP 2004, which is being led by Fairfield City Council. It is expected that the review of the Georges River flood study will be completed by the end of the 2021-22 financial year.

It is not clear why Council's position remains that it is not necessary to update the flooding assessment, despite the current study being over 15 years old. The 2020 Flood Study should be made publicly available.

As outlined above, the flood study will be reviewed as part of the review of FRMP by the GRFRMC. In the interim, Council has developed a two-dimensional hydraulic model (TUFLOW) for the Georges River and a detailed flood impact assessment will be undertaken using the TUFLOW model for the Warwick Farm precinct. The model is available to potential developers and consultants for flood impact assessment and can

be obtained by signing a digital data licence agreement and paying the appropriate

9. The quantum of open space identified is not required for flood mitigation.

A future detailed flood impact assessment will determine the area of land required for flood mitigation.

10. Review the necessity of the flooding/evacuation plan.

The regional flood evacuation strategy for Liverpool Collaboration Area (LCA) is being developed and is expected to be completed by May 2021. The Warwick Farm precinct is located within LCA and emergency flood evacuation needs will be assessed as part of the regional evacuation strategy.

11. The cost of the flood mitigation works is extremely high and will impact the feasibility of the structure plan. ATC would consider compensatory cut on the Warwick Farm racetrack, but only if Council paid for associated hydraulic studies and increased the uplift on ATC-owned sites in the precinct to facilitate the transition of stabling to the Warwick Farm racetrack.

All submissions, including the ATC submission, will be reported to Council for consideration.



26 October 2020

Will Wang CM+

Sent via email: www.ang@cmplus.com.au

Dear Will

Re: Warwick Farm Structure Plan Economic Feasbility Testing

CM+ led a multi-disciplinary team to prepare the draft Warwick Farm Structure Plan on behalf of Liverpool City Council and was recently placed on public exhibition.

Atlas Urban Economics ('Atlas') has been engaged to test the economic feasibility of three nominated sites identified for change in the draft Warwick Farm Masterplan.

Background

Warwick Farm (the Precinct) is mainly subject to an R2 Low Density Residential zone with a small portion zoned R3 Medium Density Residential. A large parcel of land zoned B5 Business Development fronts the Hume Highway. An industrial area (zoned IN1 General Industry) adjoins the Precinct to the south. The Rosedale Oval is centrally located within the Precinct.

The Warwick Farm Racecourse (owned by the Australian Turf Club) for thoroughbred horse racing directly adjoins the Precinct to the northeast.

Existing buildings and uses in the Precinct are generally dominated by horse stables, with existing dwellings either converted into horse stables or purpose-built as horse accommodation. These horse stables are co-located with the Warwick Farm Racecourse for obvious reasons, being a short walking distance to training and racing facilities at the Racecourse.

While there are properties within the Precinct that are not utilised as horse stables, the majority of properties are observed to have an equine-related use.

An analysis of sales activity suggests premiums are paid for properties that are purposed as horse stables compared to properties that are occupied as single residential dwellings. The use and capital investment in some of the properties have implications for the structure plan as follows:

Cost to consolidate land for development

The cost to consolidate land for development is a key driver of development feasibility. The higher the cost to consolidate a development site, the greater the density required for development to be feasible (subject to market demand).

• Cost to acquire land for local infrastructure

When land is acquired for a public purpose and subject to compensation under the Land Acquisition (Just Terms Compensation) Act 1991, there are a number of heads of compensation that would be applicable. 'Market value' is one of these heads of compensation.

Given the current use and capital investment in some of the properties, a significant compensation entitlement could result from 'relocation' and 'disturbance loss', i.e. financial costs that may result from the acquisition relating to actual use of the land. These compensation amounts could potentially exceed the 'market value' head of compensation.

If a site is only partially acquired, the compensation entitlement to 'severance loss' could also be significant.

A snapshot of the preferred structure plan which indicates sites the subject of economic feasibility testing is in Figure 1.

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Figure 1: Snapshot of Warwick Farm Draft Structure Plan



Source: CM+

The draft structure plan envisages maximum heights of 15 storeys (near the Warwick Farm train station) with overall FSRs approximately 0.8:1. Higher FSRs are proposed closer to the train station.

The Warwick Farm precinct is subject to flooding issues, necessitating the balance of cut and fill, with existing road levels requiring to be raised to address flood evacuation requirements.

A draft local contributions plan has been prepared to accompany the structure plan and planning proposal for Warwick Farm. The proposed s7.11 contribution rates are outlined in **Table 1**.

Table 1: Warwick Farm draft s7.11 Contribution Rates

Infrastructure Item	per 1b dwelling	per 2b dwelling	per 3b+ dwelling	Per Additional GFA
Community facilities stratum land	\$1,616	\$2,065	\$2,784	
Open space and recreation facilities	\$23,101	\$29,518	\$39,785	
Roads and active transport facilities	\$10,341	\$13,214	\$17,810	\$1,151
Drainage facilities	\$1,038	\$1,326	\$1,788	\$14
Plan administration and management	\$217	\$278	\$375	\$15
Total	\$36,314	\$46,402	\$62,541	\$1,180

Source: GLN

Council have explored if an alternative bypass road were instead implemented, what alternates 7.11 contribution rates might be. These are outlined in **Table 2**. These alternate contribution rates are tested in the section below.

Table 2: Warwick Farm Alternate s7.11 Contribution Rates

Infrastructure Item	per 1b dwelling	per 2b dwelling	per 3b+ dwelling	Per Additional GFA
Community facilities stratum land	\$1,616	\$2,065	\$2,784	
Open space and recreation facilities	\$23,101	\$29,518	\$39,785	
Roads and active transport facilities	\$7,706	\$9,847	\$13,271	\$858
Drainage facilities	\$1,038	\$1,326	\$1,788	\$14
Plan administration and management	\$198	\$253	\$342	\$13
Total	\$33,660	\$43.010	\$57,970	\$884

Source: GLN



Economic Feasibility Testing

The section examines the development feasibility of planning controls proposed in the draft structure plan. The testing additionally considers the implications of the following for development feasibility:

- Development yield (GFA) and proposed land use mix (i.e. proportion of residential: non-residential GFA).
- Alternate s7.11 contribution rates (outlined in Table 2).

Generic feasibility testing is carried out to ascertain the economic feasibility of development on the nominated sites as proposed in the draft structure plan.

The Hypothetical Development approach is undertaken is the method of feasibility testing. The approach involves assessing the total potential revenue, deducts development costs and makes a further deduction for the profit and risk that a developer would require to take on the project.

For redevelopment to be feasible to pursue, a site's value as a development site needs to not only exceed its value in existing use but provide an incentive for a redevelopment to displace the existing uses. The analysis therefore examines the value of the sites tested in their existing use and compares them against their value as potential development sites.

Sites Tested

Figure 1 indicates the sites nominated for economic feasibility testing. Table 3 provides a summary of the nominated sites and their potential development yields.

Table 3: Potential Development Yields, Nominated Sites

Site (Address)	Site Area (sqm)	Existing FSR	Proposed FSR (Total GFA)	Resi GFA (sqm)	Non-resi GFA (sqm)	
Site 1 (1 Manning St)	5,559	0.5:1	3.55:1 (19,741sqm)	14,139	5,602	Existing improvements - 23 townhouses. Proposed mixed use development with non- residential GFA (at approx. 28%).
Site 2 (14, 16, 18 Munday St)	4,178	0.5:1	3.2:1 (13,401sqm)	10,929	2,472	Existing single dwellings and associated stabling facilities. Proposed mixed use development with non-residential GFA (at approx. 18%).
Site 3 (10 Stroud Ave)	8,008	0.5:1	1.6:1 (12,828sqm)	12,828	-	'Crown Lodge' horse training and stabling facilities (125 boxes, 16 semi-open yards, heated swimming pool). Proposed residential development.

Source: CM+, Atlas

Key Performance Indicators

In assessing if a development is feasible, key performance indicators and metrics relied upon are development margin 1 and project IRR 2 .

The objective of feasibility testing is to assess if development margin and project IRR are within acceptable range. Where development is found to result in either development margin or project IRR falling below the acceptance range, it is concluded the development is not feasible.

Benchmark hurdle rates and their 'feasible' ranges for each development typology are indicated in Table 4.

Table 4: Benchmark Hurdle Rates

Indicator	Feasible	Marginal	Not Feasible
Development Margin	>22%	18%-22%	<18%
ProjectIRR	>20%	18%-20%	<18%

Source: Atlas

¹ Development Margin is profit divided by total costs (including selling costs)

 $^{^2}$ Project IRR is the project return on investment, where the discount rate where the cash inflows and cash outflows are equal



Draft Warwick Farm Structure Plan - Economic Feasibility Testing

Testing Outcomes

Table 5 summarises the sites and development yield tested and the resultant outcomes.

Table 5: Feasibility Testing Outcomes, Nominated Sites

Site (Address)	Site Area (sqm)	Total GFA (sqm)	Gross Floor Area (sqm)		Performance Indicators		Feasible?
			Residential	Non-residential	Margin	Project IRR	,
Site 1 (1 Manning St)	5,559	19,741sqm	14,139 (72%)	5,602 (28%)	3.3%	6.5%	No
Site 2 (14, 16, 18 Munday St)	4,178	13,401sqm	10,929 (82%)	2,472 (18%)	10.8%	12.4%	No
Site 3 (10 Stroud Ave)	8,008	12,828sqm	12,828 (100%)	-	14.2%	14.3%	No

Source: Atlas

Feasibility testing indicates that the planning controls proposed for the nominated sites are not feasible. Key reasons include:

- Relatively high cost of land (owing to existing uses and activities related to the equine industry).
- Proposed land use mix on some sites with relatively high non-residential GFA (almost 30%).
- s7.11 contribution rates (\$33,000 to \$58,000 per dwelling) owing to flood mitigation and local infrastructure works.

Implications for the Structure Plan

In locations where there is an established market for higher density living (e.g. Liverpool and Parramatta CBDs), there is market willingness to pay higher prices for apartments in taller buildings. This enables taller buildings (and higher densities) to be viably developed. In contrast, in markets where attitudes towards high density living is immature or emerging, market willingness to pay for apartment living will be 'capped' by the cost of lower density housing formats (e.g. townhouses, detached dwellings). For example, if a detached 3-bedroom dwelling on a 700sqm block is available at \$700,000, it would be challenging for a 3 bedroom apartment to achieve similar pricing.

As are buildings taller, they are more expensive to construct. The cost of construction for a 20 storey apartment building in Warwick Farm is not to dissimilar to elsewhere in Sydney where market attitudes towards higher density living may be more mature. There is therefore a minimum cost to construct apartment buildings regardless of market demand. In locations such as Warwick Farm where higher density living is less established, densities such as those achieved in major centres such as Liverpool and Parramatta CBDs are unlikely to be viable. Accordingly, higher densities are not a viable solution to overcoming the 'high' contribution rates tested.

We recommend Council consider:

- Investigating avenues to reduce the burden of s7.11 contribution rates. This could include:
 - Explore relocation options available to horse stables that may be required (acquired) for infrastructure in the Precinct. Relocation options could include relocation onto the Warwick Farm Racecourse, in which case the loss arising from 'disturbance' may be able to be mitigated.
 - Investigate floorspace transfer mechanisms for land required for infrastructure. This would apply to lots that are only partially acquired for infrastructure.
- Non-residential GFA (5%-10%) is focused along 'active' street edges in and around the train station.

It is a reality that not all sites will be feasible in a redevelopment scenario. Properties with capital-intensive improvements could be very valuable in their existing use and not likely candidates for redevelopment. It will be necessary for the Structure Plan to focus on the development potential of properties which fall within the 'bell curve' of improvements and values.

Yours sincerely

Esther Cheong

Director

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Feasibility Testing Assumptions

Project Timing

The site is assumed to be appropriate zoned. Masterplanning is assumed to be progressed immediately upon settlement and span 9 months. Thereafter a development application is assumed to occur with pre-sales occurring shortly thereafter.

Demolition and construction are assumed from Month 24 in stages spanning 12-18 months depending on stage. The project is assumed to be completed in 2.5 to 3 years depending on centre scenario after a 24 month lead-in period.

Development Yields

Feasibility testing is undertaken of the proposed development yields on the three nominated sites as follows:

Table 6: Tested Development Yield

Site (Address)	Site Area	Total GFA	Gross Floor Area (sqm)		
	(sqm)	(sqm)	Residential	Non-residential	
Site 1 (1 Manning St)	5,559	19,741sqm	14,139 (72%)	5,602 (28%)	
Site 2 (14, 16, 18 Munday St)	4,178	13,401sqm	10,929 (82%)	2,472 (18%)	
Site 3 (10 Stroud Ave)	8,008	12,828sqm	12,828 (100%)	-	

Source: Atlas

Residential Yield

Unit mix and average internal areas:

- 1 bedroom units (20%) 60sqm.
- 2 bedroom units (70%) 75sqm.
- 3 bedroom units (10%) 105sqm.

Parking Requirements

Parking ratios assumed at (sourced from Liverpool DCP 2014):

- Retail and commercial floorspace 1 space per 30 sqm GFA (blend of retail and commercial parking ratios).
- Residential floorspace:
 - ° 1 bedroom units 1 space per unit.
 - 2 bedroom units 1.5 spaces per unit
 - 3 bedroom units 2 spaces per unit.
 - Visitor parking 0.25 spaces per unit.

Revenue Assumptions

Average end sale values are adopted based on market research and analysis.

- Non-residential \$5,000/sqm:
- Residential:
 - 1 bedroom units \$510,000 (or \$8,500/sqm).
 - ° 2 bedroom units \$675,000 (or \$9,000/sqm).
 - ° 3 bedroom units \$840,000 (or \$8,000/sqm).



It is assumed that 75% of the apartments would be pre-sold prior to completion of construction and the balance would be sold post completion at an average rate of 4-6 units per month.

Other revenue assumptions:

- GST is excluding on non-residential sales and included on the residential sales.
- Sales commission at 2.5% and marketing costs of 1.0% on gross sales.
- Legal cost on sales included at 0.25% on gross sales.

Cost Assumptions

- · Assumed cost of land (based on high level desktop estimate) of existing value plus a premium to incentivise sale.
- Legal costs, valuation and due diligence assumed at 0.5% of land price and stamp duty at NSW statutory rates.
- Construction costs are estimated with reference to Rawlinsons Construction Handbook 2020:
 - ° Retail/commercial construction (warm shell) assumed at \$2,000/sqm of building area
 - ° Residential construction assumed \$2,250/sqm to \$2,750/sqm of building area, balconies at \$1,000/sqm.
 - ° Basement car parking at \$50,000 per car space.
- Construction contingency at 5%.
- Provisional allowance for lead-in and services infrastructure at 2% of construction costs.
- Professional fees and application fees at 10% of construction costs.
- Statutory fees:
 - DA fees of 1% of construction costs.
 - ° CC fees of 0.5% of construction costs.
 - ° Long service levy of 0.35% of construction costs.
 - ° s7.12 contributions (as proposed) \$36,314 (1 bedroom), \$46,402 (2 bedroom), \$62,541 (3 bedroom) and \$1,180/sqm non-residential GFA.
- Finance costs:
 - Land value assumed as equity contribution with balance funded at interested capitalised monthly at 6% per annum.
 - ° Establishment fee at 0.35% of peak debt.

Hurdle Rates and Performance Indictors

Target hurdle rates are dependent on the perceived risk associated with a project (planning, market, financial and construction risk). The more risk associated with a project, the higher the hurdle rate.

 $Key \ hurdle\ rates\ assumed\ for\ the\ feasibility\ modelling\ are\ 18\%\ discount\ rate\ (effective)\ and\ 20\%\ development\ margin.$

If the resulting profit from this feasibility analysis is sufficient to meet the target hurdles (target development margin and discount rate), the project is considered financially viable for development.



Attachment 5

Memo to Mayor & Councillors Warwick Farm



Memo

To: The Mayor and Councillors

Cc: Executive Team

From: David Smith, A/Director City Economy & Growth

Date: 22 September 2020

Subject: 240 Governor Macquarie Drive, Warwick Farm – RZ-7/2018

Gateway determination refused by Department of Planning, Industry and

Environment

Reference: 257671.2020

Dear Madam Mayor and Councillors.

At its meeting of 11 December 2019, Council resolved (EGROW 09) in part that it:

Endorses in principle the planning proposal request for 240 Governor Macquarie Drive, Warwick Farm, subject to the applicant submitting a modified request with a maximum floor space ratio (FSR) of 2:1 equating to approximately 58,600m2 GFA or 500 dwellings with access to the bonus FSR provisions contained within Clause 4.4 (2B) of the Liverpool Local Environmental Plan (LEP) (up to 3:1), a maximum height of buildings of 50m and the preparation of a site specific Development Control Plan

An amended planning proposal (in accordance with above resolution) was submitted to the Department of Planning, Industry and Environment (DPIE) on 27 February 2020 seeking a Gateway determination.

On 22 September 2020, Council receive notification that Council's request for a Gateway determination had been **refused** by DPIE. DPIE's determination was that the planning proposal **should not** proceed and that a Gateway determination is not issued.

In the letter to Council (attached), DPIE acknowledged that the planning proposal had site specific merit, saying in part:

In making this decision I acknowledge that the planning proposal holds site-specific merit with the land being located near the Warwick Farm Railway Station. I also appreciate that the proposal seeks to activate a large vacant site in single ownership. Development of the site would also support the 30-minute city vision of the Western City District Plan, providing housing delivery and choice, and jobs, within 100m from a railway station with direct access to Liverpool CBD.

The letter goes onto say:

I understand Council is undertaking investigations to inform the Warwick Farm Precinct Structure Plan, in which this site is located. I also appreciate the work Council is doing to support and implement the Local Strategic Planning Statement, including the draft Local Housing Strategy and draft Industrial and Employment Lands Strategy. Consideration of the outcomes of the precinct investigations and draft strategies is necessary to resolve longstanding concerns over development of the site, and to inform the appropriate future

2

development for the subject site and the broader precinct. I also understand Council will be forwarding a planning proposal to deliver the Warwick Farm Structure Plan, Council may wish to consider rolling this site into a consolidated planning proposal for the precinct. This would enable the precinct to be considered as a whole.

Given DPIE's refusal to issue a Gateway determination, the planning proposal as supported by Council on 11 December 2019 is unable to proceed.

There is an opportunity to review the draft Warwick Farm racing precinct structure plan, draft planning proposal and draft contributions plan given these plans assumed the development of 240 Governor Macquarie Drive would proceed in accordance with Council's resolution of 11 December 2019. This is also feedback Council has received to date from the community during the exhibition of the draft structure plan and supporting documents.

Proposed amendments to the draft structure plan and planning proposal, based on the above and submissions from the community can be considered by the consultant team. A Councillor workshop will be organised following public exhibition to further discuss the implications of DPIEs decision and the progress and potential amendments to the structure plan, planning proposal and supporting documents.

If you have any questions in relation to this matter, please contact me on 8711 7610.

David Smith

A/Director City Economy and Growth

Attachment:

- 1. Letter to Council advising of DPIE decision
- 2. Gateway determination (refusal)
- 3. Assessment Report



PP 2020 LPOOL 001 00/ IRF20/3881

Dr Eddie Jackson A/Chief Executive Officer Liverpool City Council Locked Bag 7064 Liverpool BC NSW 1871

Dear Dr Jackson

Planning proposal PP_2020_LPOOL_001_00 to amend Liverpool Local Environmental Plan 2008

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the *EP&A Act*) in respect of the planning proposal which seeks to amend the Liverpool Local Environmental Plan 2008 by introducing amended planning controls applying to the site at 240 Governor Macquarie Drive and parts of Munday and Manning Streets, Warwick Farm.

As delegate of the Minister for Planning and Public Spaces under section 3.34(2)(a) of the *EP&A Act*, I have determined that the planning proposal, in its present form, should not proceed.

In making this decision I acknowledge that the planning proposal holds site-specific merit with the land being located near the Warwick Farm Railway Station. I also appreciate that the proposal seeks to activate a large vacant site in single ownership. Development of the site would also support the 30-minute city vision of the Western City District Plan, providing housing delivery and choice, and jobs, within 100m from a railway station with direct access to Liverpool CBD.

In view of the location of the site and these significant attributes, it is important that any proposal for the site takes into consideration broader strategic directions to ensure appropriate development of the site. The planning proposal submitted for determination by Council, could not be supported for the reasons set out in the attached Gateway determination.

I understand Council is undertaking investigations to inform the Warwick Farm Precinct Structure Plan, in which this site is located. I also appreciate the work Council is doing to support and implement the Local Strategic Planning Statement, including the draft Local Housing Strategy and draft Industrial and Employment Lands Strategy. Consideration of the outcomes of the precinct investigations and draft strategies is necessary to resolve longstanding concerns over development of the site, and to inform the appropriate future development for the subject site and the broader precinct. I also understand Council will be forwarding a planning proposal to deliver the Warwick Farm Structure Plan, Council may wish to consider rolling this

site into a consolidated planning proposal for the precinct. This would enable the precinct to be considered as a whole.

The Department of Planning, Industry and Environment looks forward to working with Council to progress this matter. Should you have any enquiries, I have arranged for Mr Frankie Liang to assist you. Mr Liang can be contacted on 8289 6671.

21 September 2020

Brett Whitworth Deputy Secretary

Greater Sydney, Place and Infrastructure



Gateway Determination

Planning proposal (Department Ref: PP_2020_LPOOL_001_00): to rezone land at 240 Governor Macquarie Drive, Warwick Farm, from B5 Business Development to part B4 Mixed Use and part R4 High Density Residential zones; introduce a site-specific clause; and, amend associated development controls.

I, the Deputy Secretary, Greater Sydney, Place and Infrastructure at the Department of Planning, Industry and Environment as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Liverpool Local Environmental Plan 2008 to rezone land located at 240 Governor Macquarie Drive, Warwick Farm, from B5 Business Development to part B4 Mixed Use and part R4 High Density Residential; introduce a site-specific clause and amend associated development controls, should not proceed for the following reasons:

- the inconsistency with the Greater Sydney Regional Plan and the District Plan remains unresolved;
- the site-specific studies accompanying the proposal reflect earlier iterations of the proposal planning which were not supported;
- the concerns of the Local Planning Panel have not been adequately addressed in the proposal;
- the proposal has not been informed by and has not addressed the strategies that are being prepared to implement Council's Local Strategic Planning Statement (LSPS) such as Council's draft Local Housing Strategy and draft Industrial and Employment Lands Strategy;
- the proposal has not been informed by and has not addressed the Warwick Farm Structure Plan and its supporting investigations (such as the feasibility study, resolution of heavy vehicular traffic on Munday Street),
- the proposal has not been informed by the studies (or justified why it is not
 necessary to first carry out and consider the findings of those studies) noted
 in the Greater Sydney Commission's Collaboration Area Liverpool Place
 Strategy as "immediate imperatives" to "establish the capacity and viability of
 land and infrastructure to support the future growth scenarios",
- the proposal does not adequately address the relevant considerations for implementing the LSPS provided in the Greater Sydney Commission's letter of support, which relate directly to the Warwick Farm Precinct which incorporates this site. In particular, that Council (in developing the Warwick Farm Structure Plan) "should support the precinct's role as part of the larger Strategic Centre and proximity to the adjoining institutions in the Innovation Precinct and the Warwick Farm Racecourse."

The above matters are necessary to resolve longstanding concerns over the site, and required to inform the structure plan (and therefore the subject site), and the proposed controls such as the appropriate mix of uses and density of development for the precinct.

21st day of Septenber 2020.

Brett Whitworth Deputy Secretary Greater Sydney, Place and Infrastructure Department of Planning, Industry and Environment

Delegate of the Minister for Planning and Public Spaces



Greater Sydney, Place and Infrastructure

IRF20/3881

Gateway determination report

Liverpool
Liverpool Council
Liverpool LEP Draft Amendment 81 – 240 Governor
Macquarie Drive, Warwick Farm (500 homes, 5,000m ²
GFA retail/commercial space)
PP_2020_LPOOL_001_00
Liverpool LEP 2008
240 Governor Macquarie Drive, Warwick Farm
Lot 1 DP 1162276 and parts of Manning and Munday
Streets, Warwick Farm.
13 March 2020, additional information received on:
31/3/20; 20/4/20; 5/5/20; and, 24/6/20
IRF20/3881
There are no donations or gifts to disclose and a political
donation disclosure is not required.
There have been no meetings or communications with
registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal **(Attachment A)** seeks to amend Liverpool Local Environmental Plan (LEP) 2008 by rezoning 240 Governor Macquarie Drive, Warwick Farm, and part of Manning and Munday Streets (Figure 1 over), from B5 Business Development to part B4 Mixed Use and part R4 High Density Residential Zones(Figure 2 over).

The planning proposal envisages a mixed use retail and residential development to enable a Gross Floor Area (GFA) of approximately 58,000m² or 500 dwellings; 5,000m² GFA of retail and commercial floor space; and, 7,000m² of open space (not including internal roads).

The planning proposal is accompanied by a traffic report; urban design report; community benefit report; preliminary flood assessment; and, a local voluntary planning agreement (VPA) offer.



Figure 1 – Subject site and surrounds

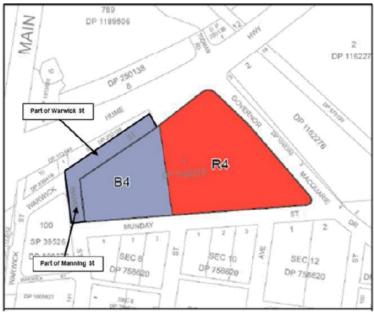


Figure 2 - Proposed zones

Contributions Plan

Contributions Plan

Attachment 5 Memo to Mayor & Councillors Warwick Farm

1.2 Site and Proposal History

The site was rezoned from part RE2 Private Recreation and part R2 Low Density Residential to B5 Business Development in 2011.

At the time, Liverpool Council (Council) considered a B5 zoning was the most appropriate zone to avoid conflict with the surrounding land uses, i.e. equestrian, residential and industrial uses, as well as, recognising the demand for bulky goods retailing in the area; the adequacy of the road network; and, the site's ability to provide large floor plates.

Since the rezoning, there have been development approvals for industrial and equestrian uses in the area - predominantly in the Warwick Farm Horse Training Precinct to the south of the site.

A development application for a Masters' Home Improvement Store on the site was approved by the then Sydney West Joint Regional Planning Panel on 28 February 2013. The development did not proceed and the site remains vacant.

1.2.1 Planning proposal 2015

A previous planning proposal for the site was lodged with Council and subsequently forwarded for rezoning review as Council had not indicated its support within 90 days.

The proposal sought to rezone the site from B5 Business Development to part R4 High Density Residential and part B4 Mixed Use with a proposed maximum height of 100m (approximately 28 storeys) and an Floor Space Ratio (FSR) of 3.5:1. This proposal anticipated to provide for 950 dwellings, including 50 key worker/affordable dwellings and 125 permanent jobs based on a 5,000m² retail GFA.

On 5 February 2018, the Sydney Western City Planning Panel (the Panel) determined that the proposal, although holds strategic merit, did not demonstrate site-specific merit on the basis of excessive height and scale, which was deemed to be inappropriate for the location.

The Panel further advised that the issues arising from the heavy vehicular traffic on Munday Street and the flood affectation of the area would need to be resolved before any future rezoning. The Panel's decision is at **Attachment E1**.

1.2.2 Revised planning proposal 2018

A revised planning proposal for 830 dwellings was lodged with Council in July 2018, seeking to rezone the site to part R4 High Density Residential and part B4 Mixed Use, with a maximum height of 50m and an FSR of 3:1.

Council's report to the Local Planning Panel (LPP) dated 24 June 2019 (Attachment H1) recommended the proposal not proceed to Gateway. The LPP advised that 'while the strategic policy context of the site might be uncertain given the elected Council's decision not to endorse the Greater Sydney Commission Place Strategy, the planning proposal must be assessed against the place strategy and district plan as they presently stand. The planning proposal does not have strategic merit having regard to the place strategy' (Attachment H2).

As Council did not indicate its support within 90 days, the planning proposal was referred to the Panel. On 13 September 2019, the Panel determined that the proposal should not be submitted for Gateway determination because the proposal

did not demonstrate site and strategic merit. The Panel's decision is at **Attachment E2**.

In summary, the Panel acknowledged the reduced height and scale of the proposal and noted:

- the proposal is inconsistent with the important strategic position of the Planning Priority W10 of the of Western City District Plan: retaining, managing and safeguarding industrial and urban services land from competing pressures, especially residential and mixed-use zones;
- the proposal seeks to rezone employment generating land to potentially a
 noncompatible residential/mixed use zone, that would result in a loss of industrial
 and urban services land, and that there is no employment lands study to provide
 guidance in this regard;
- the Warwick Farm Precinct is located within the Liverpool Collaboration Area; and the Liverpool Collaboration Area Place Strategy (Place Strategy) (September 2018), identified Warwick Farm as higher order employment land that supports health related activities; advanced manufacturing; mid-tech and education facilities;
- it agreed with Council's assessment that heavy vehicular traffic on Munday Street and flood affectation were 'significant issues' that would need to be resolved before any future zoning, and that a detailed flood impact study has not been prepared for the proposal;
- the Place Strategy identifies the need for an integrated transport strategy and Georges River flood study to be prepared to address capacity and viability of infrastructure to support future growth with the Collaboration Area; and
- there is no demonstrated urgency or need to rezone the site for additional housing supply given the extent of available land closer to the CBD for housing development.

1.2.3 Council resolution to proceed with the proposal irrespective of the recommendation by the Planning Panel

Following the Panel's decision for the planning proposal not to be submitted for a Gateway determination, Council obtained legal advice which confirmed that the Panel's determination did not prevent Council from reconsidering the planning proposal and if it chooses, endorsing the planning proposal and forwarding it to the Department of Planning, Industry and Environment (the Department).

On 11 December 2019, Council endorsed the planning proposal to be submitted for a Gateway determination with a reduced yield of 500 dwellings and an FSR of 2:1 (as opposed to 830 dwellings and an FSR of 3:1). The various supporting studies were not updated to reflect the current proposal, however Council requested that detailed traffic modelling, an economic impact assessment, a noise mitigation strategy and a site specific Development Control Plan (DCP) be included as Gateway conditions to be satisfied prior to public exhibition.

1.3 Site description and surrounding area

The site (including roads) is a 3.31ha in area; cleared of vegetation; and currently vacant.

Contributions Plan

Attachment 5 Memo to Mayor & Councillors Warwick Farm

The site is located approximately 1.5km from the Liverpool City Centre and Liverpool Hospital. Warwick Farm Railway Station is 100 metres to the west with direct connections to Liverpool, Sydney and Parramatta CBDs.

The site is bounded by Manning, Warwick and Munday Streets. The Hume Highway T-intersection with Governor Macquarie Drive is at the northern corner of the site. The Hume Highway is the main east-west access route through Warwick Farm and Liverpool with several major regional bus routes. Munday Street is a busy transport route for the industrial areas to the south towards Georges River.

Sappho Road Bulky Goods Precinct is located to the north of the site across The Hume Highway; Warwick Farm Racecourse is to the east; Warwick Farm Horse Training Precinct (industrial and equestrian uses) is to the south; and residential flats (to 15 storeys) and open space are to the west.

1.4 Existing planning controls

The site is zoned B5 Business Development under Liverpool LEP 2008. The subject land includes part of Manning and Warwick Streets, also zoned B5. The minimum lot size is 2 ha and the height of building control is 15m and the FSR is 0.75:1.

The B5 zone allows a variety of land uses, such as: hotel and motel accommodation, hardware and building supplies, office premises, passenger transport facilities, warehouse or distribution centres, timber yards and storage premises. Residential accommodation is not a permissible use in the zone.

1.5 Summary of recommendation

The planning proposal is not supported, and it is recommended that the proposal does not proceed as there is insufficient strategic merit. The inconsistency with the Greater Sydney Region Plan and Western City District Plan to review and manage industrial and urban services land remains unresolved.

The planning proposal is also considered premature ahead of the finalisation of a structure plan for the broader Warwick Farm Precinct and supporting precinct-wide studies. Although the proposal is generally aligned to Council's Local Strategic Planning Statement (LSPS), the site is within the Warwick Farm Precinct and Council has not yet finalised planning for this precinct. The Department considers that for clarity, the Warwick Farm Structure Plan and its associated studies should inform the appropriate land use zones and proposed controls for the site, given the site is within the Warwick Farm precinct.

In the Liverpool Collaboration Place Strategy (Place Strategy), the Greater Sydney Commission (GSC) also recommended that to "establish the capacity and viability of land and infrastructure to support the future growth scenarios" the following studies should be completed:

- Georges River flood study;
- floodplain constraints categorisation study (led by Liverpool City Council) and a flood evacuation study (led by State Emergency Service); and
- integrated transport strategy (led by Transport for NSW/Roads and Maritime Services).

Insufficient justification has been provided to demonstrate its alignment with the Council's LSPS and the supporting draft strategies or studies to implement the LSPS. Council has a draft Local Housing Strategy and a draft Liverpool Industrial

and Employment Strategy prepared, and it is reasonable that the proposal also needs to demonstrate its alignment with these documents given it has been prepared to support and implement the LSPS. It is inadequate for the proposal to rely on the LSPS statement alone for the broader Warwick Farm Precinct, that justifies the rezoning of the site for a 'mix of uses' without the structure plan or updated supporting technical studies being finalised.

As such, the subject planning proposal is considered premature and should not proceed based on a number of unresolved matters.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objectives and intended outcomes are to facilitate the development of the site for approximately 500 dwellings and provision of approximately 5,000m² of retail and commercial floor space on the site. Additional information provided by Council confirmed that the proposal will provide 7,000m² of open space (not including internal roads) on the site.

2.2 Explanation of provisions and mapping

The proposal seeks to amend the Liverpool LEP 2008 as follows:

- rezone 240 Governor Macquarie Drive (2.93ha) from B5 Business Development to part R4 High Density Residential and part B4 Mixed Use;
- rezone part of Warwick and Manning Streets (3780m²) from B5 Business Development to B4 Mixed Use;
- increase the height of building (HOB) from 15m to 50m (15 storeys);
- increase the floor space ratio (FSR) from 0.75:1 to 2:1 across the site;
- reduce the minimum lot size applying to the site from 2ha to 1,000m²; and,
- add a site-specific clause which would enable development of the site to access bonus FSR provisions equivalent to Clause 4.4 (2B) of Liverpool LEP 2008 to a maximum FSR of 3:1.

Department Comment: The planning proposal fails to clearly identify that parts of Warwick and Manning Streets (3,780m²) are subject to the rezoning proposal.

2.2.1 Urban Design Report

The urban design report prepared by SJB Urban (June 2018) (Attachment A2) addresses a mix of buildings ranging between 4 - 15 storeys, including 7 x 15 storey towers to accommodate approximately 830 dwellings on 2 - 4 storey podiums (Figure 3). The planning controls proposed in the urban design report are based on the 2018 planning proposal, that is, a maximum height of buildings of 50m, FSR of 3:1, approximately 830 dwellings and provision of 7,000m² of open space land on the site.

The report states the building envelope layout has been prepared considering the requirements in the Apartment Design Guide (ADG) in terms of orientation, solar access and building footprints, that facilitate natural cross-flow ventilation; avoid adverse shadow impacts on surrounding land; and, provides building separation for visual and acoustic privacy.



Figure 3 - Proposed massing/building layout

Ground floor retail uses are identified (above), such as a supermarket and smaller retail offerings, seeking to activate the north-south plaza.

The key feature of the proposed masterplan layout is the series of connected plazas and parks, with public amenities integrating with the surrounding street grid and the Warwick Farm Train Station. The civic plaza will be publicly accessible from Warwick Street (Figures 4 and 5) with similar public open spaces along Governor Macquarie Drive. The concept also includes communal open spaces as internal courtyard areas.

The proposed main access to the site is via a loop road with access from Munday Street. The loop road is to provide basement access/parking for the residential dwellings as well as servicing for the proposed commercial/retail uses to the western portion of the site.

The shadow analysis identified shadows affecting the existing development to the south but states that the building layout design/massing would ensure only short periods of overshadowing and significant direct sunlight between the buildings.

The proposed open spaces on the northern side will receive solar access between 11am and 2pm during winter solstice. Council considered that the proposal does not result in an unacceptable solar access impacts to surrounding residential properties or the proposed public open spaces.



Figure 4 - Illustrative masterplan concept



Figure 5 - Through site links

The solar insolation analysis demonstrates most of the buildings will receive direct sunlight, exceeding the SEPP 65 requirement for 70% of apartment living rooms to receive 2 hours of sunlight between 11am and 2pm during winter solstice.

The study highlights that the proposal will provide public benefits, including improved connectivity between the railway station and the racecourse, green link, footpaths, public art, retail/commercial activities for the nearby community.

Department Comment: The urban design report does not reflect the revised planning proposal and is considered inadequate to support the proposal in its current form.

Further, the shadow diagrams in the urban design report (**Attachment A2** - page 34) are not clear in showing the extent of shadow cast on the existing development to

the south, and whether these buildings will receive sufficient direct sunlight during winter solstice.

The urban design report has not addressed the dwelling yield adopted by Council and whether sunlight access during winter solstice is appropriate for the development to the south.

2.2.2 Community Benefit Analysis

The supporting community benefit analysis (Attachment A3) was based on the 2018 planning proposal with a yield of 830 dwellings. A summary of the community benefits for the proposal recommended in the report include:

- 5% Affordable rental housing;
- reinforcing a sense of place for Warwick Farm near the rail station;
- · creation of a central node and gathering spaces;
- 0.7ha publicly accessible open space area in landscape and urban plaza form; and
- improved pedestrian connectivity and amenity through and across the site.

Council has advised that as part of the previous voluntary planning agreement (VPA), between the former owners and Council, some roadworks and intersection upgrades, such as The Hume Highway and Governor Macquarie Drive intersection have been completed. Council has resolved that Council's CEO negotiate a revised VPA with the proponent.

2.2.3 Preliminary Flood Assessment

The preliminary flood assessment was prepared in October 2015 (Attachment A4). The report identified the site as being affected by flooding from the Georges River, and to a lesser extent, Cabramatta Creek to the north. The assessment is a review of the onsite flood investigations and modelling carried out between 2005 and 2009 for the previously proposed Masters' development.

The assessment identified that the site is not affected by the 20-year flood but would be inundated by the 100-year flood at Reduced Level (RL) 8.4m Australian Height Datum (AHD) and is classified as being a "medium flood risk" with inundation depth between 0.2m and 0.6m.

The assessment states that the subject site is part of the flood storage area and any filling on the site will reduce the available flood storage volume and potentially increase flood levels within the area. The concept layout includes an evacuation route to the north. Proposed cut and fill earthworks will provide compensatory excavation on-site, which will result in no loss in flood storage from the development.

In summary, the flood study confirmed that the likely flood impacts on the site can be managed without any loss of flood storage area on the site, and future development on the site can comply with the controls in the Liverpool DCP 2008.

Council has advised that the previous flood study, in support of the Masters' development, has demonstrated the ability of the site to manage flood risk. Further, satisfactory flood planning levels can be achieved, basement openings can be protected and evacuation routes implemented.

Department Comment: The proposal fails to be supported by an updated flood study to address the current planning proposal. Although the Department notes that

1% Annual Exceedance Probability (AEP) flood level is the basis of development controls for residential and commercial development across the Local Government Area (LGA), site specific flood risk and evacuation has not been adequately addressed to support the proposal proceeding.

The preliminary flood assessment supported the 2015 planning proposal, which sought to rezone the site to accommodate a potential of 950 dwellings and 5,000m² retail/commercial floor space. There is consequently a need for a revised flood study that will address the subject planning proposal and changing external conditions as a result of the Warwick Farm Structure Plan that may influence the onsite response to flood affectation and arrangements to manage onsite flood risk. In this regard, the Liverpool Collaboration Area Place Strategy states that any future design and planning works for the Collaboration Area's east (i.e. Munday Street Precinct) needs to be underpinned by detailed, validated flooding investigations to deliver confidence that flood risk is appropriately addressed.

The place strategy also recommends the completion of the following to establish the capacity and viability of land and infrastructure to support the future growth scenarios:

- Georges River flood study;
- a floodplain constraints categorisation study; and
- flood evacuation study.

In contrast to the Place Strategy, Council's report in relation to the Warwick Farm Structure Plan (26 August 2020) notes that the primary objective of the Georges River flood study was to develop a flood model with new flood modelling techniques (2D TUFLOW model) to assess the impacts on flood behaviour due to recent developments that have occurred within Liverpool and Bankstown catchment areas since 2004. The report discusses that the 1% AEP (or 1 in 100 year) flood levels in the new model are generally consistent with the currently adopted flood levels (the Georges River Floodplain Risk Management Study and Plan 2004 - FRMP), and that Council will continue to use the adopted flood levels in the Georges River FRMP 2004, until the review of the FRMP is completed and adopted by councils (anticipated 2022 – 23 financial year).

2.2.4 Traffic Report

The proposal is supported by a 2018 traffic report **(Attachment A5)** which reviewed the traffic aspects of the 2018 planning proposal. The review was based on an indicative yield of 3,836m² commercial and1,200m² supermarket floor areas and 823 residential dwellings.

The report states that the proposed development will have similar traffic generation to the previously proposed Masters' development and the surrounding transport network can accommodate the projected increase associated with the proposal.

The report concludes that the agreed road works and dedication of land, in association with the previous Masters' development VPA for the site, are appropriate for the proposed development.

Council advises that Munday Street is the only dedicated heavy vehicle access road into the precinct and experiences heavy vehicle movements with conflicts arising with the use of horse stabling facilities, residential development and the industrial development to the south.

Council has requested that a Gateway determination condition be imposed that requires detailed traffic modelling for the proposal.

Department Comment: The subject proposal's supporting traffic report does not address the planning proposal, or strategic work being undertaken by Transport for NSW (TfNSW) and Council for a proposed alternate bypass road, nor detailed traffic modelling to inform the adequacy of the existing intersections, as well as, the need for intersection improvements.

The Department understands that the place-based future transport strategy for the Liverpool Collaboration Area is still being finalised. The study identifies Governor Macquarie Drive as the major movement corridor providing access to the Collaboration Area from the north-east and as a link to the Hume Highway. The need to design and deliver a Munday Street bypass road is one of the priorities of the study, to remove existing heavy vehicle movements on Munday Street.

Liverpool Council and TfNSW are also preparing an integrated transport strategy for the Collaboration Area, which is expected to be finalised in September 2020.

The Department notes that the Warwick Farm Structure plan being prepared by Council is investigating two potential routes for the Manning Street bypass. This bypass will divert heavy vehicles around the precinct, to and from Governor Macquarie Drive. Council's report for the Warwick Farm Structure Plan note "the provision of the Manning Street bypass road, as an infrastructure improvement, in addition to proposed widening of Governor Macquarie Drive and the development of additional shared paths, will effectively mitigate traffic impacts."

The supporting traffic study is inadequate and further traffic work is required, in consultation with TfNSW (RMS) at a minimum, to align the proposal to the findings of relevant traffic studies underway, such as the integrated transport strategy.

2.2.5 Voluntary Planning Agreement

Council advises that the proponent has prepared an offer to enter into a local voluntary planning agreement (VPA) (Attachment A6).

Council advises that the VPA will involve:

- funding for appropriate road works including public domain improvements including street trees and landscaping; pedestrian and bicycle access to and
 from the site and Warwick Farm Railway Station and north and south of the
 Hume Highway;
- provision of 5% of the dwelling yield as affordable housing to be managed as affordable rental housing by a community housing provider; and
- providing a retail/commercial space in the development for a period of 5 years at a reduced commercial rent for a community organisation/s to be agreed between the proponent and Council.

3. NEED FOR THE PLANNING PROPOSAL

The proposal seeks to increase the permissible residential density and allow some commercial floorspace on the site.

The planning proposal is the best and most appropriate means to achieve the intended outcomes. However, the proposal fails to demonstrate the strategic merit and it is considered premature to proceed with the proposal ahead of the finalisation

of the broader Warwick Farm Precinct Structure Plan and supporting precinct wide technical studies.

4. STRATEGIC ASSESSMENT

4.1 Regional/District

4.1.1 Consistency with the Western City District Plan

The planning proposal states that it is consistent with the following relevant priorities under the Western City District Plan:

Planning Priority W1 - Planning for a city supported by infrastructure

 The site is well serviced by public transport infrastructure, with potential to be connected to the Western Sydney Airport through Liverpool/Leppington, as well as, ready access to regional scale services, such as health and education in the Liverpool CBD.

Planning Priority W3 – Providing services and social infrastructure to meet people's changing needs

 The proposal includes a VPA offer for the provision of affordable rental housing and provides retail services, public and community open spaces and improved pedestrian and bicycle access for future residents.

Planning Priority W4 – Fostering healthy, creative, culturally rich and socially connected communities

 The retail offering provides employment and services to the existing and future residents, as well as, improvements to the cycling and pedestrian network.

Planning Priority W5 – Providing housing supply, choice and affordability, with access to jobs and services

The proposal consists of residential and limited employment land uses (5,000m² GFA). The proposal states that the concept design has the capacity to deliver high-quality, high-density living and is supported by an offer to provide 5% of the dwelling yield as affordable rental housing.

Planning Priority W15 – Increasing urban tree canopy cover and delivering green grid connection

 The planning proposal suitably addresses landscaping opportunities that will facilitate the augmentation of urban tree canopy.

Department Comment:

Notwithstanding the above, the proposal is inconsistent with the Greater Sydney Regional Plan and the Western City District Plan as the site is B5 zoned, it falls under the category of "review and manage" for industrial and urban services lands under the district plan. District Plan Planning Priority W9 - Growing and strengthening the metropolitan cluster for Liverpool and Actions 51, 52 and 53, require urban services land, in this case – land zoned as B5 zone to be reviewed and managed. As such, the GSC was informally consulted. It was confirmed that B5 zoned land comes under a review and manage category within the Greater Sydney Region Plan (GSRP) and the Western City District Plan.

Further, the planning proposal package does not appear to have addressed Action 42 of the district plan, specifically whether the proposed development:

- protects the commercial core of Liverpool in terms of the scale of development and proposed uses;
- will improve and coordinate transport and other infrastructure to support jobs growth; and
- will assist in developing smart jobs around the health and education precinct.

It was raised whether the proposed B4 zoning should extend across the entire site and if a minimum FSR (1.5 to 2:1) for commercial purposes should be incorporated into the proposal, as this would retain the potential for a substantial employment provision, to ensure consistency with the GSRP and the district plan. The Department considers these issues needs to be adequately addressed and resolved before the proposal can proceed.

Given the above, the proposal does not give effect to the Western City District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act* 1979.

4.2 Local

4.2.1 Liverpool Collaboration Area Place Strategy

The GSC completed the Place Strategy in September 2018, it was not endorsed by Council. The strategy establishes a vision for the Liverpool Collaboration Area which gives effect to the Western City District Plan. The strategy identifies impediments and opportunities to growth, sets priorities for the collaboration area and identifies actions to deliver the vision.

The strategy identified Warwick Farm as a high performing location making significant metropolitan economic contributions, and to achieve sustainable jobs for innovation/research/health and manufacturing to complement with the future needs in the city centre. The boundaries of the precinct and the land subject to the planning proposal are shown in Figure 6.

Two of the four actions for immediate attention in the Place Strategy were an integrated transport strategy and Georges River flood study to be prepared immediately for the area to establish the capacity and viability of land and infrastructure to support the future growth scenarios.

Council and TfNSW have advised the broader integrated transport strategy and the comprehensive flood study are being finalised, to be completed within the year.

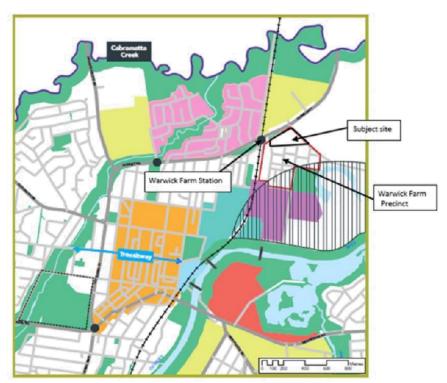


Figure 6: Warwick Farm Precinct

4.2.2 Local Strategic Planning Statement and Warwick Farm Structure Plan

Action 10.2 of the LSPS requires Council to "prepare structure plan and planning proposal to rezone the Warwick Farm racing precinct to a mix of uses, including B4". This vision for Warwick Farm is inconsistent with the GSC's adopted Liverpool Place Strategy which identifies the Warwick Farm precinct as innovation, research, health, advanced manufacturing location. Notwithstanding this, the GSC provided Council with a letter of support for the LSPS, confirming its consistency with the Greater Sydney Region Plan and Western City District Plan.

The GSC's advisory notes in relation to the Warwick Farm Structure Plan (structure plan), advise Council to:

- support the precinct's role as part of the larger strategic centre and proximity to the adjoining institutions in the Innovation Precinct and the Warwick Farm Racecourse;
- prepare the structure plan to inform the appropriate land use zones; and
- consult with the GSC, DPIE, TfNSW and other relevant State agencies on the preparation of a structure plan.

Council notes the structure plan will determine:

- the appropriate density of development in the precinct, including built form; and
- building typologies including height and floor space ratio development standards for:

- o open space, community and recreation facilities to support urban renewal;
- likely traffic and transport upgrades;
- amenity issues;
- flooding considerations; and
- development contributions.

The draft structure plan was reported to the LPP on 27 July 2020, who noted that the proposal 'may meet the strategic merit test given the GSC's assurance of Council's Local Strategic Planning Statement' however recommended the planning proposal to implement the structure plan not be submitted for a Gateway determination as the following matters were not considered to be satisfactorily addressed:

- updating of the Flooding Assessment to have regard to the 2020 Georges River Flood Study (BMT, January 2020) and its implications for this site;
- preparation of a development feasibility study having regard to the need for consolidation of fragmented sites, flood mitigation works, open space acquisition, the truck bypass route, pedestrian links across the railway and the proposed development yield;
- a report addressing whether, given the cap of 18,800 additional dwellings for Liverpool Collaboration Area Place Strategy, this site is the optimum location for the provision of additional housing given the constraints of the site including flooding and difficulty of evacuation; and
- further analysis of the potential environmental impacts of the proposed truck bypass route and the changes to ground levels for flood mitigation having regard to vegetation, acid sulfate soils and water table level.

In the Council report accompanying the structure plan (26 August 2020), Council notes Conybeare Morrison International, the consultants who prepared the structure plan, have provided Council with a fee proposal for the preparation of a feasibility study. This study is anticipated to make recommendations on amendments to proposed development standards necessary to ensure the feasibility of the structure plan.

The Department considers that for clarity, the structure plan and its associated studies should inform the appropriate land use zones and proposed controls. The subject planning proposal is premature as it is part of the precinct but has not been prepared with the benefit of the findings of the structure plan or its supporting studies.

4.2.3 Draft Liverpool Local Housing Strategy

Council's draft Local Housing Strategy (LHS) is available online and references both the subject planning proposal and the Warwick Farm structure plan. It is reasonable that before the Department could support the proposal proceeding, that there be adequate commentary on the draft LHS, for example, how does the planning proposal align to matters such as housing diversity, affordability, opportunities and constraints, housing gaps, discussed in the draft LHS. The Department notes that although the site has merit in providing housing, the need for housing in this location has been a longstanding concern.

Contributions Plan

Attachment 5 Memo to Mayor & Councillors Warwick Farm

4.2.4 Draft Liverpool Industrial and Employment Lands Strategy

Similar to above, Councils draft Industrial and Employment Lands Strategy (IELS) is available online. As previously mentioned, Planning Priority W10 (Action 52) of the Western City District Plan requires Council to review and manage industrial and urban services land, in line with the principles for managing industrial and urban services land by safeguarding all industrial zoned land. In the GSC's letter of support for the LSPS, the GSC notes that this should be "as part of Council's Industrial and Employment Lands Strategy".

Given the nature of the current and proposed landuse zones, the Department considers it appropriate that before the proposal can proceed, it is reasonable that the proposal addresses these matters. In particular, the draft IELS contains 'Guiding Criteria for Planning Proposals', which raise relevant considerations which could potentially support this proposal if they were addressed, for example the first three quiding criteria in the draft IELS are:

- any rezoning application is to result in a sustainable increase in jobs,
- rezoning proposals must be supported by an economic study, and
- proposals must be designated to avoid land use conflict.

4.3 Section 9.1 Ministerial Directions

Direction 1.1 Business and Industrial Zones

The direction aims to encourage employment growth in suitable locations; protect existing employment land; and, support the viability of identified strategic centres. This Direction applies to this planning proposal as it affects B5 Business Development zone land.

Council's adopted planning proposal seeks to rezone the eastern part of the site from a business zone to a high density residential zone. The western part retains a business element within the proposed B4 Mixed Use Zone.

In the absence of Warwick Farm Precinct Structure Plan, it is considered premature to proceed with the proposed rezoning which will result in reduction of employment land uses on site and the cumulative impact on the precinct wide economic roles and functions.

Inadequate information or supporting study has been provided to justify the inconsistency with this Direction is of minor significance, hence the inconsistency remains unresolved.

Direction 2.6 Remediation of Contaminated Land

The direction seeks to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

Council advises the site has been previously used for residential use prior to the demolition of the dwellings. There are no known uses of the land that would indicate that the site could be contaminated and require further investigation.

It is considered the planning proposal is consistent with the direction.

Direction 3.1 Residential Zones

The Direction seeks to encourage a variety and choice of housing types to provide for existing and future housing needs. It also seeks to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure. The Direction ensures that the impacts of residential development on the environment and resource lands are minimised.

The Direction applies as the proposal seeks to develop the site for high density residential development.

The proposal is consistent with the direction. The proposal will encourage development providing a variety of housing choice and type, including potential for affordable rental housing in a location with ready access to existing infrastructure and transport services.

Direction 3.4 Integrating Land Use and Transport

The direction applies to the planning proposal. Under this direction, a planning proposal must include provisions that give effect to and are consistent with the aims, objectives and principle of:

- a) Improving Transport Choice Guidelines for planning and development (DUAP 2001); and
- b) The right Place for Business and Services Planning Policy (DUAP 2001).

Central to these two documents is the objective of improving access to housing, jobs and services by walking, cycling and public transport, and the reducing travel demand including the number of trips generated by development and the distance travelled, especially by car.

The planning proposal is consistent with the objectives of this direction. The site is located within 100m of the Warwick Farm Train Station and other public transport services. It is accordingly anticipated that travel demand resulting from the increased residential population will be appropriately accommodated within the terms of this direction.

Direction 4.1 Acid Sulfate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. The site is located within a Class 5 acid sulfate soils area and appropriate provisions are required in the LEP.

Clause 7.7 Acid sulfate soils of the Liverpool LEP aims to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. Development consent is required for the carrying out of works within the class 5 area and requires an acid sulfate soils management plan for proposed works in accordance with the Acid Sulfate Soils Manual.

The planning proposal is accordingly considered to be consistent with the direction.

Direction 4.3 Flood Prone Land

This direction aims to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and that potential flood impacts are considered.

Contributions Plan

Attachment 5 Memo to Mayor & Councillors Warwick Farm

The Department acknowledges that the preliminary flood assessment submitted for the proposal indicates that the likely flood impacts on the site can be managed without any loss of flood storage area on the site, and future development on the site can comply with the controls in the Liverpool DCP 2008.

While this is the case, the preliminary flood assessment supported the 2015 planning proposal, which sought to rezone the site to accommodate a potential of 950 dwellings and 5,000m² retail/commercial floor space. As mentioned above, there is therefore a need for a revised flood study that will address the subject planning proposal as well as the changing external conditions as a result of the structure plan that may influence the onsite response to flood affectation and arrangements to manage onsite flood risk.

This will allow further consideration to be given to ensure the consistency of the planning proposal with the direction.

Direction 6.3 Site Specific Provisions

The objective of the direction is to discourage unnecessarily restrictive site-specific planning controls.

The planning proposal seeks to introduce to site-specific provisions that:

- designate the subject site as "Area 12", via an amendment to the LLEP 2008 FSR map; and
- introduce a site-specific clause for a floor space bonus to apply to development
 of the subject site, similar to Clause 4.4 (2B) of the Liverpool Local
 Environmental Plan (LLEP) 2008 (up to 3:1) as per Council resolution of 11
 December 2019.

The proposed site-specific provision is a mechanism for floor space bonus to encourage the site to develop to appropriate potential. Therefore, the proposal's inconsistency with this direction is of minor significance.

4.4 State environmental planning policies (SEPPs)

<u>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</u>

The provisions of SEPP 65 and the Apartment Design Guide (ADG) will apply to any future residential flat buildings on the site facilitated by the planning proposal.

The Urban Design Report advises that the ADG relating to building separation, solar access, ventilation, and open space provision have been considered in the development of the concept plan for the site. The envelopes are readily capable of accommodating buildings able to satisfy the amenity requirements of the ADG. Should the proposal proceed, detailed assessment of compliance with the SEPP can be considered by Council at DA stage.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal states that there are public benefits associated with creating a new mixed-use development at the subject site. The proposal will deliver public domain improvements, public and community open spaces, jobs and homes in close proximity to Liverpool CBD, and a railway station with safe and direct pedestrian access.

5.2 Environmental

There are no areas of bushland located on the site, and the site is devoid of any significant vegetation.

The site is affected by flooding from the Georges River, and to a lesser extent Cabramatta Creek to the north, and is classified as being a "medium flood risk" with inundation depth between 0.2m and 0.6m. Flooding considerations have been discussed earlier in this report.

5.3 Economic

The strategies that are applicable to the site: the GSRP; Western City District Plan; and the Liverpool Collaboration Area Place Strategy, refer to the need to support employment productivity and to protect and safeguard 'urban services' land.

As mentioned previously in this report, the Department understands Council is intending to undertake a feasibility study to make recommendations to ensure the feasibility of the structure plan, which incorporates the subject site. It is reasonable that this proposal should be informed by the findings of that feasibility study and the proposal is premature at this stage.

5.4 Infrastructure

The site is located within 100m of Warwick Farm Train Station and associated public transport services. Council advises that a VPA is being negotiated with the proponent for the delivery of road and intersection improvements along Warwick Farm, Governor Macquarie Drive and Hume Highway.

6. CONSULTATION

Consultation is not required as the proposal is not recommended to proceed.

7. TIME FRAME

No timeframe is required as the proposal is not recommended to proceed.

8. LOCAL PLAN-MAKING AUTHORITY

There is no requirement to appoint a local plan-making authority as it is not recommended for the proposal to proceed.

9. CONCLUSION

It is recommended that the delegate of the Minister determines that the planning proposal should not proceed as there is insufficient strategic merit. The proposal was submitted ahead of the finalisation of the Warwick Farm Precinct structure plan and is considered premature.

Although the proposal may have site specific merit, progression of the proposal at its current form, however, is not supported for the following reasons:

- the inconsistency with the GSRP and the District Plan remains unresolved;
- the site-specific studies accompanying the proposal reflect earlier iterations of the proposal planning which were not supported;
- the concerns of the Local Planning Panel have not been adequately addressed in the proposal;

- the proposal has not been informed by, or addresses the strategies that are being prepared to implement Council's LSPS such as Council's draft Local Housing Strategy and draft Industrial and Employment Lands Strategy;
- the proposal has not been informed by, or addresses the Warwick Farm Structure Plan and its supporting investigations (such as the feasibility study, resolution of heavy vehicular traffic on Munday Street);
- the proposal has not been informed by the studies (or justified why it is not
 necessary to first carry out and consider the findings of those studies) noted in
 the GSC's Collaboration Area Liverpool Place Strategy as "immediate
 imperatives" to "establish the capacity and viability of land and infrastructure to
 support the future growth scenarios"; and
- the proposal does not adequately address the relevant considerations for implementing the LSPS provided in the GSC's letter of support, which relate directly to the Warwick Farm Precinct. In particular that Council (in developing the Warwick Farm Structure Plan) "should support the precinct's role as part of the larger Strategic Centre and proximity to the adjoining institutions in the Innovation Precinct and the Warwick Farm Racecourse."

The above matters are necessary to resolve longstanding concerns over the site, and necessary to inform the structure plan (and therefore the subject site), and the proposed controls such as land uses and density of development for the precinct.

It is therefore recommended that the proposal does not proceed, and Council be advised a fresh planning proposal would be considered that satisfactorily addresses these matters.

10. RECOMMENDATION

It is recommended that for the reasons noted above, the delegate of the Minister determine that the planning proposal should not proceed and provide Council with advice on necessary investigation and justification required before resubmitting the proposal for a Gateway determination.

Terry Doran Manager Western Adrian Hohenzollern Director Western

Central River City and Western Parkland City

Assessment officer: Cho Cho Myint Western, Phone: 9860 1507



EF21/264

Mr David Smith A/Director, City Economy and Growth Liverpool City Council Locked Bag 7064 Liverpool BC NSW 1871

Via email lcc@liverpool.nsw.gov.au

Dear Mr Smith

Planning Proposal to amend Liverpool Local Environmental Plan 2008 'PP-2020-3949' (Amendment No 90)

I am writing regarding the above planning proposal to amend planning controls at Moore Point.

I appreciate that Council resolved to seek a Gateway determination on 25 November 2020 prior to the Department issuing a letter to Council on 10 December 2020 regarding flooding and evacuation risks for Moorebank East and surrounding areas within the Liverpool Local Government Area.

As discussed in my letter of 10 December 2020, Council's Regional Flood Study is currently being prepared for the Liverpool Place Collaboration Area and is expected to be finalised in February 2021. As such, I have determined under section 3.34(2)(b) of the *Environmental Planning and Assessment Act 1979*, that this planning proposal should be resubmitted once the findings of Council's Regional Flood Study can inform the proposal.

I look forward to working with Council in planning for the Moore Point site in the coming months. Should you have any enquiries about this matter, please contact Frankie Liang on 8289 6671 or via Frankie.Liang@planning.nsw.gov.au.

Yours sincerely

12 January 2021

Adrian Hohenzollern Director, Western

Central River City and Western Parkland City

Encl: Flood Risk and Hazards Letter to Council dated 10 December 2020

Planning Proposal

4-8 Hoxton Park Road (Lot 1 DP 860799), Liverpool

Amendment 79 to Liverpool Local Environmental Plan 2008:

- Rezone the site, and part of Gillespie Street, Liverpool, from B6 Enterprise Corridor to B4 Mixed Use;
- Removal of the Site as a 'Key Site' on the Key Sites Map KYS 10;
- Increase the maximum height of buildings development standard applying to the site from 24m to 50m, and amend HOB map;
- Increase the maximum floor space ratio for the Site from 2.5:1 to 5:1, and amend the FSR map; and
- Apply Clause 6.4A of the LLEP 2008 to the Site, and amend the FSR map to identify the site as 'Area 12'.

28 July 2020





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Foreword

Council has resolved to prepare a planning proposal following a request made to it by Willana Associates on behalf on Mr Hussein Chahine (the Proponent).

The planning proposal request was received by Liverpool City Council (Council) on 29 March 2018. An assessment of the planning proposal was undertaken by Tract Consultants on behalf of Council. That assessment determined the planning proposal has strategic and site-specific merit and is consistent with Section 9.1 Directions and other relevant regional and local plans.

Advice was sought from the Liverpool Local Planning Panel at its meeting on 26 November 2018 in accordance with the Local Planning Panel Direction – Planning Proposals dated 23 February 2018. Following an inspection of the site and considering the assessment report, the panel provided their supporting advice that the proposal has both strategic and site-specific merit.

The planning proposal request was considered by Council at its meeting of 27 February 2019, where it endorsed the planning proposal and approved forwarding of the planning proposal to the Department of Planning, Industry and Environment (DPIE) for Gateway determination.

On 15 January 2020, DPIE informed Council that the proposal should proceed subject to conditions, including:

- 1. Prior to community consultation Council is to revise the planning proposal by:
 - Including part of Gillespie Street, and associated changes except the application of Clause 6.4A, indicating the land is proposed to be zoned B4 Mixed Use;
 - b. Including thumbnail mapping illustrating existing and proposed provisions for all the proposed amendments:
 - c. Including a Part 6 project timeline;
 - d. Amending the cover page to replace the existing information that appears on that page and add Council's name and logo etc. as Council has adopted the proposal;
 - e. Amending the proposal document to better follow the structure outlined in the Department's
 Planning Proposals A guide to preparing planning proposals, including consideration being
 given to the placement and/or amendment of the existing executive summary and introduction;
 - f. Consolidate, and where appropriate, update the proposal by addressing current section 9.1 direction and the proposal's consistency with the Western City District Plan and Greater Sydney Region Plan, ensuring current sections of the Act are referencing within the proposal;
 - g. Update the urban design report to clearly indicate:
 - Solar access and overshadowing impacts on the surrounding area during winter solstice on 22 June; and
 - Ensure overshadowing diagrams are clearly labelled, showing orientation, nominated date and times, and zoning of the surrounding area;
 - h. The revised planning proposal is to be forwarded to the Department for review and approval prior to public exhibition commencing.

Proposed Planning Agreement in support of Draft Amendment 79 to Liverpool Local Environmental Plan - 4-8 Hoxton Park Road, Liverpool

Attachment 1 Planning Proposal - 4 - 8 Hoxton Park Road Liverpool Lot 1 DP860799

Consequently, the planning proposal request prepared by Willana Associates has been amended according to the requirements of the Gateway determination and formatted using Council's template.

Introduction

A planning proposal has been prepared for land at 4-8 Hoxton Park Road, Liverpool ('the site'). The site has a legal description of Lot 1 in DP 860799. The site has an area of approximately 1,680m², has frontages to Hoxton Park Road and Gillespie Street, and is located within the locality of Liverpool. The site currently operates as a car repair yard.

The planning proposal seeks to amend the Liverpool Local Environmental Plan (LLEP) 2008, in the following manner:

- Rezone the site, and a portion of Gillespie Street, from B6 Enterprise Corridor to B4 Mixed Use.
- . Removal of the site from the 'Key Site' on Key Sites Map KYS 10.
- Amend the maximum height of buildings for the site to 50m, in accordance with the proposed mapping.
- Amend the maximum floor space ratio for the site to 5:1, in accordance with the proposed mapping.
- Apply Clause 6.4A of the LLEP 2008 to the site and amend the floor space ratio map to identify the site as Area 12.

This planning proposal provides an analysis of the physical and strategic planning constraints and the opportunities of the site, and considers the relevant environmental, social, and economic impacts of the proposal and its strategic merit.

Support for this planning proposal is based on the following merits:

- The proposal provides residential accommodation in a suitable urban location;
- The redevelopment of the site including retail and commercial space provides convenience amenity to the locality;
- The concept demonstrates the ability for the building envelopes to achieve consistency with Apartment Design Guideline (ADG) requirements for residential flat development; and
- The proposal is supported by an offer to deliver public domain improvements and affordable housing through a voluntary planning agreement (VPA).

The proposal is consistent with the broad strategic planning goals for the Western City District as:

- Housing and employment opportunities are provided on the fringe of the Metropolitan cluster of Liverpool; and
- The proposal does not undermine the primacy of the Liverpool CBD or core employment areas.

The planning proposal is also supported by:

- · An Urban Design Report;
- A Traffic and Transport Assessment Report;
- A Social Impact Assessment;

- · An Economic Assessment;
- · A Preliminary Site Contamination Assessment; and
- · A Detailed Phase 2 Site Contamination Assessment.

Project Background

A Planning Proposal was adopted by Council for 311 Hume Highway, Liverpool (Local Environmental Plan 2008 (Amendment No. 60)). The Planning Proposal for 311 Hume Highway amended the relevant development controls applying to the land at 311 Hume Highway as follows:

- rezoned the site from B6 Enterprise Corridor to B4 Mixed Use;
- increased the maximum building height from 24 metres and 45 metres to 25 metres and 100 metres;
- increased the maximum floor space ratio from 2.5:1 to 6:1;
- · removed the site from the Key Sites map; and
- amended Schedule 1 Additional Permitted Uses to allow residential dwellings to be provided on the ground floor on the site, subject to provisions of non- residential floor space and active street frontage.

A submission was also made on behalf of the owner of 4-8 Hoxton Park Road, to Council, during the public exhibition of the Planning Proposal for 311 Hume Highway. Consequently, the owner of 4-8 Hoxton Park Road and the Project Team met with Council on 28 July 2016 to discuss the strategic merit and opportunities for rezoning of the subject site and its relationship to the Planning Proposal for 311 Hume Highway, Liverpool.

Subsequently, Council received a planning proposal request to rezone land at 4-8 Hoxton Park Road, Liverpool (Lot 1 DP 860799) from B6 – Enterprise Corridor to B4 – Mixed Use on 29 March 2018.

The proposal was referred to the Liverpool Local Planning Panel for advice in accordance with Section 2.19 of the EP&A Act. The assessment of the planning proposal request was undertaken by Tract Consultants on behalf of Council. That assessment determined the planning proposal request has strategic and site-specific merit and is consistent with Section 9.1 Directions and other relevant regional and local plans.

Advice was sought from the Liverpool Local Planning Panel at its meeting on 26 November 2018 in accordance with the Local Planning Panel Direction – Planning Proposals dated 23 February 2018. Following an inspection of the site and considering the assessment report, the panel provided their supporting advice that the proposal has both strategic and site-specific merit.

The proposal was adopted by Council at its meeting of 27 February 2019 and forwarded to the Department for a Gateway review. Council received a Gateway determination on 15 January 2020 advising that the proposal should proceed if conditions of the Gateway determination were met.

Report Structure

This planning proposal has been prepared in accordance with Section 3.33 of the Environmental Planning &Assessment Act 1979 with consideration of DPIE's *A guide to preparing planning proposals* (December 2018). Accordingly, the proposal is discussed in the following parts:

- Site Description
- Statutory Planning Framework
- Part 1 A Statement of the Objectives and Intended Outcome
- Part 2 Explanation of Provisions
- Part 3 Justification
- Part 4 Mapping
- Part 5 Community Consultation
- Part 6 Project timeline

Site description

Overview

Address: 4-8 Hoxton Park Road, Liverpool

Legal description: Lot 1, DP 860799

Site area: 0.17 ha / 1,680m2

Road network: frontages onto Hoxton Park Road and Gillespie Street

Site Context and Locality

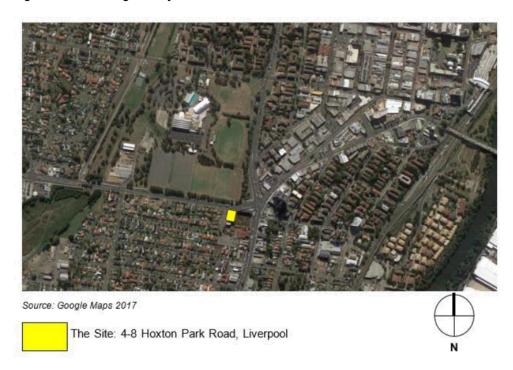
The site is on the western edge of the Liverpool City Centre, at the intersection of Hoxton Park Road and Gillespie Street, near the intersection of the Hume Highway and Hoxton Park Road. The site forms part of a key gateway entry to the south-western side of the Liverpool City Centre, alongside the adjoining property at 311 Hume Highway. To the west of the Site is predominantly low density residential however, this area has been zoned R4 High Density Residential and is therefore anticipated to change significantly in coming years. To the north is Woodward Park, comprising a series of sports fields, netball courts and open space. To the east, along Hume Highway, are a corridor of commercial uses. North east extends further into Liverpool City Centre and comprises high density residential and commercial uses. The Site is approximately 900 metres from Liverpool Railway Station.

Figure 1: The Site: 4-8 Hoxton Park Road, Liverpool



Source: Sixmaps 2018

Figure 2: Surrounding Locality



Site Description

The site is rectangular with frontages to Hoxton Park Road to the north and Gillespie Street to the west. The site covers an area of 1,680m2 and has a street frontage of approximately 47 metres to Gillespie Street and 35.5m to Hoxton Park Road. The site currently accommodates a single storey warehouse with the remainder of the site as hardstand.

Context

The site forms part of a key gateway entry to the south-western side of the Liverpool City Centre, alongside the adjoining property at 311 Hume Highway. It is located on the western boundary of Liverpool City Centre, as identified by Council. The surrounding locality is a mixture of residential, commercial and recreational uses.

To the west of the site is predominantly low density residential however, this area has been zoned R4 High Density Residential and is therefore anticipated to change significantly in coming years. To the north is Woodward Park, comprising a series of sports fields, netball courts and open space. To the east, along Hume Highway, are a corridor of commercial uses. North east extends further into Liverpool City Centre and comprises high density residential and commercial uses. The Site is approximately 900 metres from Liverpool Railway Station and is readily accessible to key services, facilities and public transport.

The Liverpool City Centre has a multifunctional role as one of Sydney's Regional Cities and continues to grow as a major central business district to service Sydney's growing South West Region. Liverpool contains one of Sydney's major medical precincts, based around Liverpool Hospital; Liverpool Courthouse; the Liverpool TAFE; Western Sydney University and the University of Wollongong.

Adjoining Sites

Adjoining Sites to the East

311 Hume Highway, Liverpool

311 Hume Highway is irregular in shape and adjoins the site along the eastern and southern (rear) boundaries. 311 Hume Highway is currently vacant but has recently been subject to an approved Planning Proposal and Development Application (DA), for a mixed-use development containing a significant tower on the corner of the Hume Highway and Hoxton Park Road. Figure 3 shows an indicative image of the scale of the development. Further discussion regarding the relationship between 4- 8 Hoxton Park Road and 311 Hume Highway is provided throughout this Planning Proposal Report and the Submission located at Appendix A of this Report.

Figure 3 | Approved Development at 311 Hume Highway



Source: Liverpool City Council E-Planning Website 2017

420 Macquarie Street, Liverpool

420 Macquarie Street, Liverpool is located on the diagonally opposite corner of Hume Highway to the site. A mixed-use development comprised of two significant residential towers over a podium has been approved and constructed. Figure 4 below provides an illustration of the scale of the approved development

Figure 4 | 420 Macquarie Street



Source: Liverpool City Council assessment report 420 Macquarie Street

Adjoining Sites to the South

321 Hume Hwy, Liverpool - Collingwood Hotel

The Collingwood Hotel is located south east of the site. It is heritage listed (Item 88) and considered to be of local significance. The Hotel fronts Hume Highway with a large, at-grade carpark to the rear (west). The car park is accessed via Gillespie Street and Hume Highway.

8 Gillespie Street, Liverpool

8 Gillespie Street is located to the south of the site, adjoining 311 Hume Highway. The property contains a single storey detached residential dwelling with a pitched tile roof. The property is predominantly turfed with vehicular access from Gillespie Street.

Adjoining Sites to the West

10 Hoxton Park Road, Liverpool

10 Hoxton Park Road is located to the west of the Site, on the opposite side of Gillespie Street. The property comprises a single storey detached weatherboard residential dwelling with pitched tile roofing. The property is predominantly turfed and vehicular access is from Gillespie Street.

Statutory Planning Framework

Liverpool Local Environmental Plan 2008

The principal statutory planning instrument applying to the site is the Liverpool Local Environmental Plan 2008 (LLEP 2008).

Table 3.1 outlines the current zoning and key built form controls relevant to the Site.

Table 3.1| Zoning and key Built Form Controls

Address	Zone	FSR	Building Height
4-8 Hoxton Park Road	B6 Enterprise Corridor	2.5:1	24m

Under LLEP 2008, the site is identified as being zoned B6 Enterprise Corridor. The B6 zoning extends along Hume Highway to the east of the Site. 311 Hume Highway is now zoned B4, which results in the site being the only property zoned B6 Enterprise corridor on Hoxton Park Road (excluding the Gillespie Street road reserve).

The site currently has a maximum permissible FSR of 2.5:1 and a maximum building height of 24m. 311 Hume Highway, adjoining the site has an approved height limit 100m, in the form of a standalone tower, forming a gateway to the Liverpool City Centre.

Properties to the west, extending along Hoxton Park Road, have a maximum FSR of 1:1 and building height of 15m.

Figure 5 | Zoning Map LZN_010 and 012 Extract from LLEP 2008



Part 1 – Objectives and Intended Outcome

The primary objective of the Planning Proposal is to enable the redevelopment of 4-8 Hoxton Park Road. It is intended to facilitate a more appropriate zoning, height and density for the site, given its relationship to the recently rezoned property adjoining the site at 311 Hume Highway, as well as the surrounding context.

Specifically, it will enable the construction of a mixed-use development comprising commercial premises and shop top housing. The scale of the proposed mixed-use development will provide a more appropriate transition, in terms of height and density, between the approved gateway tower at 311 Hume Highway and lower density development to the west. It will result in a high-quality urban design outcome that will allow a meaningful contribution to housing targets, while also being close to employment, local services, recreational facilities and public transport.

The intended outcome would enable a Development Application to be lodged for a mixed-use development, consistent with the Concept Master Plan, as described below.

Concept Master Plan

A Concept Master Plan has been prepared by Architecture Design Studio (ADS) that analyses the opportunities and constraints associated with the redevelopment of the Site. The Concept Master Plan has been prepared based on the findings of an urban design analysis of the site and its surroundings.

The Concept Master Plan helps to envisage future development on the site and inform the most appropriate planning controls required to achieve the intended outcome for the Site.





Source: Architecture Design Studio

Part 2 - Explanation of Provisions

The intended outcome of the Planning Proposal is to enable opportunities for the future redevelopment of 4-8 Hoxton Park Road. Specifically, it is intended to enable a mixed-use development comprising commercial premises and shop top housing.

The site is currently zoned B6 Enterprise Corridor under LLEP 2008 and is identified as a Key Site on Liverpool LEP 2008 Key Sites Map No. 10 (Refer to Figure 1). The site is subject to a maximum building height of 24m under Clause 4.3 of the LLEP 2008 and a maximum FSR of 2.5:1 under Clause 4.4 of the LLEP 2008.

The Planning Proposal seeks to amend LLEP 2008 as follows:

- Rezone the site from B6 Enterprise Corridor to B4 Mixed Use.
- Rezone part of Gillespie Street adjoining the site to B4 Mixed Use.
- Remove the site from the 'Key Site' map on Key Sites Map KYS 10.
- Amend the maximum height of buildings for the site to 50m, in accordance with the proposed mapping.
- Amend the maximum floor space ratio for the site to 5:1, in accordance with the proposed mapping.
- Apply Clause 6.4A of the LLEP 2008 to the site, and amend the floor space ratio map to identify the site as Area 12

Support for the intended outcome is based on the following:

- It is consistent with the vision and objectives of relevant strategic plans, including the State Government's "A Metropolis of Three Cities".
- It provides additional and diverse housing and commercial opportunities in a city centre location, which has quality access to retail, education and community facilities, as well as public transport services.
- It improves the integration of the site within the key gateway sites area and surrounding Liverpool City Centre.
- It results in minimal and appropriate environmental impacts and allows a more appropriate residential/commercial interface and transition to surrounding residential areas.
- It assists in achieving Council's vision of a city centre that permits mixed uses to encourage
 greater levels of residential development and commercial services.

Part 3 - Justification

This section addresses the specific questions which "must be discussed with reasons explained", as set out in Part 3 of the NSW Department of Planning, Industry and Environment's publication: A Guide to Preparing Planning Proposals. This section will review the proposed amendments to the Liverpool Local Environmental Plan 2008 and addresses specific questions outlined in the guide, which are separated into sections A to D.

Section A - Need for the planning proposal

3.1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The Planning Proposal is not the result of a strategic study or report however, the intended outcome is consistent with the both State Government's and Council's strategic vision for Liverpool City Centre. The catalyst for the Planning Proposal is primarily the recent rezoning of the adjoining property at 311 Hume Highway. This resulted in strategic planning irregularities for 4-8 Hoxton Park Road. Specifically, it resulted in the Site being 'isolated' from the rest of the B6 Enterprise Corridor land, a redundant Key Site status and a significant difference in scale and density, notwithstanding the gateway nature of 311 Hume Highway.

This Planning Proposal seeks to rectify the zoning anomaly while also providing strong strategic and urban design grounds for a built form that allows a more gradual transition from the approved tower at 311 Hume Highway to the lesser- scaled residential buildings to the west along Hoxton Park Road.



Figure 7 | Zoning of Surrounding Locality

Source: ADS Pty Ltd

In this instance, if 4-8 Hoxton Park remains zoned B6 Enterprise Corridor, no dwelling would be permissible on the Site within 50m of Hoxton Park Road. It is an anomaly to allow residential dwellings along the entirety of the Hoxton Park Road frontage, with the exception of the site.

While not directly the result of any strategic study or report, this Proposal is supported by a variety of strategic documents that are discussed in greater detail in this Report.

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

The Planning Proposal Report and Concept Master Plan outline the benefits associated with the proposed mixed-use development on the Site. It has been prepared based on a comprehensive analysis of the site and its context, including technical reports that address key issues, such as urban design, traffic generation and social impacts.

The amendments proposed to LLEP 2008 are considered the most appropriate way to achieve the intended outcome for the following reasons:

- A change of zoning from B6 Enterprise Corridor to B4 Mixed Use can only be undertaken through the Planning Proposal process.
- The extent of variation to current development standards to allow a maximum building height of 50m and FSR of 5:1 is best undertaken through a Planning Proposal process rather than a Clause 4.6 variation.
- To provide a detailed Urban Design Analysis that demonstrates the ability of the site to be
 developed in a manner that delivers a good quality, high density, mixed use development which
 achieves a high level of amenity for existing and future residents.
- To avoid detrimental impacts associated with the isolation of the Site in relation to the Planning Proposal undertaken at the neighbouring property at 311 Hume Hwy, Liverpool.
- To provide an appropriate transition in scale between the neighbouring residential zones to the
 west of the site into the gateway sites to the east.
- To achieve this, amendments to the zoning, height limit and floor space ratio of the site are required and a planning proposal is the best way of achieving the intended outcome.

Plan - 4-8 Hoxton Park Road, Liverpool

Attachment 1 Planning Proposal - 4 - 8 Hoxton Park Road Liverpool Lot 1 DP860799

Section B - Relationship to strategic planning framework.

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

Greater Sydney Region Plan

The Greater Sydney Region Plan (the Plan) was prepared by the Greater Sydney Commission to manage growth and guide infrastructure delivery within the Sydney Region over the next 40 years. The Plan provides the vision and strategy for the region, to be implemented at a local level through District Plans. The Plan identifies four key themes: infrastructure and collaboration; liveability; productivity, and sustainability.

Table 1: Strategic Plan Merit Test - Greater Sydney Region Plan

OBJECTIVE	REQUIREMENT	COMMENT
A CITY SUPPOR	TED BY INFRASTRUCTURE	
Objective 1	Infrastructure supports the three cities	The Proposal is located within the identified Liverpool City Centre, making efficient use of existing and future infrastructure by promoting additional housing in close proximity to existing services and infrastructure.
Objective 2	Infrastructure aligns with forecast growth – growth infrastructure compact	The Proposal is located within the identified Liverpool City Centre and provides additional housing in an appropriate area to accommodate growth and utilise existing services and infrastructure.
Objective 4	Infrastructure use is optimised	The Proposal maximises the utility of existing infrastructure by providing additional housing near the existing services and infrastructure of Liverpool City Centre.
A CITY FOR PEC	PLE	
Objective 7	Communities are healthy, resilient and socially connected	The site of the Planning Proposal is located adjacent (easy walking distance) to numerous recreation grounds and facilities, including the Whitlam Leisure Centre, netball courts and numerous ovals. The proposal incorporates an active street frontage, providing a human scale with active street life.
Objective 8	Greater Sydney's communities are culturally rich with diverse neighbourhoods	The Proposal will not hinder the diversity of the community.
Objective 9	Greater Sydney celebrates the arts and supports creative industries and innovation	The Proposal incorporates commercial uses at ground floor, which may assist with appropriate development of the night-time economy.
HOUSING THE C	CITY	
Objective 10	Greater housing supply	The Proposal provides greater housing supply in an optimal, city-centre location and will assist the Western City in accommodating the anticipated population increase within the next 20 years.
Objective 11	Housing is more diverse and affordable	The Proposal will incorporate a diverse range of units and dwelling mix. The provision of greater supply in a location close to the services and facilities of the Liverpool city centre will contribute to the affordability of housing in the area.
A CITY OF GREA	AT PLACES	
Objective 12	Great places that bring people together	The Proposal incorporates commercial land uses at ground floor which will activate the street. The Concept Plan provides for ample landscaping and common open space areas. It will provide an optimal location for dwellings to enjoy the existing parks and recreation facilities adjacent the site.
A WELL-CONNE	CTED CITY	
Objective 14	A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	The provision of greater housing supply within the Liverpool City Centre provides the opportunity for greater economic benefits for the Liverpool area and the provision of housing close to jobs within the City Centre.
JOBS AND SKILLS FOR THE CITY		

Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City	Liverpool is identified as one of the centres on which the Western Parkland City will be founded upon. It recognises that Liverpool will provide a focus for commercial activities and population services as the city develops. The Proposal is well placed to provide additional commercial uses and additional housing within a City Centre identified for future growth.	
Internationally competitive health, education, research and innovation precincts	The Proposal facilitates housing opportunities for students and workers within 30 minutes of the identified health and education precinct of Liverpool.	
Investment and business activity in centres	The Proposal creates conditions for residential development within the strategic centre of Liverpool and within walking distance, but not at the expense of the attraction and growth of jobs, retailing and services.	
NDSCAPE		
Urban tree canopy cover is increased	The site currently has no landscaping, accommodating a single storey building and hardstand for the entirety of the site. The Concept Plan submitted with the Planning Proposal demonstrates a significantly greater provision of landscaping and common and private open space opportunities.	
Public open space is accessible, protected and enhanced	The site is located adjacent to significant recreation facilities and is accessible by walking.	
TY		
A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	The proposed provision of additional housing in the Liverpool City Centre provides opportunity to encourage public transport use and use of accessible services and facilities. The proposal would result in a built form which provides a much more efficient use of the site than the current built form.	
A RESILIENT CITY		
Heatwaves and extreme heat are managed	The proposal provides housing in close proximity to services, meaning that walking and cycling is not as onerous to get to facilities in the City Centre. The proposal would result in significant additional landscaping and opportunities for awnings and shade than the current scenario on the site.	
	Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City Internationally competitive health, education, research and innovation precincts Investment and business activity in centres NDSCAPE Urban tree canopy cover is increased Public open space is accessible, protected and enhanced ITY A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	

Western City District Plan

The subject site is located within the Liverpool City Centre, which forms a part of the Western City District. The Western City District Plan (the District Plan) sets out planning priorities and actions for improving the quality of life for residents as the district grows and changes. The District Plan provides a 20-year strategy to manage growth in the context of economic, social and environmental matters. It is a guide for implementing the Greater Sydney Region Plan, at a district level.

EGROW 05 Proposed Planning Agreement in support of Draft Amendment 79 to Liverpool Local Environmental Plan - 4-8 Hoxton Park Road, Liverpool

Attachment 1 Planning Proposal - 4 - 8 Hoxton Park Road Liverpool Lot 1 DP860799

The District Plan establishes 22 Planning Priorities, which shape the vision for the future of the Western City District. The Planning Proposal is consistent with the relevant planning priorities and actions of the District Plan.

Table 2: Strategic Plan Merit Test - Greater Sydney Region Plan

Plan - 4-8 Hoxton Park Road, Liverpool Planning Proposal - 4 - 8 Hoxton Park Road Liverpool Lot 1 DP860799

Planning Priority	REQUIREMENT	COMMENT
	AND COLLABORATION	
Planning Priority 1	Infrastructure supports the three cities	The Proposal is located within the identified Liverpool City Centre, making efficient use of existing and future infrastructure by promoting additional housing close to existing services and infrastructure.
LIVEABILITY		
Planning Priority 3	Providing services and social infrastructure to meet people's changing needs	The Proposal maximises the utility of existing infrastructure by providing additional housing near the existing services and infrastructure of Liverpool City Centre.
Planning Priority 4	Fostering healthy, creative, culturally rich and socially connected communities	The site of this Planning Proposal is located adjacent (easy walking distance) to numerous recreation grounds and facilities, including the Whitlam Leisure Centre, netball courts and numerous ovals. The Proposal incorporates an active street frontage, providing a human scale with active street life.
Planning Priority 5	Providing housing supply, choice and affordability, with access to jobs, services and public transport	The Proposal provides greater housing supply in an optimal, city-centre location and will assist the Western City in accommodating the anticipated population increase within the next 20 years.
Planning Priority 6	Creating and renewing great places and local centres, and respecting the District's heritage	The Proposal incorporates commercial land uses at ground floor which will activate the street. The Concept Plan provides for ample landscaping and common open space areas. It will provide an optimal location for dwellings to enjoy the existing parks and recreation facilities adjacent the site.
PRODUCTIVITY		
Planning Priority 7	Establishing the land use and transport structure to deliver a liveable, productive and Sustainable Western Parkland City	The provision of additional housing in the Liverpool City Centre provides opportunity to encourage public transport use and use of accessible services and facilities.
Planning Priority 9	Growing and strengthening the metropolitan cluster	The Proposal facilitates housing opportunities for students and workers within 30 minutes of the identified health and education precinct of Liverpool.
SUSTAINABILITY		
Planning Priority 15	Increasing urban tree canopy cover and delivering Green Grid connections	The site currently has no landscaping, accommodating a single storey building and hardstand for the entirety of the property. The Concept Plan submitted with the Planning Proposal demonstrates a significantly greater provision of landscaping and common and private open space opportunities.
Planning Priority 18	Delivering high quality	The site is located adjacent to significant
Planning Priority 19	open space Reducing carbon emissions and managing energy, water and waste efficiently	recreation facilities and is accessible by walking. The proposed provision of additional housing in the Liverpool City Centre provides opportunity to encourage public transport use and use of accessible services and facilities. The Proposal would result in a built form which provides a much

		more efficient use of the site than the current built form.
Planning Priority 20	Adapting to the impacts of urban and natural hazards and climate change	The Proposal provides housing in close proximity to services, meaning that walking and cycling is not as onerous to get to facilities in the City Centre. The Proposal would result in significant additional landscaping and opportunities for awnings and shade than the current scenario on the site.

In addition to meeting at least one of the strategic merit criteria, a planning proposal is required to demonstrate site-specific merit against the following criteria below.

Does the proposal have strategic merit? Will it:

- Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or
- Give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or
- Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans?

In considering strategic merit, the alignment of the proposal with the Regional Plan and District Plan supports the proposal. Support for the intended outcomes of the Planning Proposal remains, based on the following:

- It is consistent with the vision and objectives of relevant strategic plans, including the "Greater Sydney Region Plan – A Metropolis of Three Cities" and the "Western City District Plan".
- It provides additional and diverse housing and commercial opportunities in a city centre location, which has quality access to retail, education and community facilities, as well as public transport services.
- It improves the integration of the site within the key Gateway Sites area and surrounding Liverpool City Centre.
- It results in minimal and appropriate environmental impacts and allows a more appropriate residential/ commercial interface and transition to surrounding residential areas.
- It assists in achieving Council's vision of a city centre that permits mixed uses to encourage greater levels of residential development and commercial services.

Does the proposal have site specific merit, having regard to the following:

The natural environment (including known significant environmental values, resources or hazards);

Flooding

The site is not flood affected.

Traffic

The transport impacts are considered to be acceptable as follows:

• The proposed development will not have unacceptable traffic implications in terms of road network capacity, as the development will result in no change in level of service of the Hoxton Park Road/Macquarie Street/ Hume Highway/ Copeland Street intersection, which is already operating at capacity under existing conditions. The intersection has been considered for upgrade to address existing congestion issues and planned growth within the Liverpool CBD. The proposed development traffic represents a minor overall impact, representing a relatively small portion of the existing traffic volumes (no more than 1.4 per cent).

Residential Amenity

The establishment of the building envelopes and layout has been prepared having regards to future assessment against the Apartment Design Guide (ADG). This includes the orientation for future solar access and building footprints that facilitate natural cross flow ventilation, avoiding adverse shadow impacts on surrounding land, and building separation for visual and acoustic privacy.

Future applications would be required to address the impacts of road noise as required by the provisions of State Environmental Planning Policy (Infrastructure) (ISEPP) 2007. Given the nature of the site, these are likely to be matters that can be addressed.

Community Benefits

It is considered that there will be a net community benefit to the surrounding community and to the Liverpool Local Government Area in general. The net community benefits and costs associated with the Planning Proposal are discussed below. These should be read in conjunction with the other consultant reports submitted as part of this application, including the Social Impact Assessment, Traffic Report, Economic Statement and Urban Design Analysis.

Increased housing supply

The proposed B4 zoning would facilitate a mixed-use development capable of supporting reasonable additional residential land uses on the Site. The Site is serviced with all necessary public utility services including electricity, water and sewer and accordingly, there are no impediments to future residential development. The Site is not affected by constraints including flooding, bush fire, mine subsidence or acid sulfate soils and as such, is suitable for and capable of, supporting residential development. It will provide additional housing within the Liverpool City Centre in close proximity to services and facilities.

Improvement to landscape and street character

The Urban Design Analysis demonstrates opportunities for significant urban design improvements, particularly at the ground floor frontage to Hoxton Park Road. These improvements will result in a more vibrant street life that is safe and activated with opportunities for passive surveillance. The proposed maximum height will assist in transitioning the built form of the area from the approved 100m tower on 311 Hume Highway to the lower scale development to the west, beyond the boundary of the City Centre.

High quality landscaping and a contemporary built form that is integrated to the surrounding locality will also improve the visual coherence and residential amenity enjoyed by both the general public and future residents alike.

Council resolution is that the planning proposal will not proceed without provision of appropriate public benefits. Potential benefits being discussed through a Voluntary Planning Agreement include:

Potential Benefit	Response
5-10% of dwellings as affordable housing	The proponent has indicated that a voluntary planning agreement could include the provision of affordable housing.
Public domain improvements	The potential redevelopment of the site could include tree and hedge planting along Macquarie Street and Hume Highway in order to provide a safer and more enjoyable walk from the site to the city centre

The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and

The site is currently operating as a used car dealer. Considering surrounding zoning and development, a transition to B4 zoning is appropriate. The site presents no obstacles to redevelopment of the land. Uses in the vicinity include lower density dwellings, high density housing, recreation land and a hotel. The proposed residential mixed-use redevelopment would not be adversely impacted upon by surrounding land uses. Any potential impacts to surrounding lands would be matters that could be readily considered under an assessment required by Section 4.15 of the Act for a future Development Application.

 The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?

The proposal includes an offer to enter into a VPA for the provision of affordable housing and provision of public domain upgrades.

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

Connected Liverpool 2040 (LSPS)

Connected Liverpool 2040 is Liverpool Council's local strategic planning statement (LSPS).

The subject planning proposal gives effect to the LSPS, which states:

- Local Planning Priority 7

 Housing choice for different needs, with density focused in the City Centre
 and centres well serviced by public transport
 - Council will Ensure housing typologies are diverse and appropriately located to cater for the entire community

The planning proposal will facilitate the development of additional housing types in the Liverpool City Centre.

Liverpool Community Strategic Plan - Our Home, Liverpool 2027

The proposal gives effect to the Liverpool's Community Strategic Plan (CSP) – Our Home, Liverpool 2027, which states:

- Direction 2: Strengthening and Protecting our Environment
 - o Council will: Exercise planning controls to create high-quality, inclusive, urban environments.

The proposed amendment will facilitate the efficient development of the subject site in a manner that creates a high-quality built form outcome, with negligible environmental implications.

- Direction 3: Generating Opportunity
 - o Council will: Meet the challenges of Liverpool's growing population.

The ability to develop residential housing will work to meet the CSP Direction. Efficient development of the site will be facilitated to meet the population growth occurring within Liverpool and the wider Metropolitan Sydney area.

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

Table 3: Consistency with State Environmental Planning Policies

State Environmental Planning Policy	Comment / Consistency
SEPP (Educational Establishments and Child Care Facilities) 2017	Not applicable.
SEPP (State and Regional Development) 2011	Not applicable.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable.
SEPP (Urban Renewal) 2010	Not applicable.
SEPP (Affordable Rental Housing) 2009	Not applicable.
SEPP (Western Sydney Parklands) 2009	Not applicable.
SEPP (Exempt and Complying Development Codes) 2008	Not applicable.
SEPP (Western Sydney Employment Area) 2009	Not applicable.
SEPP (Rural Lands) 2008	Not applicable.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not applicable.
SEPP (Infrastructure) 2007	The Infrastructure SEPP aims to facilitate the efficient delivery of infrastructure across the State. The proposed development will require existing utility services to be upgraded and/or augmented to enable the future residential population to be accommodated. These works will need to be undertaken in accordance with the provisions of the SEPP at DA stage.
SEPP (Miscellaneous Consent Provisions) 2007	Not applicable.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.

SEPP (Sydney Region Growth Centres) 2006	Not applicable.
SEPP (State Significant Precincts) 2005	Not applicable.
SEPP (Building Sustainability Index: BASIX) 2004	The BASIX SEPP requires residential development to achieve mandated levels of energy and water efficiency. The Planning Proposal will not hinder the ability to comply with BASIX at the Development Application stage.
SEPP (Housing for Seniors or People with a Disability) 2004	The SEPP would apply to the land if rezoned and seniors housing would be a permissible land use. The planning proposal as proposed does not conflict with the provisions of intent of the policy.
SEPP (Penrith Lakes Scheme) 1989	Not applicable.
SEPP (Kurnell Peninsula) 1989	Not applicable.
SEPP No. 1 Development Standards	Not applicable.
SEPP No. 14 Coastal Wetlands	Not applicable.
SEPP No. 19 Bushland in Urban Areas	Not applicable.
SEPP No. 21 Caravan Parks	Not applicable.
SEPP No. 26 Littoral Rainforests	Not applicable.
SEPP No. 30 Intensive Agriculture	Not applicable.
SEPP No. 33 Hazardous and Offensive Development	Not applicable.
SEPP No. 36 Manufactured Home Estates	Not applicable.
SEPP No. 44 Koala Habitat Protection	Not applicable.
SEPP No. 47 Moore Park Showgrounds	Not applicable.
SEPP No. 50 Canal Estate Development	Not applicable.
SEPP No. 52 Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable.

SEPP No. 55 Remediation of Land	Council has considered a Preliminary and Detailed Site Contamination Assessment.
	The DSI stipulates that the site can be made suitable for the proposed use subject to the recommendations provided being complied with. Therefore, any future development application submitted to Council for assessment will be required to address the following recommendations;
	 Confirm the location of samples E2, E3 and E6 are not located within deep soil or vegetated areas post development
	 Undertake a hazardous material assessment (HAZMAT) report to confirm the presence/absence of hazardous materials within the site features, and
	 Validation of the soils beneath the dwellings, sheds and site features be undertaken by an appropriately qualified environmental consultant following demolition and removal of the concrete slab to assess the potential for impact.
SEPP No. 62 Sustainable Aquaculture	Not applicable.
SEPP No. 64 Advertising and Signage	The provisions of SEPP 64 will continue to apply to any future development applications that include signage to which the SEPP applies.
SEPP No. 64 Advertising and Signage SEPP No. 65 Design Quality of Residential Apartment Development	apply to any future development applications that include signage to which the SEPP
SEPP No. 65 Design Quality of Residential	apply to any future development applications that include signage to which the SEPP applies. SEPP 65 provides a statutory framework to guide the design quality of residential flat
SEPP No. 65 Design Quality of Residential	apply to any future development applications that include signage to which the SEPP applies. SEPP 65 provides a statutory framework to guide the design quality of residential flat developments. The Concept Master Plan prepared by ADS Pty Ltd, has been designed to facilitate future detailed building design in accordance with SEPP 65 and the ADG. Separation distances and other amenity controls will guide the appropriate siting and design of the future

SEPP No. 71 Coastal Protection	Not applicable.

Table 4: Consistency with Regional Environmental Plans

Regional Environmental Plan	Comment / Consistency
Sydney REP No. 8 – Central Coast Plateau Areas	Not applicable.
Sydney REP No. 9 – Extractive Industry	Not applicable.
SREP No. 16 – Walsh Bay	Not applicable.
SREP No. 20 – Hawkesbury-Nepean River	Not applicable.
SREP No. 24 – Homebush Bay Area	Not applicable.
SREP No. 26 – City West	Not applicable.
SREP No. 30 - St Marys	Not applicable.
SREP No. 33 – Cooks Cove	Not applicable.
Sydney (SREP) (Sydney Harbour Catchment) 2005	Not applicable.
Greater Metropolitan REP No. 2 – Georges River Catchment	The Georges River REP is a deemed SEPP and applies to the land. The provisions of the SEPP require that the general and specific planning principles of the EPI are to be considered in the preparation of an LEP.
	The LLEP 2008 is a standard template LEP, which was prepared having regard to the requirements of the SEPP. The existing LLEP 2008 provisions relating to flooding, acid sulfate soils, and environmentally sensitive land will remain unchanged, and continue to apply where relevant to any future DA.
Willandra Lakes REP No. 1 – World Heritage Property	Not applicable.
Murray REP No. 2 – Riverine Land	Not applicable.

3.6 Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 directions)?

Table 5: Ministerial Directions Compliance Table

Ministerial Direction	Justification	
1. Employment and Resources		
1.1 Business and Industrial Zones	The Planning Proposal does not reduce the opportunity for non-residential development and will include commercial space at ground level. The rezoning will be able to deliver a higher and better use on the Site than could be delivered if existing zoning is retained. Refer to the Economic Statement prepared by Macroplan Dimasi.	
	The rezoning of the Site would provide new homes, jobs and investment within close proximity to the Regional Centre of Liverpool whilst also positively affecting local businesses by providing more residents who would live in the location and utilise the services provided by local business.	
1.2 Rural Zones	Not applicable.	
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable.	
1.4 Oyster Aquaculture	Not applicable.	
1.5 Rural Lands	Not applicable.	
2. Environment and Heritage		
2.1 Environment Protection Zones	The planning proposal does not propose the introduction of an Environmental Protection zone.	
2.2 Coastal Protection	Not applicable.	
2.3 Heritage Conservation	There are no known matters of heritage significance required to be considered for the site and there are no heritage items located on the site.	
2.4 Recreation Vehicle Areas	Not applicable.	
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable.	
2.6 Remediation of Contaminated Land	Stage 1 and stage 2 contamination assessments have been conducted and conclude that the site is able to be made suitable for mixed-use development.	

3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	The Proposal will broaden the range of housing choice and the size of the Site provides ample opportunity for good urban design. The Site is located within an established area and local services such as shops, educational, community and recreational facilities and public transport are located in close proximity. The Planning Proposal will make efficient use of the infrastructure and services in place.	
3.2 Caravan Parks and Manufactured Home Estates	Not applicable.	
3.3 Home Occupations	Dwelling houses are not proposed by the application. Notwithstanding, home occupations are permissible without consent within the B4 zone.	
3.4 Integrating Land Use and Transport	 The proposal is consistent with the Direction for the following reasons: The Site supports the principle of integrating land use and transport. The Site exhibits good access to public and private transportation. The Site's proximity to public transport will provide opportunities for residents to access the site. Being located within a City Centre with access to jobs, services, housing and public transport, the Planning Proposal reduces the number of trips generated by future development on the Site. 	
3.5 Development Near Licensed Aerodromes	The building heights are well below the relevant Bankstown Airport OLS, and the site is not impacted by potential aircraft noise.	
3.6 Shooting Ranges	Not applicable.	
3.7 Reduction in non-hosted short term rental accommodation period	No applicable.	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Not applicable.	
4.2 Mine Subsidence and Unstable Land	Not applicable.	

4.3 Flood Prone Lane	Not applicable.	
4.4 Planning for Bushfire Protection	Not applicable.	
5. Regional Planning		
5.1 Implementation of Regional Strategies	Not applicable.	
5.2 Sydney Drinking Water Catchments	Not applicable.	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.	
5.9 North West Rail Link Corridor Strategy	Not applicable.	
5.10 Implementation of Regional Plans	The planning proposal is consistent with the Regional Plan – A Metropolis of Three Cities and has been specifically addressed in the planning proposal.	
5.11 Development of Aboriginal Land Council land	Not applicable.	
6. Local Plan Making		
6.1 Approval and Referral Requirements Noted.	The planning proposal is consistent with this Ministerial Direction.	
6.2 Reserving Land for Public Purposes	The planning proposal is consistent with this Ministerial Direction.	
6.3 Site Specific Provisions	No site-specific provision is proposed.	
7. Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	Not applicable. This strategy has been replaced by a Metropolis of Three Cities.	
	·	

7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable.

Section C - Environmental, social, and economic impact

3.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

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

Site investigations have confirmed that the Site is free of major constraints and that there are no likely environmental effects associated with the future development of the land that cannot be suitably mitigated through further design development.

The key findings of these preliminary investigations are provided below:

- · Stormwater and flooding: The Site is not flood affected.
- Contamination: The potential for site contamination arising from existing site uses has been
 assessed through a Stage 1 Preliminary Site Investigation and Stage 2 Detailed Site Investigation.
 The Stage 2 investigation founding that the site can be made suitable for the proposed construction
 of a mixed-use development comprising of residential and commercial spaces together with two
 (2) to (3) levels of basement car parking with a number of recommendations, that will be followed.
- Traffic: The transport impacts are considered to be acceptable as follows:
 - The proposed development will not have unacceptable traffic implications in terms of road network capacity

Overall, it is considered that the Site will not result in any significant environmental impact that would preclude it from being rezoned and redeveloped for high density, residential use.

The Site is unconstrained and would not result in any significant environmental impacts on the locality. The Site is therefore suitable for development for high density residential purposes.

3.9 Has the planning proposal adequately addressed any social and economic effects?

Social Effects

Social and economic effects associated with the proposed amendments to LLEP 2008 are considered to be positive given that it provides:

- Additional housing options within close proximity to public transport and strategic employment and education centres.
- An appropriate residential/commercial interface between the surrounding low density residential and commercial areas.

- Work opportunities during the construction period of any future residential development, and ongoing employment within the proposed commercial uses.
- A safe and activated street life with shop top housing that offers increased pedestrian use and
 opportunities for passive surveillance of the street.

A comprehensive Social Impact Assessment has been undertaken and submitted as part of this Planning Proposal. It is considered unlikely that the Planning Proposal and intended mixed use development would have negative social or economic effects upon the locality. The Statement from MacroPlan Dimasi on the Site's best commercial/ retail uses advises that it is more suited to a B4 zoning rather than a B6 zoning. The uses would provide additional employment and services for nearby residential areas without adverse impact on the established retail hierarchy in Liverpool.

Section D – State and Commonwealth interests

3.10 Is there adequate public infrastructure for the planning proposal?

The locality is a highly urbanised area that is accessed by a range of urban services and utilities. The maximisation of the residential capacity, the planning amendment and potential future redevelopment supports sound principles for utilising existing community investment in infrastructure and services in the locality. Any augmentation of utility services will be undertaken as required.

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

There has been no consultation with Commonwealth public authorities or State Government authorities. This consultation will be undertaken during the community exhibition phase.

Part 4 - Mapping

Figure 8 | Current zoning

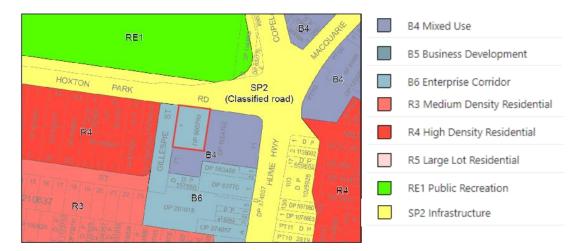


Figure 9 | Proposed zoning

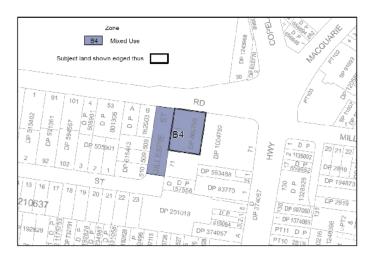


Figure 10 | Current floor space ratio (FSR)

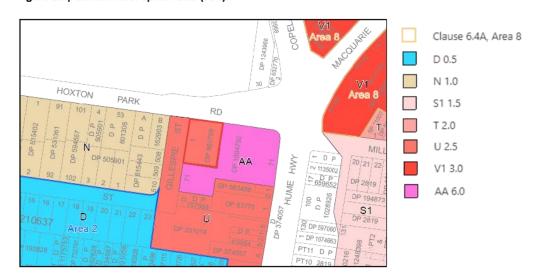


Figure 11 | Proposed floor space ratio (FSR)

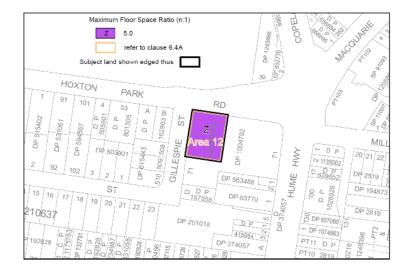


Figure 12 | Current height of buildings (HOB)



Figure 13 | Proposed height of buildings (HOB)

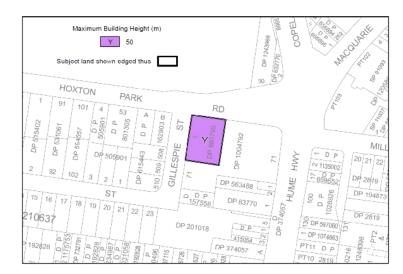
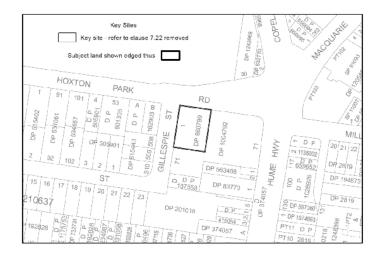


Figure 14 | Current Key Sites



Figure 15 | Proposed Key Sites



Part 5 - Community Consultation

Schedule 1, Clause 4 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the Gateway determination. The planning proposal will be publicly exhibited for a minimum of 28 days, as specified by Gateway determination, with notice requirements for public exhibitions adhered to.

Council will also consult with relevant public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- · Relevant infrastructure servicing authorities; and
- · Roads and Maritime Services (Transport for NSW).

Part 6 - Project Timeline

An anticipated project timeline is shown in Table 6.

Table 6: Indicative Project Timeline

· · · · · · · · · · · · · · · · · · ·	
Timeframe	Action
November 2018	Presented at the Local Planning Panel meeting
February 2019	Presented to Liverpool City Council
August 2019	Gateway Review
January 2020	Gateway Determination issued
August-September 2020	State agency consultation
August-September 2020	Community consultation
September-October 2020	Consideration of submissions and proposal post-exhibition
October 2020	Post-exhibition report to Council
October 2020 – December 2020	Legal drafting and making of the plan

Conclusion and Recommendations

This planning proposal for 4-8 Hoxton Park Road, Liverpool, seeks to remove the B6 Enterprise Corridor zone from applying to the land and impose a B4 Mixed Use zone. To facilitate a mixed-use development consistent with the concepts prepared, the Height of Buildings map and the FSR maps would also be amended. These would be amended to impose an FSR of 5:1, apply Clause 6.4A to the site and amend the FSR map to identify the Site as "Area 12", and apply a height of building of 50m. The site would also be removed from the 'Key Sites' map as this relates to development in B6 zones.

The objective is to facilitate a mixed-use development with an appropriate transition from 311 Hume Highway to the area beyond Liverpool City Centre to the west.

The Planning Proposal and accompanying reports have demonstrated that the proposed amendments to LLEP 2008 are the best means of facilitating an appropriate development outcome, as summarised below:

 The Planning Proposal achieves an appropriate zoning, built form and scale having regard to the size, topography and surrounding context of the Site.

- The Site presents an opportunity to provide a higher density residential outcome to support the Liverpool City Centre and its vision as a strategic centre.
- The Site is within walking and cycling distance of recreation and shops in addition to proximity to educational facilities and community facilities.
- The Proposal will enable a mixed use development providing a mix of unit sizes and types that will
 contribute to housing affordability and choice within the Liverpool Local Government Area.
- The intended outcome will positively contribute to the State planning strategic goals of providing
 housing opportunities in areas with access to existing facilities and services. Key aspects of A
 Metropolis of Three Cities emphasise the importance of concentrating future housing in centres in
 view of a wide range of transport, environmental, sustainability and liveability objectives.



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Date: 9th of August 2019

The Executive Planner Liverpool City Council

Attention

Dear Mr. Michael Midson

Address: Statement of Proposed Public Benefits to be included in a future VPA

Architecture Design Studio is the applicant for the recently submitted Planning Proposal Application for 4-8 Hoxton Park Road, Liverpool. We appreciate Council's initial comments and discussion regarding the intention to enter into a Voluntary Planning Agreement (VPA). In response, this letter provides a brief statement of potential public benefits proposed to be delivered through a future VPA process, in association with the submitted Planning Proposal.

1. Public Domain Improvements

Embellishment and upgrade of the Public domain beyond the extent of the development site at a 100-meters radius, including along Hoxton Park Road, Hume Highway and Gillespie Street. This is to provide improved pedestrian amenity and connections leading to the Bulldog park North of the site. This may include the widening of footpaths, street furniture, public seating areas, public art, street trees, lighting and signage.

2. Upgraded Bus stops

Provision of new and upgraded bus stops along Hume highway and Hoxton park road within 1 km radius from the boundary of the site.

3. Affordable Housing

Liverpool Council seeks to provide more affordable housing within the city centre. The proposed development is within the city centre and a percentage of the units proposed within the development will be contributed towards the affordable housing stock availability within the city centre.

The proposed public benefits will be subject to future negotiation and dependent on the preliminary outcomes of the submitted Planning Proposal. The above benefits are all

Initial Letter of Offer - 4-8 Hoxton Park Road, Liverpool

4-8 Hoxton Park Road, Liverpool - VPA Letter of Offer

considered to provide positive planning outcomes for the community in accordance with Council's Community Strategic Plan and Affordable Housing Policy.

We trust that the above assists in Council's and the public's consideration of the Planning Proposal. Subject to Council feedback in relation to the proposed benefits, the Applicant intends to submit a formal offer to enter into a planning agreement pursuant to Section 93F of the EP&A Act 1979, which outlines the details of the proposed benefits and identifies the circumstances which have given rise to the offer. Please do not hesitate to contact me on 0488 006 411 should you wish to discuss anything further.

Best Regards, Architecture Design Studio (NSW) Pty Ltd

Mohamed El Dardiry Project Manager Proposed Planning Agreement in support of Draft Amendment 79 to Liverpool Local Environmental

Plan - 4-8 Hoxton Park Road, Liverpool

Attachment 3

Draft Planning Agreement - 4-8 Hoxton Park Road, Liverpool

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Planning Proposal - 4 - 8 Hoxton Park Road, Liverpool

Liverpool City Council (ABN 84 181 182 471) (Council)

ZHC Investments Pty Limited (ACN 161 211 721) (Developer)

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Planning Agreement Planning Proposal - 4 - 8 Hoxton Park Road, Liverpool

Parties

Council	Name	Liverpool City Council
	Address	Ground Floor 33 Moore Street Liverpool NSW 2170
	ABN	84 181 182 471
Developer	Name	ZHC Investments Pty Limited
	Address	Unit 5 14 Queen Street Arncliffe NSW 2205
	ACN	161 211 721

Background

- A The Developer owns the Land.
- B The Developer has lodged a Planning Proposal with respect to the Instrument Change.
- C The Developer has agreed to make the Development Contributions on and subject to the terms of this document.

Operative Provisions

1 Agreement

The agreement of the parties is set out in the Operative Provisions of this document, in consideration of, among other things, the mutual promises contained in this document.

2 Definitions

2.1 Defined terms

In this document, words beginning with a capital letter that are defined in Part 1 of **Schedule 2** have the meaning ascribed to them in that schedule.

2.2 Interpretation

The interpretational rules contained in Part 2 of **Schedule 2** apply in the interpretation of this document.

Draft Planning Agreement - 4-8 Hoxton Park Road, Liverpool

3 Application and operation of document

3.1 Planning Agreement

This document is a planning agreement:

- (1) within the meaning set out in s7.4 of the Act; and
- (2) governed by Subdivision 2 of Part 7 of the Act.

3.2 Application

This document applies to both the Land and the Development.

3.3 Operation

- (1) Subject to paragraph (2), this document operates from the date it is executed by both parties.
- (2) The following clauses of this document will only operate if and when the Instrument Change is made in accordance with the terms set out in the Planning Proposal and published on the NSW Legislation website:
 - (a) Clause 4.
 - (b) Clause 5.

4 Application of s7.11 and s7.12

4.1 Application

This document does not exclude the application of section 7.11 or section 7.12 of the Act to the Development.

4.2 Consideration of benefits

Section 7.11(6) of the Act does not apply to the Contributions that are to be carried out or provided pursuant to this document.

4.3 Section 7.24

This document does not exclude the application of s7.24 of the Act to the Development.

5 Provision of Contributions

5.1 Provision of Affordable Housing

- (1) As part of the Development the Developer must provide the Affordable Housing in accordance with Schedule 3.
- (2) Any Development Application, which relies upon the Instrument Change must:
 - (a) incorporate the allocation of the Affordable Housing Lots in accordance with Schedule 3; and
 - (b) nominate the Affordable Housing Lots.

- (3) A restrictive covenant under s88B of the Conveyancing Act 1919 (NSW) must be registered on the title of each Affordable Housing Lot by the Developer upon the creation of those lots. The restrictive covenant must:
 - (a) be on terms acceptable to Council, acting reasonably;
 - (b) identify the Council as the benefitted party; and
 - (c) clearly nominate that the restrictive covenant may not be varied or removed from the title without the consent of the Council.
- (4) The Affordable Housing Lots must be allocated to a Community Housing Provider within twenty eight (28) days of the registration of the strata plan which creates those lots.
- (5) For clarity, the Affordable Housing Lots will be allocated at the discretion of the Developer.

5.2 Monetary Contributions

- The Developer must pay the Monetary Contribution by the time specified in **Schedule** 4.
- (2) A Monetary Contribution is made for the purposes of this document when Council receives the full amount of the contribution payable under this document in cash or by unendorsed bank cheque or by the deposit by means of electronic funds transfer of cleared funds into a bank account nominated by Council.

6 Developer Warranties

6.1 Warranties of Developer

The Developer warrants to Council that:

- (1) it is legally and beneficially entitled to the Land;
- (2) it is able to fully comply with its obligations under this document;
- (3) it has full capacity to enter into this document; and
- (4) there is no legal impediment to it entering into this document, or performing the obligations imposed under it.

6.2 Council may withhold Certificates

- (1) Council may withhold the issue of a Subdivision Certificate if, at the relevant time, the Developer is in breach of any obligation under this document until such time as the breach is rectified.
- (2) The Developer must comply with the following clauses of this document prior to the issue of an Occupation Certificate with respect to the Development:
 - (a) Clause 5.1(2).
 - (b) Clause 5.2.
 - (c) Clause 7.

- Draft Planning Agreement 4-8 Hoxton Park Road, Liverpool
 - (d) Clause 16.2.
- (3) Further to clause (2), prior to the issue of an Occupation Certificate for the Development, the Developer must have obtained the consent of the Council to the restrictive covenants required to be registered on the Affordable Housing Lots in accordance with this document.

7 Registration of this document

7.1 Registration of this document

The Developer acknowledges and agrees that:

- (1) this document must be registered on the title to the Land pursuant to section 7.6 of the Act and
- (2) subject to clause 7.2, Council will undertake that registration at the cost of the Developer.

7.2 Obligations of Developer

- (1) The Developer, at its own expense, will promptly after this document comes into operation, take all practical steps, and otherwise do anything that the Council reasonably requires, to procure:
 - (a) the consent of each person who:
 - (i) has an estate or interest in the Land; or
 - (ii) is seized or possessed of an estate or interest in the Land;
 - (b) the execution of any documents; and
 - (c) the production of the relevant duplicate certificates of title,

to enable the registration of this document in accordance with clause 7.1.

- (2) The Developer, at its own expense, will take all practical steps, and otherwise do anything that the Council reasonably requires:
 - (a) to allow the lodgement of this document with the Registrar-General as soon as reasonably practicable after this document comes into operation but in any event, no later than sixty (60) business days after that date; and
 - (b) to allow the registration of this document by the Registrar-General in the relevant folios of the Register for the Land as soon as reasonably practicable after this document is lodged for registration.

7.3 Discharge from the Register

The Council will provide a release and discharge of this document so that it may be removed from the folios of the Register for the Land (or any part of it) when:

(1) the obligations under this document have been satisfied;

- the Instrument Change is not approved on the terms proposed in the Planning Proposal; or
- (3) if this document is terminated or rescinded.

8 Assignment

8.1 Restriction on Assignment

Other than in accordance with this clause 8 the Developer may not:

- (1) Assign any part of the Land; and/or
- (2) Assign their rights or obligations under this document.

8.2 Procedure for Assignment

- (1) If the Developer:
 - (a) wishes to Assign any part of the Land; and/or
 - (b) wishes to Assign its rights or obligations under this document,

then the Developer must:

- (c) provide a written request to Council for the consent of Council to the relevant Assignment;
- (d) provide Council with any evidence required by Council, acting reasonably, to satisfy Council that the third party in whose favour the Assignment is to be made (Assignee) is reasonably capable of performing the obligations under this document that are to be Assigned to it;
- (e) obtain written consent of Council to the relevant Assignment; and
- (f) at no cost to Council, procure:
 - the execution by the Assignee of an appropriate deed where the Assignee agrees to be bound by the terms of this document; and
 - (ii) the provision of all Securities to Council by the Assignee that the Developer is required to provide under this document (and any additional securities if required by Council acting reasonably) at the same time as, or prior to, entering into that deed.
- (2) Council is under no obligation to consider granting its consent to any request made by the Developer under paragraph (1)(c) if, at the time the request is made, the Developer is in breach of this document.
- (3) Council must not unreasonably withhold its consent to a request by the Developer to assign any part of the Land or the Developers rights or obligations under this document.

9 Dispute Resolution

9.1 Notice of dispute

(1) If a dispute or lack of certainty between the parties arises in connection with this document or its subject matter (**Dispute**), then either party (**First Party**) must give to the other (**Second Party**) a notice which:

- (a) is in writing;
- (b) adequately identifies and provides details of the Dispute;
- (c) stipulates what the First Party believes will resolve the Dispute; and
- (d) designates its representative (Representative) to negotiate the Dispute.
- (2) The Second Party must, within five (5) Business Days of service of the notice of dispute, provide a notice to the First Party designating as its representative a person to negotiate the Dispute (the representatives designated by the parties being together, the Representatives).

9.2 Conduct pending resolution

The parties must continue to perform their respective obligations under this document if there is a Dispute but will not be required to complete the matter the subject of the Dispute, unless the appropriate party indemnifies the other parties against costs, damages and all losses suffered in completing the disputed matter if the Dispute is not resolved in favour of the indemnifying party.

9.3 Further steps required before proceedings

Subject to clauses 9.14 and 9.15 and except as otherwise expressly provided in this document, any Dispute must, as a condition precedent to the commencement of litigation, mediation under clause 9.5 or determination by an expert under clause 9.6, first be referred to the Representatives. The Representatives must endeavour to resolve the dispute within five (5) Business Days of the date a notice under clause 9.1(2) is served.

9.4 Disputes for mediation or expert determination

If the Representatives have not been able to resolve the Dispute, then the parties must agree within five (5) Business Days to either refer the matter to mediation under clause 9.5 or expert resolution under clause 9.6.

9.5 Disputes for mediation

- (1) If the parties agree in accordance with clause 9.4 to refer the Dispute to mediation, the mediation must be conducted by a mediator agreed by the parties and, if the parties cannot agree within five (5) Business Days, then by a mediator appointed by the President of the Law Society of New South Wales for the time being.
- (2) If the mediation referred to in paragraph (1) has not resulted in settlement of the Dispute and has been terminated, the parties may agree to have the matter determined by expert determination under clause 9.6.

9.6 Choice of expert

- (1) If the Dispute is to be determined by expert determination, this clause 9.6 applies.
- (2) The Dispute must be determined by an independent expert in the relevant field:
 - (a) as agreed between and appointed jointly by the parties; or
 - (b) in the absence of an agreement within five (5) Business Days after the date that the matter is required to be determined by expert determination, appointed by the President of the Law Society of New South Wales for the time being.

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- (3) If the parties fail to agree as to the relevant field within five (5) Business Days after the date that the matter is required to be determined by expert determination, either party may refer the matter to the President of the Law Society of New South Wales for the time being whose decision as to the relevant field is final and binding on the parties.
- (4) The expert appointed to determine a Dispute:
 - (a) must have a technical understanding of the issues in dispute;
 - (b) must not have a significantly greater understanding of one party's business, functions or operations which might allow the other side to construe this greater understanding as a bias; and
 - (c) must inform the parties before being appointed of the extent of the expert's understanding of each party's business or operations and, if that information indicates a possible bias, then that expert must not be appointed except with the written approval of the parties.
- (5) The parties must promptly enter into an agreement with the expert appointed under this clause 9.6 setting out the terms of the expert's determination and the fees payable to the expert.

9.7 Directions to expert

- (1) In reaching a determination in respect of a dispute under clause 9.6, the independent expert must give effect to the intent of the parties entering into this document and the purposes of this document.
- (2) The expert must:
 - (a) act as an expert and not as an arbitrator;
 - (b) proceed in any manner as the expert thinks fit without being bound to observe the rules of natural justice or the rules of evidence;
 - (c) not accept verbal submissions unless both parties are present;
 - (d) on receipt of a written submission from one party, ensure that a copy of that submission is given promptly to the other party;
 - take into consideration all documents, information and other material which the parties give the expert which the expert in its absolute discretion considers relevant to the determination of the Dispute;
 - (f) not be expected or required to obtain or refer to any other documents, information or material (but may do so if the expert so wishes);
 - (g) issue a draft certificate stating the expert's intended determination (together with written reasons), giving each party ten (10) Business Days to make further submissions:
 - (h) issue a final certificate stating the expert's determination (together with written reasons); and
 - act with expedition with a view to issuing the final certificate as soon as practicable.

- (3) The parties must comply with all directions given by the expert in relation to the resolution of the Dispute and must within the time period specified by the expert, give the expert:
 - (a) a short statement of facts;
 - (b) a description of the Dispute; and
 - (c) any other documents, records or information which the expert requests.

9.8 Expert may commission reports

- (1) Subject to paragraph (2):
 - (a) the expert may commission the expert's own advisers or consultants (including lawyers, accountants, bankers, engineers, surveyors or other technical consultants) to provide information to assist the expert in making a determination; and
 - (b) the parties must indemnify the expert for the cost of those advisers or consultants in accordance with clause 9.6 of this deed.
- (2) The parties must approve the costs of those advisers or consultants in writing prior to the expert engaging those advisers or consultants.

9.9 Expert may convene meetings

- (1) The expert must hold a meeting with all of the parties present to discuss the Dispute. The meeting must be conducted in a manner which the expert considers appropriate. The meeting may be adjourned to, and resumed at, a later time in the expert's discretion.
- (2) The parties agree that a meeting under paragraph (1) is not a hearing and is not an arbitration.

9.10 Other courses of action

lf:

- (1) the parties cannot agree in accordance with clause 9.4 to refer the matter to mediation or determination by an expert; or
- (2) the mediation referred to in clause 9.5 has not resulted in settlement of the dispute, the mediation has been terminated and the parties have not agreed to refer the matter to expert determination within five (5) Business Days after termination of the mediation,

then either party may take whatever course of action it deems appropriate for the purpose of resolving the Dispute.

9.11 Confidentiality of information provided in dispute resolution process

- (1) The parties agree, and must procure that the mediator and the expert agree as a condition of his or her appointment:
 - subject to paragraph (2), to keep confidential all documents, information and other material disclosed to them during or in relation to the mediation or expert determination;

8

- (b) not to disclose any confidential documents, information and other material except:
 - to a party or adviser or consultant who has signed a confidentiality undertaking; or
 - (ii) if required by Law or any Authority to do so; and
- (c) not to use confidential documents, information or other material disclosed to them during or in relation to the mediation or expert determination for a purpose other than the mediation or expert determination.
- (2) The parties must keep confidential and must not disclose or rely upon or make the subject of a subpoena to give evidence or produce documents in any arbitral, judicial or other proceedings:
 - views expressed or proposals or suggestions made by a party or the mediator or the expert during the expert determination or mediation relating to a possible settlement of the Dispute;
 - (b) admissions or concessions made by a party during the mediation or expert determination in relation to the Dispute; and
 - (c) information, documents or other material concerning the dispute which are disclosed by a party during the mediation or expert determination unless such information, documents or facts would be discoverable in judicial or arbitral proceedings.

9.12 Final determination of expert

The parties agree that the final determination by an expert will be final and binding upon them except in the case of fraud or misfeasance by the expert.

9.13 Costs

If any independent expert does not award costs, each party must contribute equally to the expert's costs in making the determination.

9.14 Remedies available under the Act

This clause 9 does not operate to limit the availability of any remedies available to Council under the Act.

9.15 Urgent relief

This clause 9 does not prevent a party from seeking urgent injunctive or declaratory relief concerning any matter arising out of this document.

10 Force Majeure

10.1 Definition

In this clause 10, force majeure (**Force Majeure**), means any physical or material restraint beyond the reasonable control of a party claiming the Force Majeure and includes, without limitation, fire, the discovery of threatened species on the Land or industrial disputes.

10.2 Consequences of Force Majeure Event

- (1) If a party is unable by reason of Force Majeure to carry out wholly or in part its obligations under this document, it must:
 - (a) give to the other party prompt notice of the Force Majeure with reasonably full particulars; and
 - (b) suggest an alternative method, if any, of satisfying its obligations under this document.
- (2) If a party is unable to satisfy its obligations under this document by an alternative method, the obligations of the parties so far as they are affected by the Force Majeure are then suspended during continuance of the Force Majeure and any further period as may be reasonable in the circumstances.

10.3 Exclusion of operation

The parties agree that this Force Majeure provision does not apply to an obligation of a party to transfer land or to pay money.

10.4 Dispute

If the parties are unable to agree on the existence of an event of Force Majeure or the period during which the obligations of the parties are suspended during the continuance of the Force Majeure, that dispute must be referred for determination under clause 9.

11 Breach of this document

11.1 Breach Notice

If the Developer breaches this document, Council may serve a notice on the Developer (**Breach Notice**) specifying:

- (1) the nature and extent of the alleged breach;
- (2) if:
 - the breach is capable of being rectified other than by the payment of compensation, what Council requires the Developer to do in order to rectify the breach; or
 - (b) the breach is not capable of being rectified other than by payment of compensation, the amount of compensation Council requires the Developer to pay in order to rectify the breach; and
- (3) the time within which Council requires the breach to be rectified, which must be a reasonable time of not less than forty (40) business days.

11.2 Events of Default

The Developer commits an Event of Default if it:

- (1) fails to comply with a Breach Notice; or
- (2) becomes subject to an Insolvency Event.

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11.3 Consequences of Events of Default

Where the Developer commits an Event of Default, Council may, in addition to any rights it has at Law, exercise the Step in Rights so as to carry out any work specified in the relevant Breach Notice.

12 Termination, Rescission or Determination

12.1 Termination

This document terminates in the following events:

- (1) The parties agree in writing to terminate the operation of this document at any time.
- (2) Council serves notice on the Developer terminating this Planning Agreement where the Developer has failed to comply with a notice issued in accordance with clause 9.1.
- (3) The Instrument Change is not made in accordance with the Planning Proposal.

12.2 Consequence of termination

Upon termination of this Planning Agreement:

- (1) all future rights and obligations of the parties are discharged; and
- (2) all pre-existing rights and obligations of the parties continue to subsist.

12.3 Determination

This Planning Agreement will determine upon the Developer satisfying all of the obligations imposed on it in full.

13 Position of Council

13.1 Consent authority

The parties acknowledge that Council is a consent authority with statutory rights and obligations pursuant to the terms of the Planning Legislation.

13.2 Document does not fetter discretion

This document is not intended to operate to fetter, in any unlawful manner:

- (1) the power of Council to make any Law; or
- (2) the exercise by Council of any statutory power or discretion,

(Discretion).

13.3 Severance of provisions

- (1) No provision of this document is intended to, or does, constitute any unlawful fetter on any Discretion. If, contrary to the operation of this clause 13, any provision of this document is held by a court of competent jurisdiction to constitute an unlawful fetter on any Discretion, the parties agree:
 - they will take all practical steps, including the execution of any further documents, to ensure the objective of this clause 13 is substantially satisfied;

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- (b) in the event that paragraph (1)(a) cannot be achieved without giving rise to an unlawful fetter on a Discretion, the relevant provision is to be severed and the remainder of this document has full force and effect; and
- (c) to endeavour to satisfy the common objectives of the parties on relation to the provision of this document which is held to be an unlawful fetter to the extent that it is possible having regard to the relevant court judgment.
- (2) Where the Law permits Council to contract out of a provision of that Law or gives Council power to exercise a Discretion, then if Council has in this document contracted out of a provision or exercised a Discretion under this document, then to the extent of this document is not to be taken to be inconsistent with the Law.

13.4 No Obligations

Nothing in this document will be deemed to impose any obligation on Council to exercise any of its functions under the Act in relation to the Instrument Change, the Land or the Development in a certain manner.

14 Confidentiality

14.1 Document not confidential

The terms of this document are not confidential and this document may be treated as a public document and exhibited or reported without restriction by any party.

14.2 Other Confidential Information

- (1) The parties acknowledge that:
 - (a) Confidential Information may have been supplied to some or all of the parties in the negotiations leading up to the making of this document;
 - (b) the parties may disclose to each other further Confidential Information in connection with the subject matter of this document; and
 - (c) subject to paragraphs (2) and (3), each party agrees:
 - not to disclose any confidential document received before or after the making of this document to any person without the prior written consent of the party who supplied the Confidential Information; or
 - (ii) to take all reasonable steps to ensure all Confidential Information received before or after the making of this document is kept confidential and protected against unauthorised use and access.
- (2) A party may disclose Confidential Information in the following circumstances:
 - (a) in order to comply with the Law, or the requirements of any Authority; or
 - (b) to any of their employees, consultants, advisers, financiers or contractors to whom it is considered necessary to disclose the information, if the employees, consultants, advisers, financiers or contractors undertake to keep the information confidential.
- (3) The obligations of confidentiality under this clause 14 do not extend to information which is public knowledge other than as a result of a breach of this clause 14.

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15 **GST**

15.1 Defined GST Terms

Defined terms used in this clause 15 have the meaning ascribed to them in the GST Law.

15.2 GST to be added to Amounts Payable

- (1) If GST is payable on a Taxable Supply made under, by reference to or in connection with this document, the party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.
- (2) This clause 15 does not apply to the extent that the Consideration for the Taxable Supply is expressly agreed to be GST inclusive.
- (3) Unless otherwise expressly stated, prices or other sums payable or Consideration to be provided under or in accordance with this document are exclusive of GST.

15.3 GST obligations to survive Termination

This clause 15 will continue to apply after expiration of termination of this document.

16 Miscellaneous

16.1 Obligation to act in good faith

The parties must at all times:

- cooperate and use their best endeavours to profitably and professionally give effect to their rights and obligations set out in this document;
- (2) not unreasonably delay any action, approval, direction, determination or decision which is required of them:
- (3) make approvals or decisions that are required of them in good faith and in a manner consistent with the completion of the transactions set out in this document; and
- (4) be just and faithful in their activities and dealings with the other parties.

16.2 Legal costs

The Developer agrees to:

- (1) pay or reimburse the reasonable legal costs and disbursements of Council of the negotiation, preparation, execution, and stamping of this document;
- (2) pay the reasonable legal costs and disbursements referred to in paragraph (1) within ten (10) business days of receipt of a Tax Invoice from Council; and
- (3) pay or reimburse the legal costs and disbursements of Council arising from the ongoing administration and enforcement of this document including any breach or default by the Developer of its obligations under this document.

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17 Administrative Provisions

17.1 Notices

- (1) Any notice, consent or other communication under this document must be in writing and signed by or on behalf of the person giving it, addressed to the person to whom it is to be given and:
 - (a) delivered to that person's address;
 - (b) sent by pre-paid mail to that person's address; or
 - (c) transmitted by facsimile to that person's address.
- (2) A notice given to a person in accordance with this clause 17 is treated as having been given and received:
 - if delivered to a person's address, on the day of delivery if a Business Day, otherwise on the next Business Day;
 - (b) if sent by pre-paid mail, on the third Business Day after posting; and
 - (c) if transmitted by facsimile to a person's address and a correct and complete transmission report is received, on the day of transmission if a Business Day, otherwise on the next Business Day.
- (3) For the purpose of this clause 17 the address of a person is the address set out in this document or another address of which that person may from time to time give notice to each other person.

17.2 Entire document

This document is the entire agreement of the parties on the subject matter. All representations, communications and prior agreements in relation to the subject matter are merged in and superseded by this document.

17.3 Waiver

The non-exercise of or delay in exercising any power or right of a party does not operate as a waiver of that power or right, nor does any single exercise of a power or right preclude any other or further exercise of it or the exercise of any other power or right. A power or right may only be waived in writing, signed by the parties to be bound by the waiver.

17.4 Cooperation

Each party must sign, execute and deliver all agreements, documents, instruments and act reasonably and effectively to carry out and give full effect to this document and the rights and obligations of the parties under it.

17.5 Counterparts

This document may be executed in any number of counterparts and all of those counterparts taken together constitute one and the same instrument.

17.6 Amendment

This document may only be amended or supplemented in writing signed by the parties.

Draft Planning Agreement - 4-8 Hoxton Park Road, Liverpool

17.7 Unenforceability

Any provision of this document which is invalid or unenforceable in any jurisdiction is to be read down for the purposes of that jurisdiction, if possible, so as to be valid or enforceable, and is otherwise capable of being severed to the extent of the invalidity or enforceability, without affecting the remaining provisions of this document or affecting the validity or enforceability of that provision in any other jurisdiction.

17.8 Power of attorney

Each attorney who executes this document on behalf of a party declares that the attorney has no notice of:

- (1) the revocation or suspension of the power of attorney by the grantor; or
- (2) the death of the grantor.

17.9 Governing law

The law in force in the State of New South Wales governs this document. The parties:

- (1) submit to the exclusive jurisdiction of the courts of New South Wales and any courts that may hear appeal from those courts in respect of any proceedings in connection with this document; and
- (2) may not seek to have any proceedings removed from the jurisdiction of New South Wales on the grounds of forum non conveniens.

15

Schedule 1 - Requirements under s7.4

REQL	JIREMENT UNDER THE ACT	THIS PLANNING AGREEMENT
	ing instrument and/or development cation – (Section 7.4(1))	
The D	eveloper has:	
(a)	sought a change to an environmental planning instrument.	(a) Yes.
(b)	made, or proposes to make, a Development Application.	(b) No.
(c)	entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.	(c) No.
	ription of land to which this ment applies – (Section 7.4(3)(a)).	Lot 1 DP 860799.
envir	ription of change to the commental planning instrument to a this agreement applies – (Section (b)).	Amendment to amend Liverpool Local Environmental Plan 2008 so as to change the zoning of Land from B6 Enterprise Corridor to B4 Mixed Use.
	cation of section 7.11 of the Act – on 7.4(3)(d)).	Section 7.11 of the Act is not excluded by this document.
	cability of section 7.12 of the Act – on 7.4(3)(d)).	Section 7.12 of the Act is not excluded by this document.
	cability of section 7.24 of the Act – on 7.4(3)(d)).	Section 7.24 of the Act is not excluded by this document.
agree	ideration of benefits under this ment if section 7.11 applies – on 7.4(3)(e)).	Refer to clause 4.2 of the Planning Agreement.
	anism for Dispute resolution – on 7.4(3)(f)).	See clause 9.
Enfor 7.4(3)	cement of this agreement - (Section (g)).	See clause 6.2, 7 and 11.3.
	oligation to grant consent or exercise ions – (Section 7.4(9)).	See clause 13.

Schedule 2 – Defined terms and interpretation

Part 1 - Definitions

Act means the Environmental Planning and Assessment Act 1979

(NSW).

Affordable Housing means the allocation of the Affordable Housing Lots in

accordance with this document.

Affordable Housing Lot means a strata lot within the Development that is allocated for

Affordable Housing in accordance with Schedule 3.

Assign as the context requires refers to any assignment, sale, transfer,

disposition, declaration of trust over or other assignment of a legal

and/or beneficial interest.

Authority means (as appropriate) any:

(1) federal, state or local government;

(2) department of any federal, state or local government;

(3) any court or administrative tribunal; or

(4) statutory corporation or regulatory body.

Bank Guarantee means an irrevocable and unconditional undertaking without any expiry or end date by one of the following trading banks:

(1) Australia and New Zealand Banking Group Limited.

(2) Commonwealth Bank of Australia.

(3) Macquarie Bank.

(4) National Australia Bank Limited.

(5) St George Bank Limited.

(6) Westpac Banking Corporation.

(7) Any other financial institution approved by the Council, in its absolute discretion, in response to a request from the

Developer.

against any person any allegation, action, demand, cause of action, suit, proceeding, judgement, debt, damage, loss, cost, expense or liability howsoever arising and whether present or future, fixed or unascertained, actual or contingent whether at law,

in equity, under statute or otherwise.

Community Housing

Provider

Claim

means a Community Housing Provider registered under the Housing Act 2001 (NSW) and the Housing Regulation 2009

Confidential Information

means any information and all other knowledge at any time disclosed (whether in writing and orally) by the parties to each other, or acquired by the parties in relation to the other's activities

or services which is not already in the public domain and which:

(1) is by its nature confidential;

 is designated, or marked, or stipulated by either party as confidential (whether in writing or otherwise);

(3) any party knows or ought to know is confidential; or

(4) is information which may be reasonably considered to be of a confidential nature.

Construction Certificate

has the same meaning as in section 6.4(d) of the Act.

Contributions

means the allocation of the Affordable Housing Lots and the Monetary Contribution.

Contribution Value

means the amount specified in **Schedules 3** and **4** in the column headed "contribution value" for each item of the Contributions.

Development

means any future development of the Land permitted as a result of the Instrument Change.

Development Application

means an application for the Development Consent.

Development Consent

means any development consent issued for the Development.

Dispute

has the meaning ascribed to it in clause 9.

Encumbrance

means an interest or power:

- (1) reserved in or over an interest in any asset,
- (2) arising under, or with respect to, a Bio-Banking Agreement;
- (3) created or otherwise arising in or over any interest in any asset under any mortgage, charge (whether fixed or floating), pledge, lien, hypothecation, title retention, conditional sale agreement, hire or hire purchase agreement, option, restriction as to transfer, use or possession, easement, covenant, lease, subordination to any right of any other person and any other encumbrance or security interest, trust or bill of sale; or
- (4) by way of security for the payment of a debt or other monetary obligation or the performance of any obligation.

Encumber

means to grant an Encumbrance.

Event of Default

has the meaning ascribed to it in clause 11.2.

Force Majeure

has the meaning ascribed to it in clause 10.

Gross Floor Area

has the same meaning as in the Liverpool Local Environmental Plan 2008.

GST Law

means A New Tax System (Goods and Services Tax) Act 1999 (Cth) and any other Act or regulation relating to the imposition or

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administration of the GST.

Index

means the Consumer Price Index (All Groups - Sydney) as provided by the Australian Bureau of Statistics.

Insolvency Event

means the happening of any of the following events:

- (8) Application which is not withdrawn or dismissed within fourteen (14) days is made to a court for an order or an order is made that a body corporate be wound up.
- (9) An application which is not withdrawn or dismissed within fourteen (14) days is made to a court for an order appointing a liquidator or provisional liquidator in respect of a body corporate or one of them is appointed, whether or not under an order.
- (10) Except to reconstruct or amalgamate while solvent, a body corporate enters into, or resolves to enter into, a scheme of arrangement, agreement of company arrangement or composition with, or assignment for the benefit of, all or any class of its creditors, or it proposes a reorganisation, moratorium or other administration involving any of them.
- (11) A body corporate resolves to wind itself up, or otherwise dissolve itself, or gives notice of intention to do so, except to reconstruct or amalgamate while solvent or is otherwise wound up or dissolved.
- (12) A body corporate is or states that it is insolvent.
- (13) As a result of the operation of section 459F(1) of the Corporations Act 2001 (Cth) (Corporations Act), a body corporate is taken to have failed to comply with a statutory demand
- (14) A body corporate is or makes a statement from which it may be reasonably deduced that the body corporate is, the subject of an event described in section 459C(2)(b) or section 585 of the Corporations Act.
- (15) A body corporate takes any step to obtain protection or is granted protection from its creditors, under any applicable legislation or an administrator is appointed to a body corporate.
- (16) A person becomes an insolvent under administration as defined in section 9 of the Corporations Act or action is taken which could result in that event.
- (17) A receiver, manager or receiver and manager is appointed to the Company.
- (18) A claim is filed in a court against a person that is not defended, released or otherwise settled within twenty eight (28) days of the date of its filing at the court.
- (19) Anything analogous or having a substantially similar effect to any of the events specified above happens under the law of any applicable jurisdiction.

Instrument Change

means the amendment of the Liverpool Local Environmental Plan 2008 on the terms set out in the Planning Proposal.

Land means the "Land" set out in Schedule 1.

Law means all legislation, regulations, by-laws, common law and other

binding order made by any Authority.

Monetary Contributions means the monetary contributions set out in Schedule 4.

Occupation Certificate has the same meaning as in section 6.4(c) of the Act.

Planning Legislation means the Act, the Local Government Act 1993 (NSW) and the

Roads Act 1993 (NSW).

Planning Proposal means the application for a Planning Proposal lodged on 29

March 2018 by Architecture Design Studio NSW Pty Ltd.

Part 2 - Interpretational Rules

clauses, annexures and

schedules

a clause, annexure or schedule is a reference to a clause in or

annexure or schedule to this document.

reference to statutes a statute, ordinance, code or other law includes regulations and

other instruments under it and consolidations, amendments, re-

enactments or replacements of any of them.

singular includes plural the singular includes the plural and vice versa.

person the word "person" includes an individual, a firm, a body corporate,

a partnership, joint venture, an unincorporated body or association

or any government agency.

executors, administrators,

successors

a particular person includes a reference to the person's executors, administrators, successors, substitutes (including persons taking

by novation) and assigns.

dollars Australian dollars, dollars, \$ or A\$ is a reference to the lawful

currency of Australia.

calculation of time if a period of time dates from a given day or the day of an act or

event, it is to be calculated exclusive of that day.

reference to a day a day is to be interpreted as the period of time commencing at

midnight and ending 24 hours later.

accounting terms an accounting term is a reference to that term as it is used in

accounting standards under the Corporations Act or, if not inconsistent with those standards, in accounting principles and

practices generally accepted in Australia.

reference to a group of

persons

a group of persons or things is a reference to any two or more of

them jointly and to each of them individually.

meaning not limited the words "include", "including", "for example" or "such as" are not

used as, nor are they to be interpreted as, words of limitation, and, when introducing an example, do not limit the meaning of the words to which the example relates to that example or examples

of a similar kind.

EGROW 05

Proposed Planning Agreement in support of Draft Amendment 79 to Liverpool Local Environmental

Plan - 4-8 Hoxton Park Road, Liverpool

Attachment 3 Draft Planning Agreement - 4-8 Hoxton Park Road, Liverpool

next day if an act under this document to be done by a party on or by a

given day is done after 4.30pm on that day, it is taken to be done

on the next day.

next Business Day if an event must occur on a stipulated day which is not a Business

Day then the stipulated day will be taken to be the next Business

Day.

time of day time is a reference to Sydney time.

headings headings (including those in brackets at the beginning of

paragraphs) are for convenience only and do not affect the

interpretation of this document.

agreement a reference to any agreement, document or instrument includes

the same as varied, supplemented, novated or replaced from time

to time.

Gender a reference to one gender extends and applies to the other and

neuter gender.

Schedule 3 – Affordable Housing

ltem	Specification	Time for Completion
Affordable Housing Lots	The aggregate Gross Floor Area of the Affordable Housing Lots must be no less than five per cent (5%) of the Gross Floor Area of all residential lots within the Development and must comprise at a minimum the following composition of Affordable Housing Lots:	The aggregate Gross Floor Area of the Affordable Housing Lots must be no less than five per cent (5%) of the Gross Floor Area of all residential lots within the Development and must comprise at a minimum the following composition of Affordable Housing Lots:
	(1) 1 x 1 Bedroom Affordable Housing Lot.	
	(2) 2 x 2 Bedroom Affordable Housing Lot.	
	(3) 1 x 3 Bedroom Affordable Housing Lot.	
	The Affordable Housing Lots must be to a similar and comparable standard to all other residential lots within the Development.	

Schedule 4 – Monetary Contributions

	Time for Completion	Contribution Value
etary Contributions	Within sixty (60) days of the Instrument Change being made.	\$77, 750

23

Execution page	
Executed as a deed.	
Dated:	
Signed, sealed and delivered by Liverpool City Council the Common Seal of Council in accordance with resolution	
General Manager (Signature)	Mayor (Signature)
Name of General Manager (Print Name)	Name of Mayor (Print Name)
Signed, sealed and delivered by ZHC Investments <i>Corporations Act 2001</i> (Cth) by authority of its directors.	Pty Ltd in accordance with section 127(1) of the
Director/Secretary (Signature)	Director (Signature)
Name of Director/ Secretary (Print Name)	Name of Director (Print Name)

Explanatory Note Planning Agreement Planning Proposal

4 - 8 Hoxton Park Road, Liverpool

1 Introduction

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft voluntary Planning Agreement (**Planning Agreement**) under s7.4 of the *Environmental Planning and Assessment Act* 1979 (NSW) (**Act**).

This Explanatory Note has been prepared jointly between the parties as required by clause 25E of the *Environmental Planning and Assessment Regulation* 2000 (Regulations).

This Explanatory Note is not to be used to assist in construing the Planning Agreement.

2 Parties to the Planning Agreement

The parties to the Planning Agreement are

- (1) Liverpool City Council (ABN 84 181 182 471) (Council); and
- (2) ZHC Investments Pty Limited (ACN 161 211 721) (Developer).

3 Description of the Land to which the Planning Agreement applies

The Planning Agreement applies to the land contained in Certificate of Title Folio Identifier 1/860799 (Land).

4 Description of the Development to which the Planning Agreement applies

The development to which the Planning Agreement applies is the future development of the Land permitted as a result of the amendment to the Liverpool Local Environmental Plan 2008 which would allow for residential lots to be built on the Land (**Development**).

Explanatory Note to Planning Agreement - 4-8 Hoxton Park Road, Liverpool

5 Summary of Development Contributions, Objectives, Nature and Effect of the Planning Agreement

The Developer is required to provide the following contributions in accordance with the Planning Agreement:

- (1) Affordable housing with affordable housing lots that must:
 - (a) comprise at a minimum of the following composition:
 - (i) 1 x 1 bedroom affordable housing lot;
 - (ii) 2 x 2 bedroom affordable housing lot;
 - (iii) 1 x 3 bedroom affordable housing lot;
 - (b) have an aggregate gross floor area of no less than five per cent (5%) of the gross floor area of all residential lots within the Development; and
 - (c) be to a similar and comparable standard to all other residential lots within the Development.
- (2) A monetary contribution in the amount of \$77,750.00 to Council,

(Development Contributions).

To protect the interests of the public from any misuse of the Land, the Developer is required to register a restrictive covenant on the title of the affordable housing lots. The restrictive covenant must:

- be on terms acceptable to Council;
- (2) identify the Council as the benefitted party; and
- (3) clearly nominate that the restrictive covenant may not be varied or removed from the title without the consent of the Council.

To generate greater opportunity for housing in the community, the affordable housing lots must be allocated to a community housing provider that provides housing for people on low income and those in need within twenty eight (28) days of the registration of the strata plan which creates those affordable housing lots.

The **objective** of the Planning Agreement is to require the Developer to provide Development Contributions to Council to fund the development of affordable housing and residential lots in the Land.

The **nature** of the Planning Agreement is a contractual relationship between the Council and the Developer for providing the Development Contributions.

The **effect** of the Planning Agreement is that the Developer will provide the Development Contributions in the manner provided for by the Planning Agreement (as applicable).

6 Council may withhold Certificates

Council may withhold the issue of a Subdivision Certificate if, at the relevant time, the Developer is in breach of any obligation under the Planning Agreement until such time as the breach is rectified.

Prior to the issue of an Occupation Certificate with respect to the Development, the Developer must:

- provide the Development Considerations in accordance with the Planning Agreement;
- pay for the cost of Council registering the Planning Agreement on the title of the Land;
- (3) pay or reimburse the reasonable legal costs and disbursements of Council for the negotiation, preparation, execution, and stamping of the Planning Agreement;
- (4) pay or reimburse the legal costs and disbursements of Council arising from the ongoing administration and enforcement of the Planning Agreement, including any breach or default by the Developer of its obligations under the Planning Agreement; and

(5) obtain the consent of the Council to the restrictive covenants required to be registered on the affordable housing lots in accordance with the Planning Agreement.

7 Assessment of the Merits of the Planning Agreement and Impact on the Public

The Planning Agreement promotes:

- (1) the public interests; and
- (2) the Objects of the Act.

The Planning Agreement will provide certainty for the Developer and the Council as to provision of the Development Contributions and promote and co-ordinate the orderly and economic use and development of the Land to which the Planning Agreement applies.

8 Identification of how the Planning Agreement promotes the public interest

The Planning Agreement supports the public interest in the following ways:

- (1) By promoting the social and economic welfare of the community and a better environment by the proper management, development and conservation of the community's natural and other resources.
- (2) By facilitating ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment.
- (3) By providing increased opportunity for community participation in environmental planning and assessment.

9 How the Planning Agreement promotes the Guiding Principles for Councils

The Planning Agreement promotes a number of the Guiding Principles for Councils under section 8A of the *Local Government Act 1993* (NSW), as follows:

- (1) This Explanatory Note is prepared for the purposes of keeping the community informed about its activities and to ensure that its decision-making is transparent.
- (2) To manage land and other assets so that current and local community needs can be met in an affordable way.
- (3) To plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (4) Providing strong and effective representation, leadership, planning and decisionmaking.
- (5) To act fairly, ethically and without bias in the interests of the local community
- (6) To recognise diverse local community needs and interests.
- (7) To have regard to the long term and cumulative effects of its decisions on future generations.
- (8) To engage in long-term strategic planning on behalf of the local community.

10 Identification of whether the Planning Agreement conforms with the Council's local infrastructure delivery plan

The Planning Agreement conforms with Council's local infrastructure delivery plans in meeting the development objectives for the generating opportunity including meeting the challenges of Liverpool's growing population with the development of housing on community land, which is consistent with the community expectations for local infrastructure.

Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm Planning Proposal Request

ETHOS URBAN

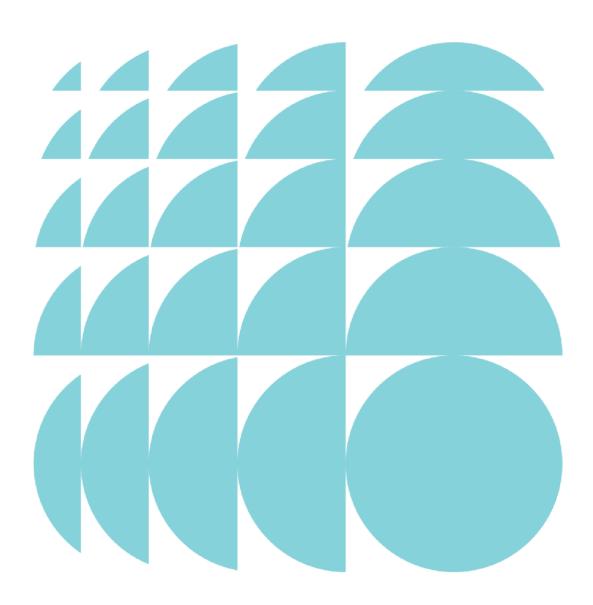
Planning Proposal

The Grove Liverpool, Warwick Farm

Amendment to Liverpool Local Environmental Plan 2008

Submitted to Liverpool City Council On behalf of Gazcorp

05 November 2020 | 2200411



EGROW 06

Attachment 1

Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm Planning Proposal Request

CONTAC

Jennie Buchanan Director jbuchanan@ethosurban.com +61 404 909 035

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This document has been prepared by:

This document has been reviewed by:

Claire Burdett

 Claire Burdett
 05/11/2020
 Jennie Buchanan
 05/11/202

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VERSION NO. DATE OF ISSUE REVISION BY APPROVED BY

Ethos Urban Pty Ltd ABN 13 615 087 931. www.ethosurban.com 173 Sussex Street, Sydney NSW 2000 t 61 2 9956 6952

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Appendices

- A Council Report and Planning Proposal to Amendment 22, dated 28th August 2011

 Liverpool City Council
- **B** Council Resolution and Report to Amendment 61, dated 16th December 2015 Liverpool City Council
- C Economic Analysis Report

 Deep End Services
- D Excerpt of the preliminary concept layout of the future development proposed on the site Mario Savopulous Architects and Leffler Simes Architects

The Grove Liverpool, Warwick Farm | Planning Proposal | 05 November 2020

1.0 Introduction

This Planning Proposal report has been prepared by Ethos Urban on behalf of Gazcorp in regard to The Grove Liverpool retail centre, Warwick Farm (the 'Site'). This report has been prepared to support a request by Gazcorp to initiate the preparation of a site specific Local Environmental Plan (LEP) relating to the Site in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979* (EP&A Act).

The purpose of the site specific LEP is to amend the provisions contained within Clauses 21 and 24 in Schedule 1 of the *Liverpool Local Environmental Plan 2008* (Liverpool LEP) that apply to the Site, in order to provide greater flexibility in the permissible uses and realise the full development potential of The Grove Liverpool site.

This Planning Proposal report has been prepared in accordance with the criteria listed in Section 3.33 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), and 'A *Guide to Preparing Planning Proposals*' prepared by the NSW Department of Planning and Environment. It has been prepared following the lodgement of a submission to the *Draft Liverpool Local Environmental Plan Review 1* (draft Liverpool Lep Review 1) and Council's *Draft Liverpool Corridors and Centres Strategy 2019* (Draft Corridors and Centres Strategy) which were exhibited between 10 June 2020 and 21 July 2020 and subsequent correspondence between Gazcorp and Council's Strategic planning team.

Section 5.0 of this report sets out the strategic justification for the Planning Proposal and provides an assessment of the relevant strategic plans, State environmental planning policies, Ministerial Directions and the environmental, social and economic impacts of the proposed amendment. This report should be read in conjunction with the relevant expert consultant reports appended (see Table of Contents).

It is requested that Council forward this Planning Proposal to the Minister for Planning, Industry and Environment for Gateway Determination in accordance with Section 3.34 of the EP&A Act and also seek delegation from the Minister to be the relevant planning authority (RPA) for this Planning Proposal.

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2.0 The Site

2.1 Site Location and Context

The Site, the subject of this Planning Proposal is known as 'The Grove Liverpool', which is a large retail precinct within Warwick Farm that accommodates a broad range of existing and approved retail uses including the Grove Homemaker Centre, at 2-18 Orange Grove Road, Fashion Spree at 5 Viscount Place and a variety of other existing retail uses.

It is located approximately 1.5km north of the Liverpool town centre, 10km west of Bankstown and 2km south-west of the Cabramatta Town Centre. It covers an area of approximately 15.6 hectares and contains some 55,758m² of floorspace across 92 tenancies. A map of the site's locational context is provided at **Figure 1**.

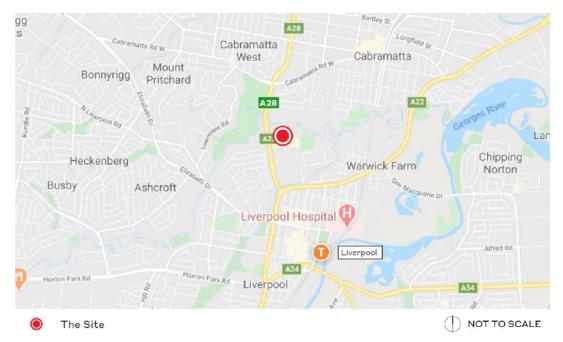


Figure 1 Context of the site

Source: Nearmaps and Ethos Urban

2.2 Site Description

The Grove Liverpool is made up of four land parcels owned by Gazcorp comprising:

- · Lot 101 in DP1043160- the Grove Homemaker Centre;
- Lot 23 in DP1190437 Fashion Spree;
- · Lot 22 in DP1190437; and
- Lot 100 in DP1043160

Lot 22 in DP1190437 and Lot 100 in DP1043160 include a variety of other retail uses that are currently contained within a number of one storey large format warehouses.

The Site has an area of approximately 156,000m² and has a frontage to Orange Grove Road/Cumberland Highway and Viscount Place. An aerial photo of the site is shown at **Figure 2**.

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Figure 2 Aerial image of the site

Source: Nearmap and Ethos Urban

2.3 Surrounding Development

North

Directly to the north of the site is Cabramatta Creek and associated riparian corridor. On the northern side of this corridor is the suburb of Cabramatta, which is characterised by one and two storey detached residential dwellings. Beyond this are similar suburbs such as Fairfield, Canley Heights and Wetherill Park, as well as the Western Sydney Parklands.

South

Directly to the south of the site is further large format warehouses and bulky goods retailing. Further to the south is the Liverpool town centre, which includes Westfield, the Liverpool City Library and Liverpool Hospital. Beyond this is the Georges River and Heathcote National Park.

Fast

Cabramatta Creek and Dwyer Oval are located to the east of the site, which make up a larger open space corridor that extends approximately two kilometres to the Hume Highway. Further east is the Georges River and Chipping Norton Lake, the surrounding suburbs of which are characterised by low density one and two storey detached dwellings.

West

Orange Grove Road and Cumberland Highway is located directly west of the site. Beyond this is the extension of Cabramatta Creek and the southern portion of the Cabramatta Golf Club. Also, to the west are the suburbs of Liverpool, Mount Pritchard and Ashcroft, which are again characterised by low density residential dwellings.

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2.4 Existing Planning Controls

2.4.1 Liverpool Local Environmental Plan 2008

Under the current Liverpool LEP 2008, the Site is partially zoned B6 Enterprise Corridor and partially B5 Business Development (refer to **Figure 3**).

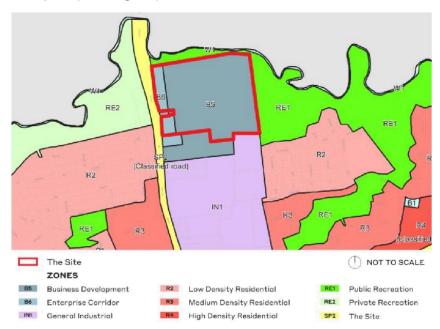


Figure 3 Land Use Zoning Map extract

Source: Liverpool LEP 2008

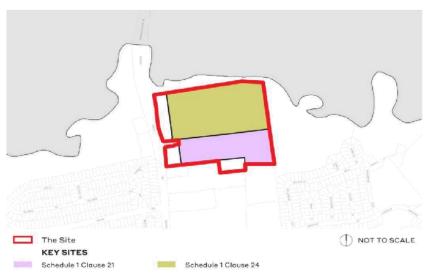


Figure 4 Liverpool Key Site Map extract

Source: Liverpool LEP

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Furthermore, The Grove Homemaker Centre (Lot 101 in DP 1043160) and the Fashion Spree retail outlet (Lot 23 in DP 1190437) are also identified on the Key Sites Map as having additional permitted uses under Schedule 1 (being shops and retail premises respectively) (as identified in **Figure 4**).

Accordingly, the existing development controls that apply to the Site are identified in Tables 1 and 2.

Table 1 Development controls applying to B5 – Business Development land

	The Grove Homemaker Centre	Fashion Spree				
Zone	B5 – Business Development	B5 – Business Development				
Zone objectives	premises that require a large floor are support the viability of centres. To maintain the economic strength of and clothing. To provide for a larger regionally sign location that is highly accessible to the	To maintain the economic strength of centres by limiting the retailing of food				
Permissible uses in the B5 zone	based child care facilities; Community fa Environmental protection works; Flood n premises; Garden centres; Hardware accommodation; Landscaping materia depots; Office premises; Oyster aquacu Places of public worship; Plant nurseries Recreation areas; Recreation facilities Respite day care centres; Restaurants	Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Light industries; Liquid fuel depots; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Public administration buildings; Pubs; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Specialised retail premises; Storage premises; Tank-based aquaculture; Timber yards; Vehicle				
Prohibited Uses in the B5 zone		Pond-based aquaculture, Any other development not specified in Item 2 or 3, including business premises and medical centres.				
	Davidan mant for the more of all and					
Schedule 1 Additional Permitted Uses	Development for the purpose of shops is permitted with consent if the total gross area of shops on the site does not exceed 21,000m ² .	Development for the purpose of retail premises is permitted with consent if: The total gross floor area of all retail premises on the site does not exceed 19,000m², and The gross floor area of any individual retail premises on the site does not exceed 1,200m².				
Schedule 1 Additional Permitted Uses Maximum Height Control	is permitted with consent if the total gross area of shops on the site does	premises is permitted with consent if: The total gross floor area of all retail premises on the site does not exceed 19,000m², and The gross floor area of any individual retail premises on the site				

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Table 2 Development controls applying to B6 - Enterprise Corridor land

	Lot 11 in DP 1043160	Lot 22 in DP 1190437				
Zone	B6 Enterprise Corridor	B6 Enterprise Corridor				
Zone Objectives	To promote businesses alor compatible uses.	 To promote businesses along main roads and to encourage a mix of compatible uses. 				
	 To provide a range of emploing light industrial uses). 	oyment uses (including business, office, retail and				
	To maintain the economic s	strength of centres by limiting the retailing activity.				
	To provide primarily for bus centre, major local centres of	inesses along key corridors entering Liverpool city or retail centres.				
	To ensure residential devel- undermine the viability or or	opment is limited to land where it does not peration of businesses.				
	To provide for residential us	ses, but only as part of a mixed-use development				
Permissible Uses in the B6 Zone	Car parks; Commercial premiestablishments; Entertainment protection works; Flood mitigal Hardware and building supp accommodation; Information a supplies; Light industries; Liqu aquaculture; Passenger transp nurseries; Public administration facilities (indoor); Recreation Service stations; Serviced apa	Building identification signs; Business identification signs; Business premises; Car parks; Commercial premises; Community facilities; Depots; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Garden centres; Hardware and building supplies; Helipads; Home businesses; Hotel or motel accommodation; Information and education facilities; Landscaping material supplies; Light industries; Liquid fuel depots; Multi dwelling housing; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Roads; Service stations; Serviced apartments; Shop top housing; Storage premises; Tank-based aquaculture; Transport depots; Vehicle repair stations; Veterinary				
Prohibited Uses in the B6 Zone	Pond-based aquaculture; Any	other development not specified in item 2 of 3.				
Schedule 1 Additional Permitted Uses	Nil					
Maximum Height Control	15m					
Maximum FSR Control	0.75:1					

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3.0 Planning History of the Site

The Grove Liverpool site is a key specialised retail, factory outlet and traditional retail centre within the Liverpool LGA. Its planning history and the approved uses of the site are important considerations in explaining the context behind this planning proposal. It also reflects the site's importance as a key retail precinct.

Under the *Liverpool Local Environmental Plan 1997*, the site was previously zoned 4b) industrial, in which bulky good premises were permitted with consent. With the gazettal of the Liverpool LEP 2008, the site was rezoned to B5 Business Development in recognition of its predominant use for bulky goods retailing (now referred to as a 'specialised retail premises') and associated retailing facilities.

3.1 Amendment 19

In 2012, an amendment was made to the Liverpool LEP 2009 (Amendment 19). This amendment partially rezoned land within the site from B5 Commercial Development to B6 Enterprise Corridor and increased the maximum GFA for individual retail premises to facilitate the provision of a Dan Murphy's store.

3.2 Amendment 22

On 21 June 2013, Amendment 22 was made to the Liverpool LEP 2008. This amendment related to the Fashion Spree site, which was previously known as the Weekend Markets site and now forms part of Lot 23 in DP 1190437.

As explained in the Council Report dated 28th August 2011 which first reported the Planning Proposal to Council (see **Appendix A**), the Site has had a long and developed history, which includes a number of development applications and a Land & Environment Court case that ultimately resulted in the original retail outlet centre closing on 25th August 2004 and subsequently reopening in December 2008, but only for use as weekend markets. Following the gazettal of Amendment 22, a later DA, lodged in 2014, sought approval for an outlet retailing centre. This was approved, and the outlet retailing centre – the Fashion Spree factory outlet, has been operational since March 2016.

The purpose of Amendment 22 was therefore to reinstate the retail outlet use of the existing building. However, Amendment 22 included an additional permitted use within Schedule 1 of the Liverpool LEP 2008 that allowed 'retail premises' to be permissible on the site with a maximum of 19,000m² of retail premises permitted on the site, and a restriction of 1,200m² applied to each tenancy.

The effect of the wording in Amendment 22 and subsequent amendments to land use definitions in the standard instrument template has meant that 'specialised retail premises' (formerly known as 'bulky goods premises', a type of retail premises) are now restricted under the maximum GFA cap on the site for 'retail premises' which was not the intention of the Amendment 22 planning proposal. This can be demonstrated in three ways.

First, in reviewing and summarising the findings of the court judgement for Direct Factory Outlets Homebush v Strathfield Municipal Council (2006) in the Council report, Council specifically highlighted that in dismissing the appeal, the judge concluded that a retail outlet was a 'shop':

"Whether the goods (sold by DFO) are this years or last year's fashion makes no difference to the fact that main characteristics of DFO centre are similar to those of a mainstream shopping centre. Like other shopping ce

Second, in justifying the proposed changes to the Liverpool LEP under Amendment 22, Council (at page 157) also noted that:

"retaining the B5 zone is preferable considering that if the retail outlet use is not feasible (for all or part of the building), the site could be used for Bulky Goods sales without further amendments to the LLEP 2008".

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Third, the Economic Impact Assessment which supported the Planning Proposal and was prepared by Leyshon Consulting, considered the impact of the retail outlet use on the sales of goods such as clothing, footwear, accessories, household goods and other merchandise, which are all types of 'shop'. No thought was given or required to be given to the impact upon bulky goods sales at the time.

In our view, Council's intention for Amendment 22 clearly sought to restrict the volume of floorspace for the 'shops' within the retail outlet centre, but it did not wish to restrict the future development of bulky goods/ specialised retail premises or other permissible uses on the site, such as food and drink premises and restaurants and cafes..

Specialised retail (bulky goods) and food and drink premises are therefore a permissible and desirable use within the B5 Business Development and should not be restricted by the retail premises GFA cap.

3.3 Amendment 61

Since 2011 Gazcorp has clearly conveyed to Council its intentions and vision for The Grove Liverpool site.

Specifically Gazcorp's vision for The Grove Liverpool site to be developed as a stand alone centre, drawing from a regional trade catchment and providing a broad range of retail floorspace including specialised retail premises and outlet retailing, were clearly articulated in the following submissions:

- A submission prepared by Leyshon Consulting to the Review of the Retail Centres Strategy for Liverpool, dated 16th December 2011; and
- A submission prepared by JBA Planning to the Liverpool Retail Centres Hierarchy Review July 11, dated 16th August 2012.

Furthermore since 2012, Council (or Council endorsed documents) has considered that The Grove Liverpool is suitable for a diversified retail offer beyond bulky goods.

Specifically the 2012 Liverpool Retail Centres Hierarchy Review noted that:

- the Liverpool LGA was undersupplied by some 20,500m² of retail floorspace at 2011, with the largest proportion
 of undersupply attributed to discount department stores and supermarkets, which would increase as population
 increases.
- The capacity of the Liverpool CBD to absorb future retail developments appeared to be somewhat limited with a lack of vacant or available development sites.
- The Grove Liverpool was well suited to accommodate an ALDI store to service the unmet demand resulting from a lack of provision and that it maybe suitable for diversification of uses beyond a bulky goods role.
- In the medium term a change in the role of The Grove may be supported by Council to diversify its retail offer beyond bulky goods and that the impacts of diversification should be quantified in the economic impact assessments accompanying development applications for such uses.

Furthermore, at its meeting on 28th November 2012 in which it resolved to the adopt the exhibited version of the Liverpool Retail Centres Hierarchy Review and classify The Grove Liverpool as a stand-alone centre, Council also resolved to consider a Planning Proposal for rezoning of the site to accommodate a broader range of retail uses.

In March 2015 an initial Planning Proposal was submitted to Council which sought to rezone part of The Grove Homemaker Centre from a B5 Business Development zone to a B2 Local Centre zone. The intention of the proposed amendment was to allow for the expansion of the retail uses on the site to accommodate 'shop' floorspace, but apply a limit of 21,000m² GFA on the amount of 'shop' floorspace permitted on the site.

In September 2015 Council wrote to Gazcorp stating that Council were of the view that there was evidence to support the expansion of retail uses on the Site, but in Council's opinion the proposed B2 Local Centre zoning would add residential uses as permissible land uses. Gazcorp were then requested to consider amending the Planning Proposal to retain the existing B5 zoning and include 'shop' as an additional permitted use on the site with a maximum GFA cap.

The Council resolution and meeting minutes at **Attachment B** confirm Council's key concern was the introduction of residential land uses (residential flat buildings and shop top housing) on the site and not retail or business premises (refer to page 214 of the report).

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Specifically, it states:

"The proposal demonstrates the need to provide additional clause to the LLEP 2008 Schedule 1 – Additional Use as opposed to rezoning because the site does not meet the objectives of the B2 – Local Centre zone. Moreover, rezoning to B2 – Local Centre would open up the possibility of establishing uses that would not be desirable in the locality.

The B2 – Local Centre objective is to provide a range of retail, business, entertainment and community uses that serve the needs of people in the local area. The subject site is a regional facility servicing a very broad catchment as opposed to a local catchment. The subject site is located on Orange Grove Road, a major regional thoroughfare, and is designed for and primarily accessible by motor vehicles.

The B2 – Local Centre would allow a number of additional uses permitted for development (e.g. residential flat buildings or shop top housing) which are prohibited in the B5 – Business Development zoning. This could lead to unplanned and unintended consequences on the site which may lead to poor land use outcomes."

Consistent with Council's request an updated Planning Proposal was submitted in October 2015. It sought to amend Schedule 1 of the Liverpool LEP 2008 to provide for an additional 21,000m² of floorspace for the purposes of 'shops' on The Grove Homemaker Centre (being Lot 101 in DP1043106). Effectively making The Grove Liverpool the second largest retail centre in the Liverpool LGA and creating approximately 600 new retail jobs..

Gateway Determination was issued on 18th November 2016 which set the timeframe for completion of the LEP Amendment (Amendment 61) by 18th November 2017 (12 months after the date of the Gateway determination).

Given the history of the site and the need to be thorough in its assessment, Gazcorp accepted the need for the authorities to err on the side of caution and put the Planning Proposal through multiple independent reviews. Having undertaken those extra reviews, Gazcorp further accepted a delay to the timeframe for finalising Amendment 61 to October 2018.

Whilst all final matters were resolved in early November 2018, Amendment 61 was not gazetted until 2 August 2019.

Given that it took 4 years and 5 months to amend the Liverpool LEP from the date the initial Planning Proposal was submitted to Council, it was considered that any amendments to the Planning Proposal (including the potential introduction of a business premises use' on the site) during the assessment period would just cause greater delay. During this time Gazcorp were not able to provide any certainty to its existing and future tenants, or consider detailed designs for the future expansion. Only with the certainty that the gazettal of Amendment 61 brought to The Grove Homemaker Centre site, could Gazcorp start to consider the future detailed design for the expansion, reconfiguration of the site and integration of Fashion Spree with the Grove Homemaker Centre.

3.4 The Grove Homemaker Expansion Development Application

One of the key drivers for the proposed amendments to the Liverpool LEP, as proposed through this Planning Proposal, is the imminent Development Application which is to be lodged with Liverpool Council in late 2020 and targeted to commence in 2021.

In preparation of the DA. the following meetings have been undertaken to date:

- preliminary traffic consultation meetings with RMS and Council's Traffic engineers on 12th March 2020 and 29 September 2020;
- a pre-da meeting with Council staff on 5th August 2020; and
- a meeting with Council's Design Review Panel was held on 13th October 2020.

The proposed DA will seek approval for the refurbishment of the existing tenancies, the construction of a new retail centre providing up to 21,000m² of additional GFA for 'shops', the integration of The Grove Homemaker and Fashion Spree centres and the construction of regional road works and landscaping. An indicative concept floorplan is provided at **Figure 5** and an indicative artist impression is provided at **Figure 6**).

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The indicative breakdown of floorspace and types of uses that are envisaged by this Planning Proposal and the future DA has been submitted to Council under separate cover. However the exact split of uses and GFA will be detailed within the DA documentation.



Figure 5 Indicative Concept Layout for The Grove expansion development application.

Source: Leffer Simes Architects



Figure 6 Illustrative perspective of the Central Park area illustrating activation of the Fashion Spree centre Source: Marios Savopulis Architects

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4.0 **Planning Proposal**

This Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act and 'A Guide to Preparing Planning Proposals' prepared by the NSW Department of Planning and Environment (now the Department of Planning, Industry and Environment), which requires the following matters to be addressed:

- objectives and intended outcomes of the amendment to the LEP;
- explanation of provisions;
- justification;
- relationship to strategic planning frameworks;
- environmental, social and economic impact;
- State and Commonwealth interests; and
- community consultation.

The following Section outlines the objectives and intended outcomes and provides an explanation of provisions to achieve those outcomes. The strategic justification and evaluation of impacts is set out in Section 5.0 of this report.

4.1 Objectives and Intended Outcomes

Gazcorp's objective in seeking amendments to Clauses 21 and 24 in Schedule 1 of the Liverpool LEP 2008 is to provide greater flexibility in the permissible uses and realise the full development potential of The Grove Liverpool site, as proposed in the forthcoming DA discussed in Section 3.4. Specifically, the following amendments are sought:

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

Fashion Spree (Clause 21)	The Grove Homemaker Centre (Clause 24)			
Schedule 1, Clause 21 – Use of certain land at Warwick Farm	Schedule 1, Clause 24 – Use of certain land at 10 Viscount Place, Warwick Farm			
(1) This clause applies to part of Lot 121, DP	(1) This clause applies to part of Lot 101, DP1043160, 10			

- (1) This clause applies to part of Lot 121, DP 876962 and part of Lot 101, DP1043160 and part Lot 23 in DP1190437, 5 Viscount Place, . Warwick Farm, as shown coloured light purple on the Key Sites Map.
- (2) Development for the purposes of retail premises shops and business premises is permitted with consent if-
 - (a) The total gross floor area of all retail premises shops and business premises uses on the site does not exceed 19,000m2 **21,000m**² and
 - The gross floor area of any individual retail premises shop or business premises on the site does not exceed 1,200m2
- Viscount Place, Warwick Farm, as shown coloured green on the Key Sites Map. (2) Development for the purpose of shops and business

premises is permitted with consent if the total gross floor area of shops and business premises on the site does not exceed 21,000 m².

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The intended outcomes of the proposed changes are summarised as follows:

- The legal description of the land has been amended, therefore Gazcorp seek that Clause 21 is updated to reference the current Lot and DP reference.
- The term 'retail premises' in Clause 21 of Schedule 1 as approved under Amendment 22 was never intended by
 Council as a mechanism to restrict the volume of floorspace for specialised retail premises (formerly known as
 bulky goods premises) and other permissible uses on the site, such a food and drinks premises etc. Instead
 Council clearly sought to restrict the volume of 'shops' within the retail outlet centre and therefore the proposed
 amendment to Clause 21 in Schedule 21 will:
 - seek to rectify this oversight;
 - enable Gazcorp to realise the site's full development potential;
 - provide consistency across The Grove Liverpool site in regard to the permissible land uses; and
 - promote the orderly and economic use of the land.
- The proposed 2000m² increase to the Fashion Spree site's maximum permitted floorspace is sought to help
 realise Gazcorp's intention to provide a greater experience for shoppers and a better urban design outcome by
 sleeving the Fashion Spree building with tenancies while integrating the two retail centres without significant
 impact upon any other surrounding town, Regional or Sub-Regional Centres.
- The introduction of 'business premises' into both Clauses 21 and 24 in Schedule 1 as an additional permitted use will enable the provision of ancillary and complementary services for the convenience of the visitor and working population on site. The Council resolution and meeting minutes relating to Amendment 61 confirm that Council's key concern with the originally proposed B2 Local Centre zoning on The Grove Homemaker site was the introduction of residential land uses (residential flat buildings and shop top housing) on the site and not retail or business premises. Furthermore, in response to the submission lodged by Gazcorp to the draft Liverpool LEP Review 1 and the Draft Corridors and Centres Strategy, which sought an increased range of uses (i.e. business premises uses) and an increased amount of permissible retail floorspace at The Grove, the Council report dated 26 August 2020, specifically states that:

"SGS agree that business premises can be permitted at The Grove. SGS suggest a floorspace cap on business premises."

SGS further commented in its *Review of Submissions – Liverpool Centres and Corridors Strategy Report*, (Review of Submissions Report) that:

"the most straightforward way to implement a cap on the amount of business premises floorspace would be to replace the proposed floorspace cap on shops with a cap on both shops and business premises"

Furthermore, Council's response is:

The proposed amendment to the Phase 1 Planning is out of scope of this planning proposal (i.e. to draft Liverpool LEP Review 1) and cannot be facilitated in the requirement timeframes. The amendment would require more detailed assessment and DPIE have advised that a gateway review/ alteration and additional public exhibition would ordinarily be required, but that given the 31 August 2020 timeframe to submit the final planning proposal to DPIE, an amendment to the planning proposal to facilitate the outcome sought would not be agreed to. The proponent has agreed to lodge a separate Planning Proposal with Council.

This Planning Proposal therefore specifically responds to SGS's suggestion of a floorspace cap on both shops and business premises floorspace. This Planning Proposal also responds to Council's comments in its report dated 26 August 2020 and its view that a detailed assessment, gateway review and public exhibition of the proposed amendments to the Liverpool LEP 2008 is required.

In addition, the proposed changes to Clause 21 and 24 would also enable The Grove Liverpool to align with other 'stand-alone' centres where a degree of flexibility between small retail tenancies and business premises exist such as Chipping Norton, Hoxton Park Road, Woolworths Prestons and Casula Shopping Centre.

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4.2 Explanation of Provisions

The provisions included within this Planning Proposal will amend Clause 21 and 24 of Schedule 1 of the Liverpool LEP 2008 in the following manner:

Table 4 Explanation of Provisions

Amendment Applies to	Explanation of provisions
Schedule 1, Clause 21 – Use of certain land at Warwick Farm	update the reference to the current legal description of the land at 5 Viscount Place, Warwick Farm;
	remove the term 'retail premises' and replace with the 'shops and business premises' in parts (2), (2)(a) and (2)(b) of the Clause; and
	remove the reference to 19,000m² and replace with 21,000m² in part (2)(a).
Schedule 1, Clause 24 – Use of certain land at 10 Viscount Place, Warwick Farm	insert the words 'and business premises' in part (2).

This Planning Proposal does not propose any amendments to the Liverpool Local Environmental Plan 2008 maps.

Notwithstanding this, considering the proposed changes set out within this Planning Proposal, Gazcorp are intending to revise the public benefit offer that is included in the executed Voluntary Planning Agreement (VPA) between Liverpool City Council and Gazcorp. It is intended that the monetary contribution towards public infrastructure which is payable subject to Clause 6 of the VPA will be applicable to both shop and business premises uses on Lot 23 in DP1190437 and Lot 101 in DP1043160 as well as the additional 2,000 m² of shop and business premises that is being requested on Lot 23 in DP 1190437.

Gazcorp has written to Council under separate cover in relation to this matter.

A detailed justification for each of the proposed amendments is provided in the following sections.

4.2.1 The update of the legal description of the Fashion Spree site

Since the gazettal of Amendment 22, the legal description of the land has been amended. Gazcorp therefore seek that Clause 21 is updated to reference the current Lot and DP reference.

4.2.2 The replacement of the term 'retail premises' with 'shop'

The term 'retail premises' is defined below. It is an umbrella definition that encompasses the 13 individual land use definitions listed.

"Retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- Cellar door premises;
- · Food and drink premises;
- Garden centres;
- Hardware and building supplies;
- Kinsks
- Landscaping material supplies;
- Markets;
- Plant nurseries;
- Roadside stalls;
- Rural supplies;

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- Shops;
- Specialized retail premises;
- Timber yards; and
- Vehicle sales or hire premises.

But does not include highway service centres, service stations, industrial retail outlets or restricted premises."

The B5 Business Development zone Land Use Table within the Liverpool LEP identifies a significant number of the individual land use definitions that fall within the 'retail premises' umbrella as being 'permitted with consent'. Therefore, 'food and drink premises', 'garden centres', 'hardware and building supplies', 'landscaping material supplies', 'plant nurseries', 'specialised retail premises' and 'vehicle sales or hire premises' (which are the typical forms of development found within most, if not all, B5 Business Development zones on other sites in the Liverpool LGA and throughout New South Wales) are permissible with consent on both the Fashion Spree and the Grove Homemaker Centre site under the current Liverpool LEP.

In addition, the 'Schedule 1 -Additional Permitted Use' clause in an LEP is a mechanism that enables Council to allow land uses that would ordinarily be prohibited within a zone to be permissible. Schedule 1 clauses may also provide additional restrictions appropriate to that particular 'additional' land use. However, the maximum FSR development control clause is generally used to restrict the density of the permissible uses allowed within consent in the specified zone.

No other B5 zoned land within the Liverpool LGA has a restriction on the amount of floorspace for permissible uses unless otherwise restricted by the maximum FSR development control.

The term 'retail premises' used in the context of Clause 21 in Schedule 1 of the Liverpool LEP overly restricts the types of development that can be provided on the land, particularly as uses such as 'food and drink premises' and 'specialised retail premises' etc were all permissible without any development restrictions (other than maximum FSR control of 0.75:1) in place prior to the gazettal of Amendment 22 on 21st June 2013.

Furthermore, the Fashion Spree site has also been classified as a 'stand-alone centre' since the publication of the Liverpool Retail Centres Hierarchy Review in 2012, which noted that "the Centre is an important retail centre for residents from both Liverpool and surrounding suburbs such as Fairfield, due to the lack of other bulky goods and other traditional retailing (e.g. discount department stores) in the neighbouring areas".

The constraint put on the Fashion Spree site through the use of the term 'retail premises' instead of 'shops' therefore unduly prevents it from fully being able to meet floorspace demand for the individual land uses that it would otherwise be able to provide, as well as restricting its ability to fulfill its role as part of a 'stand-alone centre'. In total, a quantum of 22,773m² of GFA (which includes both the Fashion Spree development and the industrial unit warehouses to the rear) is approved on the Fashion Spree site (Lot 23 in DP 1190437) representing an FSR of 0.45:1. With a site area of 48,570m² the current FSR and approved GFA on the site is significantly below the maximum permissible FSR of 0.75:1 and maximum GFA of 36,428m². that is applicable to the site under Clause 4.4 of the Liverpool LEP.

Noting that the original intention of the planning proposal that accompanied Amendment 22 was to restrict 'shops' and not all 'retail premises' uses, (as discussed in Section 3.2) and that the NSW Land & Environment Court judgements clearly set out that that a factory outlet is a 'shop'. It is our view that Council's overtly restrictive application of the term 'retail premises', instead of 'shops' within Clause 21 and the resulting inability of Gazcorp to realise the site's full development potential does not promote the orderly and economic use and development of land, as required under the Objects of the *Environmental Planning & Assessment Act 1979*.

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4.2.3 Introduction of Business Premises Uses

In order to cater for increasing customer demand for a broader range of uses and for Fashion Spree and The Grove Homemaker Centre to continue to be competitive, viable and realise their full development potential, Gazcorp would like to introduce a range of 'business premises' into the existing centres to complement and support the site's specialised retail, discount department store and traditional retailing operation.

In accordance with SGS's suggestions of a floorspace cap on business premises, Gazcorp consider it appropriate to enable the maximum quantum of floorspace for both shops and business premises uses to be restricted to 21,000m² on the Fashion Spree site (Lot 23 in DP1190437) (as discussed in Section 4.2.4 below) and 21,000m² on the Grove Homemaker site.

The Council Report which accompanied the application of Amendment 61, (refer to Pg. 214 of **Appendix B**) noted that "The Liverpool Retail Hierarchy Review identified the Orange Grove Mega Centre as a Stand Alone Centre and concluded <u>it was suitable for diversification of uses beyond its bulky goods role, particularly if the existing outlet retail centre opened on the Weekend Markets site".</u>

The 'stand-alone centre' role of the site has also been reinforced in the recent Liverpool Centres and Corridors Study (April 2020) (the SGS Report) as it specifically defines the particular role that The Grove Liverpool (along with other stand-alone centres) should play in the Liverpool LGA retail hierarchy. Notably, the 'stand-alone centres' of Chipping Norton, Hoxton Park Road, Woolworths Prestons and Casula Shopping Centre listed in the SGS Report have 'business premises' as permitted uses.

By virtue of this 'stand-alone centre' classification, and the uses permitted in other stand-alone centres, it is evident that The Grove Liverpool should be differentiated from other sites with B5 and B6 zoning under the Liverpool LEP as it plays a distinct and separate role to out-of-centre sites or bulky goods clusters.

Furthermore, the introduction of additional 'business premises' uses into the existing developments on the site, would not convert the site into a 'mixed-use' or 'local' centre in the traditional sense. The provision of a proportion of 'business premises' uses, such as shoe repairs, dry cleaners, tailors, nail salons, hairdressers or banks would also reinforce its ability to provide everyday services for the convenience of the visitor and working population on the

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

By providing these small-scale services within The Grove Liverpool, important economic and environmental benefits in terms of reduced travel costs and emissions, as well as providing convenience for shoppers and staff would be generated. Importantly, Deep End also consider that as ancillary uses that rely on a customer base already present in the centre, there is little chance of a multiplicity of such uses being established. Floorspace benchmarks for centres that contain Discount Department Store (DDS) show that the ancillary and complementary 'business premises' uses make up a small fraction of the available floorspace within each centre.

In Deep End Service's opinion, the minor role that 'business premises' play in the functioning of shopping centres is acknowledged by the fact that economic impact assessments specifically exclude such uses when considering trading impacts on other centres, concentrating on the primary retail components which define the function of the centres

On this basis, Deep End Services consider that the inclusion of 'business premises' as a permitted use within both Clauses 21 and 42 and therefore across the entirety of The Grove Liverpool would have no effect on the role of the operation of the centre, would generate benefits to local shoppers and workers, would be immaterial to the classification of the centre within the hierarchy and would not adversely impact any other centres.

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4.2.4 Increasing the existing cap from 19,000m2 to 21,000m2

Gazcorp's vision for The Grove Liverpool seeks to provide a higher degree of amenity for shoppers, a greater shopping experience and an improved urban design outcome. The indicative plan at **Figure 5** and **Appendix D** shows that the proposed new layout will include the establishment of tenancies on the northern fringe of the Fashion Spree building that are integrated with the landscaping and future refurbishment and development on The Grove Homemaker Centre site. These tenancies are intended to sleeve the building façade and to create an inviting and activated frontage to the Fashion Spree centre, as opposed to the closed box that currently exists.

The proposed increase in the maximum permitted floorspace of 2000m² is therefore sought to help realise Gazcorp's vision.

Over the last 10 years, The Grove Liverpool, has been the subject of numerous independent economic impact assessments to measure the potential impact of the growth of the centre anticipated under both Amendments 22 and 61

All the research to date has found that the future retailing at The Grove Liverpool will have a 'very low' impacts of between - 3.2% and -5.3% on surrounding Regional Centres such as Liverpool CBD, Westfield Liverpool, Fairfield Town Centre and Stockland Wetherill Park, as well as smaller Sub-Regional Centres of Casula Mall, Bonnyrigg Plaza and Carnes Hill Marketplace. This level of impact is considerably less than the impacts of 10% and 15% that the Land & Environment Court of NSW has in the past noted as being sufficient enough to cause decline in the viability and range of services offered in an existing centre.

Furthermore an Economic Analysis, has been prepared by Deep End Services (**Appendix C**) to consider the economic implications of the proposed increased in 'shop' floorspace on the site by an additional 2,000m², which represents an increase in the maximum permitted floorspace of approximately 10% on the Fashion Spree site and a 2.5% increase in permissible floorspace across the entirety of The Grove Liverpool.

Deep End Services' analysis confirms that in the context for the findings from the previous economic impact assessments, the proposed minor increase in floorspace of 2000m² would have commensurately low trading effects and that the additional floorspace would have a -0.5% impact on sales achieved at Westfield, Liverpool, which is considered insignificant in terms of effect of the role and operation of the existing centre.

On this basis, Gazcorp consider that the volume of floorspace which can be developed for the purposes of 'shop' development can be increased by 2000m² without significant impact upon any other surrounding Regional and Sub-Regional centres.

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5.0 Justification

The NSW Department of Planning, Industry and Environment's 'A Guide to Preparing Planning Proposals (December 2018 edition) outlines a series of questions to be considered and addressed when undertaking a Planning Proposal. These questions are stated and responded to below.

5.1 Need for the Planning Proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

No.

As set out in detail in Section 4.2, the Planning Proposal is the result of Gazcorp's requirement to:

- update the reference to the current legal description of the land at 5 Viscount Place, Warwick Farm, being the Fashion Spree site;
- replace the term 'retail premises' in Clause 21 of Schedule 1 with 'shop' to rectify an oversight by Council in Amendment 22, as it was never intended that the volume of floorspace for specialised retail premises (formerly known as bulky goods premises) and other permissible retail uses on the site should be restricted. Council reports clearly indicate that it sought to restrict the volume of 'shops' within the retail outlet centre, therefore the planning proposal is also a requirement by Gazcorp to provide consistency across The Grove Liverpool site in regard to permissible land uses, realise the sites full development potential and promote the orderly and economic use of the land.
- introduce the 'business premises' use as a permissible use, on both the Fashion Spree site and The Grove
 Homemaker site to enable the provision of ancillary and complementary services for the convenience of the
 visitor and working population across the Site.
- Increase the Fashion Spree sites maximum permitted floorspace to help realise Gazcorp's intention to provide a
 greater shopping experience for shoppers and a better urban design outcome by sleeving the Fashion Spree
 building with tenancies to integrate the two retail centres in a manner which will not significantly impact upon
 other surrounding town, Regional or Sub-Regional Centres.

Notwithstanding this, this Planning Proposal is also a result of the Council officer response to Gazcorp's submission to the draft Liverpool LEP Review 1 and the Draft Corridors and Centres Strategy as set out in the Council report, dated 26th August 2020, and correspondence with Council that confirmed that it would be willing to accept a separate Planning Proposal application.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes

By virtue of the Council's comments in response to Gazcorp's submission to the draft Liverpool LEP Review 1 and Draft Corridors and Centres Strategy (as referred to in Section 4.1 of this report), Gazcorp considers that the proposed amendments to Clauses 21 and 24 in Schedule 1 of the Liverpool LEP 2008 is the best means of achieving the intended outcomes for The Grove Liverpool site.

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5.2 Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Strategic Merit Test

'A Guide to Preparing Planning Proposals' states that in order to answer this question, a Planning Proposal needs to justify that it meets the Strategic Merit Test. The consistency of this Planning Proposal with the mandated assessment criteria is set out below.

a) Does the proposal have strategic merit?

Will it:

- give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within
 the Greater Sydney Region, or corridor/ precinct plans applying to the site, including any draft regional, district
 or corridor/ precinct plans released for public comment; or
- give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or
- respond to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.

The Site is located within the Greater Sydney Region and therefore must demonstrate consistency with the Western City District Plan. The Planning Proposals consistency with the Greater Sydney Region Plan – *A Metropolis of Three Cities*, the Western City District Plan and the Liverpool Local Strategic Planning Statement is discussed below. Overall, it is considered that the Planning Proposal has strategic merit.

The Greater Sydney Region Plan – A Metropolis of Three Cities

In March 2018, the Greater Sydney Commission released The Greater Sydney Plan – A Metropolis of Three Cities, to outline actions to achieve the Government's vision for Sydney to 'enhance its status as one of the most liveable global cities'. It sets out the 40 year vision objectives, strategies and actions for developing a three city metropolis model for greater Sydney comprising the Western Parkland City (near the future Western Sydney Airport), the Central River City (Parramatta) and the Eastern Harbour City (Sydney) (refer to **Figure 7**).

A Metropolis of Three Cities is the Regional Plan for metropolitan Sydney region, as specified by the strategic planning provisions in Section 3.3 of the EP&A Act and guides the District Plans within the Greater Sydney Region. The Plan's Vision for 2056 promotes the '30-minute city' concept across greater metropolitan Sydney, allowing people to live, work and access amenities within close distances to each other.

Liverpool is identified as a metropolitan cluster within the Western Parkland City but is positioned on the edge of both the Western and Central cities. The LGA along with Greater Penrith and Campbelltown-Macarthur is expected to provide a concentration of commercial as well as health and education assets to support the growing communities

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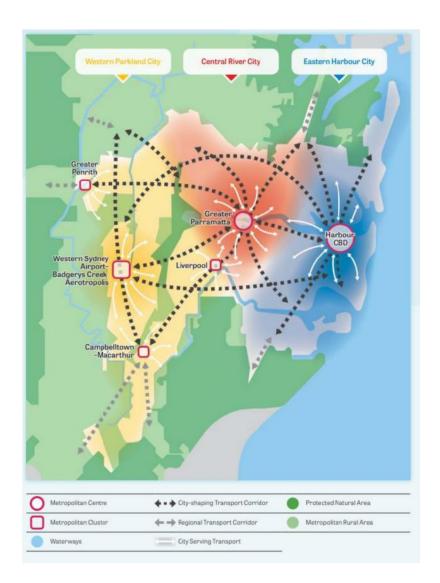


Figure 7 A metropolis of three cities model

Source: Greater Sydney Commission

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The key objectives relevant to this Planning Proposal are set out in **Table 5** below.

Table 5 Consistency with A Metropolis of Three Cities – Greater Sydney Region Plan

Table 5 Consistency with A Metropolis of Tiffee Cities – Greater Sydney Region Flair					
Objective	Planning Proposal Consistency				
Objective 12: Great places that bring people together	Objective 12 highlights that great places provide a combination of: a well-designed built environment provides great places that are enjoyable and attractive, safe, clean and flexible with a mix of sizes and functions;				
	social infrastructure and opportunity: great places are inclusive of people of all ages and abilities, with a range of authentic local experiences and opportunities for social interaction and connection; and				
	fine grain urban form: great places are walkable, of human scale, with a mix of land uses included social infrastructure and local services at the heart of communities.				
	The Planning Proposal will enable Gazcorp to deliver an improved urban outcome that will provide a greater shopping and working experience for local residents, destination visitors and workers, in a centre that will comprise a mix of different forms of retail, community and business uses. It is considered that there should not be a 'one-size-fits-all' approach to the evolution of great places that provide opportunities for social interaction and places that people enjoy. Accordingly, this Planning Proposal along with the future planned development (as illustrated in Figure 5) will facilitate the creation of a high-quality retail destination and shopping experience, that incorporates open space and streets.				
Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	A 30-minute city is where most residents in each city can access their metropolitan centre or cluster within 30 minutes by public transport. The Grove Liverpool is within a walkable catchment, being 1.5km north of Liverpool Town Centre, 1km from Warwick Farm Town Centre, 60-100m west of Dwyer Oval, 500m from Warwick Farm Public School, 100m-150m of the nearest residential dwelling located to the east and 50m-100m of the nearest residential dwelling located to the west, the Planning Proposal will therefore provide an improved shopping facility for the local resident and worker catchment.				
	Furthermore, The Grove Liverpool has a good level of existing pedestrian, public transport access and vehicular access. This level of access is also to be improved through the imminent Development Application which will seek to provide a new public thoroughfare to the east of the site in conjunction with the purchase, upgrade and dedication of Homepride Avenue. Furthermore, Gazcorp is currently in discussions with Transit Systems (TfNSW private operator) regarding the potential for additional services within the existing bus network.				
Objective 22: Investment and business activity in centres	Objective 22 encourages the management and expansion of the network of existing centres and the creation of new centres. Liverpool Town Centre is identified as a 'metropolitan cluster' and it can be considered that The Grove Liverpool is an established 'standalone centre' within this 'cluster'. This Planning Proposal demonstrates Gazcorp's commitment to provide further investment in the Site without any adverse impact upon other centres.				

The Western City District Plan

The Western City District Plan was released by the Greater Sydney Commission in March 2018. It sets out the planning priorities and actions for growth and development within the Western City District up to 2036. It is a guide for implementing the Region Plan, at a district level, and is a bridge between regional and local planning. The District Plan informs local strategic planning statements, preparation of Local Environmental Plans and the assessment of Planning Proposals, community strategic plans and policies.

The Western City District is forecast to grow significantly by 464,450 people between 2016 and 2036, encompassing 27% of Greater Sydney's total growth. Particularly the Liverpool LGA has projected growth of 21,072 persons in school-aged children and 23,750 persons in the 65 to 84 age group. This growth demonstrates a need to plan for and meet the demands of, a rapidly changing population, including providing for an additional 370,200 jobs that will need to be accommodated within the District by 2036.

The key planning priorities and actions, relevant to this Planning Proposal are as follows:

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Table 6 Consistency with the Western City District Plan

Objective Planning Proposal Consistency

Planning Priority W6 – Creating and renewing great places and local centres and respecting the District's heritage.

Action 22: Use place-based planning to support the role of centres as a focus for connected neighbourhoods.

The Grove Liverpool is a 'stand-alone centre' that has provisions included within the current Liverpool LEP (through Amendment 61) that enables for a mix of specialised retail, traditional retail and factory outlet retail uses over approximately 15.6 hectares of land. Whilst not considered to be a 'local centre' in the true sense, Gazcorp's vision for The Grove Liverpool, which will be realised through this Planning Proposal and the forthcoming development application is consistent with many of the placebased planning principles for centres, in particular:

- · provide public realm and open space focus;
- · improve walking, cycling and public transport connections;
- · expand retail floorspace; and
- expand employment opportunities.

Planning Priority W11 – Growing investment, business opportunities and jobs in strategic centres

Action 56. Provide access to jobs, goods and services in centres by:

- attracting significant investment and business activity in strategic centres to provide jobs growth;
- b. diversifying the range of activities in all centre
- c. creating vibrant, safe places and a quality public realm;
- d. focussing on a human-scale public realm and locally accessible open space;
- balancing the efficient movement of people and goods with supporting the liveability of places on the road network;
- f. improving the walkability within and to centres;
- g. completing and improving a safe a safe and connected cycling network to and within centre
- h. improving public transport services to all strategic
- i. conserving and interpreting heritage significance
- designing parking that can be adapted to future uses
- providing for a diverse and vibrant night-time economy in a way that responds to potential negative impacts
- creating the conditions for residential development within strategic centres and within walking distance (up to 10 minutes), but not at the expense of the attraction and growth of jobs, retailing and services, where appropriate, strategic centres should define commercial cores informed by an assessment of their need.

This Planning Proposal will enable Gazcorp to deliver over 1815 jobs within the site and demonstrates Gazcorp's continued commitment to investing in the site to provide additional ancillary and complementary business uses to the range of existing and planned retail development as well as an improved urban outcome and greater shopping and working experience for local residents, destination visitors and workers.

Further as noted above, The Grove Liverpool has a good level of existing pedestrian, public transport access and vehicular access. This level of access is also to be improved through the imminent Development Application which will seek to provide a new public thoroughfare to the east of the site in conjunction with the purchase, upgrade and dedication of Homepride Avenue. Furthermore, Gazcorp is currently in discussions with Transit Systems (TfNSW private operator) regarding the potential for additional services within the existing bus network.

Liverpool Place Strategy

The Greater Sydney Commission's Liverpool Place Strategy was released in December 2018. The Strategy describes The Grove Liverpool and surrounds as a 'mixed industry/retail precinct' when identifying the key productivity opportunities and assets in the Liverpool LGA. This Planning Proposal will therefore reinforce the retail status of The Grove Liverpool site and its importance in providing a broad range of types of retail and business uses that maximise the employment potential of the site.

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Retail Expert Advisory Committee and REAC Report

In 2016, the NSW Government appointed the Retail Expert Advisory Committee (REAC) which was headed up by NSW Chief Planner, Gary White to inquire into and provide advice on appropriate reforms to improve the NSW planning system for retailing.

The 'REAC Report' released in November 2017 by the then Department of Planning & Environment (DP&E) acknowledged the structural shift in the retail market and that "the planning system does not provide sufficient flexibility to accommodate the dynamic and rapidly evolving nature of the retail sector, resulting in an ad hoc approach to retail development, an undersupply of retail floorspace and inconsistent land use outcomes".

Accordingly, the Committee recommended the "implementation of a new planning framework for retail development, underpinned by the principles of increased land supply for retailers, increased access to retail services and convenience for the community, greater certainty and increased consistency in decision making on the types and locations of retail development."

In order to achieve this and to modernise the NSWs retail planning framework, the REAC Report made the following five recommendations:

- · Develop a State-wide retail planning policy.
- · Identify retail supply and demand and articulate objectives in strategic plans.
- Amend the Standard Instrument Local Environmental Plan to prioritise retail in the business zones, review and consolidate the existing zones and broaden their permissible uses.
- · Improve clarity and consistency in assessment procedures; and
- Provide clear planning guidance.

Despite the findings of the REAC Report and the adoption (at that time) of the recommendations within the REAC Report by the DP&E, the NSW Government has not yet produced a State-wide retail planning policy to guide Council's on how to consider retail supply and demand as part of their local strategic plans, and has done little to implement the recommendations.

Given that the retail sector is the second largest employer within the NSW, the principles and findings of the REAC Report that promote flexibility and the opportunity for retail uses to co-locate with other mutual uses, where no significant economic or environmental impacts are generated should be a strategy that is adopted by all Council's in the assessment of Planning Proposals.

Gazcorp's requirements to allow for retail uses other than 'shops' on the Fashion Spree site to be unrestricted consistent with other B5 zoned sites and for 'business premises' uses to be introduced as additional permitted uses within Clauses 21 and 24 of Schedule 1, therefore demonstrates consistency with the findings and recommendations within the REAC Report.

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Planning for the Future of Retail: Discussion Paper (2018)

In 2018, the NSW Government released *Planning for the Future of Retail: Discussion Paper* in response to the REAC Report. Whilst the Discussion Paper acknowledged the REAC Report's recommendation of the development of a retail planning policy for NSW to provide greater flexibility for the evolving retail sector, the Discussion Paper has not progressed into a State-wide policy.

Notwithstanding this, key principles are outlined in the Discussion Paper and SGS chose to relate them to the Liverpool planning framework within the *Centres and Corridors Study (April 2020)* (the SGS Report), commissioned to inform the Council's Draft Corridors and Centres Strategy. Specifically, the SGS Report states:

"the paper finds that the current planning framework does not provide sufficient flexibility to accommodate a dynamic and evolving sector. It finds continued strong retail demand related to population and economic growth, despite increasing competitive pressures and some high-profile store closures. As a result, the paper calls for planning which supports the important place of retail in local economies while recognising its role in the liveability of well-designed and accessible centres.

Gazcorp agree with the identification of the following four outcomes that are outlined in the Discussion Paper as being relevant to the Liverpool LGA:

- Clustering retail to ensure that customers have convenient easy access, multipurpose and frequent shopping, to provide immediacy, choice and convenience for consumers.
- Orderly development of new retail formats to ensure that the changing needs of the retail sector are met, and
 that retail provides destination shops focused on experiences which can compete with online retail. The most
 important implication of this trend is identified as retail precincts having a broad range of uses similar to
 traditional town centres.
- Strategic planning for innovation retail formats and zoning flexibility to ensure that there is scope for these formats
- · Better planning for last-mile distribution and innovative supply chains.

The Discussion Paper also notes the need for:

- Better local strategic planning for retail;
- · A modern approach to retail development that reflects a range of retail formats in centres; and
- Adaptability and certainty for retail, with flexible land use zoning to allow transitions in retail functions.

The Planning Proposal's proposed amendments to Clauses 21 and 24 in Schedule 1 of the Liverpool LEP will provide opportunities and benefits to the on-going viability of The Grove Liverpool and are therefore consistent with the direction for retail policy included in the Discussion Paper.

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b) Does the proposal have site-specific merit?

Having regard to the following:

- . The natural environment (including known significant environmental values, resources or hazards) and
- . The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and
- The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

The objectives of this Planning Proposal are to enable greater flexibility in the permissible uses that apply to The Grove Liverpool site and to enable it to realise it's full development potential. Therefore, the Planning Proposal has site-specific merit due to the fact that is proposes only minor changes to the site-specific Additional Permitted Use clauses within the Liverpool LEP.

Summarv

This Planning Proposal achieves the assessment criteria as it demonstrates both strategic merit and site-specific merit. It is considered that this Planning Proposal meets the Strategic Merit Test.

Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Local Strategic Planning Statement - Connected Liverpool 2040

Liverpool's Local Strategic Planning Statement (LSPS) 'Connected Liverpool 2040' gives effect to the Greater Sydney Region Plan, the Western City District Plan and guides the future content of Liverpool LEP. It sets the land use vision and planning principles, priorities, and actions for the Liverpool LGA for the next 20 years.

The Grove Liverpool is identified as a 'bulky goods and retail precinct' on the LSPS Structure Plan within the 'rationale' of *Local Planning Priority 11: An attractive environment for local jobs, business, tourism and investment*, states that:

"The concentration of retail within centres plays an important role, yet the function of centres extends beyond providing for the day to day and specialised retail needs. Centres act as important focal points for the local community, especially when co-located and well-integrated with gathering places such as cafés, restaurants and social infrastructure. In turn, the increase in foot traffic from these other uses contributes to the vibrancy of the centre and supports retail uses.

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

Whilst The Grove Liverpool is a 'stand-alone centre' it provides a diverse mix of types of retail uses and will also provide a range of gathering places (especially once the Fashion Spree and Grove Centre expansion developments are complete). It therefore will provide an important role as a destination shopping experience. The Planning Proposal provides only a greater flexibility in the operation of the existing site, which will not (as discussed in **Section 5.3**) compromise the retail hierarchy or generate significant impacts on other centres.

Liverpool Retail Centres Hierarchy Review (Hill PDA) (2012)

The Liverpool Retail Centres Hierarchy Review, released in 2012, noted that the Centre is an important retail centre for residents from both Liverpool and surrounding suburbs such as Fairfield, due to the lack of other bulky goods and other traditional retailing (e.g. discount department stores) in the neighbouring areas. The subsequent resolution made by Council at its meeting held on 28 November 2012 in respect of the Liverpool Retail Centres Hierarchy Review classified the Grove, Liverpool as 'a stand-alone centre'.

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In respect of planning for the medium term growth (2019-2026), the Liverpool LGA was identified as having an undersupply of retail floor space, and it was noted that The Grove Liverpool had the potential to play a crucial role in supplying retail floor space into the future.

The Grove Liverpool provides this and has approval for a diverse range of retail uses that appropriately fit within its classification as a 'stand-alone centre'. As noted previously, the Planning Proposal will therefore provide The Grove Liverpool with greater flexibility to support the existing range of uses on the site and enable future development that will provide an improved urban design outcome.

Liverpool Economic Development Strategy 2019-2029

Liverpool Council's Economic Development Strategy 2019-2029 identified The Grove, Liverpool as an important retailing precinct. Within the accompanying retail profile, the site is identified as the third largest retail centre within the Liverpool LGA with 44,500m² of floor space. With the delivery of an additional 21,000m² (as proposed under Amendment 61) The Grove Liverpool will become the second largest retailer in the Liverpool LGA.

The proposed changes to Clauses 21 and 24 in Schedule 1 of the Liverpool LEP and included within this Planning Proposal therefore encourage the orderly economic development of the site and demonstrates the importance of preserving and utilising existing and appropriately sited land.

Liverpool Centres and Corridors Study (SGS), April 2020

Council's Draft Corridors and Centres Strategy is underpinned by SGS's Centres and Corridors Study (April 2020) (the SGS Report) Report.

The SGS Report was commissioned by Liverpool City Council to update the 2012 Hierarchy Review report, review the existing retail hierarchy and provide recommendations regarding future retail and business development within the LGA in order to inform Council's LSPS and the review of the Liverpool LEP.

In line with the 2012 Hierarchy Review Report, the Centres and Corridors Study identifies The Grove Liverpool as an existing 'stand-alone' centre in the retail hierarchy and recommends that it continues to be classified as a 'stand-alone' centre. Its role is further defined as "providing for the convenience and specialised retail needs of the local community, but not to act as mixed-use centre for the local community" with features that include "a supermarket or significant specialised retail facilities; no or limited co-location with social infrastructure; and good access from the arterial road network".

Gazcorp agrees that The Grove Liverpool operates in accordance with the role and features of 'stand-alone centres' as described.

Whilst SGS's Review of Submissions Report clarifies that the additional retail uses on the Site that are included in the Liverpool LEP through Amendments 22 and 61 as well as the Fashion Spree development consent have been included in SGS's gravity modelling, SGS continues to consider The Grove Liverpool as being isolated from nearby dwellings and services, difficult to walk to or catch public transport to and have little social infrastructure and good design infrastructure with the adjacent open space.

Above and beyond, Gazcorp believe that The Grove Liverpool is within a walkable catchment, being 1.5km north of Liverpool Town Centre, 1km from Warwick Farm Town Centre, 60-100m west of Dwyer Oval, 500m from Warwick Farm Public School, 100m-150m of the nearest residential dwelling located to the east and 50m-100m of the nearest residential dwelling located to the west.

Furthermore, Gazcorp are also intending to improve upon The Grove Liverpool's good level of existing pedestrian, public access and vehicular access, through the imminent Development Application, through the provision of a new public thoroughfare to the east of the site in conjunction with the purchase, upgrade and dedication of Homepride Avenue. In addition, Gazcorp is currently in discussions with Transit Systems (TfNSW private operator) regarding the potential for additional services within the existing bus network.

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This Planning Proposal along with the imminent Development Application will also enable the Grove Liverpool to improve its relationship with the adjacent open space and provide a better urban design outcome, cognisant with a centre that is unlike other 'stand-alone- centres, 'out of town centres' or 'bulky goods centre' development.

It is noted that SGS's Review of Submissions Report supports the replacement of the word 'retail premises' with the word 'shop' and the addition of 2,000m² of floorspace on the Fashion Spree site as well as the inclusion of a capped amount of Business Premises uses. The relevant statements in the Review of Submissions Report are set out below.

In response to the notion of replacing the words 'retail premises' with the word 'shop' in Clause 21 and effectively removing the cap on Specialised Retail Premises, SGS commented that:

"Specialised retail premises are a permitted land use in the B5 Zone with no restriction on overall floorspace besides floor space ratio controls. As such it would be unusual to prescribe a cap on the amount of specialised retail floorspace in this location".

In response to the addition of 2,000m² of retail floorspace on the Fashion Spree site, SGS commented that:

"SGS have not performed retail impact modelling on the addition of 2,000m2 of retail floorspace on the Fashion Spree site. However, this is not a large amount of floorspace to make a significant change to the overall structure of the centre and the impact on other centres of this particular addition is likely to be minimal providing that the outlet retail focus is retained."

In response to the proposed inclusion of business premises uses across The Grove Liverpool site, SGS commented that:

"SGS agree with Gazcorp and Deep End Services that some business premises are a usual inclusion in centres and that there is some degree of substitutability between small retail tenancies like clothing stores and business premises like hair dressers, optometrists and real estate agencies. Given that a retail centre of around 21,000m sqm is proposed on the site and has been facilitated through site-specific amendments to the LEP, it would be unusual and restrictive on the operation of a general retail centre operation not to allow it to contain any services such as hair-dressers, dry-cleaners etc. SGS agree that allowing population services would also be consistent with the classification of The Grove as a stand-alone centre under the retail hierarchy.

Deep End Services is correct that business premises are not normally considered in retail modelling. In line with the arguments of Gazcorp and Deep End Services, business premises form a significant part of the total floorspace in some local centres, but generally only a small proportion of floorspace in enclosed and stand-alone shopping centres.

It is further noted that the SGS Review of Submissions Report also considers that:

"if business premises are allowed without any cap that the size of the proposed retail centre will be expanded significantly beyond what was previously approved by Council...Given this, some cap on the amount of floorspace permitted may be appropriate. While SGS have not conducted retail modelling with the specific intent of testing the quantum of the retail floorspace cap applying to The Grove, the most straightforward way to implement a cap on the amount of business premises floorspace would be to replace the proposed floorspace cap on shops with a cap on both shops and business premises."

This Planning Proposal is therefore consistent with SGS's proposed method of implementing a cap on business premises and does not propose any amendments to the tenancy size cap of 1,200m² on the Fashion Spree site in Clause 21.

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Liverpool Centres and Corridors Strategy

The Liverpool Centres and Corridors Strategy was adopted by Council on 26th August 2020. Whilst The Grove Liverpool is recognised as a stand-alone centre, further and more accurate description which explains the unique nature of the centre and the fact that it has approval for a broad and diverse range of retail uses that include specialised retail, factory outlet retail, discount department stores, supermarkets, mini-majors and speciality shops, is not included.

Notwithstanding this, the Centres and Corridors Strategy outlines a set of guiding criteria to assist in the assessment of future planning proposals. The Planning Proposal's consistency with this set of guiding criteria is provided in **Table 7** below.

Table 7 Consistency with the Liverpool Centres and Corridors Strategy Criteria for Planning Proposals

rable / Consistency with the Liverpool Centres and Corndols Strategy Criteria for Flamming Froposals						
Guiding Criteria	Planning Proposal Consistency					
Proposals must not have a significant negative impact on the retail operation of the Liverpool City Centre, town centres and local centres (including planned future centres).	As discussed in detail in Section 5.3, the Planning Proposal will not result in any significant negative impact on the retail operation of the Liverpool City Centre, or any other town and local centres.					
The creation of new out of centre retail developments are not encouraged	The Grove Liverpool has been a 'stand-alone centre' since 2012 and remains so. This Planning Proposal does not seek to create any new out of centre retail developments. It only seeks minor amendments to the existing site-specific development controls that relate to The Grove Liverpool site.					
In all centres (except neighbourhood centres), proposals must retain the existing amount of retail and commercial floorspace as part of a mixed-use development.	This Planning Proposal does not seek to reduce the volume of retail floorspace that can be developed on the Site.					
Proposals for redevelopment or expansion of town centres and local centres must demonstrate improved integration with the public domain and with nearby open space, social infrastructure and other services.	This Planning Proposal along with and the future development application will to help facilitate an outcome on the Site that provides a better urban design outcome, and a greater shopping experience which improves its integration with the public domain, nearby open spaces, public transport infrastructure and other services.					
Allow additional retail uses in the B5 zone if it can be demonstrated they could not reasonably locate in another centre and they constitute a small proportion of the total retail floorspace.	An additional 2,000m² of floorspace for shops or business premises uses on the Fashion Spree site, will not make a significant change to the overall structure of the centre and the impact on other centres, as discussed in further detail in Section 5.3 .					

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes.

An assessment of the Planning Proposal against relevant State Environmental Planning Policies (SEPPs) is set out in **Table 8** below.

Table 8 Consistency with State Environmental Planning Policies

SEPP	Yes	Consistency No	N/A	Comment
SEPP (State and Regional Development) 2011 (SRD SEPP)			~	The SRD SEPP specified, amongst other things, that where a development is classified as 'regional development', a regional panel may excise the functions of the consent authority. Whilst not relevant to the proposed LEP amendment, any future development over \$30 million on the Site will be required to be referred to the Sydney Western City Planning Panel for determination. However, the SRD SEPP does not apply to the determination of Planning Proposals.

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SEPP	Yes	Consistency No	N/A	Comment
SEPP (Exempt and Complying Development Codes) 2009 (Codes SEPP)			✓	The Codes SEPP enables development which complies with the relevant codes to be carried out without the need for development consent, or in accordance with a complying development certificate as defined in the EP&A Act. Whilst the Codes SEPP applies to all sites within NSW, it is not relevant to proposed LEP amendment.
SEPP No. 55 Remediation of Land (SEPP 55)	V			SEPP 55 aims 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. The site is not known to have been used for any contaminating uses in the past and the Planning Proposal only seeks minor amendments to permissible land uses and a minimal amount of additional floorspace for shops and business premises. It does not seek to facilitate the redevelopment of the site or the use of the site for more sensitive uses. The Planning Proposal is therefore considered to be consistent with SEPP 55.
SEPP (Infrastructure) 2007 (Infrastructure SEPP)	~			The aim of the Infrastructure SEPP is to facilitate the effective delivery of infrastructure across the State. Under Clause 104, TfNSW must be referred particular traffic generating development. Clause 104 however only relates to development applications,
				therefore whilst a future development application may be required to be referred to TfNSW, this Planning Proposal is not required to be referred to TfNSW under the Infrastructure SEPP.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes.

An assessment of the Planning Proposal against relevant section 9.1 Directions is set out in **Table 9** below.

Table 9 Consistency with the Section 9.1 Ministerial Directions

Direction	Consistency	,	N/A	Comment
	Yes	No		
1. Employment and Resources				·
1.1 Business and Industrial Zones	*			This Direction applies to business or industrial zoned land. This Planning Proposal does not reduce the available land zoned for business use. It does not proposed to amend the existing zoning on the Site, rather it will allow for greater flexibility in the permissible uses on the site, remove the existing restriction on the use of the land for specialised retail premises, and facilitate a minimal amount of additional retail or business use floorspace on the Fashion Spree site. As detailed in Section 5.3 , the development facilitated by the Planning Proposal will not have an unacceptable impact on the economic viability of the Liverpool City Centre or other surrounding centres. This finding is also supported by Council's independent consultant, SGS in its Review of Submissions Report.
2 Environment and Heritage				
2.1 Environmental Protection Zones	√			The northern edge of the Site is identified as Environmentally Significant Land in the Liverpool

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Direction	Consistency		N/A	Comment
				LEP. The Planning Proposal does not seek to remove this overlay or amend Clause 7.6 of the Liverpool LEP 2008 which applies specific controls to land identified as being Environmentally Significant. The Planning Proposal seeks to allow an additional 2000m² of floorspace on the Fashion Spree site which is not identified as Environmentally Significant Land and also seeks administrative amendments and an additional permissible use. It is therefore considered that the Planning Proposal would not facilitate any adverse impacts on the environmental significance of land
2.6 Remediation of Contaminated Land			*	along the northern edge of the Site. The site is not known to have been used for any contaminating uses in the past and the Planning Proposal only seeks minor amendments to permissible land uses, minor administrative amendments and a minimal amount of additional floorspace for shops and business premises. It does not seek to facilitate the redevelopment of the site or the use of the site for more sensitive uses, such as educational, recreational or childcare purposes, or for the purpose of a hospital.
3. Housing, Infrastructure and	Urban Develop	ment		
3.4 Integrating Land Use and Transport				The Grove Liverpool has good access to a main arterial road network, bus services are provided and Gazcorp is in discussions with Transit Systems (TfNSW private operator) in regard to the provision of addition bus services within the existing bus network, as required under the provisions of Amendment 61. The development facilitated by this Planning Proposal will only provide a greater level of flexibility in regard to the uses and services provided within the Site and enable a better urban design outcome. This Direction requires a Planning Proposal to locate in zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of the following documents: Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001). It is noted that the above policies were formally abandoned as a matter for consideration in the assessment of DAs in accordance with planning Circular 08-013 which was issued by the Department on 13th November 2008. They are draft policies and have not been finalised and are outdated.
				Despite this, the Planning Proposal is considered to be consistent with their objectives and principles as it does not seek to create a new zone for urban purposes.
4. Hazard and Risk				
4.1 Acid Sulfate Soil			✓	The Site is not affected by Acid Sulfate Soils.

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Direction	Consistency	N/A	Comment
4.2 Mine Subsidence and Unstable Land		✓	The site is not identified as mine subsidence or unstable land.
4.3 Flood Prone Land	V		The site is identified as being flood prone. This Direction applies a number of requirements to Planning Proposal's relating to flood prone land and therefore it is considered that the Planning Proposal is consistent with the relevant requirements of the Direction for the following reasons: • Any additional floorspace facilitated by this Planning Proposal will be supported by a Flood Assessment that will confirm that all future development will be located above the flood planning level; • The Site is not currently zoned Special Uses, Recreation, Rural or Environmental Protection and the Planning Proposal does not seek to rezone the land; • Any development facilitated by the Planning Proposal will: - not result in development within floodway areas; - not result in significant flood impacts to other properties; - not facilitate a significant increase in the amount of development on the Site; - not increase the requirement for government spending on flood mitigation measures, infrastructure or services; and - will not permit development to be carried out
4.4 Planning for Bushfire Protection	*		without development consent. The northern part of the site mapped as being vegetation buffer within the bushfire prone land classifications. However, the additional 2000m² of floorspace proposed in this Planning Proposal relates to the Fashion Spree site which is not mapped as being bushfire prone. Notwithstanding this, it is anticipated that Council will act as RPA for the Planning Proposal and will consult with the Commissioner of the NSW Rural Fire Service once a Gateway Determination has been issued for the Planning Proposal.
5. Regional Planning		I	
5.10 Implementation of Regional Plans	1		This Direction requires Planning Proposals to be consistent with the relevant Regional Plan, released by the Minister for Planning. As demonstrated in Section 5.2 and Table 5 the Planning Proposal is consistent with the Greater Sydney Region Plan – A Metropolis of Three Cities.
6. Local Plan Making			<u>'</u>
6.1 Approval and Referral Requirements	√		This Planning Proposal is consistent with this Direction in that it does not introduce any provisions that require any additional concurrence, consultation or referral.
6.2 Reserving Land for Public Purposes	~		This Planning Proposal is consistent with this Direction in that it does not create, alter or reduce existing zonings or reservations of land for public purposes.

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Direction	Consistency	N/A	Comment
6.3 Site Specific Provisions			The Direction states that a Planning Proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out, must either: a) Allow that land use to be carried out in the zone the land is situated on, or b) Rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or c) Allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended, A Planning Proposal may be inconsistent with the terms of this direction only if the RPS can satisfy the Department that the provisions of the Planning Proposal that are inconsistent are of minor significance. This Planning Proposal seeks a minor administrative amendment, the replacement of the 'retail premises' with 'shops' in Schedule 1, Clause 21, an additional 2000m² of floorspace on the Fashion Spree site and an additional permitted use within both Clauses 21 and 24 under Schedule 1. The additional permitted use relates to 'business premises' and will be limited under the floorspace caps. The intention of this Planning Proposal is to expand the permissible uses on the Site and not to narrow them. Furthermore, the proposed minor amendments to Clauses 21 and 24 in Schedule 1 does not affect the consistency of the Planning Proposal with the B5 Business Development zone objectives.
7. Metropolitan Planning			
7.1 Implementation of A Plan Growing Sydney	for 🗸		This Direction is outdated, as A Plan for Growing Sydney is no longer a relevant consideration for Planning Proposals and has been superseded by the Greater Sydney Region Plan – A Metropolis of Three Cities. Notwithstanding this, the Planning Proposal is consistent with the Greater Sydney Region Plan – A Metropolis of Three Cities, as demonstrated in Section 5.2 and Table 5 of this report.

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5.3 Environmental, Social and Economic Impacts

Q7 – Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

Whilst a small portion of land within the northern portion of the Site is mapped as being environmentally significant (as shown in **Figure 8**), the additional 2000m² of floorspace proposed within the Planning Proposal is to be located on the Fashion Spree site which is not mapped as being environmentally significant. Other proposed amendments to the Liverpool LEP contained within this Planning Proposal have an administrative nature or will enable a greater flexibility in the permissible uses on the Site. It is therefore considered that the Planning Proposal will not have any impact upon the Site's environmental significance or any critical habitat, threatened species, populations or ecological communities.



Figure 8 Environmentally Significant Land

Source: Liverpool LEP 2008

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Q8 – Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

No.

The Site is identified in the Liverpool LEP as flood prone land and its northern and eastern edges are located within the Flood Planning Area, as identified in **Figure 9**. Clause 7.8 of the Liverpool LEP 2008 sets out relevant flood planning controls and as part of any future development application, the flood planning controls will be taken into account. Furthermore, given that any future development resulting from this Planning Proposal will be minimal, it is considered that the additional development will be able to be designed in a way that will ensure that the flood planning controls are complied with and no adverse flooding impacts are generated.

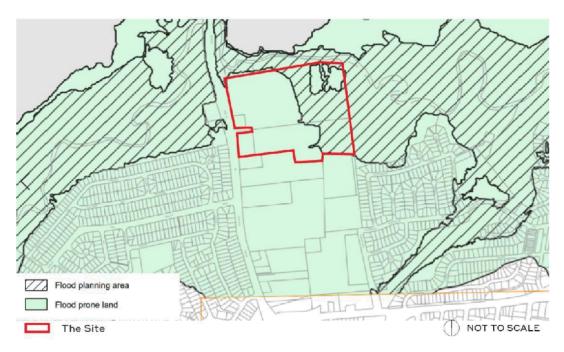


Figure 9 Flood Planning Area Map Extract

Source: Liverpool LEP 2008

Furthermore, the northern portion of the Site is also identified in the Liverpool LEP 2008 as mainly Vegetation Buffer within the Bushfire Prone Land classifications (as shown in **Figure 10**). The additional 2000m² of floorspace proposed in this Planning Proposal however relates to the Fashion Spree site which is not mapped as being bushfire prone. If required, as part of any future development application, appropriate built form measures will be incorporated into the design of any future development on the Site to address any bushfire risk resulting from the bushfire prone land classification on the Site.

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Figure 10 Bushfire Prone Land

Source: Liverpool LEP 2008

Q9 – Has the Planning Proposal adequately addressed any social and economic impacts?

Independent Economic Impact Reports

The economic effects of the addition of traditional retailing to compliment the specialised premises retailing at The Grove Liverpool has been examined several times over in the last 10 years.

Amendment 61 alone underwent four separate independent economic impact assessments to measure the potential impact of this growth on surrounding retailers, and all research to date has found that the sites current and future retailing will not have a detrimental impact upon the viability of the Liverpool City Centre. Furthermore, The Grove Liverpool is expected to service unmet demand resulting from the limited retailing in surrounding suburbs, such as Cabramatta and Fairfield. It will also continue to provide specialised retail in the form of bulky goods and discount retailing. Therefore, the site has the potential to attract additional retail expenditure to Liverpool LGA which may have otherwise been spent elsewhere.

It is also noted that all previous economic impact assessments, anticipated that the new retail centre that is the subject of the current DA (as discussed in **Section 3.4**) would be operational by 2019. Given the centre will not be operational until 2024, the likely level of impact on other centres is anticipated to be lower than originally anticipated due to additional capacity and demand that occurs over time through population growth and other factors.

Economic Impact Assessment

For completeness, an additional Economic Analysis has been prepared by Deep End Services (**Appendix C**) for the purposes of this Planning Proposal. It assesses the economic effects of increasing the maximum permitted floorspace for both shops and business premises uses by 2000m² on the Fashion Spree site and enabling the introduction of business premises as a permitted use across the entire Site.

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Increase in permitted floorspace

In assessing the proposed increase in permitted floorspace for both shops and business premises on the Fashion Spree site by 2000m², Deep End Services comment that the proposed increase represents an approximate 10% increase for the Fashion Spree site and a 2.5% increase in terms of all permitted development at The Grove Liverpool.

The Deep End Services report also provides a synopsis of the findings of the previous Economic Impact Assessments, as listed below and considers that in the context of these findings, the proposed minor increase in floorspace of 2,000m² would have commensurately low trading effects:

- the original Economic Impact Assessment (EIA) by Leyshon Consulting (dated 2011) that was prepared to accompany the Planning Proposal for Amendment 22;
- · the peer review of the 2011 Leyshon Consulting EIA undertaken by HillPDA on behalf of Liverpool City Council;
- the addition peer review by SGS Planning & Economics on behalf of the (former) Department of Planning & Infrastructure;
- · a submission by Urbis on the economic impacts on behalf of Westfield; and
- the EIA by Leyshon Consulting (dated December 2016) that accompanied the development application for the expansion of Fashion Spree.

In addition Deep End Services consider that by applying similar parameters in terms of performance and trading patterns, the additional floorspace would have a -0.5% impact on sales achieved at Westfield Liverpool, which is a minimal impact that would not be noticed given typical fluctuations in sales activity year by year.

The proposed increase in permissible floorspace for the purpose of shop and business premises use is therefore estimated to have an insignificant effect on the role and operation of existing centres such as Westfield Liverpool.

As noted in the Deep End Services report and Section 5.2 of this Planning Proposal, the analysis presented by Deep End Services within its Economic Analysis statement (**Appendix C**), has been reviewed by SGS within the SGS Review of Submissions Report, and conclude that "this is not a large enough amount of floorspace to make significant change to the overall structure of the centre and the impact on other centres of this particular addition is likely to be minimal providing that the outlet retail focus is retained."

Inclusion of Business Premises as an additional permissible use

The implication of introducing 'Business Premises' as an additional permissible use across the entire Site and including it within the existing cap on 'shop' floorspace has also examined by Deep End Services.

Deep End Services consider that the inclusion of business premises as an additional permitted use would have the effect of enabling small service-type uses to be accommodated to service the needs of customers that are already shopping at The Grove Liverpool site and enable them to combine trips for shopping and accessing local services. This then generates important economic and environmental benefits in terms of reduced travel costs and emissions, as well as providing convenience for shoppers and workers.

Deep End Services also note that the minor role that business premises play in the functioning of shopping centres is acknowledged by the fact that economic impact assessments specifically exclude such uses when considering trading impacts on other centres, concentrating on the primary retail components which define the function of centres. The proposed inclusion of business premises as an additional permissible use therefore would have no effect on the role or operation of The Grove Liverpool and would not adversely impact any other centres.

Furthermore, SGS commented in its Review of Submissions Report, that:

SGS agree with Gazcorp and Deep End Services that some business premises are a useful inclusion in centres
and there is some degree of substitutability between small retail tenancies like clothing stores and business
premises like hairdressers, optometrists and real estate agents.

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- It would be unusual and restrictive on the operation of a general retail centre operation not to allow it to contain any services such as hairdressers, dry cleaners, etc
- SGS agree that allowing population services would also be consistent with the classification of The Grove as a stand-alone centre under the retail hierarchy
- Deep End Services is correct that business premises are not normally considered in retail modelling.
- Business premises form a significant part of the total floorspace in some local centres, but generally only a small proportion of floorspace in enclosed and stand-alone shopping centres.
- SGS would not support the additional of offices at The Grove (although noting that offices are a permitted use in the B5 Zone and that Council cannot separate small scale office businesses from other business premises).
- Some cap on business premises use might be appropriate, for example by replacing the proposed cap on shops with a cap on both shops and business premises.

Following this response, and in consideration of SGS's support of the economic analysis undertaken by Deep End Services, Gazcorp seek amendments to Clauses 21 and 24 in Schedule 1 of the Liverpool LEP that ensure that the floorspace caps apply to both 'shops' and 'business premises' uses.

5.4 State and Commonwealth Interests

Q10 - Is there adequate public infrastructure for the Planning Proposal?

Yes.

The Site is located in an established urban area and has access to a range of existing services. This Planning Proposal relates mostly minor administrative changes, additional permitted uses and only a small amount of additional floorspace, which will not result in any significant changes to the site and its operation. Therefore, no significant changes to public infrastructure will be required to accommodate it. If necessary, further investigations will be undertaken as part of the preparation of any future development applications to determine whether any upgrade of existing facilities is required.

Q11 – What are the views of State or Commonwealth public authorities consulted in accordance with the Gateway determination?

The views of State and Commonwealth public authorities will be known once consultation has occurred in accordance with the Gateway Determination of the Planning Proposal.

5.5 Mapping

This Planning Proposal does not require any amendments to the LEP Maps.

5.6 Community Consultation

Community consultation will be conducted in accordance with section 3.34 and Schedule 1 of EP&A Act and A Guide to Preparing Planning Proposals.

Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm Planning Proposal Request

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6.0 Conclusion

In conclusion we request that the following changes are made to Clauses 21 and 24 in Schedule 1 of the Liverpool LEP 2008 in order to provide greater flexibility in the permissible uses and realise the full development potential of The Grove Liverpool retail centre:

Fashion Spree (Clause 21)

Schedule 1, Clause 21 – Use of certain land at Warwick Farm

- (1) This clause applies to part of Lot 121, DP 876962 and part of Lot 101, DP1043160 and part Lot 23 in DP1190437, 5 Viscount Place, Warwick Farm, as shown coloured light purple on the Key Sites Map.
- (2) Development for the purposes of retail premises shops and business premises is permitted with consent if.
 - (c) The total gross floor area of all retail premises shops and business premises uses on the site does not exceed 19,000m² 21,000m² and
 - (d) The gross floor area of any individual retail premises shop or business premises on the site does not exceed 1.200m².

The Grove Homemaker Centre (Clause 24)

Schedule 1, Clause 24 – Use of certain land at 10 Viscount Place, Warwick Farm

- This clause applies to part of Lot 101, DP1043160, 10
 Viscount Place, Warwick Farm, as shown coloured green
 on the Key Sites Map.
- (2) Development for the purpose of shops and business premises is permitted with consent if the total gross floor area of shops and business premises on the site does not exceed 21,000m².

This Planning Proposal is justified for the following reasons:

- The legal description of the land has been amended, therefore Gazcorp seek that Clause 21 is updated to reference the current Lot and DP reference.
- The term 'retail premises' in Clause 21 of Schedule 1 as approved under Amendment 22 was never intended by Council as a mechanism to restrict the volume of floorspace for specialised retail premises (formerly known as bulky goods premises) and other permissible uses on the site, such a food and drinks premises etc. Instead Council clearly sought to restrict the volume of 'shops' within the retail outlet centre and therefore the proposed amendment to Clause 21 in Schedule 21 will:
 - seek to rectify this oversight:
 - enable Gazcorp to realise the site's full development potential;
 - provide consistency across The Grove Liverpool site in regard to the permissible land uses; and
 - promote the orderly and economic use of the land.
- The proposed 2000m² increase to the Fashion Spree site's maximum permitted floorspace is sought to help
 realise Gazcorp's intention to provide a greater experience for shoppers and a better urban design outcome by
 sleeving the Fashion Spree building with tenancies while integrating the two retail centres without significant
 impact upon any other surrounding town, Regional or Sub-Regional Centres.
- The introduction of 'business premises' into both Clauses 21 and 24 in Schedule 1 as an additional permitted use will enable the provision of ancillary and complementary services for the convenience of the visitor and working population on site. The Council resolution and meeting minutes relating to Amendment 61 confirm that Council's key concern with the originally proposed B2 Local Centre zoning on The Grove Homemaker site was the introduction of residential land uses (residential flat buildings and shop top housing) on the site and <u>not</u> retail or business premises. Furthermore, in response to the submission lodged by Gazcorp to the draft Liverpool LEP Review 1 and the Draft Corridors and Centres Strategy, which sought an increased range of uses (i.e. business premises uses) and an increased amount of permissible retail floorspace at The Grove, the Council report dated 26 August 2020, specifically states that:

"SGS agree that business premises can be permitted at The Grove. SGS suggest a floorspace cap on business premises."

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Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm Planning Proposal Request

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SGS further commented in its Review of Submissions Report that:

"the most straightforward way to implement a cap on the amount of business premises floorspace would be to replace the proposed floorspace cap on shops with a cap on both shops and business premises"

Furthermore, Council's response is:

The proposed amendment to the Phase 1 Planning is out of scope of this planning proposal (i.e. to draft Liverpool LEP Review 1) and cannot be facilitated in the requirement timeframes. The amendment would require more detailed assessment and DPIE have advised that a gateway review/ alteration and additional public exhibition would ordinarily be required, but that given the 31 August 2020 timeframe to submit the final planning proposal to DPIE, an amendment to the planning proposal to facilitate the outcome sought would not be agreed to. The proponent has agreed to lodge a separate Planning Proposal with Council.

This Planning Proposal therefore specifically responds to SGS's suggestion of a floorspace cap on both shops and business premises floorspace. This Planning Proposal also responds to Council's comments in its report dated 26 August 2020 and its view that a detailed assessment, gateway review and public exhibition of the proposed amendments to the Liverpool LEP 2008 is required.

In addition, the proposed changes to Clause 21 and 24 would also enable The Grove Liverpool to align with other 'stand-alone' centres where a degree of flexibility between small retail tenancies and business premises exist such as Chipping Norton, Hoxton Park Road, Woolworths Prestons and Casula Shopping Centre.

We believe the Planning Proposal presents the best method of achieving the intended outcome for the Site. It is therefore requested that Council forward this Planning Proposal to the Minister for Planning, Industry and Environment for Gateway Determination in accordance with Section 3.34 of the EP&A Act and also seek delegation from the Minister to be the relevant planning authority for this Planning Proposal.

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31 August 2020

Nicholas Gazal Gazcorp Level 10, 60 Park Street Sydney NSW 2000

By email: nicholasg@gazcorp.com

Dear Nicholas

Economic analysis for Planning Proposal at The Grove Liverpool, Warwick Farm

This letter has been prepared to provide economic analysis in relation to a Planning Proposal to amend the provisions at Clauses 21 and 24 in Schedule 1 of the Liverpool Local Environmental Plan Liverpool 2008 (Liverpool LEP) with respect to development at The Grove Liverpool.

Introduction

The Planning Proposal has been made by Gazcorp, owners of land containing retail elements which are collectively known as The Grove Liverpool in Warwick Farm, and which include a broad range of existing and approved retail uses including the Grove Homemaker Centre at 2-18 Orange Grove Road, the Fashion Spree discount outlets at 5 Viscount Place and a variety of other retail uses on adjacent lots.

Preparation of the Planning Proposal has been requested by Gazcorp to introduce a site specific Local Environmental Plan (LEP), with the overall purpose to provide greater flexibility in the permissible uses able to be developed on the site and to realise the full development potential of The Grove Liverpool.

The Planning Proposal has been prepared in the context of a submission by Gazcorp which sought to introduce the proposed LEP changes as part of the *Draft Liverpool Local Environmental Plan Review 1*. A review of the Gazcorp submission by Liverpool City Council (Council report of 26 August 2020) concluded that the proposed changes would require lodgement of a separate Planning Proposal.

This letter provides an examination of the economic issues of relevance to the Planning Proposal, and includes:

- A summary of the proposed changes to the Liverpool LEP;
- Background description of the retail and economic role of The Grove and its development history;
- Analysis of the economic issues associated with the proposed changes to the Liverpool LEP; and
- Assessment of the likely economic outcomes if the Planning Proposal proceeds.



Summary of Planning Proposal

The Planning Proposal seeks to amend Causes 21 and 24 in Schedule 1 of the Liverpool LEP as shown below.

Clause 21 (Fashion Spree site)

- (1) This clause applies to part of Lot 121, DP 876962 and part of Lot 101, DP1043160 Lot 23 in DP1190437, 5 Viscount Place, Warwick Farm, as shown coloured light purple on the Key Sites Map.
- (2) Development for the purposes of retail premises shops and business premises is permitted with consent if -
 - a. The total gross floor area of all retail premises shops and business premises uses on the site does not exceed 49,000m² 21,000m² and
 - b. The gross floor area of any individual retail premises shops and business premises on the site does not exceed 1,200m².

Clause 24 (Grove Homemaker site)

- (1) This clause applies to part of Lot 101, DP1043160, 10 Viscount Place, Warwick Farm, as shown coloured green on the Key Sites Map.
- (2) Development for the purpose of shops and business premises is permitted with consent if the total gross floor area of shops and business premises on the site does not exceed 21,000m².

The intent of the proposed changes to Clause 21 is to:

- Update the legal description of the land;
- 2. Change the floorspace limitations to apply only to shops and business premises, rather than retail premises, consistent with the underlying B5 zoning which permits and facilitates other uses that are within the umbrella term retail premises, to reflect the original intention for development of the site, and to be consistent with the provisions applied to The Grove homemaker centre component of the site under Clause 24;
- Facilitate a small increase in permitted floorspace (with consent) consistent with a development plan that is currently being prepared as the basis for a development application; and
- Enable business premises to be operated from the site to provide ancillary services to meet the needs of customers and workers.

The intent of the proposed changes to Clause 24 is to enable the operation of business premises to support the needs of customers and workers within the centre and provide additional ancillary services consistent with the normal mix of businesses typically present within similar centres.

The combined intent of the changes to Clause 21 and 24 is also to align the planning provisions applicable to The Grove with other designated stand-alone centres in the City of Liverpool (ie Chipping Norton, Hoxton park Road, Woolworths Prestons and Casula Shopping Centre) which permit the use of land for business premises.



The Grove Liverpool

The Grove has emerged as a significant retail destination in the City of Liverpool, with total floorspace of approximately 55,758 sqm across the various elements which include:

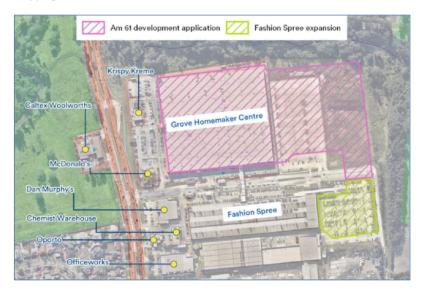
- the Grove Homemaker centre
- the Fashion Spree outlet centre
- various uses along the Orange Grove Road frontage within the B6 Zone, including Krispy Kreme, McDonald's, Dan Murphy's, Chemist Warehouse and Officeworks, as shown in Figure 1.

Future expansions are already anticipated within the Liverpool LEP, including DA approved expansions at Fashion Spree for an additional 4,260 sqm and up to an additional 21,000 sqm permissible at The Grove homemaker centre site as a result of Amendment 61 to the Liverpool LEP which introduced Clause 24 at Schedule 1.

When fully developed, the precinct will be one of the largest in the municipality, with other large centres at the Liverpool CBD (at 125,000 sqm) and the Crossroads Casula precinct (at 70,000 sqm including bulky goods and Costco components).

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

Figure 1—The Grove context



Attachment 2

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Development history

Development at The Grove initially consisted of bulky goods uses trading as the 'Liverpool Mega Centre', anchored by Harvey Norman and Domayne. At that time the Fashion Spree site to the south was used for weekend markets (although noting that outlets had been operating on the site prior to closing in 2004 as a result of a Land & Environment Court case).

Further uses were added following <u>Amendment 19</u> to the Liverpool LEP 2008 in 2012 which rezoned the Orange Grove Road frontage to B6 Enterprise Corridor and introduced a local provision to facilitate the Dan Murphy's store. Subsequently, Council resolved to change the status of Orange Grove to a 'stand alone centre' in November 2012.

<u>Amendment 22</u> was made in 2013 to introduce retail premises as a permitted use within the B5 Business Development Zone. This facilitated the establishment of the Fashion Spree discount outlet centre on the former weekend markets site, enabling up to 19,000 sqm of retail premises to be developed subject to consent.

A development application was made in 2014 for the construction of the initial stage of around 10,000 sqm at the Fashion Spree site, and a further application was made in 2016 to expand the centre to approximately 14,000 sqm.

The original Amendment 22 and the subsequent development applications were accompanied by assessments of the economic effect of the proposed introduction (and expansion) of outlet centre retailing on other centres in the retail hierarchy. This work demonstrated that the development would have acceptable trading effects on other centres, and development consent was granted.

<u>Amendment 61</u> was made on 2 August 2019 to provide for up to 21,000 sqm of shop floorspace to be developed on the Grove Homemaker site through the introduction of Clause 24 to Schedule 1 Additional permitted uses.

The amendment resulted from a Planning Proposal seeking to expand retail activities onto undeveloped land to the east of the existing bulky goods centre to accommodate traditional retail formats including a discount department store (DDS), supermarkets and specialty shops.

The proposal was accompanied by an Economic Impact Assessment (EIA) undertaken by Leyshon Consulting, with peer reviews conducted by Deep End Services on behalf of Gazcorp, and by Essential Economics on behalf of Liverpool City Council.

These assessments confirmed that the expansion in retail activity at The Grove would substantially improve the range of retail facilities available to residents in an area with relatively poor access to DDS and supermarket shopping, and would not adversely affect the role or operation of other centres in the region. The assessments were undertaken to incorporate the future operation of the Fashion Spree element subject to Amendment 22.

Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm Economic Analysis Report

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A development application for the proposed redevelopment of the Grove Homemaker site is currently being prepared and will shortly be submitted to Liverpool City Council for assessment. The application will be accompanied by a further EIA to examine potential trading effects.

Overall, the above summary shows that the Liverpool LEP currently anticipates substantial growth in retail floorspace within The Grove precinct, with potentially another 21,000 sqm of shop floorspace able to be developed (with consent) on the Grove Homemaker site, in addition to the 4,260 sqm Fashion Spree expansion which is already DA approved.

Based on current development plans (which incorporate a small increase in permitted shop floorspace at Fashion Spree as per the current Planning Proposal), the development application for the Grove Homemaker site, plus the additional floorspace available on the Fashion Spree site would see The Grove retail precinct and surrounding sites have a combined total of around 65,000 sqm to 70,000 sqm of retail floorspace at full development. This would make it nearly as large as the Crossroads Casula precinct in terms of total floorspace across all types.

The progression of approvals described above shows that the Liverpool LEP currently anticipates The Grove to have a significant and multi-faceted role in the retail hierarchy serving residents in the Liverpool City Council area, with this role having been tested, and confirmed, over various Planning Proposal and development application processes.

Changes to Schedule 1 Cl.21 The Planning Proposal seeks to make minor changes to Clause 21 to apply floorspace limitations to shops and business premises rather than retail premises, and to increase the allowable floorspace from 19,000 sqm to 21,000 sqm.

The deletion of reference to *retail premises* and replacement with *shops* can be justified on town planning grounds with respect to the underlying zone controls and the intent of Amendment 22, as set out in the town planning report by Ethos Urban on behalf of Gazcorp.

The following sections assess the economic effects of increasing the floorspace allowance (applicable to both shops and business premises) by an additional 2,000 sqm and enabling the introduction of business premises as a permitted use.

Increase in permitted shop floorspace

The Planning Proposal seeks to enable development of shops and business premises on the Fashion Spree site to be permitted with consent up to a maximum gross floor area of 21,000 sqm rather than the existing 19,000 sqm (which is currently applied to retail premises).

This represents an increase in the maximum permitted floorspace of 2,000 sqm, or around +10% for the Fashion Spree site and +2½% in terms of all permitted development at The Grove.



The proposed increase in floorspace is associated with a recent plan which incorporates a higher degree of amenity for shoppers, including the establishment of active uses on the northern frontage of the Fashion Spree to sleeve the building façade.

The economic effects of the outlet centre development have been examined several times over the course of the last ten years.

The original EIA by Leyshon Consulting was prepared in 2011 to accompany the Planning Proposal for Amendment 22, and was subject to peer review by HillPDA on behalf of Liverpool City Council, and further peer review by SGS Planning and Economics on behalf of the (former) Department of Planning and Infrastructure (DPI). A submission by Urbis on economic impacts was also made on behalf of Westfield.

The economic consultants generally agreed that the highest trading effects were likely to be experienced at the Westfield Liverpool Shopping Centre.

Leyshon anticipated impacts of less than 4% (with this figure confirmed in a subsequent EIA for the development application), while HillPDA modelled higher impacts of around 8% to 10% loss of sales.

Urbis, on behalf of Westfield, also concluded that the impact on Westfield Liverpool was likely to be a loss of around \$53 million in sales (or -8%), noting that this was undertaken on the basis of 19,000 sqm of traditional retail uses rather than an outlet centre.

Notwithstanding the modelled impacts, all of the consultants agreed that the viability of affected centres, including Westfield, was not under threat, and on this basis Amendment 22 was made to the scheme and development approval was subsequently granted.

The most recent analysis was prepared in December 2016 to accompany a development application for the centre to be expanded from 10,110 sqm to 16,025 sqm. The EIA conducted by Leyshon Consulting found that:

- The increase in outlet centre floorspace of 5,915 sqm would generate an additional \$32.7m in sales at a rate of approximately \$5,500/sqm, which reflected the sales performance for already-built parts of Fashion Spree
- Given anticipated trading patterns, the additional sales generated from the identified catchment would represent an insignificant increase in market share of ±0.4%
- The impact on Westfield Liverpool would be very low, estimated at a 1.4% loss of sales at that centre.

In the context of these findings from various assessments over many years, the proposed minor increase in floorspace of 2,000 sqm would have commensurately low trading effects.

By applying similar parameters in terms of performance and trading patterns, the additional floorspace would be expected to have a -0.5% impact on sales achieved



at Westfield Liverpool. This is a minimal impact that would not be noticed given typical fluctuations in sales activity year by year.

Annual changes in sales performance at Westfield can be examined with reference to information published by Shopping Centre News (SCN) in their 'Big Guns' survey, which collects broad performance data including moving annual turnover (MAT) and turnover performance per square metre of floorspace (MAT/sqm) for the largest shopping centres in Australia.

This data is presented in Figure 2 for the calendar years 2015 to 2019, noting that Fashion Spree commenced operations in March 2016.

Key highlights are as follows:

- Westfield Liverpool achieved total MAT of \$511.8m in 2019 at an average of \$7,289/sqm.
- The centre was ranked 41st out of the 92 centres in the SCN Big Guns survey in terms of MAT, and 37th out of 92 in terms of MAT/sqm.
- MAT has fluctuated since 2015 peaking at \$515.5m in 2016 (the year that Fashion Spree opened), declining in the following two years, and then increasing strongly in 2019.
- Sales performance measured by MAT/sqm has also fluctuated, but has remained consistently around 15% above the average for all Big Gun centres.
- Fluctuations in sales, in both MAT and MAT/sqm terms, has generally been in the range +2% to -2% over the five years of data analysed.

The sales data shows that there is little correlation between sales performance at Westfield Liverpool and the commencement of the outlet centre in 2016. The changes in sales – in aggregate terms and measured on a per sqm basis – are likely to be related to many factors such as underlying population growth, changes in the wider economy such as interest rate movements and bank lending requirements, consumer confidence, and the changes in offer both within Westfield and in the large number of other competing centres in the region.

Figure 2—Westfield Liverpool trading performance 2015-2019

Source: Shopping Centre News Big Guns





Based on this analysis, the proposed increase in allowable floorspace from 19,000 sqm to 21,000 sqm, would have an insignificant effect on the role and operation of existing centres such as Westfield Liverpool.

The above analysis was presented as part of the Gazcorp submission to the Draft Liverpool Local Environmental Plan Review 1, and was subsequently reviewed by SGS Economics and Planning on behalf of Liverpool City Council. SGS concluded in relation to the proposed increase of 2,000 sqm of permissible floorspace that "this is not a large enough amount of floorspace to make a significant change to the overall structure of the centre and the impact on other centres of this particular addition is likely to be minimal providing that the outlet clothing retail focus is retained".

Business premises as permitted use

The Planning Proposal seeks to include 'business premises' as a permitted use at the Fashion Spree site, with the floorspace limitation to apply to shops and business premises.

Business premises is defined in the Liverpool LEP as follows:

Business premises means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

The use 'business premises' sits within the 'commercial premises' definition which also includes office premises and retail premises.

The inclusion of business premises as a permitted use would have the effect of enabling small service-type uses to be accommodated within the Fashion Spree site in order to serve the needs of customers that are already shopping at Fashion Spree.

The most likely types of businesses that would be attracted to the centre include clothing alteration shops, shoe repairs, and optometrist, which are complementary to the uses already operating from the site. Other possible ancillary services include massage therapists or hairdressers.

These small-scale service businesses would rely on the visitation to the centre generated by discount fashion outlets, and would have a complementary or ancillary function that would improve the amenity of the centre by allowing visitors to obtain a limited range of personal or business services while undertaking their shopping.



For example, the introduction of a clothing alteration shop would enable people to purchase apparel items from discount outlets and then have them altered within the centre.

The effect of this change would be minimal in terms of attracting any significant additional patronage to the centre for specialised visits to business premises, but would rather offer additional amenity to shoppers already there.

The inclusion of business premises as a permitted use would therefore have no effect on the role of operation of the centre, and is immaterial to the classification of The Grove as a stand-alone centre within the hierarchy.

Changes to Schedule 1 Cl. 24

The only proposed change in relation to the controls on the Grove Homemaker centre part of the site is to incorporate business premises as an additional permitted use at Clause 24 to Schedule 1 of the scheme.

As noted above in relation to the proposed change to permitted uses on the Fashion Spree site, business premises are small-scale personal and business service uses which provide added amenity and convenience for shoppers and workers.

The expectation is that the additional retail provision at The Grove would include traditional shopping centre elements such as supermarkets, mini majors and specialty retailers. Having regard to the typical visitation patterns of shoppers to these traditional retail tenancy types – usually visiting on a regular weekly basis – the most prevalent types of business premises likely to be attracted are:

- Banks and ATMs
- Health insurance outlets
- Hairdressers and beauty salons
- Mobile communications stores
- Travel agents
- Post offices
- Massage and nail bars
- Optometrists.

These services are not destination attractors in their own right, but rely on the pedestrian activity within the centre as a result of people undertaking regular supermarket grocery shopping or visiting other shops for more irregular purchases, or from people who work within the centre.

The inclusion of these services at The Grove would enable shoppers and workers to access services for which they would otherwise need to make separate trips to other centres in the area. By providing these services locally, trips for shopping can be combined with accessing local services, thereby generating important economic and environmental benefits in terms of reduced travel costs and emissions, as well as providing convenience for shoppers and workers.

Importantly, as ancillary uses that rely on a customer base already present in the centre, there is little chance of a multiplicity of such uses being established within the centre (eg many banks or a large number of hairdressers). Based on benchmarks



for centres that contain similar amounts of floorspace, these types of tenants make up a small fraction of the available floorspace within each centre.

The minor role that business premises play in the functioning of shopping centres is acknowledged by the fact that economic impact assessments specifically <u>exclude</u> such uses when considering trading impacts on other centres, concentrating on the primary retail components which define the function of centres.

A final point is that the inclusion of business premises as a permissible use should occur across both sites due to the fact that future development may occur across the boundary line between lots (ie making planning distinctions across the boundary impossible to manage).

Overall, this proposed change would have no effect on the role or operation of The Grove, would generate benefits to local shoppers and workers, and would not adversely impact any other centres.

The above analysis was included in the Gazcorp submission to the Draft Liverpool Local Environmental Plan Review 1 and was subsequently reviewed by SGS on behalf of Liverpool City Council, with comments including the following:

- SGS agree with Gazcorp and Deep End Services that some business premises
 are a useful inclusion in centres and there is some degree of substitutability
 between small retail tenancies like clothing stores and business premises like
 hairdressers, optometrists and real estate agents.
- It would be unusual and restrictive on the operation of a general retail centre operation not to allow it to contain any services such as hairdressers, dry cleaners, etc
- SGS agree that allowing population services would also be consistent with the classification of The Grove as a stand-alone centre under the retail hierarchy
- Deep End Services is correct that business premises are not normally considered in retail modelling.
- Business premises form a significant part of the total floorspace in some local centres, but generally only a small proportion of floorspace in enclosed and stand-alone shopping centres.
- SGS would not support the additional of offices at The Grove (although noting that offices are a permitted use in the B5 Zone and that Council cannot separate small scale office businesses from other business premises).
- Some cap on business premises use might be appropriate, for example by replacing the proposed cap on shops with a cap on bboth shops and business premises.

Following this advice, Gazcorp has changed the proposed wording of the amended Clauses 21 and 24 to ensure that the floorspace caps apply to shops and business premises as proposed by SGS.

In summary, the proposed changes are supported by economic analysis undertaken by Deep End Services presented above, and these changes have also been supported by a review by SGS on behalf of Liverpool City Council.



Economic outcomes

The Planning Proposal has potential to generate the following positive economic outcomes:

- The Planning Proposal will help achieve development outcomes at The Grove in accordance with the existing Liverpool LEP which seeks to establish a multifaceted retail shopping destination on the site.
- The proposed changes would provide additional flexibility in terms of the types
 of uses able to be developed within the centre, leading to greater likelihood that
 a successful development will occur.
- The additional flexibility will help to minimise investment risk, ensuring that development occurs earlier than might otherwise be the case.
- A more successful and earlier development will generate benefits for the local community by maximising the employment potential of the site and bringing forward those employment benefits. In this regard, advice from Gazcorp is that the additional future uses have potential to generate approximately 600 new jobs.
- The inclusion of business premises as a permissible use would help to provide a
 greater array of complementary services for shoppers and workers, minimising
 the likelihood of multiple trips and thereby generating economic and
 environmental benefits associated with trip savings.

Conclusions

The proposed expansion in permitted shop floorspace at the Fashion Spree site is intended to achieve a better design outcome and represents a minor expansion in floorspace that would have no discernible effect on the operation, role or performance of other centres in the region.

The proposed inclusion of business premises as a permissible use at both the Fashion Spree site and the Grove Homemaker site would enable the establishment of small-scale personal services to serve the needs of customers and workers. There would be no effect on the role or operation of other centres in the hierarchy, and the inclusion of such uses would be consistent with other similar centres, including other designated stand alone centres within the Liverpool LGA.

The Planning Proposal, if it proceeds, would generate economic benefits by encouraging a more successful and earlier development outcome, maximising local employment benefits, enabling multiple-purpose trips that will reduce traffic and resulting adverse environmental impacts, and adding to personal convenience for users.

Kind regards

Matthew Lee Principal



28 October 2020

GazCorp Level 10, 60 Park St SYDNEY NSW 2000

THE GROVE FASHION SPREE PLANNING PROPOSAL - TRAFFIC IMPACT STATEMENT

Introduction

This letter is provided as supporting documentation to a Planning Proposal (Ref. RZ-8/2020), prepared by Ethos Urban, in seeking amendments to Clauses 21 and 24 in Schedule 1 of the Liverpool LEP 2008 is to provide greater flexibility in the permissible uses and realise the full development potential of The Grove Liverpool site.

The proposed 2,000 m² increase to the Fashion Spree site's maximum permitted floorspace is sought to help realise Gazcorp's intention to provide a greater experience for shoppers and a better urban design outcome by sleeving the Fashion Spree building with tenancies while integrating the two retail centres without significant impact upon any other surrounding town, Regional or Sub-Regional Centres.

This letter provides an assessment of the subject specific impacts associated with this planning proposal.

Site Context

The Grove Liverpool is made up of four land parcels owned by Gazcorp comprising:

- Lot 101 in DP1043160- the Grove Homemaker Centre;
- Lot 23 in DP1190437 Fashion Spree;
- Lot 22 in DP1190437; and
- Lot 100 in DP1043160

Lot 22 in DP1190437 and Lot 100 in DP1043160 include a variety of other retail uses that are currently contained within a number of one storey large format warehouses. Under the current Liverpool LEP 2008, the Site is partially zoned B6 Enterprise Corridor and partially B5 Business Development. The site has an area of approximately 156,000 m² and has a frontage to Orange Grove Road / Cumberland Highway and Viscount Place. An aerial photo of the site is shown in **Figure 1**.

Figure 1 - Location of the Site







Access and Street Network

Vehicular access to the site remains the same and traffic can access the site via Viscount Place and Homepride Avenue that are then connected to the wider road network such as Cumberland Highway and Hume Highway respectively.

Traffic Impacts

The introduction of 'business premises' into both Clauses 21 and 24 in Schedule 1 as an additional permitted use (circa 1,500 m² of Net Lettable Area) will enable the provision of ancillary and complementary services for the convenience of the visitors and working population on site. Since the majority of these users are already travelled to and from site already, it is not expected that there will be additional traffic generation and parking demand associated with the introduction of the 'business premises'.

Cumulative Impacts

The additional permitted use as part of the planning proposal, has also been considered in The Grove expansion development application for its cumulative impacts. Preliminary traffic modelling undertaken to date for The Grove expansion development application, has shown that the cumulative impacts can be mitigated with minor intersection works. Refer to **Appendix A** for the preliminary traffic modelling outputs presented to Council on 16 September 2020.

Conclusions

On this basis of the traffic appraisal, it is concluded that the planning proposal will have negligible impacts on traffic and associated infrastructure, which means there would be negligible changes to the performance (level of service and delays) of the surrounding intersections.

If you have any questions regarding the above please do not hesitate to contact me at your convenience.

Yours sincerely

Andy Yung Director

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sctconsulting.com.au | Level 10, 99 Mount Street, North Sydney, 2060

SCT Consulting

EGROW 06

Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm Traffic Impact Statement

Attachment 3 Tra



Appendix A - Preliminary traffic modelling outputs for The Grove expansion development application



The Grove Liverpool

Car parking, bus route designand traffic modelling

Prepared by: Shawn Cen

Reviewed by: Andy Yung

5/09/2020 v 1 0

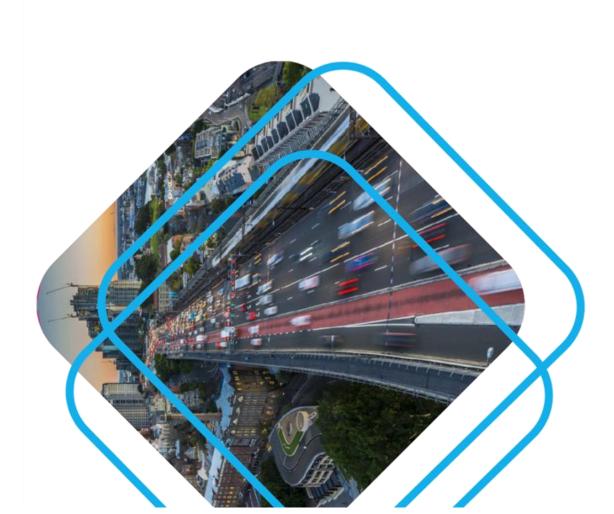


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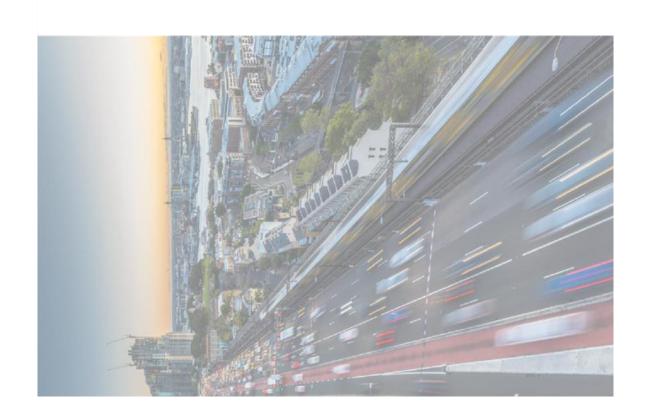
Purpose of document

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Latest design

07

- Overview of traffic modelling 03
- Required infrastructure upgrade 9



Attachment 3



Purpose of document

Purpose of document

- SCT Consulting has been engaged by GazCorp to conduct traffic and transport impact assessment to support DA for The Grove Homemaker Centre, Liverpool.
- 2020 (pre-DA meeting) and summarise the outcomes of SIDRA modelling undertaken This document has been prepared to highlight design improvements since 12 March including base year and future year scenarios (without and with the proposed shopping centre expansion)
- It is identified that the proposed car park design can satisfy the increase vehicle trips in associated with the GLFA yield.
- Infrastructure upgrade is required at key intersections around the site to ensure that impacts on the external road network can be mitigated
- Detailed modelling results will be included in the traffic and transport impact assessment report

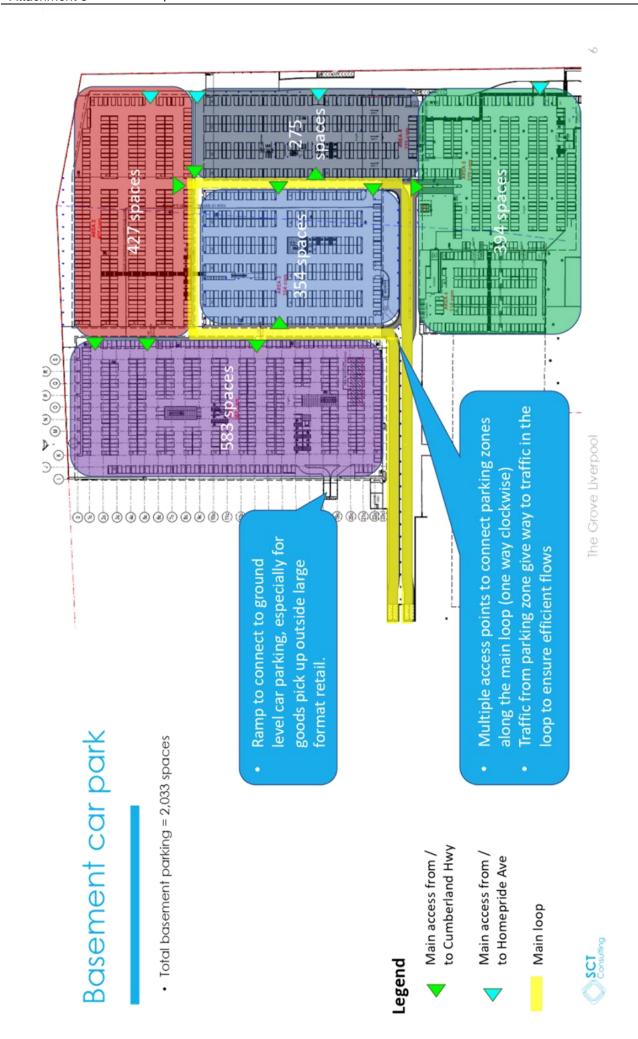


Attachment 3

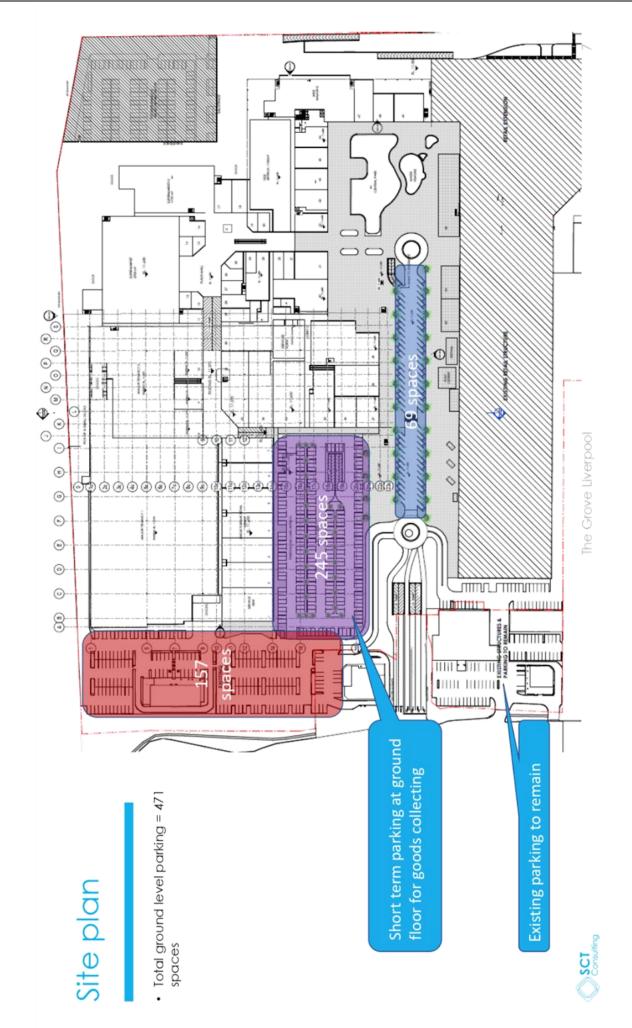


Latest design

Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm Traffic Impact Statement



Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm Traffic Impact Statement



				GLA (m ²)			Car parking 1	Car parking numbers (spaces)	
Shopping centre	ō	Land use*	Existing	Proposal	Yield	Current provision	Additional parking spaces required	Total required parking spaces^	Proposed parking spaces
i		Retail	26,039	40,411	14,372		479-589		
The Grove	100 and	Non-retail	5,598	7,553	1,955	1,275	1	1,754-1,864	
	-)	Total	31,637	47,964	16,327		479-589		
:		Retail	9,892	15,081	5,189		173-213		2,504
Spree	23	Non-retail	4,039	4,567	528	503	1	676-716	
)		Total	13,931	19,648	5,717		173-213		
	Total		45,568	67,612	22,044	1,778	652-802	2,430-2,580	

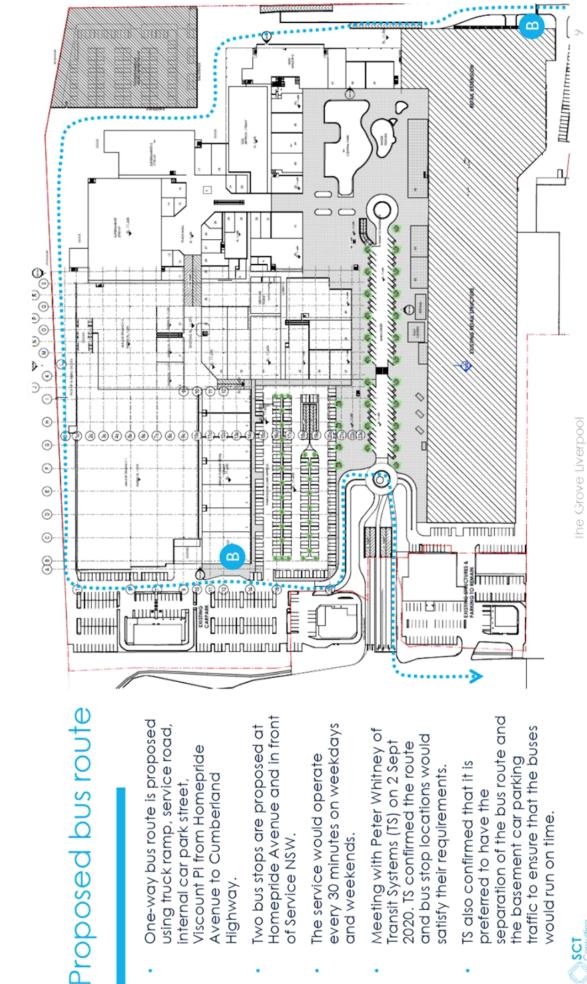
*It is assumed that the retail land use will generate parking demand (shown in red). Non-retail could include recreational facilities, food and drinks and public admin building, which The range for total required parking spaces refers to RMS guide to traffic generating developments (4.1 spaces per 100m²) and Council DCP (1 space per 30m²) based on retail are considered to be ancillary uses to the retail offer and will not generate additional parking demand.

The proposed parking spaces is compliant with required parking based on planning documents.



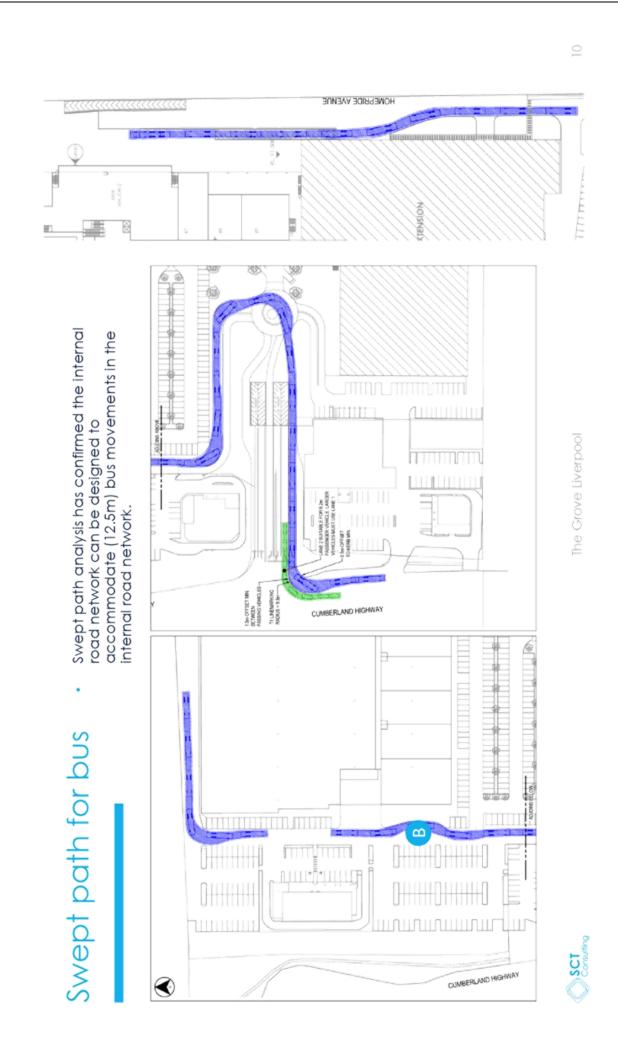


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Highway.





Attachment 3



Overview of traffic modelling

Key assumptions of traffic modelling

Base year (2020)

Modelling for current condition was based on traffic survey undertaken on 31 Jul and 1 Aug 2020 and models have been validated through observed queue length;

Due to the ongoing COVID-19 pandemic, 2020 base year traffic volumes in the assessment were factored to 2019 (pre-COVID scenario) based on historic RMS permanent counts in the vicinity of the site.

A weekly 24 hours tube count (between 30 July and 05 August 2020) on Viscount Place and Homepride Avenue captured customer car trip profile throughout the week and to identify the traffic distribution of the two access points, i.e. 75%;25%; and

The directional splits of development traffic at Viscount Place and Homepride Avenue accesses are determined based on current proportion of turning movements at these critical intersections (refer image on the left).







2

Key assumptions of traffic modelling

Future year (2030)

Future year background traffic growth adopts the rates from RMS Strategic Assignment Model. An 11-year growth rate was calculated to apply on the 2019 traffic demand to derive the background traffic in 2030.

Traffic Impact Statement

1	7.00	10,100	\$20,000 0000	Growth rate	ate
			2020 - 2017 192101	2019-2030 (per annum)	2019-2030 (total)
		Northbound	103%	1.40%	120%
7		Southbound	%86	1.70%	118%
i i o i se de s	- CW1-1	Northbound	%26	0.90%	107%
	YWL DILOC	Southbound	%26	0.50%	103%
		Northbound	109%	1.40%	127%
700	Colling and	Southbound	101%	1.70%	122%
5	- C	Northbound	%66	0.90%	109%
	TOLIO LIWY	Southbound	102%	0.50%	108%

*Factor is derived by volume in 2019 divided by 2020



Key assumptions of traffic modelling

Development trip generation

Trip generation by the site adopts RMS's Technical Direction specified vehicle trip generation based on the shopping centre GLFA i.e. 4.4 and 5.5 vehicles / 100m² GLA for weekday and weekend peak hour;

Cumulative impact has been considered to include both the expansion of Fashion Spree (approved and scheduled to construct in 2021) and The Grove Liverpool; and

Traffic assignment on internal road, roundabout, ramps is conducted based the capacity of parking spaces at ground level and basement.

Shopping			Vield	Trip rates (veh	Trip rates (veh / 100m² GLFA)	Trip gener	Trip generation (veh/h)
centre	ģ	Land use	GLA* (m²)	Thursday	Saturday	Thursday	Saturday
The Grove Liverpool	100 and 101	Retail	14,372	4.4	r, r,	632	790
Fashion Spree	23	Retail	5,189			228	285
	Total		19,561	1	ı	861	1,076

*It is assumed that only retail land use will generate vehicle trips.



Modelling scenarios

Scenario 0: 2019 existing traffic conditions (pre-COVID)

Scenario 1: 2020 existing traffic conditions (COVID)

Scenario 2: Background growth with existing road network;

Scenario 3: Background growth and development expansion traffic with existing road network;

Scenario 4: Background growth and development expansion traffic with upgraded road network (to identify road upgrade schemes required to achieve acceptable LoS)

Scenario 5: Background growth and development expansion traffic with existing road network; and

Sensitivity check: shift 10% of the traffic from Cumberland Highway access to Homepride Avenue access, leading to a 65%:35% split of the two access points)

Scenario 6: Background growth and development expansion traffic with upgraded road network (based on Scenario 5).



Overview of modelling outcomes

					lev	Level of service		
Intersections	Peak hour	2019 (pre- COVID)	2020 (COVID)	2030 without expansion	2030 with expansion	2030 with expansion (Infrastructure upgrade)	Sensitivity check: 2030 with expansion	Sensitivity check: 2030 with expansion (Infrastructure upgrade)
Cumberland	THU	В	В	В	O	В	O	8
nwy / viscouni Pi	SAT	В	В	В	ш	Q	ш	O
Hume Hwy /	THU	<	4	4	В	8	В	В
Macquarie St	SAT	<	<	<	В	В	C (DoS>1)	<

Note that:

The new roundabout at Viscount Place (connecting different at grade parking areas) operates satisfactorily in all cases.

Intersection upgrades are required under the following scenarios:

- At Cumberland Highway / Viscount Place on Saturday peak, with the centre expansion.
- At Hume Highway / Homepride Avenue on Saturday peak, with the centre expansion under the sensitivity test with 10% more traffic using the Homepride access.



Attachment 3



Required Infrastructure upgrade

Future year with expansion

Cumberland Hwy / Viscount PI Proposed infrastructure for

Cumberland Highway (refer to upgrades highlighted in Works Authorisation Deed effective length: 185m + 120m) and introduce left Extend the right turn bay according to approved rum slip lane (100m) on orange).

LoS are satisfactory for both Queue on exit lanes from development traffic. peak hours with

fiscount PI RT

1PM

basement car park is 216m, accommodated in the current design.

Cumberland Hwy (s)



Right tun from Hume Hwy to Homepride Ave has an average delay of around two minutes and has a queue of 7 vehicles during a Saturday peak, which spills out of the existing right turn bay (as it happens under current conditions already)

However, the overall intersection groups along Hume Hwy perform satisfactorily and do not trigger any infrastructure upgrade,

Alternative design for Hume Hwy / Macquarie St



In order to mitigate the queue on the east approach, it is possible to re-configure the channelisation to contain two straight lane + two right turn lane (refer to potential improvements identified in

This could halve the queue length of right turn to 4 vehicles on Hume Highway during a Saturday

 ∞

The Grove Liverpoo



Proposed infrastructure for Hume Hwy / Macquarie St

Future year with expansion (sensitivity check)

Proposed infrastructure for Cumberland Hwy / Viscount PI

z

 Right turn bay on Cumberland Highway can be shortened to 160m which can also be accommodated by works in approved WAD (refer to upgrades highlighted in

blue).
LoS are satisfactory for both peak hours with development traffic.
Queue on Viscount PI further reduced to 170m, which can be

Viscount PI RT

1PM

accommodated in the

current design.

Double right turn lanes is recommended to facilitate increased right turn customers from Homepride This halves the queue on Homepride Ave to 100m and the intersections perform satisfactorily. Ave to Hume Hwy (refer to upgrades identified n blue).

Alternative design for Hume Hwy / Macquarie St

If double right turn lanes are provided on Hume Highway into Homepride Avenue, then
there is no need to duplicate right turn on Homepride Avenue.

This could halve the queue length of right turn to 4 vehicles on Hume Highway during a Saturday peak hour.

6

he Grove Liverpool





Thank you

sctconsulting.com.au





Our Ref: RZ-8/2020
Contact: Michael Midson
Ph: 8711 7893
Date: 3 November 2020

Mr Nicholas Gazal Gazcorp Pty Ltd PO BOX A2577 SYDNEY NSW 2000

By email: NicholasG@gazcorp.com

Dear Mr Gazal,

Re: Planning Proposal – The Grove, Warwick Farm (RZ-8/2020)

I write in response to your planning proposal request (RZ-8/2020) which seeks amendments to Clauses 21 and 24 in Schedule 1 (Additional Permitted Uses) of the Liverpool Local Environmental Plan 2008 (LLEP 2008) including:

- Introduction of 'business premises' as an additional permitted use.
- Replacement of the term 'retail premises' with 'shop'.
- Increasing the existing cap from 19,000m2 to 21,000m2; and
- Updating the legal description of the Fashion Spree site.

Council has conducted an initial assessment of the planning proposal request and initial public exhibition has been completed in accordance with the Liverpool Community Participation Plan 2019.

Request for additional information

As discussed at our meeting on 26 October 2020, Council requires additional information as listed below for an assessment report to be prepared and presented to the Liverpool Local Planning Panel (LLPP) and Council.

Planning Proposal Request Updates

The following updates are required:

- More clearly outline the intended outcomes and provide more detailed information about the future development on the site including more clarity on the future development application (including a GFA breakdown).
- Section 3 (Planning History of the Site) to include the history of the various planning agreements on the site and their current status.
- Table 7 to provide further commentary to help Council understand how the proposal will help improve integration with the public domain and with nearby open space, social infrastructure and other services.



Traffic Report

Council notes that a revised traffic impact assessment addressing cumulative impacts of the development on the surrounding road network is being finalised. Please organise for a copy of the report to be forwarded to Council.

Planning Agreement

The existing VPA executed under Amendment 61 LLEP needs to be updated. The update is to clarify the proposed upgrades to the Orange Grove Road/Viscount Place and Hume Highway/Homepride Avenue intersections as well as the Homepride Avenue road rehabilitation.

These works have been deemed necessary to ensure that the public will have safe and easy access to and around the land as a result of the development permissible under the current amendment.

As agreed, the existing VPA is to be amended to respond to the current planning proposal request (or replaced with a new VPA). The changes to the existing VPA should include the following:

- Update the description of development;
- Expand the land to which the VPA applies (including all legal property descriptions);
- Update the cost of works;
- · Consider a financial contribution in lieu of s.711/12 payments; and
- Any additional items to support the development (subject to consideration of traffic and other impacts).

Note: Depending on the nature of the changes proposed, Council may require a Quantity Surveyors (QS) report and security bond of 110% cost of works.

Further Assessment

Economic Impact

In response to received submissions, Council intends to commission an independent consultant to peer review the economic issues raised and to better understand the cumulative economic impacts of the planning proposal request.

Council previously obtained independent advice as part of the Phase 1 LEP Review; however, this advice has limitations. As discussed, it is noted that Gazcorp Pty Ltd would fund the peer review in accordance with Part 2, Section 11 of the Environmental Planning and Assessment Regulation 2000.

Council will develop a draft scope of work and note that you would like an opportunity to address the comments raised in submissions before this work is carried out.

Flooding

In addition to the requested information, please note the following technical comments which would need to be addressed during the development application assessment stage:

 Any future development of the site shall be carried out in compliance with Council's DCP2008 and NSW Floodplain Development Manual (2005). The future

development application will be assessed on its merits, and further conditions will apply at the time of assessment.

- The riparian corridor of the Cabramatta Creek shall be preserved, and all development footprints shall be located outside the creek corridor and the floodway.
- Previously, Council approved a number of development applications at this site, which involved flood compensatory excavation on the northeast open space area. However, the aerial map and site condition of the open space area does not appear to correspond. Furthermore, the aerial map and Council's ALS contour level indicate the presence of soil stockpile at the northeast corner of the site. All unauthorised filling shall be removed from the site immediately to avoid compliance and enforcement action.
- A flood impact assessment shall be undertaken to confirm that the proposed development will not have any adverse flooding impact in the vicinity. The flood impact assessment shall be done using hydrologic and hydraulic modelling software by a suitably qualified and practising hydraulic/floodplain engineer. Council's Cabramatta Creek flood study models should be utilized for the flood impact assessment of the proposed development. Flood impact assessment report and electronic copies of hydrologic and hydraulic model shall be submitted to Council.
- There shall be no net loss of flood storage volume below the 1% AEP flood by the
 proposed development. Pre and post development flood storage volume calculations
 shall be submitted to Council. The pre- and post-development flood storage volume
 calculations shall confirm that there is no net loss of flood storage below the 1% AEP
 flood by the proposed development.
- All building floor levels shall be no lower than the 1% AEP flood plus half a metre freeboard.
- The structure shall be constructed from flood compatible building components below the 1% AEP flood plus half a metre freeboard. An engineer's report shall be required to certify that the structure can withstand the forces of floodwater including debris and buoyancy up to and including a 1% AEP flood plus half a metre freeboard.
- The level of the car parking shall be no lower than the 5% AEP flood.
- Reliable access for pedestrians or vehicles shall be provided from the lowest habitable floor level to a location above the Probable Maximum Flood.
- On-site water quality treatment facilities shall be incorporated in the proposal to ensure that stormwater runoffs leaving the site comply with Council's water quality standards. The treatment facilities shall capture all gross pollutants and liquid contaminants from the stormwater before discharging it to downstream.
- Water quality treatment works shall be designed using MUSIC modelling software and the water quality treatment system performance shall be verified using Council's MUSIC link. Water quality modelling report and electronic copy of MUSIC model shall be submitted to Council.

Further comments will occur at the development assessment stage.

Next Steps

Once the requested additional information and confirmation of the peer review funding is received, Council will continue the assessment of the planning proposal request.

The assessment could be submitted to the next scheduled Liverpool Local Planning Panel (LLPP) meeting on 7 December 2020 or the subsequent LLPP meetings in early 2021 subject to the completion of the assessment.

Should you require any further information on this matter, please contact me on 8711 7893.

Yours sincerely

Michael Midson Executive Planner

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ETHOS URBAN

13 April 2021

2200411

Mr David Smith A/Director City Economy & Growth Liverpool City Council By email.

Dear David,

RESPONSE TO THE LIVERPOOL LOCAL PLANNING PANEL ADVICE THE GROVE LIVERPOOL, PLANNING PROPOSAL – RZ-8/2020

We write on behalf of Gazcorp Pty Ltd, the owner of The Grove Liverpool Shopping Precinct and the applicant of Planning Proposal RZ- 8/2020. The purpose of this letter is to express Gazcorp's support to Council's recommendation that the Planning Proposal proceed to Gateway determination as set out in its assessment in the Memo dated 31st April 2021 and, in its advice, dated 8th April 2021.

In addition to the above, Gazcorp wishes to further respond to the key issues raised within the Liverpool Local Planning Panel's (the Panel) advice and provide further evidence that there is significant strategic merit in the Planning Proposal progressing without the need for any development control mechanisms being applied across The Grove Liverpool site that are in addition to those that currently exist.

This letter refers to and should be read in accordance with the following documents, as attached:

- Discussion Paper: Proposed Subregional Shopping Centre at 2-12 Orange grove Road, Warwick Farm, prepared by Gazcorp, dated 13th October 2011 (Attachment A);
- Review of Centre Strategy Liverpool, prepared by Leyshon Consulting, dated 16th December 2011 (Attachment B);
- Liverpool Retail Centres Hierarchy Review, prepared by Hill PDA, dated July 2012 (Attachment C);
- Letter from Liverpool City Council to JBA, dated 6 February 2013 (Attachment D);
- · Letter from Liverpool City Council to Gazcorp, dated 28 September 2015 (Attachment E);
- Amendment 61(updated) Planning Proposal report, prepared by JBA, dated October 2015 (Attachment F);
- Amendment 61 (updated) Planning Proposal report, prepared by JBA, dated December 2016 (Attachment G);
- . Letter from Roads & Maritime (RMS) to Liverpool City Council, dated 11 August 2017 (Attachment H);
- Letter from Roads & Maritime (RMS) to Liverpool City Council, dated 20 November 2017 (Attachment I);
- Council Agenda of the Ordinary Meeting on 28 February 2018 (Attachment J);
- · Pre-DA Meeting Notes, prepared by STC, dated 12 March 2020 (Attachment K); and
- Design Review Panel Minutes, prepared by Liverpool City Council, dated 13 October 2020 (Attachment L).

The Grove Warwick Farm | Response to Liverpool Local Planning Advice 13 April 2021

1.0 Issues raised by the Liverpool Local Planning Panel and Council's position

The Liverpool Local Planning Panel's advice note stated that it was supportive of the Planning Proposal (as amended by Gazcorp on 25 March 2021) proceeding to Gateway determination, however raised two key concerns.

- 1. The Panel agreed with the advice of SGS that whilst the additional of an additional 2,000 square metres of retailing on the Fashion Spree site and the additional of 'business premises' as a permitted use on the Homemaker site would be themselves unlikely to have an adverse impact on the Liverpool City Centre or be otherwise contrary to Council's Centres and Corridors Strategy (CCS), the Panel was concerned that if changes lead to a transition away from the current operation of the centre, then there may be an impact on Liverpool City Centre or the future development would be contrary to the CCS. Accordingly, the Panel recommended that for the Planning Proposal to proceed, then it be on the basis that there be an enforceable legal mechanism to ensure that the Fashion Spree site remain as a retail factory outlet centre and does not transition to a more 'traditional' retail offering.
- 2. The Panel also agreed with SGS in considering that there was potential for the site(s) to become a 'destination' food and drink location, which could also compete with the Liverpool City Centre as opposed to providing food and drink premises as ancillary to other shopping visits. Accordingly, the Panel also recommended that if the Planning Proposal were to proceed, a legal mechanism should also be explored to ensure that any food and drink premises at both the Homemaker Centre site and Fashion Spree site are ancillary to the other uses rather than becoming destinations in themselves.

Gazcorp's response to the above points are set out below.

1.1 Fashion Spree Factory Outlets

A further legal mechanism to ensure that the Fashion Spree outlets remain as factory outlets is not warranted in this instance. This is because, retailing on the site is already controlled by the following measures:

- 1. Overall cap of retail premises as set out in Schedule 1, Clause 21 of the Liverpool LEP.
- The restriction of the maximum tenancy size of 1,200m².
- Development consent 839/2014 which includes a Plan of Management which restricts the types of retail permissible on the site.
- 4. The zone objectives of the B5 zone any change of use on the site would require a development application and Council would have the ability to ensure the development is consistent with the zone objectives.

Further to the above, any application for a change of use would need to be accompanied by an Economic Impact Assessment which addresses the Liverpool Retail Hierarchy and Councils Centres and Corridors Strategy.

Finally, it is noted that Gazcorp is about to commence construction of the expansion of the Fashion Spree centre. This is further evidence that Gazcorp has no intention of changing the retail strategy for the Fashion Spree site, and simply wishes to build on the success of the existing centre.

1.2 Food and Drink Premises

In respect of food and drink premises, Gazcorp wishes to highlight that the provision of food and drink premises is an important aspect of supporting the viability of a subregional centre and are required to provide amenity to patrons coming to the centre. The list of similar and/or nearby centres below, demonstrates that food and drink premises are an ancillary component of a shopping precinct and can be provided without creating a stand-alone food and drink destination precinct. It is also important to note that from an outlet perspective, Fashion Spree is still heavily underweight on food and drink outlets in comparison to comparable centres.

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The Grove, Warwick Farm | Response to Liverpool Local Planning Advice 13 April 2021

OUTLETS

- FASHION SPREE (INCL EX): 80 Speciality stores, 7 Food Outlets, 0 Business Premises.
- DFO HOMEBUSH: 102 Speciality stores, 15 Food Outlets, 2 Business Premises.
- BIRKENHEAD: 101 Speciality stores, 17 Food Outlets, 12 Business Premises.
- DFO ESSENDON: 118 Speciality stores, 11 Food Outlets, 2 Business Premises
- HARBOUR TOWN GC: 170 Speciality stores, 32 Food Outlets, 8 Business Premises.

SUB-REGIONAL CENTRES

- CARNES HILL MARKETPLACE: 28 Majors/Speciality stores, 14 Food Outlets, 12 Business Premises.
- · CASULA MALL: 36 Majors/Speciality stores, 15 Food Outlets, 14 Business Premises.
- BONYRIGG PLAZA: 31 Majors/Speciality stores, 11 Food Outlets, 17 Business Premises.

Restricting food and drink premises is unnecessary on the site as again, Council will have the ability to review and restrict the amount of food and drink premises on the site when the detailed development application is lodged for the site. This would have been the case for all the developments listed above if it was considered necessary.

It is further noted that food and drink premises are a permissible use within the B5 and B6 zones, and the objectives of the B5 zone seek to maintain the economic strength of centres by limiting the retailing of food [and clothing], but also require a reasonable concentration of business activity. It is therefore considered that these existing LEP provisions can be relied upon when assessing any future development applications, without a specific restriction on the amount of food and drink premises permitted on the site.

2.0 Gazcorp's long standing intentions for the site

The Planning Proposal report, prepared by Ethos Urban, dated 5th November 2020, included a detailed explanation of the planning history and the approved uses on the site. This was included because the site's planning history was considered an extremely important consideration in explaining the context behind the Planning Proposal.

Two of the key concerns raised by SGS in its review of the Planning Proposal were:

- 1. The connectivity of the two shopping centres; and
- Incremental expansion of traditional retailing on the site.

In undertaking its assessment, we understand that SGS were not privy to the longstanding history of the site and we note that since October 2011, Gazcorp has always conveyed its long-standing vision for the site to create a single unified precinct with significantly improved amenity for patrons and an expanded the retail offering to include traditional retailing.

During the evolution of the development of planning controls for the site and the vision for the redevelopment of the precinct, Gazcorp has repeatedly met with both Council and the RMS. This has influenced the design significantly and has result in the initial vision, which proposed pedestrian bridges across Viscount Place, being amended such that a main street design was pursued which provided separate circulation for pedestrian and vehicles on the site.

The documents attached to this letter also demonstrate that from the outset, Gazcorp has been clear in its intentions to expand the retail offering on the site to include more traditional and convenience types of retail.

Attachments A-L and the extracts taken from the Attachments, as set out in Table 1 demonstrate that since 2011, Gazcorp has expressed its vision for The Grove Liverpool to be a single shopping precinct that comprises, bulky goods (now referred to as specialised retail premises), outlet retail and traditional convenience retail floorspace.

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The Grove, Warwick Farm | Response to Liverpool Local Planning Advice 13 April 2021

Furthermore, the documentation also demonstrates that Council has accepted that:

- The Grove Liverpool should include many attributes of a town centre and should include a 'main street' element;
- The economic impact of a diversified retail offer would support the viability of the specialised retail component, will have broader economic benefits and is unlikely to seriously impact any nearby centres;
- · Service vehicle access will be provided along the northern site boundary;
- · Gazcorp has always intended to provide outdoor dining opportunities;
- Viscount Place would ramp down to underground car parking, in order to separate service vehicles from private cars and pedestrians:
- Access from Viscount Place would be simplified to reduce the amount and number of conflicts, which may
 include at grade pedestrian links between the land uses on the northern and southern sides of Viscount Place;
 and
- Gazcorp's indicative plans have always envisaged a single-level complex comprising specialised retail premises
 and traditional retailing, with additional uses including a full-line major supermarket, a mini-major supermarket
 and a discount department store, co-located with a mix of speciality and ancillary shops.

In addition, the proposed overall design intent, the provision of external dining, the central open space and included water features as well as other landscape elements within a 'themed world' across The Grove Liverpool site, has been supported by Council's Design Review Panel in its review of the future proposed redevelopment designs for the site. It has also been accepted by both Council and Transport for NSW that traffic and pedestrian access related issues can be addressed at the DA stage as demonstrated in Table 1 and **Attachments I** and **K**.

Table 1 Relevant extracts from Attachments A-L

Document name	Relevant exact		
Gazcorp Discussion Paper: Proposed Subregional Shopping Centre at 2-12 Orange grove Road, Warwick Farm 13 th October 2011 Attachment A	General Overview Gazcorp Pty Ltd is seeking support for a new sub regional shopping centre to be built on the land adjoining the rear of the current Liverpool Megacenta. The proposal would contain approximately 14,600 square metres of gross leasable area, made up of: a) A discount Department Store of 5,000 square metres. b) A full line supermarket of 3,800 square metres. c) A small discount supermarket of 1,300 square metres d) Speciality and mini major shops of 4,500 square metres. To put the size of the proposal into context, the centre would be smaller than all of the subregional centres currently in the South West region (subregional centres usually have at least one full line DDS and at least one major Supermarket): a) Carnes Hill Market Place – 17,500 square metres b) Casula mall – 20,100 square metres c) Bonnyrigg Plaza – 23,000 square metres; d) Fairfield Forum – 18,027 square metres; e) Neeta City – 25,359 square metres; f) Bass Hill Plaza – 19,985 square metres.		

The Grove, Warwick Farm | Response to Liverpool Local Planning Advice 13 April 2021

Document name	Relevant exact	
Leyshon Consulting Review of Centre Strategy – Liverpool	Redevelopment and Expansion In our opinion a far more attractive option would be to redevelopment the Orange Grove Road property into a centre which could contain elements of the following: bulky goods retailing	
- Liverpoor	outlet retailing	
16th December 2011	discount and convenience retailing	
Attachment B	This would provide the centre with a diversified retail offer and increase patronage to Orange Grove	
	A future standalone centre at Orange Grove Road could include the following elements: • bulky goods retailing – up to 30,000sq.m.	
	convenience and discount retailing – up to 15,000 sq.m	
	factory outlet retailing – up to 17,000sq m.	
	pad sites – up to 5,000 sq.m	
Hill PDA	Orange Grove was identified as a Stand Alone Shopping Centre and the characteristics of such a centre within the Existing Retail Hierarchy were described as follows:	
Liverpool Retail Centres Hierarchy Review	Internalised, privately owned centres located away from other commercial areas, containing many of the attributes of a Town Centre but without housing or public open space – may have potential to	
July 2012	become a traditional town centre in the long-term.	
Attachment C		
Liverpool City Council Letter to JBA regarding the proposed redevelopment of Orange	redevelopment of the Orange Grove site. Council requested that you consider the following matter in the preparation of the Planning Proposal and drafting of an amendment of Liverpool Development Control Plan 2008:	
Grove	8. That that proposed development be designed in such a way that it addresses Viscount Place as a 'main street'.	
6 February 2013		
Attachment D		
Liverpool City Council	When considering the Orange Grove stand-alone centre as a single entity, it currently has approval for 50,000sqm of retail floor space of different kinds (bulky goods, retail outlets and enterprise	
Letter to Gazcorp regarding the rezoning of the Homemaker Centre	corridor uses). The addition of an extra 17,000sqm of traditional retailing to the site may therefore be considered an additional use.	
28 September 2015	As noted in Section 5.0 of the planning proposal,	
Attachment E	The diversification of retail uses within the proposed new retail centre will not only support the viability of the bulky goods retail component, but will also have broader economic benefits by creating a new retail centre that will attract a wide range of consumers from a large catchment to the Liverpool LGA.	
	Council staff understand that the development of the regionally significant outlets centre will attract consumers from a wide catchment, including those from outside the Liverpool local government area. It is also acknowledged that the EIA (and peer reviews) have predicted that diversifying the uses at the Orange Grove site is unlikely to seriously impact any nearby centre.	

The Grove, Warwick Farm | Response to Liverpool Local Planning Advice 13 April 2021

Document name

Relevant exact

JBA

Amendment 61 (updated) Planning Proposal report

October 2015

Attachment F

'A single-level retail centre is envisaged for development on the Site. Bulky goods retail premises are proposed to be accommodated at the rear of the centre, whilst more traditional retail uses will be accommodated in the front portion. In order to ensure the ongoing operation of the bulky goods component during construction, it will be necessary to construct the new bulky goods component at the rear of the site first, relocate existing tenants, and then construct the front portion of the new centre to accommodate traditional retailing.

The new centre is intended to operate as a single-level centre providing for the ready flow of foot traffic between the traditional and bulky goods components of the development.

Basement parking is proposed to be accessed of Viscount Place which will be redesigned to accommodate a turning circle and traffic calming measures such as tree planting and pedestrian crossings. Consistent with the RMS comments, Viscount Place will be re-graded to provide access to the underground car park. In addition, a limited amount of at-grade parking will be provided at the southern boundary of the centre which will be accessed via the turning circle. A food court is also envisaged at the centre's southern edge.

A number of pedestrian links to the approved outlet retailing centre on the Weekend Markets site are also being considered. Service vehicle access will be provided along the northern boundary of the Site'.

The following images were also included within the report which demonstrated Gazcorp's intention to provide outdoor dining opportunities as part of the refurbished centre and to improve the amenity and pedestrian experience of the shopping centre.



The Grove, Warwick Farm | Response to Liverpool Local Planning Advice 13 April 2021

Document name

Relevant exact



The Grove, Warwick Farm | Response to Liverpool Local Planning Advice 13 April 2021

Document name

Relevant exact

JBA

Amendment 61 (updated) Planning Proposal report

December 2016

Attachment G

Throughout the progress of the Amendment 61 Planning Proposal, significant consultation occurred with the RMS, as it has always been a priority for both Gazcorp and the RMS to improve pedestrian safety and to reduce conflicts with service vehicles.

Accordingly, the Planning Proposal report, dated December 2016 set out that the following issues (as discussed with the RMS) were relevant to the future design of the new retail centre and would be considered as part of the future development application:

- the existing intersection of Orange Grove Road/ Viscount Road has space capacity;
- congestion currently experiences at this intersection is due to parking/pedestrian interactions at Viscount Place:
- given that there is spare capacity at Orange Grove Road/ Viscount Place, an additional access
 to The Grove Liverpool is available via Homepride Avenue, improvements to Viscount Place
 should be considered prior to the consideration of an additional access (third access) at the
 northern boundary of The Grove Liverpool;
- a third access (if pursued) would need to accommodate a southbound deceleration lane for the left turn movement;
- the existing safety issue at the 'jug handle' on Orange Grove Road was noted. However, it was also noted that the 'jug handle' is unlikely to remain in the future, particularly if the road is wide ped
- any additional phases with the right turn movement from Hume highway into Homepride Avenue can be accommodated in the existing phasing of this intersection and should be pursued;
- consideration should be given to potentially increasing the length of the southbound left turn lane or to convert the southbound left turn land to a slip lane at Orange Grove Road/ Viscount Place, if required:
- access off Viscount Place in the design (of the planned new retail centre) should be simplified to reduce the amount and number of conflicts:
- the RMS supported dropping Viscount Place to access the planned underground car park as the main access, with minor access to surface car parking outside the planned supermarket. This would allow for separation of service vehicles from private cars and pedestrians.
- · an internal roundabout needs to be located further to the east if an 'at-grade' option is pursued.

NSW Transport – Roads & Maritime Services

Letter for Liverpool City Council

11 August 2017

Attachment H

3. Site observations have indicated that the majority of motorists entering Viscount Place enter the first facing driveway (adjacent to McDonalds), which occasionally leads to vehicle queue spill back to Orange Grove Road in peak periods and impacts the network performance of the signalised intersection. Motorists may not be aware that there is additional parking at the eastern boundary of the site and take the first entry point.

Council as the relevant planning authority for the LEP Amendment may wish to give consideration to either closing this entry driveway (as motorists have alternative access to this open car park adjacent to the Highway at the next driveway on Viscount Place to the east) or ensuring the proponent provides better signage and guidance to advise motorists of additional parking on the eastern boundary of the site.

4. Motorists may be discouraged from utilising the car parks on the eastern boundary of the subject site due to the pedestrian crossings on Viscount Place and the number and frequency of pedestrian movements using these crossings in the peak periods causing delays for motorists on Viscount Place and associated vehicle queue spillback. As a result, consideration should be given to the provision of a grade separated pedestrian bridge on Viscount Place that provides direct and safe pedestrian links between the land uses on the southern and northern side of Viscount Place.

The Grove, Warwick Farm | Response to Liverpool Local Planning Advice 13 April 2021

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Document name	Relevant exact
NSW Transport – Roads & Maritime Services	
Letter for Liverpool City Council	The advice provided by Roads and maritime for consideration to be given to improving pedestrian access and associated mitigation of potential traffic issues relating to pedestrian access can be addressed at DA stage.
20 November 2017	
Attachment I	
Liverpool City Council	The proponent's indicative plans envisage a single-level complex comprising of bulky goods and traditional retailing. The additional uses would include a full-line major supermarket, a minim major
Agenda to Ordinary Meeting 28 February 2018	supermarket and a discount department store, co-located with a mix of specialty and ancillary shops.
Attachment J	
STC Consulting	Items proposed by Gazcorp and discussed at the meeting included:
Pre-DA Meeting Minutes of meeting between Gazcorp project team and Transport for NSW	The proposed concept has two entry lanes (feeding from dual right turn lane) and four exit lanes at the main access. Majority of traffic will use the portal to access underground car park, minimising traffic at-grade.
12 March 2020	Pedestrian movements across Viscount Place have been improved. The crossing on the 4 lane road is replaced by at grade crossing at main Street with significantly reduced traffic volumes.
Attachment K	TfNSW suggested the team to have another meeting, if required, after the traffic modelling and intersection designs are completed prior to DA submission.
Liverpool City Council	Specific relevant comments raised by Council's Design Review Panel include:
Design Review Panel Minutes 13 October 2020	The panel supports the overall design intent for the development and appreciates the incorporation of a 'main street retail' approach for the centre, however, the Panel notes that the design drawings submitted as par of the review proposes the idea of façade elements being considered within a big box retail approach, rather than actual smaller building elements.
Attachment L	External retail dining and other augmented retail propositions should be investigated.
	The Panel recommends that the design should consider providing accessible roof gardens/ outdoor dining areas on the upper levels of the building. This will help the proposal appear more pedestrian friendly and less car focussed.
	The Panel supports the design intent of providing a central public open space with water features and other landscape elements, however, but would like to review the application once it is further developed.
	The Panel supports the idea od creating a themed world for visitors, however, additional details are required to identify the functional allocation of the ventral open space along the main street, including proposed programming/ curation of activities.

The Grove, Warwick Farm | Response to Liverpool Local Planning Advice 13 April 2021

3.0 Conclusion

Overall, Gazcorp would like to reiterate its support for Council's position that the Planning Proposal proceed to Gateway determination and that no further restrictions are required in respect of the type of retail offered than those which already exist. In addition, this letter has also sought to demonstrate that the Panel's concerns were unfounded as Gazcorp's long term vision for the site has never been to compete with any nearby centres, including the Liverpool City Centre or to transition into a food and drink 'destination'.

Yours sincerely,

Jennie Buchanan

Director 0404 909 035 jbuchanan@ethosurban.com

Ethos Urban | 2200411 10



13 October, 2011

DISCUSSION PAPER:

PROPOSED SUBREGIONAL SHOPPING CENTRE AT 2 – 12 ORANGE GROVE ROAD, WARWICK FARM



ECONOMIC AND SOCIAL BENEFITS

There are a number of Economic and Social benefits if such a development were to proceed:

- 1. Employment (ABS employment rates)
- a) Construction During the construction of the proposed centre, it is estimated that 505 full time construction jobs will be created: 203 of these will be directly employed on site.
- b) Post Construction It is estimated that the proposed centre will create approximately 540 direct full time jobs on completion. It will also indirectly create another 485 "on flow" jobs as a result of the multiplier effect.
 - If amendment 22 (reinstatement of the factory outlet centre) is passed at Gateway as proposed, then the two developments combined will provide over 950 new full time jobs on site with another 850 "flow on" jobs.

2. Floorspace Demand

Gazcorp's recent Economic Impact Assessment submitted with the rezoning of the Orange Grove Factory Outlets found that during the period of 2006 to 2021, there will be support for an increase in retail floor space of:

- Liverpool LGA: 128,910 square metres

Fairfield LGA: 41,380 square metres

Balance of Region: 397,530 square metres

Considering the type of development that is being proposed, its location on the border of Fairfield and Liverpool LGA's, and the added regional catchment of the proposed Factory Outlets Centre, it could be expected that the breakup of customer traffic would be split as follows:

Liverpool LGA: 40%
 Fairfield LGA: 35%
 Outside Regions: 25%

This would mean that the proposed development would only take up 4.5% of the supportable increase in retail floorspace in the Liverpool LGA between 2006 and 2021.

3. Investment, Planning Policies, and Supply Driven Demand

The development would see a direct capital investment of over \$62.5 million into the Liverpool LGA.

The development would also be in line with the six key planning principles of the Draft Centres Policy; most importantly Principle number 3 which states "The market is best placed to determine the need for retail and commercial development...".

The retailers we are seeking to place in the proposed centre have been unable to get a foothold in the Liverpool CBD for various reasons. By placing them on the Gazcorp land, they would complement the offer in the Liverpool CBD while offering consumers more variety and choice.

This is a big coup for the Liverpool LGA for two reasons. Firstly, it stops expenditure escaping into surrounding LGA's, as consumers are now able to find retailers such as K Mart and Aldi in the Liverpool region.

Secondly, the proposed centre would now draw expenditure from surrounding LGA's instead of losing it to them as highlighted in point 2 above. Assuming the proposed

centre turns over \$88 million a year (based on industry averages), it would be expected that \$31 million of this would be captured from the Fairfield LGA with another \$22 million captured from other LGA's.

This second point is also supported by information gathered from current major retailers in the Liverpool Megacenta that shows around 40% of the proposed centre's patronage come from the Fairfield LGA – the majority being from Canley Vale and Cabramatta.

4. Multiple Trip Generation

The greater site is a well-established retailing node, with the Liverpool Megacenta having traded for over 12 years.

The addition of the proposed sub regional shopping centre would add another retailing dimension to the site, meaning the site would grow in status as a multiple trip generating site – in line with the requirements of the NSW Government Metropolitan Strategy.



Suite 1106 Level 11 109 Pitt Street, Sydney NSW Australia 2000 Telephone 61 2 9224 6111 Facsimile 61 2 9224 6150 ABN 12 003 203 709

Z:\Admin\1.0_WIP_2011\LET_Orange Grove.wpd 16 December, 2011

BY EMAIL

The General Manager Liverpool City Council Locked Bag 7064 LIVERPOOL BC NSW 1871

Attention: Mr Theo Zotos

Dear Mr Zotos

RE: REVIEW of CENTRE STRATEGY - LIVERPOOL

In accordance with our recent discussion I write on behalf of my client, Gazcorp Pty Ltd regarding issues for consideration by Council and Hill PDA. I understand Hill PDA are conducting a review of the Retail Centres Strategy for Liverpool and are due to report in February, 2012.

Background

As you are aware, the Gazcorp-owned land at Orange Grove Road contains a bulky goods shopping centre development known as MegaCenta Liverpool. In total this centre comprises some 30,000 sq.m.. The major tenants are Harvey Norman and Domayne (a member of the Harvey Norman Group).

The centre was developed in 1999 and currently has a significant component of vacant floorspace estimated to be some 15%. In addition a significant amount of space in the centre is leased at below market rates or to casual tenants.

Elsewhere on the site there is a McDonald's drive-through restaurant, fast-food outlets operated by Subway and Oporto Chicken and a carwash.

Some seven hectares of land is located to the rear of the MegaCenta and has remained undeveloped for the past decade due to a lack of demand for bulky goods retailing in this locality.

Gazcorp has approval to develop a Dan Murphy's liquor outlet on the site which will replace the carwash, Subway and Oporto outlets.

In addition, a planning proposal has been submitted to Council for the reopening of the former factory outlet centre (now used for a weekend market) which operated on the site up until August 2004.

The subject site is on the northern periphery of the Liverpool CBD and is very close to the northern border of Liverpool LGA. As a consequence of this, and its location on Orange Grove Road existing retailers on the site draw a significant volume of their sales from parts of Fairfield LGA to the immediate north of Orange Grove including the suburbs of Cabramatta, Cabramatta West, Canley Heights and Canley Vale.

Retail Strategy

The existing retail strategy for Liverpool is based on a report prepared by Leyshon Consulting for Council in 2006 – Liverpool City – Retail Centres Hierarchy Review.

The 2006 report recommended Council adopt a policy of reinforcing existing bulky goods retail nodes in Liverpool LGA rather than creating new locations within the City. The existing bulky goods locations were Orange Grove, the Crossroads area at Casula and the Warwick Farm Homemaker Centre.

It is understood that a planning proposal has been submitted to Council which proposes the development of a very large Costco retail store on a site at the Crossroads centre. The Costco store will retail a wide range of clothing, household goods, groceries and food and comprise some 13,500 sq.m.. The Economic Impact Assessment report prepared for Costco estimates that food and grocery sales could comprise about \$80 million per annum out of estimated total store sales of \$120 million per annum.

It is also rumoured that an IKEA store is planned for Crossroads.

In our opinion the approval of Costco at Crossroads has severe implications for the future of bulky goods retailing at Orange Grove. In particular, it is likely that the major tenant at MegaCenta Liverpool (Harvey Norman/Domayne) will vacate and relocate their operations to Crossroads due to the certain increase in traffic to that centre brought about by Costco's introduction of food, grocery and clothing retailing to Crossroads.

This could leave MegaCenta Liverpool 75% vacant with little prospect of it being re-tenanted quickly, if at all because it would be impossible for Orange Grove to compete with Crossroads as a location for prime bulky goods shopping in Liverpool LGA.

In essence, for Orange Grove the arrival of Costco at Crossroads is a "game changer".

Development Options

Do Nothing

If no changes are made to the Liverpool MegaCenta as it currently exists, it is quite possible the centre could lose its major tenants and become blighted as smaller tenants struggled

without major tenants to anchor the centre. Doubtless that would result in the centre experiencing substantial vacancies (more than 50%) over a long period of time.

There is little doubt the existing McDonald's outlet and the proposed Dan Murphy's store on the Orange Grove Road frontage of the property would operate successfully due to their exposure to passing traffic.

Outlet Centre

Assuming that the proposed outlet centre is approved as set out in the Planning Proposal, there is some potential of retaining the major tenants although this is not certain in a "post Costco" environment. It is likely the major tenants would weigh the increased activity levels on the site (particularly on weekends) as a result of the development of the outlet centre against the enhanced long-term (mid week) attractiveness of Crossroads with a major Costco store and possibly IKEA.

Redevelopment and Expansion

In our opinion a far more attractive option would be to redevelop the Orange Grove Road property into a centre which could contain elements of the following:

- bulky goods retailing
- outlet retailing
- discount and convenience shopping.

This would provide the centre with a diversified retail offer and increase patronage to Orange Grove on a similar basis to the contribution Costco will make to Crossroads.

Coincidentally, Gazcorp has been approached by both Kmart and ALDI who seek a presence in central Liverpool but advise that they are unable to find a suitable site within the Liverpool City Centre but see Orange Grove as a suitable alternative.

Hierarchy Implications

In our opinion, given the approval of a Costco store at Crossroads, the centres' hierarchy for Liverpool should be amended.

Taking into account the terminology used by the Department of Planning and Infrastructure in the Draft South West Subregional Strategy, the amended hierarchy would be as follows:

- Regional City Liverpool
- Major Planned Centre Leppington
- Town Centres Carnes Hill, Casula, Moorebank and Edmondson Park (proposed)
- Standalone Centres Orange Grove, Crossroads
- Villages Miller, Cecil Hills, Hinchinbrook

- Small Villages Hoxton Park Road, Hammondville, Wattle Grove Plaza, Prestons
- Neighbourhood Centre Green Valley Road, Holsworthy, Lakeside, Chipping Norton, Rossmore, Lawrence Hargrave Drive, Warwick Farm et cetera.

Conclusion

A future standalone centre at Orange Grove Road could include the following elements:

bulky goods retailing
 convenience and discount retailing
 factory outlet retailing
 pad sites
 up to 15,000 sq.m.
 up to 17,000 sq.m.
 up to 5,000 sq.m.

If developed to include factory outlet retailing such a centre would have a wide regional trade area which includes Liverpool, Campbelltown, Camden, Fairfield, part of Holroyd and part of Bankstown LGAs. The trade area for the bulky goods, discount and convenience retailing components on the site would have a catchment similar to that depicted in FIGURE 1 (attached): essentially around 50% of the catchment would lie outside the boundaries of Liverpool LGA.

Given the above, it is crucial that future plans for Orange Grove are evaluated taking into account demand from both Liverpool and Fairfield LGAs.

In this regard, the demand for additional retail floorspace between 2006-21 is estimated at +128,900 sq.m. for Liverpool LGA and +41,380 sq.m. for Fairfield LGA. The proposed additional convenience and discount retailing on the Orange Grove site would, therefore, only account for about 9% of this growth in demand.

Clearly, Council would need to have regard to the impact of a hybrid centre of this scale on the Liverpool City Centre (and other centres). In our opinion, the impact on the Liverpool City Centre would be acceptable having regard to the likely source of sales—a substantial proportion of which would come from outside Liverpool LGA—and the benefits of creating up to 950 jobs on site.

I trust the issues raised in this submission will receive serious consideration as part of the review of Liverpool's retail hierarchy.

Please do not hesitate to contact me on 9224-6111 or pdl@leycon.com.au if any further information can be provided.

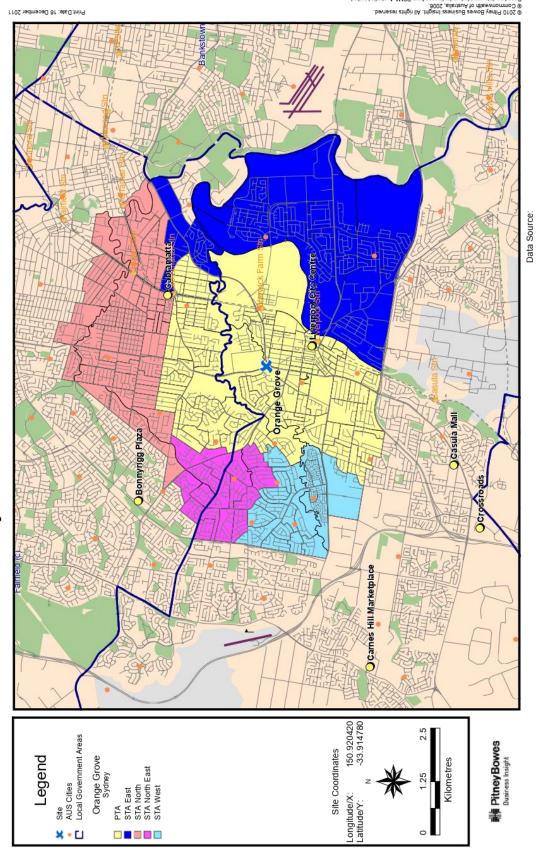
Yours sincerely

LEYSHON CONSULTING PTY LTD

PETER LEYSHON DIRECTOR.

T. Lysten

FIG 1: Orange Grove Trade Area Bulky Goods and Other Retail



Liverpool Retail Centres Hierarchy Review

PREPARED FOR

Liverpool City Council

Version 2, July 2012







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EGROW 06

Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm Submissions (Redacted)

Attachment 5

Liverpool Retail Centres Hierarchy Review

QUALITY ASSURANCE

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QUALITY CONTROL

This document is for discussion purposes only unless signed and dated by a Principal of Hill PDA.

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Dated: July 2012

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Liverpool Retail Centres Hierarchy Review

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LIST OF ABBREVIATIONS

ABS
BTS
DCP
DDS
DoP
DOPI
FSR
GFA
GLA
Ha
JTW
LEP
LGA
PCA
PTA
SEPP
SCN
SLA
sqm
STA
SWGC
TDC
TZ

DEFINITION OF TERMS

Accessibility – Refers to the extent to which people have access to employment, goods and services, either through proximity or transport links to places.

Big Gun Centre – A Shopping Centre as centres with a Gross Lettable Area in excess of 45,000sqm (as defined by Shopping Centre News), which contain a department store/s, discount department store/s, supermarket/s and specialties. In 2010 there were 91 Big Gun Centres in Australia.

Business Park – A large distinct employment space independent of a mixed use centre, which is generally master planned or under a single management regime.

Census Collection District (CCD) – the smallest geographic area defined in the Australian Standard Geographical Classification (ASGC). It can be defined as an area which one census collector can cover delivering and collecting census forms in a specified period. On average there are about 150 - 250 dwellings per CCD.

Employment Lands - Land that is predominantly used for commercial or industrial activities resulting in employment

Gross Floor Area – Gross Floor Area (GFA) is Gross Lettable Area plus common mall spaces (including amenities), centre management area and plant rooms. In a typical indoor centre with at least one department store and supermarket the GLA makes up around 72% to 75% of the GFA.

Gross Lettable Area – Gross Lettable Area (GLA) is the common measure used for lease and for other descriptive purposes in retail centres and shops. It is usually defined as the total area of the lease and includes back of house, storage, offices and mezzanine levels but usually excludes loading docks and common mall spaces. GLA is more commonly used in the industry because it defines the area of the lease. Shopping centre owners report rents and turnover figures on the leased area and benchmarking is usually made on the GLA. For the purpose of Hill PDA's demand modelling all floor areas expressed are in GLA.

Household - One or more persons that usually reside in the same private dwelling.



Journey to Work data - Comprises datasets which analyse employment distribution and trends, including commute patterns.

Little Gun Centre - A Shopping Centre with a Gross Lettable Area in excess of 20,000sqm but less than 45,000sqm (as defined by Shopping Centre News). There are currently 103 Little Gun Centres in Australia.

Local Centres - These are centres of a small scale. They consist of Town Centres, Villages and Neighbourhood Centres.

Mini Gun Centre - A Shopping Centre with a Gross Lettable Area in excess of 6,000sqm but less than 20,000sqm (as defined by Shopping Centre News). There are currently 166 Mini Gun Centres in Australia.

Primary Trade Area - The area from within which a centre or retail facility will draw the majority of its trade.

Secondary Trade Area – The area from within which a centre or retail facility will draw some trade, but a significantly lesser proportion than in the Primary Trade Area.

Statistical Local Area – The Statistical Local Area (SLA) is an Australian Standard Geographical Classification (ASGC) defined area. SLAs are Local Government Areas (LGAs), or parts thereof. Where there is no incorporated body of local government, SLAs are defined to cover the unincorporated areas. SLAs cover, in aggregate, the whole of Australia without gaps or overlaps.

Travel Zone – a small geographic area used as the basis for Bureau of Transport Statistics (formerly Transport Data Centre) modelling and data analysis. Travel Zones provide a level of analysis between Census Collection District (CD) and Statistical Local Areas (SLA) as defined by the Australian Bureau of Statistics.



1. EXECUTIVE SUMMARY

Hill PDA was commissioned by Liverpool City Council ('Council') to undertake this Liverpool Retail Centres Hierarchy Review ('Review'). The Review considers the existing hierarchy in Liverpool LGA, which identifies Liverpool City Centre as the Regional City serving not only the LGA but the broader South West and West Central Subregions. Liverpool City Centre is supported by a range of town, village and neighbourhood centres and bulky goods clusters.

The role and performance of these existing centres will change in the future, not only due to forecast population growth and increasing affluence, but as a result of residential land release in the South West Growth Centre (SWGC), and the resultant development of Leppington Major Centre which will accommodate some 120,000sqm of retail, commercial and bulky goods floorspace upon completion¹.

Part A of the Review considers Liverpool LGA as it is today in order to understand to the prevailing situation on the ground. It examines policy documents and relevant studies and considers the role and function of existing centres. It is informed by a floorspace survey and land use survey undertaken by Hill PDA in December 2011.

Hill PDA's floorspace survey indicates that the LGA currently supplies some 377,000sqm (GLA) of shopfront retail and commercial floorspace. Of total floorspace, Liverpool City Centre accounts for over 161,000sqm (or 43%) of shopfront floorspace. The three bulky goods clusters at Crossroads, Orange Grove² and Warwick Farm account for 123,000sqm (or 33%) of floorspace.

Part B of the Review examines future demand for retail floorspace in Liverpool LGA and how this may chance over time. It examines historic and current retail trends and undertakes expenditure modelling to determine how floorspace demand may manifest spatially.

To determine and forecast demand for shopfront floorspace in the Liverpool LGA, Hill PDA determined a Catchment Area which identifies that area from which retail centres in the LGA draw the majority of their trade. For the purpose of this Review, the Catchment Area includes all households within Liverpool LGA, as well as Fairfield LGA and the northern parts of Campbelltown LGA (being the suburbs of Macquarie Links, Macquarie Fields, and the majority of Glenfield). By 2016 and beyond additional capture of bulky goods expenditure can also be expected from residents of the SWGC in Camden LGA.

This Catchment Area was estimated to contain some 398,000 residents in 2011 and generated around \$4.5bn of retail expenditure. This is forecast to increase to nearly 526,000 residents and \$8bn of retail expenditure by 2031.

Of this, Hill PDA has estimated expenditure available to retail land uses within Liverpool LGA is \$2bn in 2011, increasing by 44% to approximately \$3bn in 2031. This capture recognises that the SWGC Structure Plan allows for retail centres to be developed as a result of population growth in released precincts. As a result after 2016 the proportion of trade captured from SWGC precincts in Liverpool LGA (i.e. Kemps Creek, North Rossmore, Austral, Leppington North, Rossmore, Bringelly, North Bringelly and Edmondson Park) reduces to account for new centres which will be developed (i.e. Leppington Major Centre).

Based on this capture of trade, Liverpool LGA (outside of the SWGC) demanded over 397,500sqm of retail floorspace in 2011, which is forecast to increase to 511,000sqm by 2031. Comparing supply to demand, Liverpool LGA

² Note: At its meeting held on 28 November 2012, Council resolved to change the status of Orange Grove to a 'Stand Alone Centre'



¹ Leppington Major Centre Indicative Layout Plan (2011)

excluding the SWGC is estimated to have had an undersupply of 20,500sqm of retail floorspace in 2011. This is forecast to increase to an undersupply of some 134,000sqm by 2031.

Part C of the Review provides recommendations for accommodating forecast retail floorspace growth across centres in the LGA. The table below summarises the target floorspace growth in Liverpool LGA over time.

Table 1 - Targeted Increase in Supply of Retail Space (sgm) GLA

	2011-2019	2019-2026	Post 2026	TOTAL
LIVERPOOL CITY CENTRE				
Total		15,000	20,000	35,000
TOWN CENTRES:				
Moorebank		5,000		5,000
OTHER CENTRES:				
Miller or Green Valley		5,000		5,000
NEW CENTRES:				
Holsworthy Plaza	7,000			7,000
Middleton Grange	5,500			5,500
ORANGE GROVE:				-
Freestanding Retail Units [^]	3,000			3,000
CROSSROADS:				-
Bulky Goods		15,000	15,000	30,000
OTHER FLOORSPACE:				-
Masters, Len Waters Estate	8,300			8,300
Masters, Munday Street	8,300			8,300
Retail Development on B6 Lands	1,500	6,000	6,000	13,500
TOTAL LGA	33,600	46,000	41,000	120,600

Note: The table includes planned and proposed centres ^ Relates to potential Dan Murphys and Aldi stores at Orange Grove

In total, around 120,600sqm of additional retail space is proposed in Liverpool LGA over the next 30 years. Around 29% of this (35,000sqm) would be accommodated within Liverpool City Centre. Significant amounts of bulky goods floorspace would also be accommodated by developed in Crossroads 30,000sqm (25%).

Demand modelling indicates that 134,000sqm of total shopfront floorspace will be required in the Liverpool LGA by 2031. However the targets aim to accommodate an additional 121,000sqm of shopfront retail floorspace in Liverpool LGA in the long term. This allows for other proposed developments to be brought forward over this period which may include the proposed Costco and Crossroads, the proposed brand outlet premises at Orange Grove Road or other retail proposal as yet unknown.

The impact of Leppington Major Centre in the long term, in terms of trade diversion from Liverpool City Centre, is uncertain and floorspace increases should be reviewed at least every 5 years to reflect the impact of this centre. Based on the above the table shown overleaf indicates the recommended retail and commercial centres hierarchy for Liverpool LGA.



Centre Typology Retail Centre		
Regional City (1)	Liverpool City Centre	
	Carnes Hill	
	Casula Mall	
Town Centre (6)	Edmondson Park	
Town Centre (0)	Green Valley	
	Miller	
	Moorebank	
Stand Alone Centre (1) ³	Orange Grove	
Out-of-Centre Bulky Goods Cluster (1)	Crossroads	
	Chipping Norton	
	Cecil Hills	
Village Centre (6)	Flowerdale	
	Middleton Grange	
	Holsworthy Plaza	
	Wattle Grove	
	Hammondville	
	Hoxton Park	
	Edmondson Ave/ 10th Austral	
	Prestons	
Small Village Centre (9)	Luddenham	
	Green Valley Road	
	Lurnea	
	Governor Macquarie Shopping Centre	
	Casula Shopping Centre	
	Elizabeth Drive/ Park Road/ Marsden Road	
	West Hoxton	
	Heckenberg	
	Exhibition Parade	
	Sinclair Road, Ashcroft	
	Sadleir	
	Cartwright	
	Maryvale Avenue	
	Boundary Road	
	Rose Street	
	Warwick Farm	
Neighbourhood Centre (24)	Goulbourn Street	
Neighbourhood Centre (24)	Grimson Crescent	
	Camden Valley Way, Casula	
	De Meyrick Avenue	
	Marsh Parade	
	Chipping Norton Shopping Centre	
	Liverpool Day Surgery	
	Newbridge Road	
	Heathcote Road/ Wattle Grove Drive	
	15 th / 22 nd , Austral	
	Edmondson Ave/ 15th, Austral	
	Rossmore	
	Bringelly	

Note that Leppington Planned Major Centre has not been included as part of the recommended hierarchy given that the majority of this centre falls within the Camden LGA boundary. However, Leppington should be recognised as forming part of the broader regional retail dynamics and will be used by future residents of the Liverpool LGA located in the SWGC as their primary retail centre.

³ Note: At its meeting held on 28 November 2012, Council resolved to change the status of Orange Grove to a 'Stand Alone Centre'



EGROW 06

Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm

Attachment 5

Submissions (Redacted)

Liverpool Retail Centres Hierarchy Review

By adopting this hierarchy Council can be guided in the assessment of future proposals for new centres and expansion of existing centres. The purpose of the hierarchy is to ensure that the roles of these centres are clearly defined and that expansion of one centre will not threaten the role of another centre further up or down the hierarchy.



Liverpool Retail Centres Hierarchy Review

2. Introduction & Context

2.1 Review Purpose

The Liverpool Retail Centres Hierarchy Review (the 'Review') forms part of a number of studies Liverpool City Council ('Council') is undertaking as part of an examination of Liverpool LEP 2008 and to guide future planning decision relating to retailing and centres. The studies are to inform emerging planning policy documents and future development control decisions. The requirement for this Review has largely emerged as:

- The previous Retail Centres Hierarchy Review was undertaken in 2006; and
- Council have received a large number of applications for sites seeking to be rezoned to commercial zones.

As a result, Hill PDA has been commissioned by Council to undertake a comprehensive assessment of the retail centres hierarchy in Liverpool. The aims are:

- To undertake a stock take of the existing B1 to B6 zoned land within the Liverpool Council Local Government Area (LGA) and all land subject to a rezoning application to or from a business zoning;
- Assess the function and the community served by each of the retail and business centres in the LGA; and
- Provide direction for the futures of business and retail operations in the Liverpool LGA.

Council's vision is to encourage development and promote centres, in particular Liverpool City Centre. The Review will consider ways in which this could be achieved.

2.2 Review Structure

For clarity and ease of reading, the Review is in three parts, as follows

- Part A Liverpool Today: the first part of the Review examines the Liverpool LGA as it is today. It examines the prevailing situation on the ground through a floorspace and land use survey, a review of planning policy and completed studies of relevance. It also considers the role and function of existing retail centres within the LGA. Part A provides the context for the subsequent Parts B and C of the Review.
- Part B Liverpool in the Future: this part of the Review seeks to understand how demand for retail floorspace may change in the future and the implications of this on the retail hierarchy. In addition to exploring historic and emerging retail trends, it undertakes retail expenditure modelling to derive the implications for retail demand which will result from forecast population growth. It subsequently considers how demand may manifest in terms of demand for floorspace and how this could be distributed across existing and future centres.
- Part C Planning Policy Recommendations: the last part of the Review translates the key findings of Parts A and B into recommendations for the LGA. Part C provides guidance on planning controls which Council may wish to use to control and encourage business centre development in the future in line with the recommended retail hierarchy. The recommendations also provide Council with an approach through which proposals for retail development can be assessed in the future. Within the context of our recommendations, Part C provides an assessment of relevant submissions which have already been made to Council.



Part A – Liverpool Today



The first part of the Review examines the Liverpool LGA as it is today. It examines the prevailing situation on the ground through a floorspace and land use survey, a review of planning policy and completed studies of relevance. It also considers the role and function of existing retail centres within the LGA. Part A provides the context for the subsequent Parts B and C of the Review.







3. Relevant Planning Considerations

This Chapter undertakes a review of relevant planning policy considerations of relevance to the Review. These comprise policy documents at State, Subregional and local level. This Chapter also considers the main findings of previous studies undertaken on behalf of Council which have implications on retail provision and planning in the LGA.

3.1 State and Regional Planning

NSW Draft Centres Policy (2009)

Recently there has been a growing awareness and investigation of barriers to competition in Australia, particularly in the retail industry. As a result of these investigations the Australian Government directed state governments and planning authorities to review the flexibility of planning regulations and policies regarding retail development. In response the NSW Department of Planning and Infrastructure (DoPI) released the NSW Draft Centres Policy in April 2009.

The Draft Centres Policy focuses around six key principles. These relate to:

- The need to reinforce the importance of centres and clustering business activities;
- 2. The need to ensure the planning system is flexible, allows centres to grow and new centres to form;
- The market is best placed to determine need, and the planning system should accommodate this need whilst regulating its location and scale;
- 4. Councils should zone sufficient land to accommodate demand including larger retail formats;
- 5. Centres should have a mix of retail types that encourage competition; and
- 6. Centres should be well designed to encourage people to visit and stay longer.

Whilst the Draft Centres Policy indicates that the preferred location for new retail and commercial development is in centres, it recognises that there may be exceptions to this approach.

More detailed consideration of these six principles is provided in Appendix 1.

Draft Activity Centres Policy (May 2010)

A subsequent draft of the NSW Draft Centres Policy entitled the 'Activity Centres Policy' has been circulated to a number of selected stakeholders in the retail industry. It has yet to be formally released for public consultation. It is understood that this document contains some different criteria to that contained within the NSW Draft Centres Policy although it supports the emphasis on providing retail floorspace based on demand projections, particularly in Regional Centres where such uses may underpin the viability of centres. Furthermore the emphasis on bulky goods floorspace is for it to be accommodated within centres or the edge-of-centre where such uses can support activity centres.

A key component of the Draft Activity Centres Policy is the requirement for a Sequential Test when considering all retail proposals which are located outside of a centre. This requires that, prior to development application consent being granted, it must first be demonstrated that there are no suitable sites within existing or planned activity centres capable of accommodating the demand, secondly that there are no suitable edge-of-centre sites, and thirdly that the



out of centre site itself meets a range of site suitability criteria related to issues such as connection to infrastructure, urban design opportunities, access, proximity to labour markets, environmental considerations etc.

Draft SEPP (Competition) (2010)

Following a review undertaken by the DoPl and the Better Regulation Office into how economic growth and competition were impacted by the planning system, a new Draft State Environmental Planning Policy (SEPP) has been prepared and was placed on public exhibition in July 2010.

The proposed state-wide planning policy removes artificial barriers on competition between retail businesses. The new Draft SEPP proposes:

- The commercial viability of a proposed development may not be taken into consideration by a consent authority, usually the local council, when determining development applications;
- The likely impact of a proposed development on the commercial viability of other individual businesses may also not be considered unless the proposed development is likely to have an overall adverse impact on the extent and adequacy of local community services and facilities, taking into account those to be provided by the proposed development itself; and
- Any restrictions in local planning instruments on the number of a particular type of retail store in an area, or the distance between stores of the same type, will have no effect.

Metropolitan Plan for Sydney 2036 (2010)

The Metropolitan Plan for Sydney 2036 was released by the DoPl in December 2010. The Plan aims to shape the future growth of Sydney to 2036 ensuring a more resilient, compact, connected, multi-centred and sustainable city.

The Plan anticipates Sydney's population will reach close to 6 million by 2036. To accommodate this population growth, land use service provision and infrastructure capacity must be planned to provide for 769,000 additional homes and 760,000 additional jobs.

Table 3 - Dwelling and Job Targets to 2036 (2010)

Subregion	New Dwelling Additions Target 2006 to 2036	% Share	New Job Growth Target 2006 to 2036	% Share
Sydney City	+ 61,000	7.9%	+114,000	15.0%
East	+ 23,000	3.0%	+31,000	4.1%
South	+ 58,000	7.5%	+52,000	6.8%
Inner West	+ 35,000	4.6%	+25,000	3.3%
Inner North	+ 44,000	5.7%	+62,000	8.2%
North	+ 29,000	3.8%	+15,000	2.0%
North East	+ 29,000	3.8%	+23,000	3.0%
West Central	+ 96,000	12.5%	+98,000	12.9%
North West	+169,000	22.0%	+145,000	19.1%
South West	+155,000	20.2%	+141,000	18.6%
Central Coast	+ 70,000	9.1%	+54,000	7.1%
Total	+769,000	100.0%	+760,000	100.0%

Source: Metropolitan Plan for Sydney 2036, NSW Department of Planning (2010)

As shown in Table 3 the South West Subregion is required to accommodate 155,000 new dwellings and 141,000 additional jobs between 2006 and 2036.



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Metropolitan Transport Plan (2010)

The Metropolitan Transport Plan – Connecting the City of Cities, sets out a 25 year vision for Sydney's land use planning and is supported by a 10 year funded package of transport infrastructure. The Plan has been integrated into the recently released Metropolitan Plan discussed above.

By integrating land use and transport planning, the State Government aims to further an approach which accelerates infrastructure roll out and planning processes to 'grow a transport system shaped around the way the City is used and moves to meet demand now and into the future'. Under the Plan, the Sydney Metropolitan Development Authority was established in September 2010 to coordinate future transit-oriented development and urban renewal.

The Metropolitan Transport Plan also sets out revised employment and dwellings targets for the Sydney Metropolitan Region. Under the Plan, the Region is expected to accommodate 699,800 dwellings and generate an additional 713,920 jobs by 2036.

The Plan envisages that between 2006 and 2036 the South West Subregion of which Liverpool LGA is part will require an additional 179,200 dwellings and 105,150 new jobs.

Draft South West Subregional Strategy (2007)

The DoPl's draft South West Subregional Strategy relates to the LGAs of Camden, Campbelltown, Liverpool and Wollondilly.

The Draft Subregional Strategy provides a number of targets, aims and objectives to be achieved by 2031. These include planning for 89,000 new jobs, of which some 35,000 jobs (39% of the Subregional total) are expected to be accommodated in the Liverpool LGA.

The Draft Subregional Strategy seeks to focus the majority of new economic development on defined Strategic Centres. Enterprise Corridors are recognised as supporting the role of strategic centres by accommodating start-up businesses, showrooms, building supplies, small retail outlets and bulky goods clusters which do not always 'fit' in Strategic Centres.

We also note that, in line with the Metropolitan Plan for Sydney 2036, the Draft Subregional Strategy requires 155,000 new dwellings be accommodated in the South West over the lifespan of the Strategy (2004–2031). The major contributor to this growth in dwellings numbers is the South West Growth Centre (SWGC).

The South West Growth Centre Structure Plan (2006)

The SWGC is located within the LGA boundaries of Liverpool, Camden and Campbelltown. Once it is fully developed it will accommodate approximately 110,000 new dwellings in addition to new retail centres and employment lands, and is expected to accommodate some 300,000 residents⁴. It will include new retail centres and employment land, including a new Major Centre at Leppington.

The SWGC comprises 18 separate precincts which will be released for development in stages. The precincts which are located wholly or partially in Liverpool LGA are: Kemps Creek, North Rossmore, Austral, East Leppington, Rossmore, Bringelly, North Bringelly and Edmondson Park.

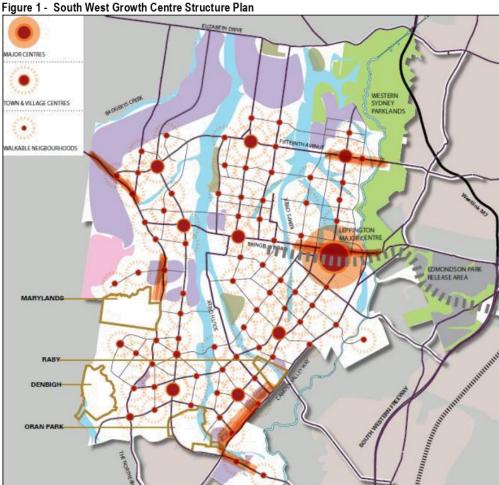


⁴ Source: http://www.gcc.nsw.gov.au/south+west-22.html

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Leppington Major Centre forms part of the SWGC and will be the principal new retail centre serving this area. The development of the planned Leppington Major Centre is anticipated to commence in 2016 although it is likely to be developed over a number of stages when there is sufficient local population to support it. It is anticipated that Leppington will accommodate around 120,000sqm of retail and commercial floorspace⁵, including bulky goods upon completion. There is potential for Leppington to be even larger in the longer term. It is likely that Leppington will lead to a contraction of the trade area of Liverpool City Centre over time.

The South West Growth Centre development will draw on the Liverpool City Centre until such time as the Leppington Major Centre is an established centre. Liverpool will remain the regional city for service provision and commercial employment.



Source: Growth Centres Commission, South West Growth Centre Structure Plan (2006)



⁵ Leppington Major Centre Indicative Layout Plan (2011)

Liverpool Retail Centres Hierarchy Review

3.2 Local Planning

Liverpool Local Environmental Plan (2008)

The Liverpool LEP 2008 sets out land use controls for the LGA. Details of the land use zonings applicable to retail centres and land uses are provided in Table A1 at Appendix 1. To note in particular, bulky goods uses are only permitted in the B5 Commercial Development zone.

Liverpool Development Control Plan (2008)

With respect to retail centres the Liverpool DCP reiterates that the Liverpool City Centre will be the Regional Centre for the LGA and the South West Subregion. The Liverpool City Centre will be supported by existing and well designed new local centres.

The DCP sets out a range of other design criteria related to development in Liverpool City Centre and other land zoned for business development.

Liverpool City Centre Vision (2007)

The Liverpool City Centre Vision was prepared by the Regional Cities Taskforce. It presents a 25 year vision for Liverpool City Centre which includes 15,000 new jobs and 12,000 more people serviced by a strengthened centre. The Vision recognises that Liverpool City Centre's potential far exceeds its current market position. Of particular relevance to this Review, the Vision seeks to consolidate future retail development within Liverpool City Centre by recommending significantly increased densities and height controls within the city centre precinct.

The Liverpool City Centre Vision recommended a number of future actions. Of particular relevance to this Review are the following:

- Action 1 Expand opportunities in high growth industries;
- Action 2 Further develop a strategic plan for the integration of the city centre with the Georges River;
- Action 12 Investigate marketing opportunities to encourage the growth of Liverpool as an arts and cultural centre;
- Action 13 Develop a business improvement plan for activating a Southern gateway;
- Action 15 Establish a long-term plan for linking Moorebank with a crossing at the Georges River;
- Action 16 Consider how the built form within the city centre can be improved to strengthen the economic diversity and global links; and
- Action 17 Review and update public domain strategies.

Liverpool City Centre Floorspace Study (2005)

The 2005 Floorspace Study focused upon the provision of vacant floorspace within Liverpool City Centre and whether this was sufficient to accommodate future demand.

The relevant findings of the Floorspace Study were that future retail demand could be accommodated by increasing building heights in the existing commercial zones.

Challenges for Liverpool in securing future retail development were noted as including:



- The historic performance of Liverpool in attracting employment;
- Fragmented site ownership which may deter larger businesses;
- Future competition from Leppington;
- Poor perception of the CBD; and
- A divided commercial centre with the southern part of the centre poorly trading.

Liverpool City Retail Centres Hierarchy Review (2006)

The 2006 Liverpool City Retail Centres Hierarchy Review provided a review of the retail centres hierarchy in Liverpool LGA and provided forecasts on retail expenditure growth and demand for retail floorspace over the 2006 to 2031 period. It forecast demand for approximately 351,000sqm of additional retail floorspace in Liverpool LGA over the Review period. The majority of this demand (205,000sqm or 58%) was attributable to the Western Rural district of Liverpool LGA which will accommodate the SWGC.

The 2006 Review advocated a strategy for accommodating the forecast demand for retail floorspace within established retail centres between 2006 and 2031 as shown in the table overleaf.

Table 4 - 2006 Hierarchy Review Additional Floorspace to 2031

Table 1 Level Heralding Review Manufactural 1 Toolepass to Level					
Centre	Additional Retail Floorspace				
Liverpool City Centre	68,800sqm				
Chipping Norton	3,000sqm				
Holsworthy	1,300sqm				
Moorebank	4,000sqm				
Miller	5,000sqm				
Middleton Grange	5,326sqm				
Carnes Hill	5,000sqm				
Two New Centres	5,000sqm each				
Crossroads/ Orange Grove/ Other locations	48,500sqm				

Source: Liverpool City Retail Centres Hierarchy Review (2006)

Liverpool Business Centres and Corridors Strategy (2007)

The Liverpool Business Centres and Corridors Strategy responds to the findings of the Liverpool City Retail Centres Hierarchy Review and was published by Council. It stipulates that the increasing demand for retail floorspace as a result of population growth will be met by the expansion of existing retail centres and the provision of new retail centres and business development zones.

The Strategy advocates six approaches towards the future development of business centres and corridors in Liverpool LGA. These are provided in Appendix 1.

Liverpool LEP Proposed Amendments to B6 Zoning Study (2011)

Undertaken by Hill PDA, the purpose of this Study was to examine the implications of amending B6 Enterprise Corridor planning controls on retail centres in Liverpool LGA. The potential amendment (which is subsequently been made) concerned increasing the threshold for retail premises from 1,000sqm to 1,600sqm, and related to all retail store types, not just bulky goods retailers.



the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm Submissions (Redacted)

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The Study recommended that such an amendment could be justified on economic grounds. It found that a number of retailers who were likely to otherwise locate in centres would instead locate in B6 zoned land, and in doing so the amendment would have some adverse impact upon existing centres. Notwithstanding this, the amendment would strengthen the retail offer of Liverpool LGA and encourage price competition which would benefit local residents. It would allow greater flexibility to the planning system and would not threaten the medium to long term sustainability of any centres.

Planning Pipeline 3.3

This Section examines gazetted and proposed Amendments to the Liverpool LEP which may affect future retail provision in the Liverpool LGA and should thus be recognised in the Review.

Amendment 18 – Munday Street, Warwick Farm

Amendment 18, which has now been made, relates to land at the former Australian Jockey Club and rezones the site for B5 Business Development purposes. The rezoning was sought in order to facilitate the redevelopment of the site for a Masters home improvement store of approximately 13,600sqm, a development application for which is pending For the purposes of this Review it is assumed that 8,300sqm of this would comprise household retail related sales floorspace.

Amendment 19 – Orange Grove Road, Warwick Farm

This amendment rezoned land fronting Orange Grove Road from B5 Commercial Development to B6 Enterprise Corridor zoning. It also amended Clause 7.23 of the Liverpool LEP 2008 to increase the maximum gross floor area of individual retail premises in the B6 Enterprise Corridor zone from 1,000sqm to 1,600sqm. This amendment was sought to allow a Dan Murphy's store to be developed on part of the site (note: Dan Murphys is subject to a separate Development Application). This amendment could lead to development of more retail type stores on B6 zoned land.

Amendment 22 - Viscount Place

This amendment relates to the "weekend markets" site. It seeks to add a clause in Schedule 1 of the Liverpool LEP 2008 to make "retail premises" permissible at 5 Viscount Place. This would facilitate the operation of a brand outlet premises. Retail premises floorspace would be restricted to 19,000sqm in total, with individual tenancies being restricted to 1,200sqm each. Amendment 22 has been accepted by the DoPI under the Gateway process and is currently being considered by Council.

Amendment 23 - 1 Hoxton Park Road

This amendment seeks the rezoning of the former Council administration building on Hoxton Park Road to B6 uses. Amendment 23 is still being considered by Council.

Amendment 24 - Len Waters Estate

Amendment 24 proposed a rezoning of land at the Len Waters estate from IN1 General Industrial, IN2 Light Industrial and SP2 Drainage to B5 Business Development. This would allow the redevelopment of the site to provide a Masters home improvement centre of 13,600sqm. For the purposes of this Review it is assumed that 8,300sqm of this would comprise household retail related sales floorspace. Amendment 24 is still being considered by Council.



Amendment 26 - Costco at Crossroads

This amendment relates to land at Beech Road, Crossroads on which additional permitted uses are sought under Schedule 1. This is sought in order to allow the development of a Costco large format retail premise under the current B5 zoning. Amendment 22 has been accepted by the DoPI under the Gateway process and is under consideration by Council. The Costco proposal would introduce a total leasable floor area (GLA) of some 13,000sqm⁶.

3.4 Submissions to the Review

As part of this Review Liverpool Council invited submissions from interested parties regarding the future retail hierarchy. Six submissions were received and are summarised below. Copies of the submissions are provided in Appendix 2.

Table 5 - Summary of Submissions to the Review

Site	Key Points
1450 Elizabeth Drive, Kemps Creek	 Seeks rezoning of a 20ha site to B6 in order to provide for a range of land uses including retail which would facilitate the development of a new centre The submission argues that the South West Growth Centre Structure Plan has not sufficiently planned for a centre below the existing Liverpool Regional Centre and proposed Leppington Major Centre and akin to the 40,000sqm size of the proposed Oran Park Centre. As such, the submission argues that inadequate provision for commercial uses in the northern part of the SWGC has been made and that the development of a centre in this location would help to address this
1975-1985 Camden Valley Way Prestons (MacroPlan)	 Seeks rezoning from B6 to allow the development of a centre comprising a Coles supermarket (3,200sqm), retail specialties (1,800sqm) and associated car parking The submission argues there is a need for additional retail floorspace in this area but a lack of in-centre sites on which to accommodate it
Orange Grove Road (Leyshon)	 Argues for the elevation of Orange Grove to the status of a stand-alone centre Envisages the future constitution of the centre as being bulky goods floorspace of up to 30,000sqm, convenience and discount retailing of up to 19,000sqm, brand outlet premises of up to 17,000sqm and pad sites of up to 5,000sqm Argues that if the proposed Costco at Casula proceeds it will have a significant adverse impact upon the economic viability of Orange Grove which will necessitate a change in its function
607-611 Hume Highway Casula, (MacroPlan and TPG, 2 submissions)	 Seeks rezoning of this site from B6 to facilitate the development of a Woolworths supermarket of 4,200sqm and 210 car parking spaces; The submission argues there is a need for additional retail floorspace in this area but a lack of in-centre sites on which to accommodate it
2-12 Orange Grove Road (Kmart)	 States Kmart's interest in locating at Orange Grove Argues that despite continued attempts it has been unsuccessful in securing a suitable site in Liverpool City Centre Argues that supporting supermarket retailer to support a Kmart store is also required Argues that a Kmart store would complement the existing role of the centre and would be well located to serve the potential trade area
2-12 Orange Grove Road (ALDI)	 States ALDI's interest in locating at Orange Grove Argues that despite continued attempts it has been unsuccessful in securing a suitable site in Liverpool City Centre Argues that this is a suitable location for a supermarket given the role of existing retailers and the established nature of Orange Grove. The submission indicates that the provision of an ALDI store in this location would not preclude the development of an additional store within Liverpool City Centre at a later stage given the current and forecast population of Liverpool LGA



⁶ Source: Liverpool City Council

4. Demographic Analysis

This Chapter examines the demographic characteristics of the resident population of the Liverpool LGA based on ABS Census data, and examines how this has changed historically. It also considers the demographic characteristics which may eventuate in the SWGC. Demographics are an important consideration in this Review given that these influence the nature of demand for retail goods within the LGA and how it may change.

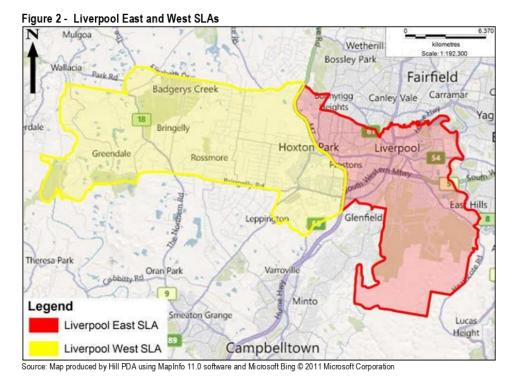
4.1 Socio-demographic Trends of Liverpool LGA

This Section examines the socio-demographic characteristics of Liverpool LGA based on the 2006 ABS Census. Hill PDA has also had regard to changes in demographic trends since 1996. The demographic tables below compare Liverpool's East and West Statistical Local Areas (SLAs) to Liverpool LGA and Sydney Statistical Division (SD)⁷.

Liverpool East SLA includes the older and more established residential suburbs of Busby, Miller, Lurnea, Casula, Chipping Norton, Heckenberg, Moorebank, Wattle Grove, Hammondville, Holsworthy, Warwick Farm, Liverpool, Ashcroft, Sadleir and Cartwright.

Liverpool West SLA encompasses newer residential release areas and includes the suburbs of Hinchinbrook, Green Valley, Cecil Hills, Carnes Hill, Hoxton Park, West Hoxton, Prestons, Horningsea Park, Middleton Grange, Kemps Creek, Rossmore, Badgerys Creek, Cecil Park, Austral, Rossmore, Luddenham and Greendale.

The extent of the Liverpool East SLA and Liverpool West SLA is depicted in the figure below.



⁷ The Sydney Statistical District is the unofficial metropolitan area used in the ABS Census





Population and Dwelling

The following table shows population, dwelling and age characteristics of Liverpool LGA in 2006.

Table 6 - Population and Dwelling Characteristics (2006)

	Liverpool East SLA	Liverpool West SLA	Liverpool LGA	Sydney SD
Population and Dwellings				
Total Population	96,499	68,107	164,603	4,119,190
Total Private Dwellings	35,107	19,961	55,065	1,643,675
Occupied Private Dwellings	33,079	19,165	52,243	1,521,465
Occupied Private Dwellings (%)	94.2%	96.0%	94.9%	92.6%
Average Household Size	2.9	3.5	3.1	2.7
Age Distribution				
0-14	23.4%	26.9%	24.9%	19.5%
15-29	21.7%	21.5%	21.6%	21.2%
30-44	23.0%	25.5%	24.0%	23.2%
45-59	17.8%	17.5%	17.7%	19.3%
60-74	10.0%	6.2%	8.5%	10.6%
75+	4.1%	2.3%	3.4%	6.1%
Median Age	33	31	32	35

Source: ABS (2006)

The results indicate:

- Liverpool LGA had a population of some 164,603 persons in 2006. Of these approximately 96,499 persons (59%) resided in the Liverpool East SLA and 68,107 persons resided in the Liverpool West SLA (41%). Time-series data for Liverpool West SLA indicates that it had a population of 31,865 in 1996. As such, the population has more than doubled over the 1996 to 2006 period which reflects the development of new dwellings in the residential release areas such as Cecil Hills, Hoxton Park, West Hoxton, Prestons, Hinchinbrook and Green Valley;
- Households in the Liverpool LGA are on average larger than those in the Sydney SD, with household sizes in Liverpool West SLA being significant larger than those in Liverpool East SLA. This is not surprising given the propensity of new release areas to attract young families;
- Liverpool LGA contains a higher proportion of younger residents (aged under 45) and a lower proportion of older residents (aged 60 and older) than the Sydney SD. The median age Liverpool is 32 years compared to 35 years in Sydney SD. Residents in Liverpool West SLA are on average younger than those in Liverpool East SLA.

Household Characteristics

The table overleaf indicates the household characteristics for the LGA based on the 2006 ABS Census.



Table 7 - Household Characteristics (2006)

	Liverpool East SLA	Liverpool West SLA	Liverpool LGA	Sydney SD
Home Ownership				
Owned or Being Purchased	58.1%	78.3%	65.5%	65.0%
Rented	37.8%	18.1%	30.6%	31.3%
Other/Not Stated	4.1%	3.6%	3.9%	3.7%
Household Structure				
Family Households	77.3%	90.5%	82.1%	72.7%
Lone Person Households	20.5%	8.3%	16.0%	23.1%
Group Households	2.3%	1.2%	1.9%	4.2%
Family Type				
Couple family w. children	51.9%	64.9%	57.2%	49.3%
Couple family w/o children	26.3%	20.7%	24.0%	33.2%
One parent family	20.1%	13.5%	17.4%	15.6%
Other family	1.7%	0.9%	1.4%	1.9%
Dwelling Type				
Separate house	70.7%	90.1%	77.8%	63.6%
Townhouse	10.3%	8.9%	9.8%	11.8%
Flat-Unit-Apartment	18.8%	0.2%	12.0%	23.9%
Other dwelling	0.2%	0.8%	0.4%	0.6%
Not stated	0.1%	0.0%	0.0%	0.1%

Source: ABS (2006)

The table above indicates that:

- Overall Liverpool LGA has comparable home ownership levels to the Sydney SD. However the proportion
 of homes owned or being purchased in Liverpool West SLA is significantly greater than both Liverpool
 East and the Sydney SD which may reflect the new Greenfield residential areas in the west coming online
 in the last 10 years (e.g. Hoxton Park and Cecil Hills);
- There are a higher proportion of family households in the Liverpool LGA than in the Sydney SD, and a lower proportion of both lone person households and group households. This is particularly true of Liverpool West SLA;
- The Liverpool LGA accommodates a higher proportion of couple families with children and of one parent families than the Sydney SD. The proportion of couple families without children is lower than that of the Sydney SD;
- The Liverpool LGA contains a higher proportion of separate houses and a lower proportion of flat-unitapartment dwellings than the Sydney SD. Dwellings in Liverpool West SLA are over 90% separate houses which again may be reflective off recent residential development in this area.

Employment and Income

The table overleaf shows employment and income characteristics for Liverpool LGA based on 2006 ABS Census data.



Table 8 - Employment and Income Characteristics (2006)

	Liverpool East SLA	Liverpool West SLA	Liverpool LGA	Sydney SD
Labour Force by Occupation				
Managers	8.2%	10.2%	9.1%	12.5%
Professionals	13.4%	12.3%	13.0%	22.5%
Community & Personal Services Workers	8.8%	6.3%	7.7%	7.6%
Clerical and Administrative Workers	15.8%	16.9%	16.3%	15.8%
Sales Workers	8.2%	8.4%	8.3%	9.0%
Technicians & Trade Workers	15.1%	15.7%	15.4%	12.0%
Machinery Operators & Drivers	9.2%	10.7%	9.9%	5.7%
Labourers & Related Workers	10.7%	11.1%	10.9%	7.6%
Inadequately described or N.S.	2.3%	2.5%	2.4%	2.0%
Unemployed	8.2%	5.8%	7.2%	5.3%
Weekly Household Income				
\$0-\$349	15.6%	6.9%	12.5%	12.8%
\$400-\$799	22.2%	16.1%	19.9%	17.9%
\$800-\$1,399	22.8%	25.3%	23.7%	20.8%
\$1,400-\$2,499	19.4%	27.8%	22.5%	21.2%
\$2,500+	7.3%	11.2%	8.7%	16.0%
Partial income stated	8.8%	10.3%	9.4%	8.6%
All incomes not stated	3.8%	2.4%	3.3%	2.7%
Median Weekly Household Income	\$963	\$1,275	\$1,082	\$1,154

The table above indicates that:

Source: ABS (2006)

- The Liverpool LGA contains a lower proportion of skilled workers (i.e. 'managers' and 'professionals') than
 the Sydney SD. Within the LGA Liverpool West has higher proportion of skilled workers than Liverpool
 East, including skilled workers;
- Liverpool East SLA recorded greater unemployment levels than Liverpool West SLA. This could be as a
 result of the higher home ownership levels in Liverpool West SLA as a result of new residents occupying
 new build properties within the housing release areas;
- The median household income in Liverpool LGA was lower than that in the Sydney SD. The median weekly household income in Liverpool West SLA (\$1,275) is some 10% greater than the Sydney SD average (\$1,154), however the median household income in the more populous Liverpool East (\$963) was 17% below it;
- The Liverpool LGA and both constituent SLAs contain a correspondingly lower proportion of high earning households (earning \$2,500 or greater per week) than the Sydney SD;
- Analysis of time series employment data indicates that the proportion of residents in the LGA being
 employed skilled occupations such as 'managers' and 'professionals' has been growing. The proportion of
 unemployed residents has also declined over the 1996 to 2006.

4.2 Future Demographics of the South West Growth Centre

The SWGC will result in a significant boost to the residential population within Liverpool LGA (together with the Camden and Campbelltown LGAs). It is estimated that the SWGC will have capacity for around 110,000 new



EGROW 06

Attachment 5

Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm Submissions (Redacted)

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dwellings housing 300,000 people once it is fully developed⁸. This equates to an approximate household size of 2.7 persons per dwelling.

That said, Hill PDA's previous work in the SWGC indicates that the Growth Centre could accommodate higher population numbers than originally envisaged. Based on recent occupation trends in release areas, Hill PDA predicts that the SWGC could accommodate households of up to 3.4 persons per dwelling reflecting the family households that are attracted to this location. However, as the Growth Centre and its occupants mature it is likely that household occupancy will drop reflecting an aging population.

New residents of the SWGC are therefore also likely to exhibit different demographic traits to existing residents of Liverpool LGA. Dwellings in the SWGC will be new build properties mostly sold to owner occupiers and are predominately detached dwellings.

New residents may also have greater retail expenditure available. This is evidenced higher per capita retail spend in release areas such as Cecil Hills (\$12,300 per capita (\$2009) based on Marketinfo data) and Hoxton Park (\$11,000 per capita) compared to the older residential suburbs in the east of the LGA like Liverpool (\$9,633/ person) and Heckenberg (\$9,050/ person).



⁸ Source: http://www.gcc.nsw.gov.au/south+west-22.html

5. SUPPLY OF RETAIL FLOORSPACE

Chapter 5 examines the existing supply of retail floorspace within Liverpool LGA. The Chapter begins by detailing the retail hierarchy and distribution of existing centres and planned centres in Liverpool LGA followed by a detailed centre by centre analysis. Analysis by centre is based on Hill PDA's 2011 floorspace surveys, the results of which are provided in Appendix 3, and on the individual centre analysis provided in Appendix 4.

5.1 Existing Retail Hierarchy

The following table identifies the retail hierarchy associated with the South West and West Central Subregions which cover centres within Liverpool LGA and the surrounding area.

Table 9 - Typology of Centres and Hierarchy

Centre Typology	Characteristics	Centres
Regional City	Providing a full range of business, government, retail, cultural, entertainment and recreational activities, they are a focal point where large, growing regions can access good jobs, shopping, health, education, recreation and other services and not have to travel more than one hour per day.	Liverpool
Major Centre	Major shopping and business centre serving immediate subregional residential population usually with a full scale shopping mall, council offices, taller office and residential buildings, central community facilities and a minimum of 8,000 jobs.	Leppington (Planned Major Centre) Campbelltown-Macarthur (Major Centre – Campbelltown LGA) Prairiewood, Cabramatta, Fairfield (All Potential Major Centres – Fairfield LGA)
Town Centre	Town Centres have one or two supermarkets, community facilities, medical centre, schools, etc. Contain between 4,500 and 9,500 dwellings. Usually a residential origin than employment destination.	Carnes Hill, Casula Mall, Moorebank Bonnyrigg (Fairfield LGA) Ingleburn (Campbelltown LGA)
Stand Alone Shopping Centre	Internalised, privately owned centres located away from other commercial areas, containing many of the attributes of a Town Centre but without housing or public open space—may have potential to become a traditional town centre in the long-term.	Green Valley Orange Grove^
Village	A strip of shops and surrounding residential area within a 5 to 10 minute walk contains a small supermarket, hairdresser, take-away food shops. Contain between 2,100 and 5,500 dwellings.	Cecil Hills, Miller Macquarie Fields (Campbelltown LGA)
Small Village	A small strop of shops and adjacent residential area within a 5 to 10 minute walk. Contain between 800 and 2,700 dwellings.	Edmondson Avenue/ 10th Austral, Flowerdale, Chipping Norton, Wattle Grove Plaza, Hoxton Park Road/ Dorrigo Avenue, Prestons, Hammondville
Neighbourhood Centre/ Planned Neighbourhood Centre	One or a small cluster of shops and services. Contain between 150 and 900 dwellings.	Various

Source: Draft South West Draft and West Central Subregional Strategies, DoPI (2007) and based on advice from Liverpool Council



[^] Note: At its meeting held on 28 November 2012, Council resolved to change the status of Orange Grove to a 'Stand Alone Centre'

Liverpool Retail Centres Hierarchy Review

In addition to the above there are two established bulky goods clusters in Liverpool LGA:

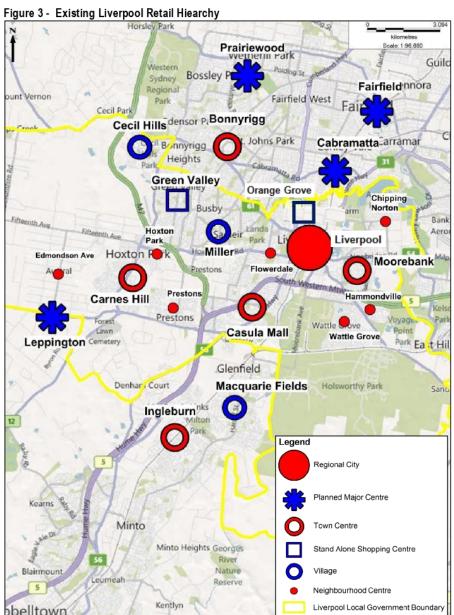
- Crossroads Home Maker Centre; and
- Warwick Farm Home Maker Centre.

The Orange Grove site currently contains a significant proportion of Liverpool's bulky goods floorspace in the Orange Grove MegaCentre⁹.

The following map identifies the key centres in the hierarchy.

⁹ Note: At its meeting held on 28 November 2012, Council resolved to change the status of Orange Grove to a 'Stand Alone Centre'





Source: Map produced by Hill PDA using MapInfo 11.0 software and Microsoft Bing © 2011 Microsoft Corporation

5.2 Existing Floorspace Supply

The table below shows the quantum of existing floorspace in Liverpool LGA based on Hill PDA's 2011 floorspace survey and other data sources where indicated.



Table 10 - Existing Retail Floorspace Supply in Liverpool LGA (December 2011)

	No. Retail	Retail Floorspace (sqm) GLA				
Centre	Tenancies^	Supermarket	Department Store/ DDS	Other ^^	Bulky Goods	Total
Major Regional Centre:						
Liverpool City Centre	795	11,062	35,307	111,906	2,766	161,041
Town Centres:						
Carnes Hill	53	4,494	5,635	7,313	-	17,442
Casula Mall	54	7,212	7,815	5,073	-	20,100
Moorebank	50	3,119	-	7,033	-	10,152
Total Town Centres	157	14,825	13,450	19,419	-	47,694
Stand Alone Shopping Centre:						
Green Valley	40	5,832	-	5,035	-	10,867
Orange Grove*	23	-	-	2,115	38,600	55,215
Village Centres:						
Cecil Hills	14	1,700	-	1,400	-	3,100
Miller	42	5,094	-	6,589	-	11,683
Total Village Centres	56	6,794	-	7,989	-	14,783
Small Village Centres**:	114	7,581	-	9,153	-	16,734
Neighbourhood Centres***:	168	1,036	-	16,028	194	17,258
Bulky Goods Clusters:						
Crossroads	27	-	-	3,046	49,269	52,315
Warwick Farm	17	-	-	2,067	13,588	15,655
Total Liverpool LGA Existing	1,397	47,130	48,757	176,758	104,417	377,062

Source: Various, including Hill PDA floorspace surveys December 2011, SCN Big Guns, Mini-Guns and Little Guns 2011, PCA Shopping Centre Database.

Note: DDS = Discount Department Store

Each of the centres in Liverpool LGA is explored on an individual basis for the remainder of this Chapter. Note that detailed analysis for each centre is provided in Appendix 4.

Liverpool Regional City 5.3

Current Role

Liverpool Major Centre or CBD is the largest retail centre in the South West. In addition to the provision of retail goods and services, Liverpool City Centre performs a range of employment, administrative and educational functions for the LGA. It is also a major transport node.

Existing Floorspace

The 2011 Hill PDA floorspace survey indicates that Liverpool City Centre contains 161,041sqm Gross Lettable Area (GLA) retail and commercial shopfront floorspace (including vacant floorspace). Vacancies account for an estimated 16,000sqm or nearly 10% of total retail and non-retail commercial shopfront provision in Liverpool City Centre which, based on our experience, is a relatively high proportion.



[^] Includes vacancies

^{^^} Comprises specialty food and non-food, personal services, vacancies and non-retail uses such as shop front commercial uses except for 'bulky goods clusters' which amalgamate vacant floorspace with bulky goods floorspace
* Note: At its meeting held on 28 November 2012, Council resolved to change the status of Orange Grove to a 'Stand Alone Centre'

^{**} Excludes Edmondson Avenue/ 10th Austral Small Village Centre which forms part of the SWGC area
*** Excludes West Hoxton Neighbourhood Centre which forms part of the SWGC area

Liverpool Retail Centres Hierarchy Review

Westfield Liverpool shopping centre accounts for 83,315sqm GLA¹⁰ (or 52%) of the total retail floorspace recorded in Liverpool City Centre. Westfield Liverpool's major retail anchors are Myer (18,766sqm), Target (8,291sqm), Big W (8,250sqm), Coles (3,876sqm), Woolworths (3,659sqm), Toys R Us (3,260sqm) and Best & Less (1,189sqm). There are a further 330 specialty shops providing 36,024sqm of retail floorspace. Westfield Liverpool also includes a 7,800sqm cinema complex. In total, the shopping centre provides over 91,000sqm of leasable floorspace. The last major redevelopment of the centre was in 2006/7 when a second discount department store (Big W) and various specialties were added.

Other retail and commercial floorspace in Liverpool City Centre includes Liverpool Plaza on Macquarie Street. The Plaza is classified as a neighbourhood shopping centre (using Property Council of Australia (PCA) definitions) and has a total area of 6,373sqm GLA, all of which is dedicated to retail floorspace. It is anchored by a 1,300sqm Franklins supermarket and contains 44 specialty shops totalling approximately 5,100sqm. We understand that Council has granted Development Application (DA) consent for alterations and additions to Liverpool Plaza to include a marginal increase of retail floorspace of 334sqm.

Trade Area

Liverpool City Centre draws from a wide catchment area. Typically households spend around 20-25% of their retail expenditure at Regional Centres, and as the largest retail centre in Liverpool LGA it will draw trade from throughout the LGA. Furthermore, there are no Regional Centres within Fairfield LGA. As a result Liverpool City Centre is likely to capture some of the expenditure generated by residents of Fairfield LGA.

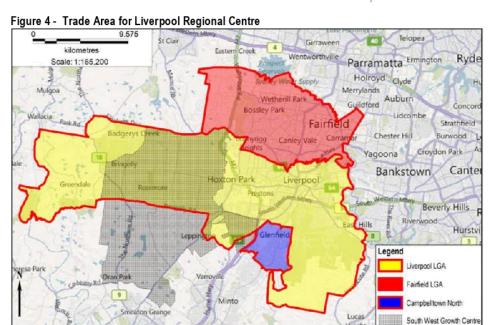
Residents of the northern suburbs of Campbelltown LGA have easy access to Liverpool City Centre and are located equidistant between it and Campbelltown-Macarthur Major Centre. Liverpool City Centre will capture a proportion of trade from this area in a range of retail goods categories.

The Liverpool City Centre Trade Area contained 398,000 persons in 2011¹¹. The extent of the trade area is shown overleaf.



¹⁰ Source: Property Council of Australia Shopping Centre Database

¹¹ Source: Final TDC October 2009 Release Population Forecasts (2010)



Source: Map produced by Hill PDA using MapInfo 11.0 software and Microsoft Bing @ 2011 Microsoft Corporation

The role of Liverpool City Centre will change over time. Initially as the SWGC is developed the centre will experience growth in the available pool of retail expenditure as population in the trade area grows. However, as new centres come on line and in particular the planned Leppington Major Centre, resident expenditure is likely to be reduced. In our view the trade area of Liverpool City Centre is likely to contract over time as result, with residents of Liverpool LGA to the west of the M7 directing their expenditure to Leppington rather than Liverpool City Centre.

Note that although Leppington Major Centre will redirect some expenditure away from Liverpool City Centre, this should be considered in the context of the increase in trade which the City Centre will experience over time as a result of population and real retail growth.

Trading Performance

Westfield Liverpool achieved a turnover of \$463m in 2010¹². This equates to an average turnover of \$5,805/sqm which is some 11% below the median for all Big Gun¹³ centres in Australia. This ranks the centre 70th in terms of floorspace turnover out of the 91 Big Gun centres in Australia. The performance of Big Gun centres is somewhat correlated with the socio-economic characteristics of their respective trade areas so the 11% below average performance in Liverpool is expected.

Capacity to Accommodate Growth

As the sole Regional Centre in the South West Subregion, Liverpool City Centre should be the focus of future retail growth and investment. However the capacity of the centre to absorb future retail development appears to be somewhat limited with a lack of vacant or available development sites.

¹³ Note: a 'Big Gun' is defined by Shopping Centre News (SCN) as comprising those centres with a GLA in excess of 45,000 sqm which contain a department store/s, discount department store/s, supermarket/s and specialties



¹² SCN Big Guns 2011

Liverpool Retail Centres Hierarchy Review

Potential development sites of which we are aware comprise:

- Northumberland Street car park. This appears to be the prime development opportunity in the CBD, although any redevelopment of this site would need to provide equivalent replacement car parking. This is a Council operated car park which provides in the order of 440 car parking spaces. It comprises around 0.35ha of land and could offer the potential to revitalise the southern part of Liverpool City Centre.
- Bathurst Street car park. This Council car park is situated directly opposite Westfield Liverpool. Again
 any redevelopment of the site would require replacement car parking to be provided. This site occupies
 approximately 0.8ha of land.
- Elizabeth Street. Land to the south of Elizabeth Street between the junctions of Bigge Street and George
 Street could be a future development option. Land to the south of Elizabeth Street opposite the entrance
 to Westfield Liverpool may also present opportunities to accommodate retail development in the future.

Details of the demographic characteristics of the main trade area, and a SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis for Liverpool City Centre are contained at Appendix 4.

5.4 Town Centres

Carnes Hill Town Centre

Carnes Hill Town Centre is focused upon the purpose built Carnes Hill Marketplace shopping centre. Carnes Hill Marketplace provides approximately 17,200sqm GLA of retail floorspace¹⁴. Anchor tenants include Big W (5,635sqm), Woolworths (4,494sqm) and Dan Murphy's Liquor (1,414sqm). There are an additional 50 specialty shops that provide around 5,899sqm of retail floorspace.

Carnes Hill Marketplace recorded a turnover of \$122.14m for the August 2010 to July 2011 period¹⁵. This ranks the centre 20th nationally out of the 166 Mini Gun centres¹⁶ in Australia in terms of gross turnover. It achieved a turnover per square metre of \$7,565/sqm which ranks it 80th nationally, marginally greater (by 1%) than the Mini Guns median of \$7,467/sqm for the period.

The main trade area of Carnes Hill is likely to comprise the surrounding suburbs of Carnes Hill, West Hoxton, Hoxton Park and Horningsea Park together with part of Prestons and a small part of Hinchinbrook which is southwest of the M7 motorway. This area contained in the order of 22,500 people at the time of the 2006 ABS Census.

Carnes Hill clearly functions as a town centre given the strong retail offer which it provides. Data on trading levels indicate that the centre is performing strongly and it is the focal point for shopping in the trade area which it serves. The shopping centre provides community meeting rooms and there is a school next door to the centre. We understand that there is a proposal to build a community centre at Carnes Hill. There also are plans to expand the range of uses which it currently provides to potentially include a library and indoor and outdoor sports facilities, but this will not involve any substantial addition to retail floorspace.

¹⁶ Note: a Mini-Gun is defined by SCN as a shopping centre with a GLA in excess of 6,000sqm but less than 20,000sqm



¹⁴ Shopping Centre News Mini-Guns 2011

¹⁵ Shopping Centre News Mini-Guns 2011

Casula Mall Town Centre

Casula Mall is owned by DEXUS and comprises a purpose built shopping centre of approximately 20,100sqm¹⁷ retail floorspace. The main trade area for Casula Mall comprises the suburbs of Lurnea, Casula and part of Prestons. This area contains in the order of 27,000 residents. Anchor traders are Kmart (7,815sqm), Coles (5,307sqm) and Franklins (1,905sqm). The remaining 5,100sqm of retail floorspace is provided in 51 specialty retail outlets.

Casula Mall is categorised as a Little Gun shopping centre by SCN¹⁸. It recorded a turnover of \$154.98m for the October 2009 to September 2010 period¹⁹. This equates to a turnover of \$7,703/ sqm which is 14% higher than the Little Gun median and ranks the centre 29th of the 100 Little Gun shopping centres surveyed in Australia. This indicates that the centre is currently performing well.

Casula Mall functions well as a town centre for the residential trade area which it serves. It contains a wide variety of retail goods and services which meet the weekly shopping needs of the trade area. It is trading strongly at the current time. The centre contains a community casual leasing site for local groups and a library and this provides a decent level of community uses.

Casula Mall is built in a developed residential area and expansion onto surrounding plots to accommodate additional floorspace is not feasible. Expansion would only be possible within the boundaries of the existing site although there appears to be potential to rationalise the existing car park to provide additional land, providing any car parking which is lost were offset by additional car parking provision on site. There appears to be justification for additional retail floorspace in the centre given its strong trading performance however it lacks sufficient space for an extension to be provided at the current time. A second storey could potentially be accommodated under the existing height and FSR limits

Moorebank Town Centre

Moorebank Shopping Centre comprises centralised surface level car parking with retail units around the perimeter. The centre provides approximately 10,150sqm of retail floorspace. It is anchored by a Woolworths and a Franklins supermarket, which provide in the order of 2,200sqm and 900sqm floorspace respectively. It accommodates 48 additional specialty retail units both within the shopping centre itself and along Maddecks Avenue and Stockton Avenue.

The primary trade area for Moorebank comprises the suburb of Moorebank which contained some 7,600 people at the time of the 2006 ABS Census. It is also likely to derive a proportion of trade from residents in Chipping Norton, Holsworthy and Hammondville.

There is no published data concerning the trading performance of Moorebank Town Centre. It is however the only main shopping facility with the trade area which it serves and anecdotal evidence appears to suggest that it is trading well.



¹⁷ SCN Little Guns 2010

¹⁸ Note: A Little Gun is a centre which provides between 20,001 sqm and 45,000 sqm GLA floorspace

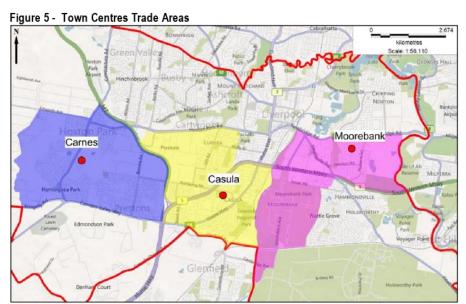
¹⁹ SCN Little Guns 2010

Moorebank Town Centre fulfils the requirements of a town centre. It has a strong retail offer which includes two supermarkets, a range of speciality retailers and other community functions including an educational facility (Nurwurra Public School), a community centre, medical facilities and a library.

The centre currently provides a significantly lesser quantum of floorspace (around 10,150sqm) than both Carnes Hill (17,200sqm) and Casula Mall (20,100sqm). There is scope to expand the existing centre within the B2 zoning through construction on undeveloped plots and through the intensification and redevelopment of existing buildings. Moorebank contains three vacant units totalling 319sqm of retail floorspace which could be reoccupied to contribute towards meeting future demand for retail floorspace in this area. A second storey could also be accommodated in the Moorebank Shopping Centre under the existing height and FSR limits.

Town Centre Trade Areas

The main trade areas for Casula Mall, Carnes Hill and Moorebank are shown below.



Source: Map produced by Hill PDA using MapInfo 11.0 software and Microsoft Bing © 2011 Microsoft Corporation

5.5 Stand Alone Shopping Centres

Green Valley Stand Alone Shopping Centre

Valley Plaza shopping centre is a stand alone village centre that provides 9,834sqm of retail floorspace²⁰. The Centre is anchored by Coles (3,561sqm) and Woolworths (2,271sqm), which are supported by 35 specialty shops (4,002sqm).

An additional 1,033sqm of retail floorspace is provided in retail units fronting Wilson Road, outside of the Valley Plaza shopping centre but within the B2 zoning. In total the centre provides some 10,867sqm of retail floorspace.



²⁰ SCN Little Guns 2010

Property Council of Australia (PCA) data indicates that the centre had a turnover of \$69.7m in 2009, which equates to a turnover per sqm of some \$7,088/sqm which is a reasonable performance. No trading information on this centre is recorded by SCN.

The trade area served by the centre comprises the suburbs of Green Valley and the majority of Hinchinbrook. This area contained approximately 22,390 persons at the time of the 2006 ABS Census.

Green Valley has the potential to become a town centre in the future, and performs a similar function (albeit on a smaller scale) to the existing town centres in the LGA in terms of retail provision. It is larger than Moorebank Town Centre (10,150sqm) in terms of the amount of retail floorspace which it provides.

Given the relatively low density of development under the B2 Local Centre zoning there is potential to provide additional retail floorspace in the centre to meet future needs. Incorporating a range of community uses in any expansion, which could include a medical centre or public square, would assist in elevating this centre to town centre status although we note that Green Valley Library and a police station are located adjacent to the shopping centre.

Ornage Grove Stand Alone Shopping Centre

Note: At its meeting held on 28 November 2012, Council resolved to change the status of Orange Grove to a 'Stand Alone Centre'.

MegaCenta Liverpool is located on Orange Grove Road at Warwick Farm. The centre has a total floor area of 36,500sqm GLA according to the PCA²¹. It is anchored by Harvey Norman (10,147sqm) and Domayne (4,906sqm). It provides a further 21,447sqm of retail floorspace in specialty bulky goods retailers.

Additional freestanding retail units providing fast food and take away uses are provided adjacent to the MegaCenta by occupiers which include McDonalds, Oporto, Krispy Crème and Subway. This area also includes an Officeworks store of 2,100sqm.

It is understood that both Schweppes and Campbell's Cash and Carry, who are major tenants in the IN1 General Industrial zoned land adjoining Orange Grove, may be looking to move out of the area. If these occupiers do relocate, it would provide a significant quantum of land which may be suitable for redevelopment to accommodate other uses.

5.6 Village and Small Village Centres

Cecil Hills Village Centre

Cecil Hill is located in the north-west of Liverpool LGA. It comprises the Cecil Hill Shopping Centre which primarily serves the Cecil Hills suburb which contained some 6,500 people at the time of the 2006 ABS Census. The Hill PDA floorspace survey indicated that Cecil Hills Shopping Centre contained around 3,100sqm of floorspace in 14 retail premises. It is anchored by a Woolworths supermarket (1,700sqm) and Woolworths Liquor (150sqm).

Cecil Hills provides a range of retail facilities serving the localised daily needs of the Cecil Hills suburb. It appears to be trading well. We note that childcare facilities (Head Start Long Day Care) are located within close proximity to the



²¹ Source: Property Council of Australia Shopping Centre Database

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centre. There appears to be some limited scope to intensify retail development in the existing B2 zoning to provide additional floorspace in Cecil Hills in the future, should it be required. It is adequately meeting its Village Centre role.

Miller Village Centre

Retail provision in Miller is focused upon the Miller Community Shopping Village. The centre provides some 9,653sqm of retail floorspace including a Woolworths (3,551sqm) and a Franklins (1,543sqm)²². Outside of the shopping centre is an additional 2,030sqm of retail floorspace based on the Hill PDA survey. The appearance of the centre is somewhat dilapidated.

The trade area for Miller comprises the suburbs of Miller, Cartwright, Ashcroft, Sadleir, Busby and Heckenberg. This area contained approximately 17,800 people at the time of the 2006 ABS Census.

A DA has been permitted by Council for alterations and additions to Miller Shopping Centre to include facade upgrade and the creation of additional tenancies.

Given the retail offer Miller provides which includes it fulfils the attributes of a Village Centre. Additionally it performs a variety of community functions and includes a medical centre, a community centre, a library and a fire station. However, we note that the centre appears to be trading somewhat poorly at the current time although this may reflect the demographic characteristics of its trade area as shown in the centre proforma at Appendix 4.

In our view given the retail and non-retail offer of Miller it is more akin to a Town Centre rather than a Village Centre and should be considered for elevation in the retail hierarchy if additional retail development in the centre can be secured. There appears to be scope to provide additional retail floorspace within the existing B2 zoning.

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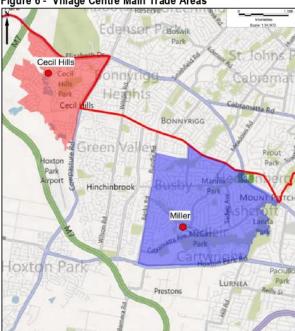


²² Source: Property Council of Australia Shopping Directory

Village Centre Trade Areas

The main trade areas for Cecil Hills and Miller Village Centres are shown in the figure below.

Figure 6 - Village Centre Main Trade Areas



Source: Map produced by Hill PDA using MapInfo 11.0 software and Microsoft Bing @ 2011 Microsoft Corporation

Chipping Norton Small Village Centre

This centre comprises the purpose built Market Plaza shopping centre serving the Chipping Norton suburb which contained approximately 8,600 people at the time of the 2006 ABS Census. It contains in the order of 5,300sqm of retail floorspace of which a Coles supermarket accounts for 2,830sqm. It is the largest of the centres currently defined as Small Villages, and given the nature of this centre and its role in our opinion it should be defined as a Village Centre.

We note that the B2 zoned land which defines the extent of this centre includes an area to the west of Emest Avenue which is in use for residential purposes. Council may consider redefining the extent of Chipping Norton to exclude this land

Anecdotal evidence indicates that the centre is performing well, although no published data is available to substantiate this assertion.

Edmondson Avenue/ 10th Austral Small Village Centre

Edmondson Avenue/ 10th Austral Small Village Centre is situated in the western and rural portion of the LGA. The centre provides in the order of 3,260sqm of retail floorspace based on the Hill PDA floorspace survey, including an IGA supermarket of around 1,090sqm. The role of the centre is likely to change significantly in the future as the SWGC is developed.



The centre is currently meeting the requirements of a Small Village Centre. Given the location of this centre within the SWGC its role is likely to evolve significantly over the period of the Review.

Flowerdale Small Village Centre

The Flowerdale Small Village Centre is located on Hoxton Park Road adjacent to the junction with Flowerdale Road. It provides around 4,720sqm of retail floorspace in 18 retail units which include an ALDI store of 1,460sqm.

Given the presence of the ALDI, which is likely to draw from a much wider trade area than would normally be expected of a Small Village Centre, in our view Flowerdale should be considered as a Village Centre in the hierarchy in reflection of its role. Comprehensive redevelopment of part of the southern part of the centre could offer potential to strengthen this role.

Hammondville Small Village Centre

Hammondville Small Village Centre serves the Hammondville suburb and provides a little under 1,900sqm of retail floorspace. It includes a small IGA store, although given the modest size of this facility (300sqm) it functions more as a large convenience store rather than a small supermarket.

The Hammondville suburb, which corresponds to the trade area for this centre, contained 2,900 residents at the time of the 2006 ABS Census but in view of the modest residential growth forecast for this area the potential for future retail development in the centre appears limited.

Hammondville meets the description of a Small Village Centre offering an array of convenience or top-up related goods and services to the Hammondville suburb which it serves. Based on our site visit it appears to be trading reasonably. There appears to be some scope to intensify retail development within the parameters of the existing B2 zoning which applies to Hammondville Small Village Centre.

Hoxton Park Road/ Dorrigo Avenue Small Village Centre

This Small Village Centre fronts Hoxton Park Road adjacent to the junction with Dorrigo Avenue. It contains in the order of 1,139sqm of retail floorspace based on the Hill PDA floorspace survey and provides a range of retail goods and services. These include a number of convenience stores, a doctors surgery, an Australia Post outlet and several pharmacies but no supermarket.

The trade area for the centre comprises the Hoxton Park suburb and the southern part of Hinchinbrook, an area of some 7,500 people according to the 2006 ABS Census. It is also likely to capture some trade from passing traffic. This centre appears to be performing well at the current time.

The centre caters for the day to day shopping needs of residents in its trade area. The trading performance of this centre anecdotally appears to be average. It accords with the definition of a Small Village Centre.

Prestons Small Village Centre

Prestons is a modern purpose built centre serving the recently developed residential suburb of Prestons which contained 12,800 people at the time of the 2006 ABS Census. It provides 1,533sqm of retail floorspace based on the Hill PDA floorspace survey and is anchored by an IGA supermarket of approximately 460sqm. It incorporates a medical centre. Its trading performance is likely to reflect its role as a localised shopping centre.



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Wattle Grove Plaza Small Village Centre

Wattle Grove Plaza is a purpose built enclosed shopping mall serving the suburbs of Wattle Grove and Holsworthy. These suburbs contained around 11,235 people according to the 2006 ABS Census. Wattle Grove Plaza is anchored by a Coles supermarket of 2,135sqm and in total the centre provides some 3,150sqm of retail floorspace²³. It appears to be trading well in our view although there is no quantitative data publically available to confirm this.

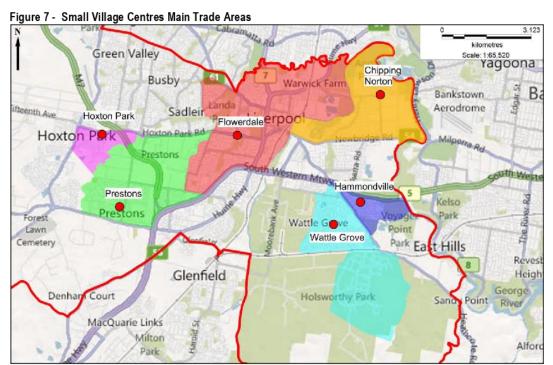
The B2 zoning applicable to the centre also encompasses an educational facility and a place of worship. Given the presence of Coles, in our view this centre should be defined as a Village Centre for planning purposes. There appears to be some scope to expand retail facilities within the existing B2 zoning.

Orange Grove Small Village Centre

We note that the draft South West Subregional Strategy recognises the existence of a Small Village Centre at Orange Grove. It is unclear where this centre is and it may be a reference to retail uses associated with the Orange Grove bulky goods retailing area.

Small Village Centre Trade Areas

The main trade areas for Small Village Centres are shown in the following figure.



Source: Map produced by Hill PDA using MapInfo 11.0 software and Microsoft Bing © 2011 Microsoft Corporation



²³ Source: Property Council of Australia Shopping Directory

5.7 Neighbourhood Centres

Retail and Commercial Floorspace

A summary of retail provision in centres zoned B1 Neighbourhood Centre in the Liverpool LEP 2008 is provided in the table overleaf. Note that the table below refers to retail floorspace only (i.e. commercial and commercial shopfront uses are excluded).

Table 11 - Retail Floorspace Provided B1 Neighbourhood Centre Zoned Land in Liverpool LGA

	Total*		Va	cant	
Centre	No. Tenancies	F'space (sqm GLA)	No. Tenancies	F'space (sqm GLA)	Key Tenants
Elizabeth Drive/ Park Road/ Marsden Road	1	260	-	-	7-eleven/ Spar
Luddenham	12	1,027	2	177	IGA, Australia Post
West Hoxton	8	1,467	1	233	Little Bottler
Green Valley Road	18	2,325	1	320	Little Bottler
Heckenberg	9	442	1	40	Bottle-O
Exhibition Parade	5	402	4	402	
Sinclair Road, Ashcroft	4	360	2	180	
Sadleir	2	210	-	-	
Cartwright	4	570	1	570	
Lurnea	23	2,291	1	105	Medi Advice Pharmacy
Maryvale Avenue	9	637	2	245	
Boundary Road	5	462	2	166	
Rose Street	4	240	1	72	
Warwick Farm	3	436	-	-	Valorie Cellars
Goulburn Street	9	908	2	190	BP
Grimson Crescent	5	395	4	316	
Camden Valley Way, Casula	1	302	-	-	Op Shop
De Meyrick Avenue	5	272	1	61	
Casula Shopping Centre	12	1,277	-	-	
Marsh Parade	6	396	-	-	
Chipping Norton Shopping Centre	10	1,217	-	-	
Governor Macquarie Shopping Centre	10	902	-	-	IGA
Liverpool Day Surgery	-	-	-	-	
Newbridge Road	2	383	-	-	Red Rooster
Heathcote Road/ Wattle Grove Drive	1	314	-	-	
Total	168	17,495	25	3,077	

^{*} Total includes vacant floorspace

Hill PDA Floorspace Survey December 2011

Our appraisal of the extent to which the defined neighbourhood centres are meeting their role is summarised below. Note that this does not consider zoned centres which have yet to be developed.

- Elizabeth Drive/ Park Road/ Marsden Road (Luddenham) Contains a 7-eleven in a petrol filling station and accords with the definition of a Neighbourhood Centre.
- Luddenham (The Northern Road, Luddenham) This centre is somewhat larger than the Neighbourhood Centre definition containing 12 retail units (in two separate B1 zonings). The southern B1 zoned land includes an IGA supermarket, an Australia Post branch and a pharmacy and performs more of a Small Village Centre role.
- West Hoxton (Fifteenth Avenue, West Hoxton) Currently functioning as a Neighbourhood Centre, although its role is likely to develop with the SWGC.



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- Green Valley Road (Green Valley) This is a large centre of some 17 retail units and 3,160sqm of retail floorspace. Its role and function is more comparable to the definition of a Small Village Centre.
- Heckenberg (Khancoban Street, Heckenberg) Small shopping centre serving local needs which accords
 with the role of a Neighbourhood Centre.
- Exhibition Parade (Reservoir Road, Mount Pritchard) New centre which will perform a Neighbourhood Centre role once it is fully occupied.
- Sinclair Road, Ashcroft Performing as a Neighbourhood Centre.
- Sadleir (Quadrant Lane, Sadleir) This centre would benefit from investment but should be considered as a Neighbourhood Centre for planning purposes.
- Cartwright (Hoxton Park Road) This centre is functioning more as freestanding automotive retail
 premises at the current time and does not accord with a Neighbourhood Centre role.
- Lurnea (Hills Road/ Riley Street) A vital and viable centre containing some 23 retail units in 2,360sqm of retail floorspace. Performs an important local function more akin to that of a Small Village Centre.
- Maryvale Avenue (Liverpool) The range of uses provided in this centre accords with its Neighbourhood Centre role.
- Boundary Road (Boundary Road/ Ives Avenue, Liverpool) Functions as a Neighbourhood Centre.
- Rose Street (Liverpool) Small centre comparable to the role of a Neighbourhood Centre.
- Warwick Farm (Warwick Farm Neighbourhood Centre) Consistent with the role and function of a Neighbourhood Centre.
- Goulburn Street (Liverpool) Should remain a Neighbourhood Centre to reflect its current role and function
- Grimson Crescent (Liverpool) In need of rejuvenation but functions as a Neighbourhood Centre.
- Camden Valley Way, Casula (632-634 Camden Valley Way) This centre comprises just one retail
 occupier which is Father Riley's charity shop. It therefore does not currently perform a role as a
 Neighbourhood Centre.
- De Meyrick Avenue (Lurnea) Comparable to a Neighbourhood Centre.
- Casula Shopping Centre (Casula Shopping Centre. De Meyrick Ave/ Hume Highway) Contains a wider range of shops and a greater quantum of floorspace than would be expected of a Neighbourhood Centre.
- Marsh Parade (Casula) Functions as a Neighbourhood Centre.
- Chipping Norton Shopping Centre (Alfred Road and Governor Macquarie Drive, Chipping Norton) Predominately functions as a service centre for the local populous containing a number of fast food and take away outlets, a café, a bakery and a newsagent. It currently lacks a convenience store however and, although it is larger than typical for Neighbourhood Centres.
- Governor Macquarie Shopping Centre (Childs Road and Epsom Road, Chipping Norton) The 10 retail units in this centre are fully occupied and offer a range of important retail goods and services to local residents. It includes a small IGA store, a number of convenience stores (butcher, bakery, greengrocer, off licence) and service providers (hairdressers, fast food and take aways). In our view it is more akin to a Small Village Centre.



- Liverpool Day Surgery (Longstaff Avenue, Chipping Norton) This centre currently lacks any retail
 provision whatsoever and functions instead as a private day surgery.
- Newbridge Road (Moorebank) Comprises two retail units one of which (Red Rooster) is not comparable
 with the role of a Neighbourhood Centre.
- Heathcote Road/ Wattle Grove Drive (Moorebank) Comprises solely a petrol filling station and convenience store but accords with the role of a Neighbourhood Centre.
- Lealocks Lane/ Alcock Avenue (Casula) In use for residential purposes and should be rezoned R2 Low Density Residential.
- Hill Road/ Hoxton Park Road (Lurnea) The majority of the land defined in the Liverpool LEP 2008 as constituting this centre has been developed for residential purposes which around 0.1ha of undeveloped land remaining.

5.8 Bulky Goods Clusters

Crossroads

Crossroads Homemaker Centre is located on Camden Valley Way in Casula. This area is zoned B5 Business Development uses in the Liverpool LEP 2008.

It provides some 57,634sqm (GLA)²⁴ of bulky goods floorspace making it the largest Homemaker centre in NSW. Anchor tenants include Bunnings (12,560sqm), Flower Power (4,145sqm), Buy Direct Deals (3,335sqm), The Good Guys (2,898sqm), Freedom Furniture (2,235sqm) and Bing Lee (1,689sqm). There are an additional 20 specialty shops providing 3,700sqm of floorspace.

An additional 915sqm unit occupied by the Crossroads Hotel is located within the B5 zoning adjacent to the Homemaker Centre.

Given the quantum of retail floorspace provided on the site it is likely to serve Liverpool LGA in addition to the northern part of Campbelltown LGA. It is well positioned to capitalise on the market which will be created as a result of the implementation of the SWGC.

Warwick Farm

Warwick Farm Homemaker Centre is located on Sappho Road and accounts for around 15,655sqm of bulky goods floorspace based on the Hill PDA survey. Warwick Farm Homemaker Centre is zoned IN1 General Industrial in the Liverpool LEP 2008. Retailers represented in Warwick Farm include Fantastic Furniture, Lincraft, Supercheap Auto, KFC, Hungry Jacks and SuperFurn. No performance data related to the Homemaker Centre is publically available,

5.9 Other Pipeline Development

Permitted retail development or development which is currently being considered by Council of which we are aware comprises:



²⁴ Source: Property Council of Australia Shopping Centre Database

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- The Orange Grove Weekends Market site is included within the B5 zoned land at Orange Grove. Council is considering a proposal to amend the B5 zoning applicable to this site to incorporate additional uses which would allow a brand outlet premises to operate from the site.
- Land adjacent to the MegaCenta is subject to Amendment 19 to the Liverpool LEP, which has been made. This amendment rezoned an area fronting Orange Grove Road to B6 uses and increased the threshold of permissible retail premises to 1,600sqm. This was to facilitate the development of a Dan Murphy's liquor store of 1,342sqm on the site (subject to DA approval).
- A Costco warehouse is proposed at Crossroads. Costco does not constitute a 'bulky goods' retailer in the traditional sense but given the large retail format of Costco stores, with a store of 13,000sqm GLA proposed at Crossroads, finding sufficiently sized sites within an existing retail centre is an issue. As such we consider that Crossroads, which comprises an established bulky goods destination and has sufficient vacant land to accommodate the proposed development, is an appropriate location in principle. Detailed consideration the economic impacts associated with this proposed Costco store will be required.
- Proposed 13,579sqm Masters home improvement store at 21-27 Munday Street and 3-7 Warwick Street, Warwick Farm (Amendment 18 to Liverpool LEP has been made but a DA is still pending). For the purposes of this Review 8,300sqm of this is assumed to comprise household related sales floorspace.
- Proposed 13,500sqm Masters home improvement store at Hoxton Park (Subject to proposed LEP Amendment 24 – Len Waters Estate). For the purposes of this Review 8,300sqm of this is assumed to comprise household related sales floorspace.
- 7,000sqm Holsworthy Plaza shopping centre, Holsworthy which is subject to extant DA approval. This
 centre will include an ALDI supermarket.

In addition, we note the presence of the following zoned land upon which retail floorspace has yet to be developed:

- Approximately 1ha of land zoned for B1 uses in an area to the south of Cecil Hills and north of the former Hoxton Park aerodrome (known as 'Elizabeth Hills'). This area is subject to a planning proposal seeking to realign the boundaries of the B1 zoned land in order to facilitate a transmission easement across the site. The realignment of zone boundaries does not seek to increase retail floorspace.
- A vacant plot of approximately 1ha B1 zoned land on the corner of Hill Road and Hoxton Park Road in Lurnea
- 15ha of B2 zoned land at Middleton Grange. This will serve a new suburb which is expected to accommodate approximately 9,000 residents once it is fully developed. It will include a new supermarket based town centre of around 5,500sqm²⁵ of which some 500sqm will be homemaker style retail floorspace.
- Around 25,000sqm of additional retail and other commercial floorspace²⁶ at Edmondson Park which will form the retail centre serving this suburb and which forms part of the SWGC.
- A plot of some 2ha of B2 zoned land at the corner of Banks Road and Hoxton Park Road. We understand
 that this land is highly flood liable and development is unlikely;
- Approximately 4ha of triangular shaped land at Holsworthy adjacent to Heathcote Road, zoned for B2 land uses, which will accommodate Holsworthy Plaza (see above).



²⁵ Liverpool Business Centres and Corridors Strategy

²⁶ Source: Liverpool City Council

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- Around 1ha of B1 land on Bernera Road to the south-west of the junction with Kurrajong Road. This is
 irregularly shaped and is owned by Council. We understand that it is not a high development opportunity
 at the current time.
- Land zoned for B1 uses at Hills Road/ Hoxton Park Road has been largely redeveloped for residential purposes although around 0.1ha this land remains undeveloped

Outside of Liverpool LGA to the south-east a significant quantum of development is mooted at Heathcote Ridge comprising of land surrounding the Ridge Sporting Complex. This area is currently being considered by the DoPl as a proposed State Significant Site and the draft plan for the West Menai bushland site which forms part of this area proposes some 2,700 new homes. This is in addition to 70ha of employment land which is anticipated to accommodate approximately 15,000 jobs. The Economic Assessment which has been submitted to the DoPl recommends the provision of two small village centres, each with an IGA style supermarket of up to 1,500sqm, to cater for the demand generated by new residents of the area²⁷.

²⁷ Source: Economic Assessment of Appropriate Retail Provision- Heathcote Ridge. July 2011. Leyshon Consulting

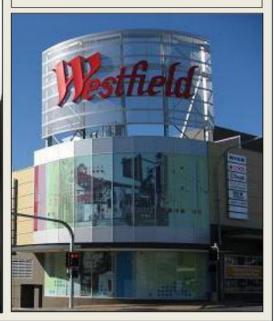


Part B – Liverpool in the Future



SHOPPING CENTRE
PIZZAINN
NEWSAGENCY
NSW Lotteries
LAUNDRY
DENTIST
Elizabeth Drive
ANIMAL HOSPITAL SPITAL
SPITAL

This part of the Review seeks to understand how demand for retail floorspace may change in the future and the implications of this on the retail hierarchy. In addition to exploring historic and emerging retail trends, it undertakes retail expenditure modelling to derive the implications for retail demand which will result from forecast population growth. It subsequently considers demand may manifest in terms of demand for floorspace and how this could be distributed across existing and future centres.



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6. RETAIL AND COMMERCIAL TRENDS

There are a number of local, regional and global trends that are either presently, or likely in the future, to influence the retail and commercial centres within the Liverpool LGA including their size, mix of uses, location vitality and economic viability. Accordingly this Chapter analyses these trends at a macro and in some cases a micro level, to better understand what social and economic trends may influence the growth and success of centres.

6.1 Retail Trends

Traditionally retailing followed a hierarchy from regional through district to small neighbourhood centres. More recently that hierarchy has been challenged by the following social and economic trends:

- Increase in the proportion of working women;
- Increase in the proportion of part-time and casual employment and reduction in full-time employment;
- Reduction in the proportion of households that match the 'traditional family' model and an increase in the number of single persons and single parent households;
- Increase disparity of household income, ranging from high double income households to households that rely on welfare;
- Ageing of the population; and
- Increasing working hours for those in full-time employment.

These changes are placing greater pressure on many of the existing centres in Liverpool to either adapt or lose market share. As a result, shoppers are increasingly spending more on entertainment, technology and leisure related goods rather than traditional grocery and clothing offers. Shoppers are also seeking a broader range of activities that provide both retail and entertainment options including eating out, wine bars, cinemas and video game parlours.

Accordingly some of the key retail trends influencing Liverpool LGA include:

- Expansion of the regional centres with a stronger element of leisure/entertainment activity. The trend
 towards both larger stores and larger centres in Australia has been evident for decades. Super regional
 centres over 100,000 square metres (such as Liverpool City Centre) have established themselves in most
 major metropolitan areas.
- Continued suburbanisation of office space and the growth of business parks.
- Strong growth in the bulky goods retailing centres with the big box retailers looking to capture market share from the department stores and some specialty retailers in traditional retail centres.
- Growth in the size of supermarket floor sizes, their trading hours and market share of the food and beverage household expenditure.
- Growth of mini-majors²⁸ and category killers²⁹.
- Reduced share of expenditure captured by traditional department stores.

²⁹ Stores which provide an extensive range of goods within a single market segment such as Toys R Us, Dymocks, JB Hi-Fi, Priceline



²⁸ Stores of between 400 sqm and 2,000 sqm such as ALDI, Apple, Lowes

Liverpool Retail Centres Hierarchy Review

- Pressure from supermarket and big box retailers to develop outside commercial centres.
- Loss of many traditional speciality retailers but also new retailers entering the market (e.g. ALDI, Masters, Costco).
- Potential rise in electronic shopping. This purchasing medium current represented around 4% of all retail sales in 2009³⁰.

The above trends are expanded upon in Appendix 5.

6.2 Commercial Trends

Liverpool City Centre is the main location within the Liverpool LGA and the wider Subregion for commercial and professional businesses and is the regional city for South West Sydney. It also includes a range of recreation and entertainment facilities. The following trends have been identified as having potential to influence the future demand for, and location of, commercial office space across all of the defined centres in Liverpool LGA as follows:

- The growth of the new economy and ongoing deindustrialisation is expected to strengthen demand for commercial floorspace especially in key locations, close to tertiary education and transport links;
- The slower than predicted rate of conversion to homeworking, resulting in over 80%³¹ of Australians still
 working in business premises rather than home offices;
- The emergence of business parks and changes in business composition and technology, over the last decade and a half resulting in a significant shift in the location of office-based activities outside of traditional Activities Areas thereby creating potential competition with existing centres for office tenants;
- Rising fuel prices and the introduction of mandatory energy efficiency disclosure for large commercial buildings (>2,000sqm) by the Federal Government in the second half of 2010. This will lead to sustainability becoming an increasingly important driver of price and demand³²; and
- An increase in the number of working hours per household and a greater proportion of dual earning households is a trend that means less time for family responsibilities. Accordingly work places that enable workers to conveniently combine paid work, leisure and family responsibilities are becoming increasingly attractive (i.e. locations that offer improved access to high quality retail shops and services, a wide range of health, legal, child care, banking and government related outlets, as well as consumer outlets).

³º The Jones Lang LaSalle 2009 global survey on Corporate Real Estate and sustainability indicates that an increasing number of corporate executives consider sustainability to be a critical business issue.



³⁰ Source: J.P. Morgan Australian Equity Research 2011; US Census Bureau; M. Baker Retailing in the Online Channel: A Global Overview 2011; Urbis 31 ABS Locations of Work Survey 2005

Liverpool Retail Centres Hierarchy Review

DEMAND FOR RETAIL FLOORSPACE

This Chapter calculates demand for retail floorspace within the Liverpool LGA. This demand results from those households who reside within the LGA, as well as those in neighbouring areas who direct a proportion of their expenditure to retail facilities in Liverpool. Derived demand is compared to floorspace supply to determine the level of residual demand for which Council will need to plan.

7.1 Catchment Area

In order to measure need and undersupply of retail and commercial shopfront floorspace, a trade or catchment area needs to be defined. The trade area served by any retail centre is determined by a number of factors including:

- The strength and attraction of the centre in question, determined by factors such as the composition, layout, ambience/atmosphere and car parking in the centre;
- Competitive retail centres, particularly their proximity to the subject centre and respective sizes, retail offer and attraction;
- The location and accessibility of the centre, including the available road and public transport network and travel times; and
- The presence or absence of physical barriers, such as rivers, railways, national parks and freeways.

For the purposes of this Review, we have defined the 'Catchment Area' as comprising the area from within which retail centres within Liverpool LGA will capture the majority of their trade. Based on the above assumptions, Hill PDA have deduced that the Catchment Area includes all households within Liverpool LGA.

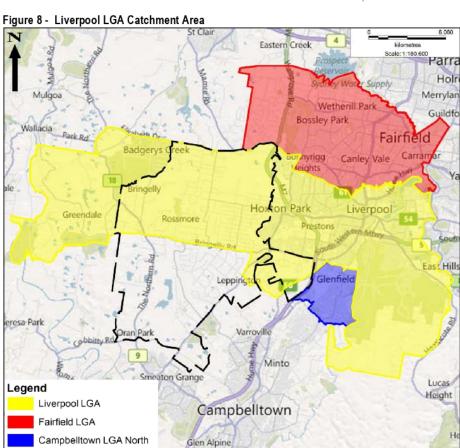
The Catchment Area includes those planned precincts within the SWGC. That said, the Review does not consider the need for centres within the SWGC, as this is part of Hill PDA's previous 2010 review of the SWGC for the Department of Planning & Infrastructure. As a result the Catchment Area assumes retail facilities in the remainder of Liverpool LGA capture trade from existing residents in these precincts. However, this will lessen over time as centres within the SWGC (particularly Leppington Major Centre) develop.

The Catchment Area also includes a number of areas outside of Liverpool LGA from which a proportion of trade is assumed to be captured. This includes the whole of Fairfield LGA as well as the northern parts of Campbelltown LGA such as the suburbs of Macquarie Links, Macquarie Fields, and the majority of Glenfield.

Based on this Catchment Area, the expenditure modelling will determine the extent of over or under supply of retail floorspace for the LGA. Based on the result, growth in demand will be distributed across centres based on anticipated population and dwelling growth (e.g. at a suburb level), proposed and planned developments, their existing role and function and other attributes.

The extent of Catchment Area is depicted in the figure below.





Source: Map produced by Hill PDA using MapInfo 11.0 software and Microsoft Bing © 2011 Microsoft Corporation

South West Growth Centre

7.2 Population Growth in the Catchment Area

For the purposes of determining demand, population projections have been sourced from the NSW Bureau of Transport Statistics (BTS). These projections were released in October 2009 and are based on the estimated resident population (ERP)³³.

Please note that the forecasts are based on travel zones which do not align precisely with suburb boundaries and therefore the population of Liverpool LGA as of 2006 in the following table differs from that recorded in the 2006 ABS Census data considered in Section 4.1.

³³ Note that the Liverpool LEP Proposed Amendments to B6 Zoning Study used population in occupied private dwellings



Table 12 - Population Projections for the Catchment Area to 2031

	Forecast Population						Growth 2006-2031	
Area	2006	2011	2016	2021	2026	2031	Persons	Av. Annual Growth
Liverpool LGA (excluding SWGC)	160,958	175,920	188,964	198,746	209,650	219,692	58,735	1.25%
SWGC Precincts in LGA*	9,957	10,418	13,030	32,156	49,687	64,904	54,947	6.4%
Total Liverpool LGA	170,915	186,338	201,993	230,902	259,337	284,596	113,681	1.7%
Fairfield LGA	187,263	191,580	196,213	202,519	207,248	216,745	29,482	0.5%
Campbelltown LGA North**	18,889	19,768	21,287	22,549	23,552	24,943	6,054	0.9%
Total Catchment Area	377,067	397,686	419,493	455,970	490,137	526,284	149,217	1.34%

The results above indicate that the population of Liverpool LGA will increase from an estimated 170,915 persons in 2006 to 284,596 persons in 2031, equating to average annual growth of 1.7%. Nearly half of the forecast population growth is attributable to the release and development of precincts in the SWGC.

Household Expenditure 7.3

Household expenditure in each catchment is dependent upon population size, household size and the sociodemographic characteristics of those households. Most notably there is a strong correlation between expenditure and household type and household income levels. Household expenditure was sourced from:

- The ABS Household Expenditure Survey 2003-04 which provides household expenditure by broad commodity type by household income quintile; and
- MarketInfo 2009 which is generated by combining and updating data from the 2006 Census and the ABS Household Expenditure Survey (HES).

Marketinfo combines the data from the Census, HES and other sources to derive total HES by commodity type. This data, which was validated using taxation and national accounts figures, quantifies around 14% more expenditure than the ABS HES Survey.

Average retail spend in Liverpool LGA per capita was \$11,103 in 2009 (including food and liquor consumed on premises, cinema admissions and selected personal services defined under ANZIC). This compares to an average per capita spend of \$10,115 for Fairfield LGA and \$10,739 for residents in Campbelltown LGA North. Average per capita expenditure is expected to increase by around 1.3% per annum as a result of increasing affluence and in line with historic trends34.

The following table shows total retail expenditure attributed to the Catchment Area to 2031.

^{34.} Expenditure per capita has increased at around 1.3% to 1.4% above CPI every year since 1986 (ABS Retail Sales, CPI and Population Estimates)



Source: Final TDC (now BTS) October 2009 Release Population Forecasts (2010), Hill PDA (2012)

* Comprises all or part of the following SWGC Precincts: Kemps Creek, North Bringelly, North Rossmore, Austral, Leppington, Rossmore and Bringelly

^{**} Comprises the suburbs of Macquarie Links, Macquarie Fields, and Glenfield. Note that for the suburb of Glenfield one travel zone (TZ1272) has been excluded given that it forms part of the SWGC.

Table 13 - Total Forecast Household Expenditure to 2031 (\$m2009)

Area	2011	2016	2021	2026	2031
Within Liverpool LGA					
Liverpool LGA (excluding SWGC)	2,088.6	2,393.2	2,685.0	3,021.2	3,377.2
SWGC in Liverpool LGA	124.2	168.5	461.1	767.0	1,072.9
Total Liverpool LGA	2,212.9	2,561.7	3,146.0	3,788.4	4,450.1
Fairfield LGA	2,069.7	2,261.1	2,489.5	2,717.6	3,031.7
Campbelltown LGA north	237.8	273.1	308.6	343.8	388.4
Total Catchment Area	4,520.2	5,095.9	5,944.2	6,849.6	7,870.2

The above results show that the total amount of retail expenditure generated by residents of the Catchment Area was estimated at \$4.5bn in 2011. This is forecast to increase to nearly \$8bn by 2031.

Marketinfo provides a breakdown of this spend by retail store type. The following table shows total retail expenditure generated by the Catchment Area by store type.

Table 14 - Total Forecast Household Expenditure by Retail Store Type to 2031 (\$m2009)

Retail Store Type	Proportion	2011	2016	2021	2026	2031
Supermarkets & Grocery Stores	30.7%	1,388.5	1,563.6	1,816.7	2,086.8	2,392.6
Specialty Food Stores	9.6%	432.0	486.8	566.4	651.3	747.4
Fast-Food Stores	8.0%	360.7	407.1	477.2	552.1	636.1
Restaurants, Hotels and Clubs*	6.8%	309.2	349.3	410.5	475.8	548.9
Department Stores	8.4%	379.2	427.6	499.4	575.9	662.2
Clothing Stores	5.1%	231.3	260.9	305.7	353.5	407.1
Bulky Goods Stores	13.6%	613.6	692.7	811.6	938.7	1,081.0
Other Personal & Household Goods	15.1%	683.5	770.1	896.0	1,030.4	1,182.3
Selected Personal Services**	2.7%	122.2	137.8	160.7	185.2	212.7
Total	100.0%	4,520.2	5,095.9	5,944.2	6,849.6	7,870.2

7.4 Capture Rates

Of total household expenditure generated by the Catchment Area, not all will be captured by retail centres in Liverpool LGA. A proportion of expenditure will escape to other centres and locations. Assumptions as to how much expenditure can be captured from various locations are discussed below.

Liverpool LGA (excluding SWGC precincts)

Not all retail expenditure generated by residents will be retained by centres within the LGA. The three main reasons for escape expenditure are:

- Around 6% to 7% of total household expenditure is spent by residents whilst on holidays (overnight) and/or making day trips (more than 50km travelled) as defined by Tourism Australia 35.
- Expenditure on retail goods and services near the place of work. Based on Journey to Work data compiled by the Bureau of Transport Statistics based on ABS data, in 2006 Liverpool had more than 67,000 working residents yet less than 49,000 jobs - a job containment ratio of 73%. As much as 15% to 20% of

^{35.} Total retail tourism spend in NSW (Tourism Research Australia) equals 7% of the total household expenditure generated in NSW (Marketinfo 2009). This assumes that tourism retail spend going out of NSW is equal to tourism retail spend coming in to NSW



^{*} Turnover relating only to consumption of food and liquor (excludes all other types of revenue such as accommodation, gaming and gambling)

** Selected Personal Services includes hair and beauty, laundry, clothing hire and alterations, shoe repair, optical dispensing, photo processing and hire of

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household expenditure can be spent close to the place of work but this proportion varies considerably between locations depending upon the levels of retail offer. Hence around 5% of total household expenditure escapes the LGA for this reason.

 Some expenditure will be lost to other competing regional and higher order centres such as Parramatta and Sydney CBD. Some will also be lost to the likes of brand outlet centres such as DFO Homebush and Brands on Sale Campbelltown.

Based on the above, it is estimated around 15% of Liverpool LGA's household retail expenditure is lost to centres outside the local government area boundary.

That said, it must also be recognised that capture of retail spend from residents west of the M7 will decline over time due to the development and opening of centres in the SWGC, particularly Leppington Major Centre which will be closer to residents in this location. To account for the expected contraction of the trade area as a result of Leppington Major Centre, capture rates beyond 2021 from residents west of the M7 has been reduced.

SWGC in Liverpool LGA

The SWGC Structure Plan allows for retail centres to be developed as a result of population growth in released precincts. However, we have incorporated an allowance for a proportion of household expenditure generated by residents in these precincts to be captured by retail facilities in Liverpool LGA, particularly prior to Leppington Major Centre coming online. Such expenditure is generated by households currently residing in the defined SWGC precincts in existing settlements such as Austral and Rossmore.

As a result in 2011 it has been assumed that the majority of expenditure generated by these precincts will be directed to centres in Liverpool LGA, equivalent to around 85% of total expenditure. At 2016 and beyond, this proportion of capture reduces to account for new centres which will be developed (i.e. Leppington Major Centre which will be developed in stages over a number of years).

By 2021, capture of retail spend from residents in the SWGC is assumed to fall to between 4% and 5% for all types of store types, with the exception of bulky goods for which a 30% capture rate is assumed.

As a result existing centres within Liverpool LGA have the ability to capture around \$106m of expenditure in 2011 from residents in these locations (i.e. not including Leppington Major Centre and the other centres which will form part of the SWGC and which will be located in Liverpool LGA). By 2031, capture of this spend will decrease to \$90m as a result of trade diversion associated with Leppington Major Centre.

Balance of the SWGC

Note that a 30,000sqm expansion of bulky goods floorspace at Crossroads was recommended in the "Retail Floorspace Capacity and Staging Project in the Austral, Leppington North and Oran Park Precincts" undertaken by Hill PDA for the DoPI in May 2010. This expansion was to meet demand emanating from residents of the SWGC. Whilst some of this demand is accounted for by residents in the SWGC in Liverpool LGA, an allowance for bulky goods demand generated by residents in the balance of the SWGC was made in the assessment.

In this Review, additional demand for bulky goods floorspace at Crossroads from the balance of the SWGC has not been added to the retail expenditure captured in 2011 (given that facilities in Liverpool LGA are unlikely to capture any expenditure from this area in 2011). That said, it has been factored into floorspace demand in 2016 and beyond.



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Fairfield LGA

It has been assumed that retail centres in Liverpool LGA capture around 10% of Fairfield's total expenditure. This is spread across retail store types as follows:

- 3% for food and grocery shopping;
- 20% for department store and clothing store merchandise;
- 35% of their bulky goods expenditure; and
- 5% of all other categories.

As a result we estimate that around \$210m of expenditure from Fairfield residents in 2011 is captured by retailers in Liverpool. This capture rate is assumed because Fairfield LGA contains limited bulky goods facilities and given the size and offering of Liverpool City Centre which includes a Myer store and 2 DDSs (Big W and Target). Fairfield LGA does not contain a department store and the southeast of the LGA lacks a DDS.

Campbelltown LGA north

It has been assumed that retail centres in Liverpool LGA capture around 15% of the total expenditure from residents in the north of Campbelltown LGA. This is spread across retail store types as follows:

- 30% for department store and clothing store merchandise;
- 50% of their bulky goods expenditure in 2011, increasing to 75% by 2016 and beyond; and
- 5% of all other categories.

As a result, centres within Liverpool LGA have the ability to capture around \$35m of expenditure in 2011 from residents in Macquarie Links, Macquarie Fields, and Glenfield. By 2031, capture of this spend will increase to some \$57m. A proportion of the expenditure generated by households in this area is assumed to be captured by retail facilities in Liverpool LGA due to the close proximity of residents to Crossroads, the size of the retail offer provided in Liverpool City Centre and given its closer proximity to residents compared to Campbelltown-Macarthur Major Centre.

Total Retail Expenditure Captured by Liverpool LGA (excluding SWGC)

Based on applying the abovementioned capture rates to the expenditure generated by households in the Catchment Area, the following table shows total expenditure available to retailers in Liverpool LGA (excluding planned centres in the SWGC). Note that this is based on the 2011 catchment area (i.e. excluding the balance of the SWGC outside of Liverpool LGA).



Table 15 - Retail Spend Captured in Liverpool LGA (excluding SWGC) (\$m2009)

	Capture		_				Grow	/th
Retail Store Type	Rate	2011	2016	2021	2026	2031	2011 to	2031
	2011						\$m	%
Supermarkets & Grocery Stores	43%	590.3	651.5	712.5	792.5	887.9	297.6	50%
Specialty Food Stores	43%	185.3	205.3	222.7	246.2	276.0	90.7	49%
Fast-Food Stores	45%	160.8	179.3	193.3	213.9	239.8	79.0	49%
Restaurants, Hotels and Clubs*	45%	140.0	156.1	167.3	183.7	206.0	66.0	47%
Department Stores	52%	198.9	220.9	227.9	237.4	265.6	66.7	34%
Clothing Stores	52%	121.3	134.3	139.0	144.8	162.1	40.8	34%
Bulky Goods Stores	61%	374.4	423.8	459.8	493.4	560.0	185.6	50%
Other Personal & Household Goods	44%	300.3	330.7	339.9	350.4	391.9	91.6	31%
Selected Personal Services**	44%	54.0	60.2	63.2	67.8	76.0	22.0	41%
Total Retail Spend Captured	47%	2,125.3	2,362.1	2,525.5	2,730.2	3,065.2	939.9	44%

^{*} Turnover relating only to consumption of food and liquor (excludes all other types of revenue such as accommodation, gaming and gambling)

The results show retailers in Liverpool LGA (excluding the SWGC) captured over \$2bn of retail expenditure in 2011, which accounted for approximately 47% of the total expenditure generated in the Trade Area. This is forecast to increase to over \$3bn by 2031, by which point the overall capture of expenditure will fall to 39% as a result of the opening of Leppington Major Centre and other retail facilities in the SWGC.

Liverpool City Centre in particular may capture a small proportion of retail expenditure from outside the Catchment Area as a result of workers commuting to the centre from beyond it. We have not incorporated an additional allowance for such expenditure in the expenditure modelling given that the amount of expenditure capture is hard to quantify and likely to be relatively modest within the context of total expenditure calculated in Table 15.

Retail Floorspace Demand 7.5

Demand for retail floorspace is calculated by applying target turnover rates on a per square metre basis to expenditure captured. The table below provides assumed target turnover rates (or industry benchmarks) by retail store type to 2031. The table assumes that real turnover will increase at a rate of around 0.65% per annum³⁶.

Table 16 - Benchmark Turnover Rates in 2011 to 2031 (\$/sqm GLA)

Retail Store Type	2011	2016	2021	2026	2031
Supermarkets & Grocery Stores	11,000	11,362	11,736	12,123	12,522
Specialty Food Stores	7,500	7,747	8,002	8,265	8,538
Fast-Food Stores	7,500	7,747	8,002	8,265	8,538
Restaurants, Hotels and Clubs*	4,750	4,906	5,068	5,235	5,407
Department Stores	3,500	3,615	3,734	3,857	3,984
Clothing Stores	5,000	5,165	5,335	5,510	5,692
Bulky Goods Stores	3,500	3,615	3,734	3,857	3,984
Other Personal & Household Goods Retailing	4,500	4,648	4,801	4,959	5,123
Selected Personal Services**	4,000	4,132	4,268	4,408	4,553

Sources: ABS Retail Survey 1998-99 (escalated to 2007 dollars), JHD Retail Averages, Hill PDA and various consultancy studies.

³⁶ This is in line with historic trends. Expenditure per capita has increased at around 1.3% to 1.4% above CPI every year since 1986. Around half of this increase has translated into an increase in retail floorspace per capita (from 1.8sqm in the 1980s to around 2.1-2.2sqm today). The balance of the increase in expenditure has translated into a real increase in turnover per square metre rates.



^{**} Selected Personal Services includes hair and beauty, laundry, clothing hire and alterations, shoe repair, optical dispensing, photo processing and hire of videos

^{*} Turnover relating only to consumption of food and liquor (excludes all other types of revenue such as accommodation, gaming and gambling)

** Selected Personal Services includes hair and beauty, laundry, clothing hire and alterations, shoe repair, optical dispensing, photo processing and hire of

By applying the benchmark turnover rates to the capture of expenditure, forecast demand for retail floorspace can be calculated as indicated in the following table.

Table 17 - Forecast of Retail Floorspace Demand in Liverpool LGA to 2031 (sqm GLA)

Retail Store Type	2011	2016	2021	2026	2031
Supermarkets & Grocery Stores	53,662	57,335	60,706	65,377	70,908
Specialty Food Stores	24,712	26,507	27,828	29,786	32,324
Fast-Food Stores	21,444	23,140	24,162	25,874	28,091
Restaurants, Hotels and Clubs*	29,476	31,814	33,004	35,097	38,101
Department Stores	56,828	61,094	61,022	61,546	66,653
Clothing Stores	24,257	25,999	26,053	26,286	28,474
Bulky Goods Stores	106,978	117,227	123,133	127,909	140,564
Bulky Goods Demand from SWGC Balance	-	1,124	3,145	7,394	12,741
Other Personal & Household Goods Retailing	66,729	71,150	70,801	70,654	76,503
Selected Personal Services***	13,493	14,581	14,807	15,389	16,686
Total Retail Floorspace Demand	397,578	429,971	444,661	465,312	511,045

^{*} Turnover relating only to consumption of food and liquor (excludes all other types of revenue such as accommodation, gaming and gambling)

The following table shows a comparison of floorspace supply to demand in 2011. Note that for the purposes of comparing supply and demand, a range of specialty retail store types have been grouped together. Specialty retail floorspace comprises all retail store types excluding 'Supermarket & Grocery Stores', 'Department Stores' and 'Bulky Goods Stores'.

Table 18 - Floorspace Demand vs. Supply in Liverpool LGA in 2011 (sqm GLA)

Existing Floorspace	Floorspace Demand	Difference
47,130	53,662	-6,532
176,758	180,110	-3,352
48,757	56,828	-8,071
104,417	106,978	-2,561
377,062	397,578	-20,516
	47,130 176,758 48,757 104,417	47,130 53,662 176,758 180,110 48,757 56,828 104,417 106,978

Blue indicates oversupply, Red indicates undersupply.

The results show that Liverpool LGA is undersupplied by some 20,500sqm of retail floorspace in 2011. Department and discount department stores accounted for the largest proportion of this undersupply at 8,071sqm (or 40% of total floorspace undersupply). The remainder of this undersupply was accounted for by supermarkets (6,500sqm undersupply), specialty stores (3,400sqm) and bulky goods stores (2,600sqm).

The table below compares supply and demand of retail floorspace between 2016 and 2031 to determine the need for additional retail floorspace in Liverpool LGA. Note that the table assumes that there are no additions to the supply side over the 2011 to 2031 period.

Table 19 - Supply vs. Demand in Liverpool LGA 2016 to 2031 (sqm GLA)^

Retail Store Type	Supply 2016	2016	2021	2026	2031
Supermarkets & Grocery Stores	47,130	-10,205	-13,576	-18,247	-23,778
Specialty Stores*	176,758	-16,431	-19,898	-26,328	-43,420
Department Stores	48,757	-12,337	-12,265	-12,789	-17,896
Bulky Goods Stores	104,417	-13,934	-21,861	-30,886	-48,888
Total Retail Spend Captured	377,062	-52,908	-67,600	-88,250	-133,982

Blue indicates oversupply, Red indicates undersupply

^{*} Comprises the following retail store types: Specialty Food Stores, Fast-Food Stores, Restaurants, Hotels and Clubs, Clothing Stores, Other Personal & Household Goods Retailing, Selected Personal Services



^{**} Selected Personal Services includes hair and beauty, laundry, clothing hire and alterations, shoe repair, optical dispensing, photo processing and hire of videos

^{*} Turnover relating only to consumption of food and liquor (excludes all other types of revenue such as accommodation, gaming and gambling).

^{**} Selected Personal Services includes hair and beauty, laundry, clothing hire and alterations, shoe repair, optical dispensing, photo processing and hire of videos.

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The table above indicates that by 2016, Liverpool LGA will be undersupplied by almost 53,000sqm of retail floorspace. This is forecast to increase to 134,000sqm by 2031.

Further to retail floorspace demand, is the demand for shopfront space occupied by non-retail commercial users. There are different types of commercial space such as:

- Non-retail in shopfront space like a travel agent, bank, doctors and so on, these make up around 5% to 7% of retail shopfront space in a retail centre; and
- Non-shopfront commercial spaces being stand-alone commercial buildings and shop top commercial above retail.

As a rule of thumb an additional 5% to 10% of specialty stores ³⁷ should be provided to accommodate these uses with a further 3% to 4% of specialty stores assumed to be vacant at any one time. Based on these assumptions, by 2031 demand for shopfront floorspace in the Liverpool LGA (outside of the SWGC) will increase to between 145,000sqm to 153,000sqm. As previously indicated Liverpool LGA currently (2011) contains approximately 337,000sqm of shopfront floorspace.

³⁷ Typically this proportion is as little as 5% to 7% in the indoor centres but may be as high as 30% to 40% in traditional strip retail centres.



8. ACCOMMODATING GROWTH

This Chapter considers options to accommodate the required floorspace growth across the LGA. It is based on an analysis of population growth, existing supply, development proposals and other local factors as relevant. The following chapter examines options for growth in the short term (2011-2019), medium term (2019-2026) and long term (beyond 2026).

In general terms, it is that part of Liverpool LGA west of the M7 which is anticipated to experience the greatest need for additional supermarket facilities over the 2011 to 2031 period, reflecting the significant population growth forecast for this area. The Cecil Hills/ Green Valley area also exhibits strong growth in demand for additional supermarket facilities.

Department, discount department and bulky goods floorspace demand also experiences significant growth over the period. Much of this demand will come from the inflow of expenditure from outside, particularly Fairfield for department store floorspace and the SWGC for the bulky goods floorspace.

8.1 Future Expansion Summary

The following table summarises the potential accommodation of floorspace growth in Liverpool LGA over time. These recommendations are further discussed in the following sections of this Chapter.

Table 20 - Targeted Increase in Supply of Retail Space (GLA sqm)

	2011-2019	2019-2026	Post 2026	TOTAL
LIVERPOOL CITY CENTRE				
Total		15,000	20,000	35,000
TOWN CENTRES:				
Moorebank		5,000		5,000
OTHER CENTRES:				
Miller or Green Valley		5,000		5,000
NEW CENTRES:				
Holsworthy Plaza	7,000			7,000
Middleton Grange	5,500			5,500
ORANGE GROVE:				-
Freestanding Retail Units [^]	3,000			3,000
CROSSROADS:				-
Bulky Goods		15,000	15,000	30,000
OTHER FLOORSPACE:				-
Masters, Len Waters Estate	8,300			8,300
Masters, Munday Street	8,300			8,300
Retail Development on B6 Lands	1,500	6,000	6,000	13,500
TOTAL LGA	33,600	46,000	41,000	120,600

Note: The table includes planned and proposed centres

Note that the recommendations provided above are based on an examination of retail supply and demand at more detailed spatial scales than that of the Liverpool LGA as a whole (i.e. the Carnes Hill area, the Wattle Grove area and so on). The recommendations are based on population and dwelling growth assumptions in these areas, and planned and proposed developments.



[^] Relates to potential Dan Murphys and Aldi stores at Orange Grove

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In total, around 120,600sqm of additional retail space is proposed in Liverpool LGA over the next 30 years. Around 29% of this (35,000sqm) would be accommodated within Liverpool City Centre. Significant amounts of retail floorspace would also be accommodated by development in Crossroads 30,000sqm (25%). Note that the timings of the proposed floorspace may vary.

The targets aim to accommodate an additional 121,000sqm of shopfront retail floorspace in Liverpool LGA in the long term which is somewhat less than the 134,000sqm of demand calculated in Table 19. However, this allows for other proposed developments to be brought forward over this period which may include the proposed Costco and Crossroads, the proposed brand outlet premises at Orange Grove Road or other retail proposal as yet unknown.

The impact of Leppington Major Centre in the long term, in terms of trade diversion from Liverpool City Centre, is uncertain and floorspace increases should be reviewed at least every 5 years to reflect the impact of this centre.

8.2 Short-term Growth (2011-2019)

Liverpool City Centre

Opportunities to strengthen or consolidate the retail offer of Liverpool City Centre in the short-term to 2019 should be supported by Council. Short term growth in the Liverpool City Centre can be encouraged through a variety of initiatives, in particular the relevant Actions contained within the Liverpool City Centre Vision.

Middleton Grange

Middleton Grange is a new residential suburb being developed to the west of the M7 north of Hoxton Park and West of the former Hoxton Park aerodrome. It is expected to accommodate more than 10,000 people once fully developed and we understand that a town centre of around 5,500sqm is proposed, of which around 500sqm will be homemaker style floorspace. This would assist in meeting the need arising in the short-term in this area and should include a full-line supermarket and specialty stores and shopfront commercial retail facilities.

Holsworthy Plaza

Holsworthy Plaza in the south-west of Liverpool LGA has existing DA approval for the development of 7,000sqm of retail floorspace including ALDI and Coles supermarkets. Examination of the retail demand generated by residents of the Wattle Grove area in isolation indicates an undersupply of supermarket and specialty floorspace in this area in 2011 and beyond. The Holsworthy Plaza development will address the immediate undersupply of supermarket floorspace and will negate the need for any additional supermarket floorspace in the area to 2031, based on current population projections.

Orange Grove

A total of 3,000sqm of floorspace at Orange Grove has been allowed for in the short-term. This comprises a Dan Murphy's retail and the provision of an ALDI store.

Amendment 22 to the Liverpool LEP seeks to facilitate the use of the weekend markets site for the purposes of a 19,000sqm brand outlet premises by amending Schedule 1 for 5 Viscount Place. It has been accepted by the DoPl under the Gateway process but is still being considered by Council. As this development is only a possibility at this stage, and is not a finalised development, it has not been included in our assessment of supply. However we note



that, if it were to be approved, it would be likely to attract additional expenditure from residents outside of the Liverpool LGA that would not otherwise be directed to it, particularly from residents in the Fairfield LGA. As such, there is likely to be sufficient retail need to justify an outlet centre of this size in the short term to 2019. Notwithstanding this, detailed consideration of economic impacts associated with this proposed development will be required to determine whether it is acceptable in economic terms.

ALDI has expressed an interest in locating at Orange Grove in their submission to the Review. Amendment 19 to the Liverpool LEP has now been made which increases the permissible threshold of 'retail premises' in all B6 zones to 1,600sqm, together with permitting the rezoning of land fronting Orange Grove Road from B5 to B6 uses. The effect of these changes could therefore be to facilitate the development of an ALDI store at Orange Grove in the short-term.

In this regard, it is noted there are existing ALDI stores in Fairfield LGA at Bonnyrigg, Fairfield, Fairfield West, Villawood and Guildford. However, to the south-east, Cabramatta is not served by any ALDI supermarkets. Orange Grove is well situated to service this unmet demand resulting from the lack of provision in Cabramatta's trade area.

Crossroads

Note that no allowance for additional development at Crossroads has been made in the short-term. Although Costco is seeking to locate in Crossroads, as this is only a proposal at this stage no allowance for it has been made.

Miller

Proposals seeking the redevelopment of, or the extension of, Miller Shopping Centre over the short-term should be supported in order to improve the trading performance of this centre and widen choice for residents in the trade area which it serves .It is noted that Council has approved a Development Application recently to enable the renovation of the centre.

Other Bulky Goods

Two Masters home improvement centres are proposed, one each at the Len Waters estate and Munday Street, Warwick Farm. Both proposals are subject to Development Applications.

Retail Development on B6 Lands

Council has made Amendment 19 to the Liverpool LEP which increases the size of retail premises permissible in the B6 Enterprise Corridor zone from 1,000sqm to 1,600sqm. As a result a number of retail stores are likely to be developed on B6 land within the Liverpool LGA in the short, medium and long term. An allowance for such development has been made in the future expansion summary.

8.3 Medium-term Growth (2019-2026)

Liverpool City Centre

Expansion opportunities in Liverpool City Centre to 2026 should be supported. These could include the provision of additional department store or DDS floorspace (5,000sqm) and further specialties. In total an expansion of up to 15,000sqm of retail floorspace in Liverpool City Centre is supportable. Opportunities for infill development within Liverpool City Centre should be supported.



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Valley Plaza/ Miller

By 2026 there will be over 7,000 additional people living in the Green Valley/ Cecil Hills trade area as a result of new residential development. This will lead to additional demand for a further full-line supermarket (3,000sqm). This floorspace undersupply could best be met by an expansion of the retail offer provided in either Valley Plaza or Miller. An expansion could also include specialty retail floorspace in the order of 2,000sqm.

Orange Grove

In the medium term a change in the role of Orange Grove may be supported by Council to diversify its retail offer beyond bulky goods. This reflects the evolving nature of the area given the proposed brand outlet premises and Dan Murphy's and a number of the submissions to the Review relating to ALDI, Kmart and other non-bulky goods retail. Provision of retail floorspace of this nature would have some adverse impact upon the Liverpool City Centre, the extent of which should be quantified in the economic impact assessments accompanying the planning proposal and development applications for such uses.

In this regard we note that there is some undersupply of department and discount department store floorspace in 2011 and beyond in Liverpool LGA. Fairfield LGA has a number of discount department stores being in Bonnyrigg, Fairfield and Prairiewood. However to the south-east Cabramatta is not served by any discount department stores. Orange Grove is well situated to service this unmet demand resulting from the lack of provision in Cabramatta's trade area. The provision of a DDS and associated facilities at Orange Grove would attract to Liverpool LGA additional retail expenditure which would not otherwise be directed to it. Notwithstanding this, proportion of expenditure would be redirected from Liverpool City Centre.

It is not clear whether the impacts of development of this nature on Liverpool City Centre would be deemed acceptable and therefore whether this development is likely to proceed. In the targeted floorspace increases recommended in Table 20 we have not allowed for additional retail floorspace at Orange Grove in the medium and long-term. It is assumed that if such retail floorspace is provided it would comprise reoccupation of existing floorspace.

It is understood that Harvey Norman may wish to relocate in the future, which would provide vacant floorspace capable of accommodating other retail uses. Notwithstanding this, we recognise that Orange Grove has capacity to expand within the parameters of the existing B5 zoning should an expansion be required and justified in economic terms.

Based on the above, outside of that land zoned for B5 Business Development, there is no requirement for additional lands at Orange Grove to be redeveloped for bulky goods (i.e. the Schweppes and Campbell's Cash and Carry sites should they become available).

Moorebank

If the opportunity arises, an extension to retail provision in Moorebank could be supported to provide in the order of 5,000sqm of additional retail floorspace.

Crossroads

In the medium term a 15,000sqm expansion of bulky goods floorspace at Crossroads should be supported. Additional bulky goods floorspace in this location would cater for demand from residents of the SWGC in an existing and

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established bulky goods destination. This recommendation is also consistent with Hill PDA's previous advice to the DoPI in the "Retail Floorspace Capacity and Staging Project in the Austral, Leppington North and Oran Park Precincts" Recommendation is also consistent with Hill PDA's previous advice to the DoPI in the "Retail Floorspace Capacity and Staging Project in the Austral, Leppington North and Oran Park Precincts" Recommendation is also consistent with Hill PDA's previous advice to the DoPI in the "Retail Floorspace Capacity and Staging Project in the Austral, Leppington North and Oran Park Precincts" Recommendation is also consistent with Hill PDA's previous advice to the DoPI in the "Retail Floorspace Capacity and Staging Project in the Austral, Leppington North and Oran Park Precincts" Recommendation is also consistent with Hill PDA's previous advice to the DoPI in the "Retail Floorspace Capacity and Staging Project in the Austral, Leppington North and Oran Park Precincts" Recommendation is also consistent with the SWGC and the Liverpool LGA.

Retail Development on B6 Lands

For the purposes of this Review, it is assumed that Amendment 19 will lead to the development of two 1,500sqm food stores and two 1,500sqm non-food stores on B6 zoned land across the LGA in the medium term.

8.4 Long-Term Growth (Post 2026)

Liverpool City Centre

Growth in the long term beyond 2021 will be sufficient to support a significant expansion of retail floorspace provided within Liverpool City Centre. At least a further 20,000sqm of supermarket, speciality, and department and discount department store floorspace could be provided to strengthen the retail offer of the centre. It is likely to suffer some loss of trade as a result of Leppington Major Centre, and therefore an expansion such as recommended, will assist in rejuvenating the retail offer of the CBD.

Crossroads

A further 15,000sqm expansion of bulky goods floorspace at Crossroads should be supported in the long term to cater for demand emerging out of the SWGC.

Retail Development on B6 Lands

For the purposes of this Review it is assumed that Amendment 19 will lead to the development of a further two 1,500sqm food stores and two 1,500sqm non-food stores on B6 zoned land across the LGA in the long term.

Hill PDA

^{38 &}quot;Retail Floorspace Capacity and Staging Project in the Austral, Leppington North and Oran Park Precincts" undertaken by Hill PDA for the DoPI (May 2010)

Part C – Planning & Policy Recommendations

The last part of the Review translates the key findings of Parts A and B into recommendations for the LGA. Part C provides guidance on planning controls which Council may wish to use to control and encourage business centre development in the future in line with the recommended retail hierarchy. The recommendations also provide Council with an approach through which proposals for retail development can be assessed in the future. Within the context of our recommendations, Part C provides an assessment of relevant submissions which have already been made to Council.







Recommendations

This Chapter sets out a series of recommendations for Council as a result of the findings of the Review. It suggests a retail and commercial centres hierarchy for the LGA, including those which will form part of the SWGC, and considers how this may be supported through future LEP zonings. It also sets out specific guidance for each of the main centres in the LGA.

9.1 Retail/Commercial Centres Hierarchy

The following retail and commercial centres hierarchy is recommended for Liverpool LGA:

Table 21 - Liverpool LGA Retail & Commercial Centres Recommended Hierarchy

Centre Typology	Retail Centre
Regional City (1)	Liverpool City Centre
	Carnes Hill
	Casula Mall
Town Centre (6)	Edmondson Park
Town Centre (6)	Green Valley
	Miller
	Moorebank
Stand Alone Centre (1)39	Orange Grove
Out-of-Centre Bulky Goods Cluster (1)	Crossroads
	Chipping Norton
	Cecil Hills
Village Centre (6)	Flowerdale
	Middleton Grange
	Holsworthy Plaza
	Wattle Grove
	Hammondville
	Hoxton Park
	Edmondson Ave/ 10th Austral
	Prestons
Small Village Centre (9)	Luddenham
	Green Valley Road
	Lurnea
	Governor Macquarie Shopping Centre
	Casula Shopping Centre
	Elizabeth Drive/ Park Road/ Marsden Road
	West Hoxton
	Heckenberg
	Exhibition Parade
	Sinclair Road, Ashcroft
	Sadleir
	Cartwright
Neighbourhood Centre (24)	Maryvale Avenue
Noighbourhood ochtro (24)	Boundary Road
	Rose Street
	Warwick Farm
	Goulbourn Street
	Grimson Crescent
	Camden Valley Way, Casula
	De Meyrick Avenue
	Marsh Parade

³⁹ Note: At its meeting held on 28 November 2012, Council resolved to change the status of Orange Grove to a 'Stand Alone Centre'



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Chipping Norton Shopping Centre
Liverpool Day Surgery
Newbridge Road
Heathcote Road/ Wattle Grove Drive
15th/ 22nd, Austral
Edmondson Ave/ 15th, Austral
Rossmore
Bringelly

Note that Leppington Planned Major Centre has not been included as part of the recommended hierarchy given that the majority of this centre falls within the Camden LGA boundary. However, Leppington should be recognised as forming part of the broader regional retail dynamics and will be used by future residents of the Liverpool LGA located in the SWGC as their primary retail centre.

By adopting this hierarchy Council can be guided in the assessment of future proposals for new centres and expansion of existing centres. The purpose of the hierarchy is to ensure that the roles of these centres are clearly defined and that expansion of one centre will not threaten the role of another centre further up or down the hierarchy.

The Review has identified a need to increase floorspace to meet growth in demand. The options for increasing floorspace are based on the need to maintain a functional hierarchy of centres and to balance the retail offer, competitiveness and accessibility for consumers.

Specifically in terms of Liverpool City Centre, Council may seek to support future investment by investigating options for key development sites, such as those identified in Section 5.3, to accommodate additional retail development in the future or by amending Schedule 1 of the Liverpool LEP. This may include considering, for example, ways in which any loss of parking on the Northumberland Street car park could be mitigated elsewhere in the centre to enable the future development of this key site. This would assist in ensuring that Liverpool City Centre has the capacity to accommodate future floorspace demand requirements. This approach would reflect the main inhibitor to future retail development in Liverpool City Centre being a lack of suitable, available and viable development sites.

9.2 LEP Land Use Zonings

The Liverpool LEP 2008 zoning and land use controls are set out in Appendix 1. Based on these, and the recommended retail and commercial centres hierarchy set out above, the use of the following zonings is recommended:

Table 22 - Liverpool LGA Retail & Commercial Centre Zones

Zone	Centres
B1 – Neighbourhood Centre	Neighbourhood Centres
B2 – Local Centre	Town Centres, Village Centres and Small Village Centres
B3 – Commercial Core	Liverpool City Centre core
B4 - Mixed Use	Liverpool City Centre periphery
B5 - Business Development	Orange Grove, Crossroads
IN1 – General Industrial	Warwick Farm

If Council approve additional development at Orange Grove and Crossroads, this may be most appropriately accommodated through adding additional uses as permissible. In doing so Council would retain a greater degree of control over the type of development which occurs in these areas, and thus mitigate the potential impacts upon Liverpool City Centre and other centres.

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The size of zones needs to be carefully considered. Zones should be sufficient in scale to accommodate growth under this strategy. However they should not be too disperse such that it discourages containment of the retail core or excess supply of commercial land. At worst case a dispersed zone allows further fragmentation of the retail core and poor market performance.

Containment of retail centres is a desirable policy for several reasons:

- It reduces distances between shops and other commercial uses which encourages walking and reduces car trips;
- It improves the efficiency of the retail centre (as measured by the floor area of the centre divided by time taken to visit every retail and commercial premise);
- It improves convenience (as measured by time taken to travel to the centre, park the car, shop and return to the car);
- It improves convenience for those shoppers that don't or can't travel by car and hence improves equity of
 accessibility; and
- It improves price competition since improved convenience and efficiency enables shoppers to easily compare price and quality between retailers.

9.3 Commercial Office

Guiding development principles for commercial office space in Liverpool LGA include:

- Guard against leakage of office space to industrial lands and emerging business parks through the restriction of permitted office space as an objective;
- Office space primarily should be located in commercial/retail centres. The Standard LEP Template limits
 retail and office activity to core commercial and mixed use zones, business development zones and in
 some circumstances enterprise corridors;
- Identify a commercial core which should be protected and which may be surrounded by mixed use areas
 where commercial and retail uses can grow on lower floors below residential;
- Recognise that the economics of the suburban office market is currently fragile;
- Minimise development levies taking into account competition from other areas (e.g. Campbelltown); and
- Ensure that local planning controls provide for future commercial development in smaller centres.

9.4 Employment Uses

Employment uses can provide strong synergies with retail centres. Commercial centres with a high number of office workers generate demand in the centres for further retail space over and above household expenditure in the trade area. Workers may spend as much as 10-15% of their total household expenditure near their place of work if the retail offer is good.

It is important that when identifying which uses are appropriate for specific industrial areas, that consideration be given to restricting the commercial/retail development that is permitted. Retail should be restricted to bulky goods, a convenience store and fast foods to service the industrial parks and should not be permitted to selling foods and



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apparel items that would compete with the commercial centres. Office spaces should be encouraged in the commercial zones or in dedicated business parks and should be restricted in the industrial area. Office space in the IN zones should only be permitted where it is ancillary to the range of industrial type uses that are permitted.

9.5 Bulky Goods Nodes

Anecdotal evidence suggests that there is variation in the performance of existing bulky goods clusters in Liverpool. Crossroads appears to be performing strongly reflecting its location close to growing suburbs and the SWGC. The provision of a Costco store at Crossroads is likely to significantly improve the trading performance of this bulky goods node. We understand that Orange Grove and Warwick Farm are trading less strongly.

The Review recommends that Crossroads is defined as Out-of-Centre Bulky Goods Cluster in the Liverpool LGA retail hierarchy. This would support its role in the provision of bulky goods to the Liverpool LGA and beyond. Limited diversification of retail uses, such as through the provision of a Costco large format retail store, may be acceptable.

Orange Grove in particular may be suitable for diversification of uses beyond a bulky goods role, particularly if an outlet centre is opened on the weekend markets site. At its meeting held on 28 November 2012, Council resolved to change the status of the Orange Grove site to a Stand Alone Centre.

As previously noted, the Schweppes and Campbell's Cash and Carry sites may become available for alternative uses in the near future. However, based on our expenditure modelling there is no need for additional land to accommodate retail or bulky goods demand to 2031. Should the Schweppes and Campbell's Cash and Carry sites become available, Council should consider uses other than retail or bulky goods.

We do not recommend any change to the IN1 General Industrial zoning of Warwick Farm.

Council has made one amendment to the Liverpool LEP to facilitate the development of a Masters at Munday Street, Warwick Farm (Amendment 18), and is considering a second amendment for a Masters at Len Waters estate (Amendment 24). Neither of these is located within an existing bulky goods cluster. Masters would consider themselves to be an anchor retailer in their own right and therefore unlike other bulky goods retailers they do not need to cluster together with similar uses. As such their preferred location is determined by proximity to their target market rather than influenced by the location of existing bulky goods retailers.

9.6 Consideration of Submissions & DAs

A number of submissions to the Review were received by interested parties. These are provided at Appendix 2 and summarised in Section 3.4. Our advice in relation to each of these is provided in the following table.



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Table 23 - Summary of Submissions to the Review

Site	Hill PDA response
1450 Elizabeth Drive, Kemps Creek	The site subject to this submission is located within the SWGC and therefore is outside the scope of this Review. Notwithstanding, this we note that the Kemps Creek suburb within which the site is located will contain a modest 1,000 dwellings and 2,500 residents once it is fully developed. Adjoining land to the east comprises Western Sydney Parkland and the next suburb to the west comprising future industrial uses. On this basis, there is unlikely to be sufficient demand to justify a retail centre of any notable size on the site in this location, notwithstanding the provision for centres made within the SWGC Structure Plan.
407E 400E Comdon Valley	Proposed expansions at Carnes Hill and Middleton Grange will satisfy demand for retail space in the Liverpool LGA area west of the M7 in the short to medium term. As such there is no need for an additional supermarket based centre in this location in the foreseeable future.
1975-1985 Camden Valley Way Prestons	Furthermore, the provision of an additional centre in this location is likely to have a significant adverse impact upon the existing Prestons Small Village Centre located 1.1km to the northwest. We would advise Council not to rezone this land in accordance with the submission in the short term.
	Three submissions were received by Council in relation to a discount department store, ALDI store and specialty retail on Orange Grove Road where the existing homemaker centre is located. This location is well positioned to address unmet demand from the south-east of Fairfield LGA. The provision of additional retail floorspace at Orange Grove, which would include such uses will serve to attract additional expenditure into Liverpool LGA which would not otherwise be captured by retail facilities within it. In principle there are economic benefits to Liverpool LGA of such an expansion, with a wider retail offer being provided at Orange Grove.
Orange Grove Road 607-611 Hume Highway, Casula	However the quantum and type of retail floorspace proposed is nevertheless likely to have adverse impacts upon Liverpool City Centre. Any application for rezoning to facilitate such uses should be accompanied by a full Net Community Benefit Test and a detailed economic impact assessment which quantifies the trading impacts on Liverpool City Centre, in order for the severity of impacts to be fully considered by Council prior to DA approval being granted.
	As noted in the Review it is understood that the major land owners of the IN1 General Industrial lands adjoining Orange Grove to the south (Schweppes and Campbell's Cash and Carry), may be looking to move out of the area. There is no requirement for additional lands to accommodate retail or bulky goods floorspace at Orange Grove outside of the area already zoned for B5 uses to 2031. On this basis should the IN1 General Industrial land to the south become available, alternative industrial or employment uses should be considered, which do not include retail or bulky goods uses.
	The more detailed area modelling which we undertook to inform our recommendations indicates that, for the Casula Mall trade area there is limited undersupply of supermarket and grocery store expenditure in 2011. Thus there is insufficient need for 4,200sqm supermarket as sought in this submission. The limited undersupply of supermarket and grocery store expenditure which does exist is likely to be met to some extent by the development of the Costco which will sell a range of food and grocery items.
	Beyond 2026 there is a need for an additional supermarket in the Casula area at which time rezoning of the site may be appropriate if no alternative sites are available to accommodate a supermarket in Casula Mall or in other existing centres in the surrounding area.



Liverpool Retail Centres Hierarchy Review

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- 4. This report and its attached appendices are based on estimates, assumptions and information provided by the Client or sourced and referenced from external sources by Hill PDA. While we endeavour to check these estimates, assumptions and information, no warranty is given in relation to their reliability, feasibility, accuracy or reasonableness. Hill PDA presents these estimates and assumptions as a basis for the Client's interpretation and analysis. With respect to forecasts, Hill PDA does not present them as results that will actually be achieved. Hill PDA relies upon the interpretation of the Client to judge for itself the likelihood of whether these projections can be achieved or not.
- 5. Due care has been taken to prepare the attached financial models from available information at the time of writing, however no responsibility can be or is accepted for errors or inaccuracies that may have occurred either with the programming or the resultant financial projections and their assumptions.
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This valuation is prepared on the assumption that the lender or addressee as referred to in this valuation report (and no other) may rely on the valuation for mortgage finance purposes and the lender has complied with its own lending guidelines as well as prudent finance industry lending practices, and has considered all prudent aspects of credit risk for any potential borrower, including the borrower's ability to service and repay any mortgage loan. Further, the valuation is prepared on the assumption that the lender is providing mortgage financing at a conservative and prudent loan to value ratio.





Our Ref: Contact: 023452.2013

Graham Matthews 9821 9156

6 February 2013

RECEIVED

0 8 FEB 2013

Julie Bindon JBA Planning PO Box 375 NORTH SYDNEY NSW 2059

Dear Ms Bindon

Re: Meeting with JBA Planning regarding proposed redevelopment of Orange Grove

I refer to the meeting held between you and representatives of Gazcorp Pty Ltd with officers from Council's Strategic Planning team on Tuesday 5 February 2013 in relation to your proposal for the redevelopment of land owned by Gazcorp Pty Ltd situated on Orange Grove Road and Viscount Place Warwick Farm (the "Orange Grove site").

In relation to your advice that you were preparing to lodge a Planning Proposal for the redevelopment of the Orange Grove site, Council requested that you consider the following matters in the preparation of the Planning Proposal and drafting of an amendment of Liverpool Development Control Plan 2008:

- Redevelopment of the Orange Grove site in the context of the redevelopment of the Orange Grove Precinct bounded by Cabramatta Creek, Orange Grove Road, Hume Highway and Homepride Avenue.
- 2. How the proposed redevelopment responds to state and local planning strategies.
- A traffic study which considers the impact of the proposed redevelopment on nearby roads and intersections, parking volumes generated and pedestrian networks throughout the locality and their interface with the Orange Grove site.
- An analysis of the public transport provided to the site as compared to public transport provision to other B2 – Local Centre zoned sites in the Liverpool Local Government Area.
- Provision of a retail demand analysis and economic impact assessment for the proposed development.
- 6. Assessment and response to potential flooding impacts.
- 7. A detailed response to concerns raised in relevant submissions as outlined in the submission evaluation table appended to the second report to Council regarding Draft Liverpool Local Environmental Plan 2008 (Amendment 22). This report may be downloaded from Council's website.

EGROW 06

Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm

Attachment 5

Submissions (Redacted)

Should you require any further information on this matter, please do not hesitate to contact Graham Matthews, Strategic Planner, on 9821 9156.

Yours sincerely

Tanya O'Brien

Manager Strategic Planning

EGROW 06

Attachment 5

Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm Submissions (Redacted)



Our Ref:

241924.2015

RZ-5/2015

Contact:

Graham Matthews 9821 9156

28 September 2015

Mr George Ayoub Gazcorp Pty Ltd PO Box 732 GLADESVILLE NSW 2111

Dear Mr Ayoub

Re: Application to rezone 10 Orange Grove Road and part of 5 Viscount Place, Liverpool, from B5 – Business Development to B2 – Local Centre and to limit the floor space of shops to 21,000sqm.

I refer to your application to rezone 10 Orange Grove Road and part of 5 Viscount Place, Liverpool, from B5 – Business Development to B2 – Local Centre and to limit the floor space of shops to 21,000sqm.

Following an initial assessment of the planning proposal and the accompanying documentation, and a referral of the Economic Impact Assessment provided with the application to an independent consultant for peer review, Council officers believe there is sufficient evidence to support the expansion of retail uses at the subject site as described in the planning proposal. Nevertheless, Council officers believe that the rezoning of the site from B5 – Business Development to B2 – Local Centre would not be the best or simplest means of achieving that end.

In order to maintain and build on the existing character of the subject site as a stand alone centre of regional significance, you are requested to consider modifying the planning proposal to seek an additional use for the extra retail floorspace that you seek to develop, rather than rezoning the site to B2 – Local Centre. In addition, you are requested to provide more information in regards to the traffic and access design aspects of the development, as outlined below.

1. Zoning objectives and additional uses

The planning proposal lodged in support of the proposed amendment seeks to rezone the subject site from B5 – Business Development to B2 – Local Centre. However, while the planning proposal seeks to rezone the land, its objective is to provide for additional uses on the site, which may be better facilitated through the process of an "Additional Use" provision via an addition to Schedule 1 of Liverpool Local Environmental Plan (LLEP) 2008.

Application to rezone 10 Orange Grove Road and part of 5 Viscount Place, Liverpool, from B5 – Business Development to B2 – Local Centre and to limit the floor space of shops to 21,000sqm.

-2-

The subject site is currently zoned B5 – Business Development. The objectives of the zone are as follows:

- To enable a mix of business and warehouse uses, and bulky goods 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 approved development at the Orange Grove stand-alone centre includes:

- The Megacentre, incorporating approximately 27,000sqm of large format retail and related uses;
- The retail outlet centre, which was approved pursuant to Liverpool Local Environmental Plan 2008 (Amendment 22), which permitted the development of 19,000sqm of retail premises at 5 Viscount Place, with the proviso that no individual site exceed 1200sqm in size; and
- Approximately 16,800sqm of land zoned B6 Enterprise Corridor incorporating a Dan Murphy's liquor store, a small IGA supermarket and a number of fast-food establishments.

Existing development on the site services a large trade area, as acknowledged by the Economic Impact Assessment (EIA) prepared by Leyshon Consulting and submitted in support of the planning proposal. The Leyshon EIA states that, "the proposed development will be co-located with a bulky goods centre and a regionally significant outlet centre". Development of the Orange Grove stand alone centre has largely been consistent with the objectives of the B5 – Business Development zone as described above.

The Orange Grove Centre has an important regional role in providing bulky goods and other services to a regional catchment. While open to diversifying the uses on the site, Council staff believe that the character of the site should be maintained, particularly as demand for bulky goods is expected to increase significantly with projected residential growth.



Council staff understand that the development of the regionally significant outlets centre will attract consumers from a wide catchment, including those from outside the Liverpool local government area. It is also acknowledged that the EIA (and peer reviews) have predicted that diversifying the uses at the Orange Grove site is unlikely to seriously impact any nearby centre.

Application to rezone 10 Orange Grove Road and part of 5 Viscount Place, Liverpool, from B5 – Business Development to B2 – Local Centre and to limit the floor space of shops to 21,000sqm.

-3

The addition of 17,000sqm of traditional retail floorspace at the Orange Grove standalone centre, does not require, and does not in itself justify the rezoning of part of the stand alone centre to B2 – Local Centre. Council staff believe that the intended outcome would be better facilitated by the inclusion of an additional use provision under Schedule 1 of LLEP 2008, as noted above.

In addition, it is noted that the objectives of the B2 – Local Centre zone according to LLEP 2008 are as follows:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To allow for residential and other accommodation while maintaining active retail, business or other non-residential uses at street level.
- To facilitate a high standard of urban design and a unique character that contributes to achieving a sense of place for the local community.

The planning proposal does not describe how the proposed development would meet the objectives of the B2 – Local Centre zone. Taken as a whole, the Orange Grove Centre services a regional, as opposed to a local catchment. The site is located adjacent to a major regional thoroughfare, is largely isolated from a local residential catchment and has been designed for access primarily by car rather than walking, cycling or public transport.

The character of the Orange Grove stand alone centre means it is unlikely to meet the objectives for the B2 – Local Centre zone. Council staff believe that the intended outcome of the planning proposal (diversification of retail offering at the centre) would therefore better be served by facilitating an additional use within the existing B5 – Business Development zone.

It is also noted that the Liverpool Retail Centres Hierarchy Review, adopted by Council in November 2012 recommends that any diversification of uses at the Orange Grove stand-alone centre should be facilitated by an additional use provision. As the document states,

If Council approve additional development at Orange Grove and Crossroads, this may be most appropriately accommodated through using additional uses as permissible. In doing so Council would retain a greater degree of control over the type of development which occurs in these areas, and thus mitigate the potential impacts upon Liverpool City Centre and other centres (Liverpool Retail Centres Hierarchy Review, July 2012 p65).

Council staff recommend that you consider modifying the planning proposal to remove reference to the rezoning of the subject site from B5 – Business Development to B2 – Local Centre. You may also wish to modify the planning proposal such that the proposed 17,000sqm of traditional retail is accommodated on the site via an additional use provision which permits the development of a maximum 21,000sqm GFA of shops.

2. Traffic and Transport

It is noted that the application is accompanied by a Traffic and Transport Assessment by AECOM. The proposed redevelopment of the site will increase the traffic generation potential of the site. As a result, it is requested that you provide additional information.

Application to rezone 10 Orange Grove Road and part of 5 Viscount Place, Liverpool, from B5 – Business Development to B2 – Local Centre and to limit the floor space of shops to 21,000sqm.

-4

The Roads and Maritime Service's (RMS) Guide to Traffic Generation Development outlines that the traffic impact of development such as those described in the planning proposal, needs to assess future traffic conditions (for approximately 10 years) after the proposed development. It is also noted that the proposed rezoning of 1 & 67 Orange Grove Road, Liverpool will require the development of a four-way signalised intersection at the Orange Grove Road/Viscount Place intersection.

You are therefore requested to modify the planning proposal and to provide the following additional information:

- An intersection performance analysis of the possible development of the Orange Grove Road/Viscount Place intersection into a four-way signalised intersection should be carried out and resubmitted to Council for review;
- The proposed development is likely to affect the performance of the existing Orange Grove Road/Cabramatta Road signalised intersection. An intersection performance analysis of this intersection should be provided;
- It is noted the proposed development is planning to use Homepride Avenue as a secondary access road for the centre. A section of this road is private road and in a poor condition. Details of the right-of-way agreement and arrangement for road reconstruction should be provided;
- The pavement conditions and non-standard speed control devices in Homepride Avenue should be upgraded to a standard acceptable to Council as part of the proposal;
- The assumed distribution of trips to Homepride Avenue (10% during weekdays and 20% during Saturdays) requires verification by on site surveys;
- The proposed development will have a significant traffic impact on the RMS asset and should be discussed with the RMS prior to further consideration. Detailed comments provided by RMS on the proposal should be provided to Council; and
- The traffic impact of the proposed development on the section of Orange Grove Road close to the Orange Grove Stand Alone Centre should be re-assessed including the use of a link traffic model.

Next Steps

Council looks forward to progressing your application and facilitating the best outcome possible. Please forward your amended documentation addressing the matters outlined above to Council at your earliest convenience.

Please contact me on 9821 9396 to discuss further or to arrange a meeting with key officers.

Yours sincerely

Toni Averay

Director Planning and Growth



Updated Planning Proposal Draft Amendment to Liverpool Local Environmental Plan 2008



MegaCenta Site, The Grove Liverpool

Orange Grove Road, Warwick Farm

Submitted to Liverpool Council On Behalf of Gazcorp

Volume 1 of 1

October 2015 - 12697

EGROW 06

Attachment 5

Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm Submissions (Redacted)

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JBA Urban Planning Consultants Pty Ltd operates under a Quality Management System. This report has been prepared and reviewed in accordance with that system. If the report is not signed below, it is a preliminary draft.

This report has been prepared by:

Kim Shmuel

14.10.15

This report has been reviewed by:

Andrew Duggan

14.10.15

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JBA

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The Grove Liverpool Updated Planning Proposal | October 2015

1.0 Introduction

This Updated Planning Proposal has been prepared by JBA on behalf of Gazcorp, for the site at 5 Orange Grove Road, Warwick Farm (the Site). The Site accommodates a homemaker centre (commonly known as The MegaCenta Liverpool) with approximately 29,000m² of net leasable area (NLA) predominantly taken up by bulky goods retail premises.

The Site is located within a larger centre (commonly known as the Orange Grove Centre but branded as The Grove Liverpool) which accommodates a broad range of existing and approved retail uses as shown in **Figure 1** below.



Figure 1 - Location Map

Source: Nearmap

An Initial Planning Proposal was submitted to Council in March 2015 which sought to rezone the part of the Site which is currently zoned B5 Business Development (see zoning map at Figure 2 below) to B2 Local Centre. The proposed B2 zoning was intended to allow for the expansion of the retail uses on the site to accommodation 'shop' floor space. The Planning Proposal also sought to place a limit of 21,000m² gross floor area (GFA) on the amount of 'shop' floorspace permitted on the Site.

On 28 September 2015, Liverpool City Council (Council) wrote to the proponent (Gazcorp) stating that Council officers were of the view that there is evidence to support the expansion of retail uses on the Site. However, it was requested that the proponent consider amending the Planning Proposal to retain the existing B5 zoning and including' shop' as an additional permitted use on the Site with a maximum GFA cap.

Consistent with this request, this Updated Planning Proposal seeks to amend Schedule 1 of the *Liverpool Local Environmental Plan 2008* (Liverpool LEP) to permit 'shops' up to a maximum GFA of 21,000m² on the Site (Lot 101 in DP 104316), as well as a small portion of the adjoining Weekend Markets site to the south, specifically the portion of this site on which the Viscount Place roadway is located (Part Lot 23 in DP1190437).

¹ The 21,000m² limit is specifically placed on 'shop' floorspace – and not on 'retail premises' to ensure that 'bulky goods retail premises' can continue to be provided at the rear of the Site without a floorspace restriction.

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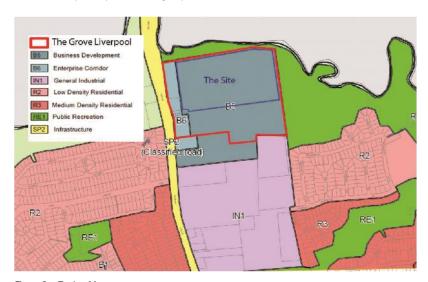


Figure 2 - Zoning Map

Source: Liverpool LEP

The Planning Proposal is consistent with the *Liverpool Retail Centres Hierarchy Review* 2012 (Liverpool Retail Centres Review) which identified the potential for the diversification of The Grove Liverpool to provide an expanded retail offering, and the subsequent resolution made by Council on 28 November 2012 to classify The Grove Liverpool as 'a Stand Alone Centre'.

The amendment to the Planning Proposal to retain of the B5 zone - with the addition of 'shops' as a permissible use on the Site - is also consistent with the recommendation of the Liverpool Retail Centres Review which suggested that 'if Council approve additional development at Orange Grove...this may be most appropriately accommodated through adding additional uses as permissible'.

It will facilitate the delivery of a new retail centre on the Site accommodating a component (approximately 27,000m² net leasable area (NLA)) of bulky goods retailing and approximately 17,000m² of traditional retail uses across the follow retail types:

- Approximately 5,500m² NLA discount department store (DDS) likely to be occupied by Kmart:
- Approximately 3,800m² NLA major supermarket likely to be occupied by Coles;
- Approximately 1,600m² NLA ALDI supermarket;
- Approximately, 1,500m² NLA across two mini majors; and
- Approximately 4,600m² NLA of specialty shops.

The Grove Liverpool already accommodates a Dan Murphy's liquor store, and there is an existing approval in place for redevelopment of an outlet retailing centre on the adjoining Weekend Markets site within the southern part The Grove Liverpool (see **Figure 1** above). The Planning Proposal supports the transformation of The Grove to accommodate an extensive range of retail and entertainment facilities.

The Planning Proposal is also consistent with Council's retail policy as set out in the Liverpool Retail Centres Review, and will also support the economic growth of the Liverpool local government area (LGA), and provide much-needed services and accessible retail facilities to the growing population in the Liverpool LGA and surrounding area.

The economic benefits of the Planning Proposal have been recognised in the Economic Impact Assessment (EIA) and peer review of the EIA submitted with the Planning Proposal. An independent peer review of the EIA commissioned by Council also confirms that the Planning Proposal will have no unacceptable economic impacts on surrounding centres.

The Grove Liverpool • Updated Planning Proposal | October 2015

This Planning Proposal has been prepared in accordance with the requirements of *A Guide to Preparing Planning Proposals* issued by the Department of Planning and Environment (Department). It considers the constraints and opportunities affecting the Site, and demonstrates that the Planning Proposal has strategic merit having regard to relevant strategic and statutory planning documents.

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2.0 Background

2.1 Evolution of The Grove Liverpool

The Grove Liverpool is owned by Gazcorp and accommodates a range of retail premises and other services.

The Centre was previously zoned 4(b) Industrial under *Liverpool Local Environmental Plan* 1997 (Liverpool LEP 1997 in which bulky goods retail premises were permitted with consent). However, with the implementation of Liverpool LEP 2008, The Grove Liverpool was rezoned to B5 Business Development in recognition of its predominant use for bulky goods retailing and associated facilities.

Since then, there have been a number of applications and proposals which have supported the transformation of the Centre into a stand-alone retail centre. These are detailed below.

2.1.1 Dan Murphy's Liquor Store

On 16 March 2012, Amendment 19 was made to Liverpool LEP 2008 to rezone land within The Grove Liverpool at the frontage to Orange Grove Road from B5 Commercial Development to B6 Enterprise Corridor zoning (see current zoning map at **Figure 2** above). It also amended Clause 7.23 of the Liverpool LEP 2008 to increase the maximum permitted GFA of individual retail premises in the B6 Enterprise Corridor zone from 1,000m² to 1,600m. This amendment was sought to allow a Dan Murphy's store to be developed on part of the site at the corner of Viscount Place and Orange Grove Road (see **Figure 1** above). Consent was subsequently granted for development of the Dan Murphy's store and it began trading in November 2013.

2.1.2 Outlet Retailing Centre - Weekend Markets Site

On 21 June 2013, Amendment 22 was made to Liverpool LEP 2008. This amendment related to the Weekend Markets site at 5 Viscount Place, Warwick Farm (see **Figure 1** above). It amended Schedule 1 of the Liverpool LEP 2008 to make 'retail premises' permissible on this site with a maximum of 19,000m² of retail premises permitted on the site, and a restriction of 1,200m² applied to each tenancy.

The amendment facilitated the redevelopment of the Weekend Markets site as an outlet retailing centre. DA920/2012 for establishment of an outlet retailing centre on the Weekend Markets site was approved by the Independent Hearing and Assessment Panel (IHAP) on 28 November 2013.

A Voluntary Planning Agreement (VPA) was subsequently exhibited for DA920/2012 which provided for a monetary contribution to offset the increased demand on public infrastructure resulting from the outlet retailing centre.

In September 2014, a new DA was lodged for an outlet retailing centre on the Weekend Markets site which is for substantially the same use as approved under DA920/2012. However, the new DA updated the description of the use of the site and incorporated changes to the approved layout of the centre.

The approved outlet retailing centre will be known as Fashion Spree Outlets.

2.2 Liverpool Retail Centres Hierarchy Review

In July 2012, Council placed the Liverpool Retail Centres Hierarchy Review on public exhibition. The Review noted the following in relation to The Grove Liverpool:

 The Grove 'would be likely to attract additional expenditure from residents outside of the Liverpool LGA that would not otherwise be directed to it, particularly from residents in the Fairfield LGA'.

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- The Fairfield LGA contains limited bulky goods facilities, does not contain a department store, and lacks a discount department store in the south-east of the LGA.
 Furthermore, there are no Regional Centres within Fairfield LGA.
- The Liverpool LGA is currently undersupplied by some 20,500m² of retail floor space at 2011, with the largest proportion of undersupply attributed to discount department stores (8,071m² or 40%) and supermarkets (6,500m² or 31%). This undersupply will increase as population increases.
- The capacity of the Liverpool CBD 'to absorb future retail developments appears to be somewhat limited with a lack of vacant or available development sites'.
- The Grove Liverpool is well situated to accommodate an ALDI store to service the unmet demand resulting from a lack of provision of an ALDI store in the Cabramatta trade area, and that 'Orange Grove in particular may be suitable for diversification of uses beyond a bulky goods role, particularly if an outlet centre is opened on the weekends market site'.
- In the medium term a change in the role of The Grove may be supported by Council to diversify its retail offer beyond bulky goods' and that the impacts of diversification 'should be quantified in the economic impact assessments accompanying development applications for such uses'.

Both Kmart and ALDI made submissions on the Liverpool Retail Centres Hierarchy Review noting their difficulty in obtaining appropriately sized and located premises within the Liverpool LGA and surrounding area, and their preference to locate within The Grove Liverpool.

In acknowledgement of the evolving nature of The Grove Liverpool, as highlighted in the Liverpool Retail Centres Review, at its meeting on 28 November 2012 Council resolved to adopt the exhibited version of the Liverpool Retail Centres Hierarchy Review and classify The Grove Liverpool (referred to as the Orange Grove Centre in Council documents) as a stand-alone centre². Council also resolved to consider a Planning Proposal for rezoning of the (MegaCenta) Site in The Grove Liverpool to accommodate a broader range of retail uses.

2.3 Stakeholder Consultation

To support the Planning Proposal, Gazcorp initiated the preparation of specialist studies for a new retail centre on the Site in early 2013, and has undertaken consultation with a number of key stakeholders as detailed below.

2.3.1 Liverpool City Council

Preliminary discussions were held with Council regarding the Planning Proposal on 5 February 2013. On 6 February 2013, Council issued a letter to JBA in which it set out the requirements for the Planning Proposal. These requirements included the following:

- Strategic study for broader area bound by Cabramatta Creek, Orange Grove Road, Hume Highway and Homepride Avenue;
- Planning Proposal report addressing local and state planning policies;
- Traffic study including consideration of public transport provision;
- Retail demand analysis and economic impact assessment;
- Flood assessment; and

Stand-alone shopping centres or regional clusters of bulky goods retailers. Located away from other commercial areas, containing attributes of a town centre but without housing or public open space – may have potential to become a traditional town centre in the long-term.

² As defined in the NSW Government's Draft Centres Policy (April 2009) as follows:

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Design to address Viscount Place as a 'main street'.

A follow up meeting was held with Council on 19 September 2014 after detailed studies to support the Planning Proposal had been developed.

On 22 October 2014, Council wrote to JBA indicating that the requirements for the Planning Proposal (as stated in its letter of 6 February 2013) remained unchanged with the exception of the item requiring Viscount Place to be designed as a 'main street'. Council indicated that the main street option for Viscount Place is no longer considered relevant in the context of a broader precinct planning approach.

The documents requested by Council are attached to this Planning Proposal report and include the following:

- Appendix A Economic Impact Assessment (EIA) prepared by Leyshon Consulting
- Appendix B Traffic and Transport Assessment prepared by AECOM
- Appendix C Flood Assessment prepared by Lean Lackenby & Hayward
- Appendix D Strategic Plan for Broader Area prepared by JBA

In addition, to ensure the robust assessment of the potential economic impacts of the proposed development, a peer review of the Leyshon Consulting EIA has been undertaken by Deep End Services and is included at **Appendix E**.

On 18 February 2015 a further meeting was held with Council at which a preliminary draft of the Planning Proposal was presented. Council provided feedback on additional information to be incorporated into the Planning Proposal. This has been included within this report and attached Appendices.

2.3.2 Roads and Maritime Services

On 10 May 2013, Gazcorp and its traffic consultant met with the Roads and Maritime Service (RMS) and Council to discuss the Planning Proposal. The following key issues were discussed at the meeting:

- The existing intersection of Orange Grove Road /Viscount Place has spare capacity.
- Congestion currently experienced at this intersection is due to parking/pedestrian interactions at Viscount Place.
- Give that there is spare capacity at Orange Grove Road/Viscount Place, and additional
 access to The Grove Liverpool is available via Homepride Avenue, improvements to
 Viscount Place should be considered prior to the consideration of an additional access
 (third access) at the northern boundary of The Grove Liverpool.
- A third access (if pursued) would need to accommodate a southbound deceleration lane for the left turn movement.
- The existing safety issue at the 'jug handle' on Orange Grove Road was noted.
 However, it was also noted that the 'jug handle' is unlikely to remain in the future, particularly if the road is widened.
- An additional phase with the right turn movement from Hume Highway into Homepride Avenue can be accommodated in the existing phasing of this intersection and should be pursued.
- Consideration should be given to potentially increasing the length of the southbound left turn lane or to convert southbound left turn lane to a slip lane at Orange Grove Road/Viscount Place, if required.
- Access off Viscount Place in the design (of the planned new retail centre) should be simplified to reduce the amount and number of conflicts.
- The RMS supported dropping Viscount Place to access the planned underground car park as the main access, with minor access to surface car parking outside the planned supermarket. This would allow for separate service vehicles from private cars and pedestrians.

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An internal roundabout needs to be located further to the east if an 'at-grade' option is

The above comments are considered to be relevant to the future design of the new retail centre on the Site and will be considered as part of a future development application (DA).

The Traffic and Transport Assessment at Appendix B includes some recommended upgrades to the intersection of Viscount Place/Orange Grove Road to respond to the scale of development facilitated by the Planning Proposal (see section 8.3 below). It is proposed that the funding for these proposed intersection upgrades be facilitated through a Voluntary Planning Agreement (VPA). It is proposed that the VPA offer be made to Council prior to council forwarding the Planning Proposal to the Department for a Gateway determination.

2.4 Initial Planning Proposal

An Initial Planning Proposal was submitted to Council in March 2015 and sought to rezone the part of the Site (and a small portion of the adjoining Viscount Place roadway) which is currently zoned B5 Business Development to B2 Local Centre. The Planning Proposal also sought to place a limit of 21,000m2 GFA on the amount of 'shop' floorspace permitted on the Site.

Council commissioned an independent peer review of the EIA which was undertaken by Essential Economics. The peer review found that, while the proposal will result competitive trading impacts, 'these are not expected to impact the operation of the retail hierarchy that currently serves the communities in the Cities of Liverpool and Fairfield'. In particular, the peer review found that no unacceptable economic impact the Liverpool CBD or Westfield Liverpool would occur as a result of the proposal.

On 28 September 2015, Council wrote to the proponent (Gazcorp) stating that 'Council officers believe there is sufficient evidence to support the expansion of retail uses on the subject site as described in planning proposal'. However, Council officers requested that the proponent consider amending the Planning Proposal to retain the existing B5 zoning and instead include to 'shops' as an additional permitted use on the Site under Schedule 1 of the LEP with a maximum GFA cap.

Gazcorp has considered this request and the Planning Proposal has been amended accordingly as set out in this Updated Planning Proposal report.

In addition Council requested more detail in regards to the traffic and access design of the development. Council has confirmed that this additional traffic information can be provided post Gateway Determination should a positive Gateway Determination for the Planning Proposal be received.

Gazcorp will continue to engage with Council throughout the Planning Proposal and it is requested that Council remain the Relevant Planning Authority (RPA) for the Planning Proposal.

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3.0 Site Context

3.1 Site Description

3.1.1 Location

The Site is located at 5 Orange Grove Road. It is located within The Grove Liverpool which is located approximately 1.5km north of the Liverpool CBD, and sits at the northern edge of the Liverpool LGA bordering on the Fairfield LGA (see Figure 3 below).

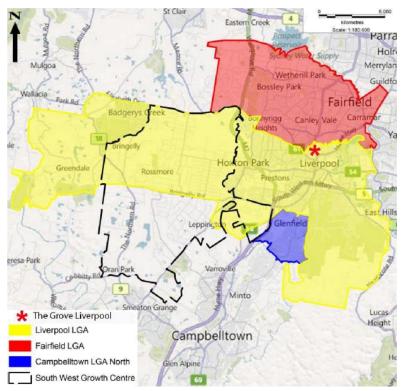


Figure 3 - Context Map

Source: Liverpool Retail Centres Hierarchy Review

3.1.2 Site Details

The Site has a legal property description of Lot 101 in DP 104316 and an approximate site area of 10 hectares. The Planning Proposal relates to the majority of the Site apart from the portion fronting Orange Grove Road which is zoned B6 Enterprise Corridor. The area of the Site to which the Planning Proposal relates is approximately 9 hectares.

The Planning Proposal also relates to a small portion of Lot 23 in DP1190437 – the adjoining Weekend Markets site on which a consent has been issued for an outlet retailing centre. Specifically, the Planning Proposal relates to the portion of this allotment that accommodates the Viscount Place roadway which will provide future access to the retail centre.

Although retail uses are already permitted on Lot 23 under Schedule 1 of Liverpool LEP 2008 (in accordance with Amendment 22 to the LEP – see **Section 2.1.2** above) it is considered appropriate to apply the Planning Proposal to this part of the Site to ensure a consistent planning framework is in place.

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The Site is generally rectangular in shape with a frontage of approximately 153 metres to Orange Grove Road to the west, and a northern boundary of some 460 metres to Panorama Reserve to the north. The Site's southern boundary fronts Viscount Place, an internal road running east-west through The Grove Liverpool. To the Site's east is Dwyer Oval

A location map is provided at Figure 1 above and a context map is provided at Figure 4 below.



Figure 4 - Context Map

Source: Google

3.1.3 Existing Development

The Planning Proposal relates to the B5-zoned portion of the Site (Lot 101 in DP 104316) which currently accommodates the MegaCenta homemaker centre in its western portion, and at-grade parking and vacant land in its eastern portion. The homemaker centre predominantly accommodates bulky goods retail premises, as well as a bowling alley, gym and NSW Government Service Centre. A number of tenancies within the homemaker centre are currently vacant.

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Additional freestanding retail units providing fast food and take away uses are provided adjacent to the homemaker centre within an at-grade parking area fronting Orange Grove Road. This portion of the site is zoned B6 Enterprise Corridor and it is not proposed to be rezoned as part of this Planning Proposal.

Basement parking is provided below the existing bulky goods retail centre.

The Planning Proposal also relates to part of the Weekend Markets site (Lot 23 in DP1190437) on which Viscount Place is located.

3.1.4 Environmental Constraints

The northern portion of the site is identified as Bushfire Prone Land as shown in Figure 5 below.

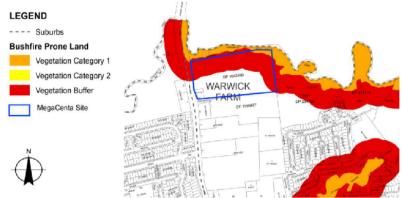


Figure 2 - Bushfire Prone Land

Source: Liverpool City Council

In addition, part of the northern portion of the Site is identified as Environmentally Significant Land (see **Figure 6** below) under Liverpool LEP 2008.



Figure 3 - Environmentally Significant Land

Source: Liverpool LEP 2008

The Site is identified as Flood Prone Land and its northern and eastern edges are located within the Flood Planning Area (see Figure 7 below) as identified within Liverpool LEP 2008

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Figure 4 - Flood Planning Area Map Extract

Source: Liverpool LEP 2008

3.2 The Grove Liverpool

The Site forms part of a larger centre referred to as The Grove Liverpool, which includes the Weekend Markets site on the southern side of Viscount Place and which is zoned and approved to accommodate an outlet retailing centre. A Dan Murphy's store is also located within The Grove Centre on the southern side of Viscount Place and fronting Orange Grove Road. A stand-alone McDonalds store is located opposite the Dan Murphy's store on the northern side of Viscount Place and on a separate allotment to the homemaker centre. See Figures 1 and 4 above for details.

As detailed in **Section 2.1** above, The Grove Liverpool has evolved to accommodate a range of existing and approved retail premises and services, and has been recognised as a stand-alone centre in Council's Retail Centres Hierarchy Review.

3.3 Surrounding Land Uses

The area immediately surrounding The Grove Liverpool is made up of a mix of retail, industrial, residential, open space and school uses.

3.3.1 Officeworks

Immediately to the south of the Dan Murphy's store is a 1,200m² Officeworks store fronting Orange Grove Road.

3.3.2 Orange Grove Industrial Area

To the south of the Grove Centre and bounded by Orange Grove Road to the west, the Hume Highway to the south and Homepride Avenue to the east (see Figure 4 above), is an industrial area that is predominantly occupied by manufacturing and warehouses. This area is zoned IN1 General Industrial under Liverpool LEP 2008. The potential transformation of this area has been taken into consideration as part of this Planning Proposal and is discussed in Section 5.3 below with a broad strategic land use direction provided at Appendix D.

3.3.3 Service Station

A service station is located directly across the road from the site on the western side of Orange Grove Road. It is understood that the potential rezoning and/or redevelopment of this site to accommodate some residential accommodation is currently being explored.

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3.3.4 Open Space

Public open space is located to the Site's immediate north and east. The Panorama Reserve to the north is a passive recreational area. Cabramatta Creek runs east-to-west through the Panorama Reserve approximately 50 metres from the Site's northern boundary.

Dwyer Oval (to the Site's east) is an active recreational area that incorporates playing fields. The potential to link the new retail centre on the Site to the adjoining open space areas will be explored as part of a future DA for the new centre once the proposed LEP amendment has been finalised. This may also be explored as part of a VPA for the Site.

The Site is located in the vicinity of a number of other open space areas including:

- Bowden Park on the northern side of Cabramatta Creek;
- Warwick Farm Recreation Reserve to the east of Dwyer Oval; and
- Joe Broad Reserve and Cabramatta Golf Range on the eastern side of Orange Grove Road.

3.3.5 Residential Areas

A Caltex petrol station is located immediately opposite the Site on the western side of Orange Grove Road. However, as shown in **Figure 4** above, land to the east and west is predominantly made up of large areas of low density residential development.

In addition, a number of local schools are located within the residential areas and within 1km of the Site including:

- Warwick Farm Public School;
- Cabramatta West Public School;
- Cabramatta Public School; and
- Mt Pritchard Public School.

3.4 Surrounding Centres

As shown in **Figure 3** above, The Grove Liverpool is located on the northern border of the Liverpool LGA on the border with the Fairfield LGA. Therefore, it is important to consider the Planning Proposal within the context of both the Liverpool and Fairfield existing retail hierarchy, as well as approved or proposed new centres within these LGAs. These are discussed below.

Liverpool LGA Retail Hierarchy

The Liverpool LGA retail hierarchy is describe in the Liverpool Retail Centres Hierarchy Review and includes the following:

Table 1 - Liverpool LGA Retail Centres Hierarchy

Centre	Details
Liverpool Regional Centre	The Liverpool CBD is the highest order centre in the Liverpool LGA and is identified as a Regional Centre in the Metropolitan Strategy. The Grove Liverpool is located at the northern edge of the Liverpool Regional Centre. Retailing in the Liverpool CBD is dominated by the Westfield shopping centre which accommodates almost 84,000m² (52%) of the CBD's total retail floor space. Major tenants in the Westfield shopping centre include:
	- Myer: approx. 19,000m ² ;
	- Target: approx. 8,000m ² ;
	- Big W: approx. 8,000m ² ;
	- Coles: approx. 4,000m ² ; and
	- Woolworths: approx. 4,000m ² .

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Centre	Details
Town Centres	The Liverpool LGA has three Town Centres namely Carnes Hill, Casula and Moorebank. These centres range in size from approximately 10,000m² of retail floor space at Casula to some 17,500m² at Moorebank. Casula Mall was one of the earliest subregional-scale centres constructed in the Sydney Region. It is anchored by a Kmart DDS and a Coles supermarket. Valley Plaza in Green Valley is identified as a stand-alone shopping centre in the South West Region Draft Subregional Strategy and is anchored by Coles and Woolworths supermarkets.
Other Centres	Liverpool LGA contains a significant number of village centres. These vary significantly in size. The village centres most relevant to the Planning Proposal are: - Cecil Hills: approx. 3,100m²; - Miller: approx. 9,650m³; - Chipping Norton: approx. 5,300m².
Bulky Goods Clusters	Apart from the homemaker centre within The Grove Liverpool, there are two major clusters of bulky goods retailing activity in the Liverpool LGA including that at the Crossroads Centre and a smaller centre at Warwick Farm. The Crossroads Centre contains in excess of $50,000m^2$ of retail floorspace. Its major tenants including Bunnings, Flower Power, The Good Guys, Freedom Furniture, Bing Lee and Costco. Warwick Farm centre contains some $15,000m^2$ of bulky goods floorspace. Its major tenants include Fantastic Furniture, Lincraft, Supa Cheap Auto together with a number of fresh food retailers. Council has also approved the development of a Masters store and associated bulky goods space on a site at Warwick Farm.

Fairfield LGA Retail Hierarchy

Fairfield LGA has a somewhat unusual retail hierarchy in that it does not have one dominant centre. Rather, the LGA has three large centres (at Wetherill Park, Bonnyrigg and Fairfield) which contain one or more DDSs together with major supermarkets. There is also a significant centre at Cabramatta which does not contain a DSS but is nonetheless important in Fairfield LGA's retail hierarchy. The following are the key centres within the Fairfield LGA:

Table 2 - Fairfield LGA Retail Centres Hierarchy

Centre	Details
Stockland Wetherill Park	Stockland Wetherill Park contains 37,300m² of retail floorspace with an additional 14,300m² of associated services including a cinema, library and other commercial functions. The centre is anchored by Big W and Target DDSs together with Woolworths and Coles supermarkets.
Fairfield Town Centre	The Fairfield Town Centre comprises an estimated 60,000m² of retail floorspace in total. Within the Town Centre there are two enclosed centres which contain DDSs namely Fairfield Forum and Neeta City.
Bonnyrigg Plaza	Bonnyrigg Plaza accommodates approximately 20,700m² of retail floorspace. It is anchored by a Big W DDS and Woolworths and IGA supermarkets. In 2010, Fairfield City Council approved 9,700m² expansion of Bonnyrigg Plaza. This approval is yet to be fully implemented.
Cabramatta	Cabramatta is a unique centre in that it has some 25,000m² of retail floor space but only one anchor tenant (Woolworths 2,500m²). It is dominated by small-scale retailing operated by persons of Vietnamese or Chinese descent. Cabramatta centre currently has a very low level of vacancy at about 4%
Other Centres	A number of small-scale neighbourhood centres in southern part of Fairfield LGA which lie within potential trade area of The Grove Centre. Include:
	- Canley Heights
	- Canley Vale
	- Wakeley
	- St Johns Park

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None of these contain a major supermarket.

Approved and Proposed New Retail Floorspace

In addition to the approved expansion of the Bonnyrigg Plaza listed above and the approved new outlet retailing centre at The Grove Liverpool, the Planning Proposal has been considered in the context of the following approved and proposed new retail floorspace within the surrounding area:

- New Woolworths supermarket (4,200m□) at Casula.
- A new retail centre of approximately 7,000m
 at Holsworthy.
- A new Woolworths supermarket and specialty shops at Prestons.
- A new Town Centre of up to 22,000m² gross leasable area (GLA) at Edmondson Park.
- A new centre anchored by a DDS adjacent to Bonnyrigg Plaza which has been under consideration by Fairfield Council since 2010.

3.5 Road Network

Viscount Place is an east-west local road running through the centre of The Grove Liverpool. It connects Orange Grove Road in the west to Homepride Avenue in the east. Homepride Avenue runs north-south along the edge of the Orange Grove Centre down to Hume Highway in the south (see **Figure 4** above).

Parts of Homepride Avenue and Viscount Place are private roads on land owned by Gazcorp that are publicly accessible via right-of-way easements on the relevant lot titles.

The intersection of Orange Grove Road and Viscount Place is signalised and has recently been upgraded to improve intersection performance during peak periods. This is the primary vehicle access to The Grove Liverpool. As detailed in the Traffic and Transport Assessment at Appendix B, this intersection currently operates at Level of Service (LOS) A (Good Operation) during weekday peak periods and at LOS B (Good with acceptable delays and spare capacity) during weekend peak periods.

The intersection of Homepride Avenue and Hume Highway is signalised and provides secondary access to The Grove Centre. It currently operates at LOS A during both weekday and weekend peak periods.

The Centre is well-connected to the sub-regional road network including the Hume Highway to the south via Homepride Avenue and Orange Grove Road, and Cumberland Highway to the north via Orange Grove Road.

3.6 Public Transport

Data from the Bureau of Transport Statistics Household Travel Survey shows that, within the Liverpool LGA, public transport use is slightly below the Sydney average, and walk-only trips are well below the average. The Traffic and Transport Assessment suggests that this can be attributed to the peripheral location of Liverpool within the Sydney metropolitan region and lower comparative levels of transport infrastructure.

The closest rail station to the Site is at Warwick Farm some 1.8km to the Site's south-east. Liverpool Station is 2.3km to the south.

Bus stops are located on each side of Orange Grove road approximately 60 metres south of Viscount Place. A map of local public transport services is provided at **Figure 8** below and further detail is provided in Traffic and Transport Assessment at **Appendix B**.

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Figure 5 - Local Public Transport Infrastructure

Source: Transport for NSW

3.7 Pedestrian and Cyclist Facilities

The Site is connected to the broader pedestrian network via a 1.2m-wide footpath on the eastern side of Orange Grove Road, and a signalised pedestrian crossing at the intersection of Viscount Place and Orange Grove Road. As detailed above, opportunities exist to improve pedestrian access between the Site and the open space areas to the east. This will be explored as part of a future DA once the LEP Amendment has been finalised, and may be facilitated via a VPA.

There is minimal formal cycle infrastructure in the vicinity of the Site. This presents an opportunity to further improve connectivity in the area as part of a future DA for the Site.

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4.0 Current Planning Controls

The primary environmental planning instrument (EPI) controlling development on the Site is the Liverpool LEP 2008. The key controls applying to the Site under the Liverpool LEP 2008 are detailed below.

4.1 Zoning and Permissible Uses

The Site is currently zoned B5 Business Development in which the following relevant uses are permitted with consent:

- Bulky goods premises;
- Food and drink premises;
- Garden centres;
- Hardware and building supplies;
- Landscaping material supplies;
- Office premises; and
- Recreation facilities (indoor).

4.2 Floor Space Ratio and Height

A maximum floor space ratio (FSR) of 0.75:1 and a maximum height control of 15 metres applies to the Site and broader Centre.

4.3 Minimum Allotment Size

A minimum allotment size control of 2,000m² applies to the Site.

4.4 Environmentally Significant Land

The northern portion of the Site is identified as Environmentally Significant Land (see Figure 6 above). Clause 7.6 of Liverpool LEP 2008 applies to Environmentally Significant Land and aims:

- (a) to maintain bushland, wetlands and wildlife corridors of high conservation value,
- (b) to identify areas of significance for revegetation to connect to or buffer bushland, wetlands and wildlife corridors,
- (c) to protect rare and threatened native flora and native fauna,
- (d) to ensure consideration of the significance of vegetation, the sensitivity of the land and the impact of development on the environment prior to the giving of any development consent.

Before determining an application for development on Environmentally Significant Land, the consent authority must consider the following:

- (a) the condition and significance of the vegetation on the land and whether it should be substantially retained in that location,
- (b) the importance of the vegetation in that particular location to native fauna,
- (c) the sensitivity of the land and the effect of clearing vegetation,
- (d) the relative stability of the bed and banks of any waterbody that may be affected by the development, whether on the site, upstream or downstream,
- (e) the effect of the development on water quality, stream flow and the functions of aquatic ecosystems (such as habitat and connectivity),
- (f) the effect of the development on public access to, and use of, any waterbody and its foreshores.

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4.5 Flood Prone Land

The Site is identified as Flood Prone Land and its northern and eastern edges are located within the Flood Planning Area (see **Figure 7** above). Clause 7.8(3) of Liverpool LEP 2008 sets out the following relevant flood planning controls for the Site:

- (3) Development consent must not be granted to development on flood prone land (other than development for the purposes of residential accommodation) unless the consent authority is satisfied that the development:
 - (a) will not adversely affect flood behaviour and increase the potential for flooding to detrimentally affect other development or properties, and
 - (b) will not significantly alter flow distributions and velocities to the detriment of other properties or the environment, and
 - (c) will enable the safe occupation and evacuation of the land, and
 - (d) will not have a significant detrimental affect on the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of any riverbank or watercourse, and
 - (e) will not be likely to result in unsustainable social and economic costs to the flood affected community or general community as a consequence of flooding, and
 - (f) if located in the floodway, will be compatible with the flow of flood waters and with any flood hazard on that floodway.

The above provisions will be taken into account as part of any future DA for the Site. A Flood Assessment has been prepared for the Planning Proposal (see Appendix C) which considers the proposal against Section 117 Direction 4.3 Flood Prone Land and confirms that the Site is capable of being developed as a diverse retail centre despite its flood prone status.

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5.0 Proposed Development

The Planning Proposal will facilitate the redevelopment of the Site to accommodate a broad range of retail uses including bulky goods retailing as well as traditional retailing.

Centres that accommodate bulky goods retail premises only generally experience very low weekday foot traffic with consumer shopping trips concentrated on the weekend. The absence of trade during the week makes it difficult for bulky goods only centres to remain viable. This is reflected in the number of vacant tenancies within the existing MegaCenta and its failure to expand over the past 17 years despite the availability of vacant adjoining bulky goods zoned land.

The emerging trend to provide a mix of bulky goods premises, as well as standard retail uses within a single centre is a direct response to the need to diversify existing bulky goods centres to attract a range of shopping trips and consumers, and ensure that the centres can remain viable. A number of examples of this have emerged recently in NSW. For example, Primewest has recently sought an amendment to the *Aubum Local Environmental Plan 2010* to allow for traditional retail uses in its Homemaker Megamall in Auburn.

The EIA (Appendix A) notes the need to diversify the retail offering provided on the Site so that it can remain competitive, particularly having regard to the emergence of the new Crossroads Homemaker Centre in Casula which accommodates some 50,000m² of retail floor space including a new 13,500m² Costco store.

The diversification of retail uses within the proposed new retail centre will not only support the viability of the bulky goods retail component, but will also have broader economic benefits by creating a new retail centre that will attract a wide range of consumers from a large catchment area to the Liverpool LGA.

The centre will reflect the increasing emphasis on the convenience aspect of shopping trips and will be consistent with the trend towards homemaker centres evolving into more of a mixed use retail format. It will respond to the way people shop and service the needs of the Liverpool LGA and broader catchment. It is intended that the centre operate as a convenience-based centre.

In addition, it will respond to an expressed demand for appropriate retail tenancies within the northern part of the Liverpool LGA. Both ALDI and Kmart have expressed their desire to establish a presence in The Grove Liverpool, as it meets their operational and locational requirements.

Kmart in particular, has noted (in its submission on the Liverpool Retail Hierarchy Review) that it has explored the potential to locate on a number of CBD sites, but these do not meet its operational and location requirements. Kmart highlights the benefits of being able to colocate with bulky goods retailing and outlet retailing uses within The Grove Liverpool, which is well-placed to allow Kmart to cater to a demand from potential customers within Liverpool, Cabramatta, Bonnyrigg and parts of Fairfield. It is also intended that parts of the centre, in particular the Kmart DDS, will operate on a 24 hour basis to cater to shift workers living and working in the area. This is made possible by the absence of residential neighbours to the Site, and the limited amenity impacts resulting from the proposal.

A letter of support for the Planning Proposal from Kmart is included at Appendix G. It highlights the specific site and operational requirements Kmart requires to ensure it can operate a viable store. In particular, it requires a relatively large floorplate with good access to convenient, at-grade parking and the ability to co-locate with a supermarket. Kmart notes that the planned centre for the Site (facilitated by the Planning Proposal) is ideal for a new Kmart store. The Site is also appropriately located to draw trade (predominantly) from the northern catchment. Kmart has indicated that it is unlikely that a new store in The Grove Liverpool would attract a significant portion of customers away from Westfield Liverpool which is a regional shopping centre and benefits from two DDSs.

In its submission on the Liverpool Retail Hierarchy Review, ALDI also confirmed that it had investigated a number of sites within the Liverpool CBD, all of which were unsuitable for a

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new ALDI store. ALDI has since opened a store in the Liverpool CBD. However, an ALDI store in The Grove Liverpool location will be able to attract a different customer base to ALDI's CBD store, and will be able to draw customers from a wider catchment than that current serviced by its CBD store. ALDI has confirmed that it will seek to provide a store within The Grove Liverpool in addition to its Liverpool CBD store (ie. the existing CBD store will continue to operate) to ensure that ALDI could continue to provide competitive grocery prices to surrounding residents.

5.1 Proposed Floorspace and Uses

The current and proposed floorspace on the Site is set out in Table 3 below:

Table 3 - Proposed Floorspace

Retail type	Existing (NLA)	Proposed (NLA)
Bulky goods	29,000m ²	27,000m ²
Traditional retail	-	17,000m² allocated approximately as follows: 5,500m² DDS likely to be occupied by Kmart; 3,800m² major supermarket likely to be occupied by Coles; 1,600m² ALDI supermarket; 1,500m² across two mini majors; and 4,600m² specialty shops.
Total	29,000m ²	44,000m ²

The 17,000m² NLA of traditional retail floorspace proposed on the Site is equivalent to approximately 21,000m² of GFA.

5.2 Design of New Centre

A single-level retail centre is envisaged for development on the Site. Bulky goods retail premises are proposed be accommodated at the rear of the centre, whilst more traditional retail uses will be accommodated in the front portion. In order to ensure the ongoing operation of the bulky goods retail component during construction, it will be necessary to construct the new bulky goods retail component at the rear of the Site first, relocate existing tenants, and then construct the front portion of the new centre to accommodate traditional retailing.

The new centre is intended to operate as a single-level centre providing for the ready flow of foot traffic between the traditional and bulky goods components of the development.

Basement parking is proposed to be accessed off Viscount Place which will be redesigned to accommodate a turning circle and traffic calming measures such as tree planting and pedestrian crossings. Consistent with the RMS comments, Viscount Place will be re-graded to provide access to the underground car park. In addition, a limited amount of at-grade parking will be provided at the southern boundary of the centre which will be accessed via the turning circle. A food court is also envisaged at the centre's southern edge.

A number of pedestrian links to the approved outlet retailing centre on the Weekend Markets site are also being considered. Service vehicle access will be provided along the northern boundary of the Site.

A detailed development application will be lodged for the new centre once the LEP Amendment has been finalised. Concept sketches have been prepared for the proposed new centre and are provided at Figures 9 to 11 below.

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Figure 6 - Centre entrance and signage (indicative)

Source: Leffler Simes



Figure 7 – Food court overlooking at grade parking at southern edge of the centre (indicative) Source: Leffler Simes

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Figure 11 - Outdoor play area adjoining the food Court (indicative)

Source: Leffler Simes

5.3 Infrastructure Contributions

The Traffic and Parking Assessment (Appendix B) identifies a number of intersection upgrade works required to ensure no unacceptable impact on the surrounding road network will result from the proposal. In addition, it is envisaged that improved pedestrian connections will be facilitated by the proposal.

The above will be facilitated via a VPA. An offer in this regard will be made to Council prior to the Planning Proposal being forwarded to the Department for a Gateway Determination.

Consistent with the VPA entered into by Gazcorp for the outlet retailing centre in The Grove Liverpool, it is envisaged that the VPA will also provide for the payment of contributions consistent with those required in the Liverpool CBD to ensure a fair and equitable payment for demand on community infrastructure.

5.4 Transformation of the Surrounding Area

It is understood that Council is currently undertaking a review of its LEP and is updating a number of strategic planning documents at part of this process. Council has indicated that it is preparing a broader strategic planning framework for the area in which the Site is located.

In addition, it is understood that the owner of the service station to the west of the Site is considering redeveloping it to accommodate residential development.

Further, a number of the industrial premises to the south of the site are redundant and in need of revitalisation. There is the potential for the area to transform to accommodate a range of alternate uses.

EGROW 06

Attachment 5

Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm Submissions (Redacted)

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It is considered that the redevelopment of the Site to accommodate a mix of retail uses will support the revitalisation of the area and its transformation into a vibrant mixed use precinct.

As part of the Planning Proposal, Council has requested that a strategic study for the broader area bound by Cabramatta Creek, Orange Grove Road, Hume Highway and Homepride Avenue be provided. This is included at **Appendix D**. It is noted that the study is indicative only and is intended to inform Council's own strategic planning for the area.

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6.0 Proposed LEP Amendments

The following section sets out the relevant amendments sought to Liverpool LEP 2008.

6.1 Objectives and Intended Outcomes

This Planning Proposal seeks to amend Schedule 1 of the Liverpool LEP 2008 to allow 'shops' on the Site and to place a GFA cap of 21, 000m² on 'shop; floor space on the Site. The objective of this Planning Proposal is to permit a broader range of retail, business, entertainment and recreational premises on the Site.

The Planning Proposal specifically seeks the addition of 'shops' – and not 'retail premises' as a permissible use on the Site, and places a maximum GFA cap on the 'shop' land use only. This is intended to ensure that bulky goods retail premises can continue to be provided on the site without a maximum GFA cap.

6.2 Land to which the Plan will apply

Figure 12 identifies the land that is proposed to be included in the site specific LEP Amendment. It is legally described as part Lot 101 in DP 104316 and part of Lot 23 in DP1190437.



Figure 12 - Land to which the LEP Amendment applies

Source: Land and Property Information

6.3 Amendment to Schedule 1 of the LEP

It is proposed to add 'shops; as a permissible uses and limit the amount of 'shop' floor space permitted on the Site. This will be achieved by amending the Key Site Map at shown in **Figure 13** below and inserting the following wording in an additional clause (potentially Clause 22) of Schedule 1 of the LEP:

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Use of certain land at Warwick Farm

- (1) This clause applies to part of Lot 101 in DP 104316 and part of Lot 23 in DP1190437, 2-10 Viscount Place, Warwick Farm, as shown coloured red on the Key Sites Map.
- (2) Development for the purposes of shops is permitted with consent if the total gross floor area of shops on the site does not exceed 21,000m².

The 17,000m² NLA of traditional retail floorspace proposed on the Site is equivalent to approximately 21,000m² of GFA. Consistent with the Standard LEP Template, the floorspace limited is set out in GFA.

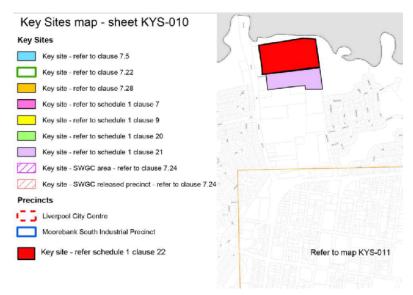


Figure 13 - Proposed Key Site Map

Source: Liverpool LEP 2008 (amended by JBA)

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7.0 Strategic and Statutory Planning Framework

7.1 Strategic Planning Framework

This section considers the strategic planning framework in which the Planning Proposal is considered.

7.1.1 Retail and Competition Policy Reviews

The Australian Government has recently completed a number of reviews of competition policy within Australia, which consider how planning and zoning laws (particularly those that relate the retail land use and development), impact on competition and economic performance. These reviews include the recently released Draft Competition Policy Review, as well as the following Productivity Commission reports:

- Performance Benchmarking of Australian Business: Planning, Zoning and Development Assessments (2010)(Benchmarking Report); and
- Economic Structure and Performance of the Australian Retail Industry (2011) (Retail Industry Report).

The Commission's Benchmarking Report was based on the premise that with the 'competitive and efficient allocation of land between uses, there is potential for flow-on benefits such as an efficient allocation of labour and ...lower prices for output (such as housing or retail goods and services)...'to be realised.

The Commission found that planning guidelines which incorporate controls as to where retailers can locate restricts the flexibility of retailers in responding to consumers' preferences. It recommended that broadening of zone definitions and a reduction in the prescriptiveness in planning regulations.

The Commission also noted that the use of adverse impact tests to restrict new developments in an attempt to preserve existing businesses is unjustifiable, and weakens the ability of retailers to respond to consumer preferences. It also suggested that the proposed development of an out-of-centre retail location should be permitted where it is likely to generate a net benefit to the community, even if there are likely to be some detrimental impacts to an existing activity centre.

Finally, the Commission highlighted the importance of maintaining the flexibility in the planning system to ensure 'bricks and mortar retailers' can remain competitive and productive with the increase in on-line shopping.

This is supported by the recommendations of the recently-released Draft Competition Policy Review which highlighted the importance of planning and zoning rules in encouraging competition. It recommended that 'all governments should include competition principles in the objectives of planning and zoning legislation so that they are given due weight in decision-making' including 'ensuring arrangements do not explicitly or implicitly favour incumbent operators'.

It is considered that the Planning Proposal is consistent with the above competition and retail policy reviews. It will facilitate the provisions of a new retail centre within The Grove Liverpool, which is already emerging as a stand-alone centre. Further, as demonstrated in Sections 8.1 and 8.2 below, the development facilitated by the Planning Proposal will not have an unacceptable economic impact on surrounding centres, and will result in a net community benefit.

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7.1.2 Metropolitan Strategy

In December 2014, the State Government released the final draft of the Metropolitan Strategy - A Plan for Growing Sydney – which will guide land use planning decisions in Metropolitan Sydney for the next 20 years.

The Metropolitan Strategy notes that 'many of Sydney's greatest opportunities lie in Western Sydney', and that the planned new airport at Badgerys Creek 'will emerge as a new hub of intense economic activity', and encourage improved new transport connections to regional centres such as Liverpool.

The Strategy highlights the fact that 'Badgerys Creek Airport will be the single largest infrastructure catalyst for employment growth in the history of Western Sydney'. In response, the State Government is seeking to direct economic growth to surrounding areas including the Bankstown to Liverpool Enterprise Corridor (see Figure 14 below). The Strategy indicates that opportunities for increased economic activity and job growth in the Bankstown to Liverpool corridor will be generated 'through a flexible regulatory environment'. It also notes the need to grow strategic centres such as Liverpool thereby 'providing more jobs closer to home' and supporting surrounding communities.

It is considered that the Planning Proposal will support the aims of the Metropolitan Strategy by facilitating the delivery of a diverse retail centre providing services and economic growth within south-western Sydney, and Liverpool in particular. It will encourage increased economic activity in the area and provide additional on-site local jobs. It will also provide additional services for the local community and encourage urban renewal and housing growth.

In addition, it is considered that the Planning Proposal responds to the Metropolitan Strategy's specific aims for the Liverpool area as detailed in **Table 4** below:

Table 4 - Planning Proposals Consistency with Metropolitan Strategy's aims for Liverpool

Aim Work with council to retain a commercial core in Liverpool, as required, for long-term employment growth.	How addressed by Planning Proposal The Planning Proposal will facilitate the diversification of The Grove Liverpool to provide increased retail offering and services to the local community, as well as increased economic activity and employment growth in the area. As detailed in the EIA at Appendix A and as detailed in Section 8.1 below, the development facilitated by the Planning Proposal will not have an unacceptable impact on the economic viability of the Liverpool CBD or affect its ability to function as a vibrant core within the Liverpool LGA. The Planning Proposal does not seek to rezone any part of the Liverpool CBD commercial core. Rather, it focuses on encouraging increased employment growth in the northern part of the Liverpool Regional Centre.
Work with council to provide capacity for additional mixed-use development in Liverpool including offices, retail, services and housing.	The Planning Proposal is consistent with this aim. It seeks to allow an additional permitted use within Schedule 1. The additional permitted use relates to retail uses and is limited to 21, 000m² GFA The Planning Proposal will facilitate the redevelopment of the Site to accommodate additional retail premises and services and encourage a mix of uses in the surrounding area.
Work with council to investigate potential future uses of land located east of Georges River and north of Newbridge Road.	It is not considered that this aim relates directly to the Site. However, the Planning Proposal will facilitate the redevelopment of the Site (which is currently largely unoccupied and untenanted) as a viable development that will encourage increased economic activity in the area.
Support health-related land uses, infrastructure and conference facilities around Liverpool Hospital and Bigge Park.	It is not considered that this aim relates directly to the Site. However, the Planning Proposal will enable the redevelopment of the Site as a diverse retail centre which will service the needs of the nearby hospital precinct.
Work with council to improve walking and cycling connections to Liverpool train station from east of the train line.	It is not considered that these aim relates directly to the Site. However, improved pedestrian connections to surrounding open space will be explored as part of any future

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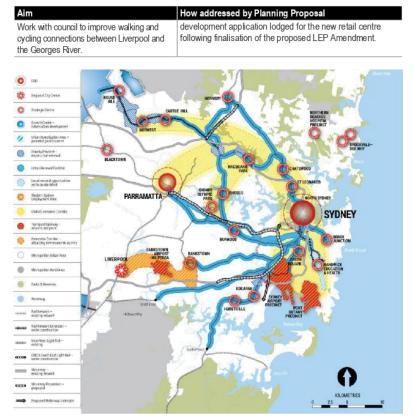


Figure 14 - Metropolitan Strategy Extract

Source: Metropolitan Strategy

7.1.3 South West Region Draft Subregional Strategy

The South West Region Draft Subregional Strategy (Draft Subregional Strategy) was released in December 2007 and precedes the gazettal of Liverpool LEP 2008 which commenced on 29 August 2008. The Draft Subregional Strategy identifies the Site (and The Grove Liverpool) as forming part of the Orange Grove Employment Lands and as accommodating industrial uses (see Figure 15 below).

However, since exhibition of the Draft Subregional Strategy, Liverpool LEP 2008 has rezoned The Grove Liverpool to a mix of B5 Business Development and B6 Enterprise Corridor zones. It is clear that, over the last few years The Grove Liverpool has been evolving to include a broader range of uses than those previously permitted in the 4(b) Industrial Special zone under Liverpool LEP 1997.

The Draft Subregional Strategy remains a draft policy. It is understood that the State Government will be developing new subregional strategy now that the final draft of the Metropolitan Strategy has been released, and it is expected that the Grove Liverpool's identification as a stand-alone centre will be recognised in any future subregional strategy prepared for the south-western region.

It is noted that the Grove Liverpool is located at the northern edge of the Liverpool Regional Centre (as identified in **Figures 15** below) which extends approximately 1.5km in radius from the Liverpool train station. Therefore, the aims and objectives set out in the Metropolitan Strategy for the Liverpool Regional Centre are considered applicable to The

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Grove Liverpool including the Strategy's aim to encourage increased economic activity within the Liverpool Regional Centre. This aim is facilitated by the Planning Proposal.

The Department has committed to releasing new subregional strategies in 2015/2016. The new subregional strategy for the area is likely to recognise the status of The Grove Liverpool as a stand-alone centre.



The Grove Liverpool

Figure 15 - Extract from Draft Subregional Strategy Map

Source: Draft Subregional Strategy

7.1.4 Draft Centres Policies

A number of NSW centre policies have been prepared and exhibited but never finalised.

In 2001, the State government released the 'Integrating Transport and Land Use Package' which included the 'Right Place for Business and Services Planning Policy' also known as Draft SEPP 66. In 2008, the Draft Policy was formally abandoned (as a consideration for DAs) by the State Government.

In 2009, the State Government released its *Draft Centres Policy: Planning for Retail and Commercial Development* for public comment. It aimed 'to create a network of vital and vibrant centres that cater for the needs of business, and are places where individuals and families want to live, work and shop'.

In 2010, the State Government released (on a limited scale) a *Draft Activity Centres Policy* for consultation with key industry representatives. The 2010 Draft Policy retained the same general principles as the 2009 Policy and introduced 'sequential testing' and 'site suitability criteria assessment' requirements in assessing rezoning applications for 'edge or out of centre proposals' where 'development cannot be accommodated on existing zoned land in centres'.

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The 'sequential test' requires a proponent for a spot rezoning for new retail premises in an 'out-of-centre' location to demonstrate that there are no other suitable sites in existing centres or 'edge-of-centre' locations which may be suitable for that use. The 'site suitability criteria assessment' then requires the proponent to demonstrate that the site on which the rezoning is proposed, is suitable for the use having regard to a number of specified criteria.

A detailed sequential test and site suitability criteria assessment is provided at **Appendix F**. The sequential test demonstrates that there are no available sites within other surrounding centre or edge-of-centre locations that are suitable to accommodate the type and scale of development envisaged for the Site.

The subdivision and ownership pattern in the Liverpool CBD in particular precludes the development of a new retail centre of this scale. Three sites were identified within the Retail Centres Hierarchy Review as being potentially appropriate for new retail development. Two of these are Council-owned car parks and are too small to accommodate a new retail centre without resulting in a development with multiple retail levels and a number of basement parking levels. This type of retail development would be unviable and expensive to construct. Further, development of a new retail centre on these sites would displace existing public parking uses. The former Peter Warren site on Elizabeth Street within the Liverpool CBD is the subject of an endorsed Planning Proposal to facilitate a mixed use development and therefore is not able to be developed (or suitable) for retail development.

Other surrounding centres have similar patterns of fragmented ownership with limited or no opportunities for large-scale retail development. These centres would also present significant challenges in terms of traffic impacts if a significant amount of retail floor space was development within the centres.

The edge-of-centre locations explored in the sequential testing represent significant challenges due to limited infrastructure connectivity and poor accessibility. In addition, new retail development in these locations would displace existing employment lands.

The site suitability criteria assessment demonstrates that the Site is the most appropriate location for the proposed new retail centre and will respond to a market demand for additional retail floorspace within this location. The Grove Liverpool is already identified as a stand-alone centre and is earmarked for further expansion of retail uses. It is well connected to the road network and existing infrastructure, and is not affected by an environmental constraints which would preclude its development for a new retail centre.

It is the only site within existing centre and edge-of-centre locations that can provide a significant area of level land to support the range of retail uses proposed. DDSs such as Kmart need to trade side by side with a full-line supermarket in order to be viable. This means that with car parking, a minimum area of 2ha would be required to facilitate such a development, excluding the specialty shops, smaller supermarket and mini majors. In addition, the proposed convenience centre will offer bulky goods retail which requires a large flat site.

The Planning Proposal's consistency with the principles of both the 2009 and 2010 Centres Policies are considered in **Table 5** below.

Table 5 - Consistency with Centre Policies

Draft Centres Policy (2009)	Draft Activity Centres Policy (2010)	Consistency of Planning Proposal
Retail and commercial activity should be located in centres to ensure the most efficient use of transport and other infrastructure, proximity to labour markets, and to improve the amenity and liveability of those centres.	Commercial development should be located in activity centres.	The Grove Liverpool is an established activity centre and is an appropriate location for increased retail activity. It is located at the northern edge of the Liverpool Regional Centre and is well connected to existing transport services. The increased provision of retail services on the Site (facilitated by the Planning

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Draft Centres Policy (2009)	Draft Activity Centres Policy (2010)	Consistency of Planning Proposal
		Proposal) will improve the liveability of the surrounding residential areas.
The planning system should be flexible enough to enable all centres to grow, and new centres to form.	Activity centres should be able to grow and new activity centres form.	The Grove Liverpool is an existing centre that is ideally located to grow and accommodate changes in retail formats. Its transformation into a stand-alone centre has been recognised in the Liverpool Retail Centres Hierarchy Review and this Planning Proposal will support the continued diversification of the Centre.
The market is best placed to determine the need for retail and commercial development. The role of the planning system is to regulate the location and scale of development to accommodate market demand.	Market determines need for development.	There is a clear market demand for increased retail space at The Grove Liverpool. In submissions made during the exhibition of the Liverpool Retail Centres Hierarchy Review, both Kmart and ALDI indicated their difficulty in finding appropriate sites within the Liverpool CBD to provide appropriate retail services to surrounding residents. Both retailers have indicated their preference to locate within The Grove Liverpool.
The planning system should ensure that the supply of available floor space always accommodates the market demand, to help facilitate new entrants into the market and promote competition.	The supply of development should accommodate market demand.	This Planning Proposal will ensure that additional retail floor space is made available in the right location and in the right format to accommodate market demand.
The planning system should support a wide range of retail and commercial premises in all centres and should contribute to ensuring a competitive retail and commercial market.	Activity centres should support a range of uses and contribute to a competitive market.	This Planning Proposal will increase the range of uses available at The Grove Liverpool, consistent with both Centre Policies.
Retail and commercial development should be well designed to ensure it contributes to the amenity, accessibility, urban context and sustainability of centres.	Activity centres should be well designed and integrated with surrounding uses.	The Planning Proposal for the Site will ensure that the additional retail space is colocated with complementary uses within The Grove Liverpool.

7.1.5 Liverpool Retail Centres Hierarchy Review

As detailed in **Section 2.2** above, the Liverpool Retail Centres Hierarchy Review identified the potential for The Grove Liverpool to attract additional expenditure from residents outside of the Liverpool LGA, in particular the Fairfield LGA which does not contain a department store, and lacks a DDS in the south-east of the LGA. The Review also identified the potential for the diversification of the Centre to provide retail offering other than bulky goods premises.

In acknowledgement of the evolving nature of The Grove Liverpool, in November 2012 Council adopted the Liverpool Retail Centres Hierarchy Review and classified 'the Orange Grove Centre as a Stand Alone Centre (in line with the standard definitions provided in Table 1 of the NSW Government Draft Centres Policy 2009)'. At this meeting Council also resolved 'to consider a Planning Proposal for a rezoning of the Mega Centre site in the Orange Grove Centre (Lot 101 DP 104316) to accommodate a broader range of retail uses'.

Thus, this Planning Proposal is consistent with the Liverpool Retail Centres Hierarchy Review.

Notably, both ALDI and Kmart made submissions during the exhibition of the Retail Centres Hierarchy Review which noted their difficulties in finding appropriately sized and

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located tenancies within the northern part of the Liverpool LGA (particularly the Liverpool CBD), and their preference to locate within The Grove Liverpool.

7.1.6 Growing Liverpool 2021

Growing Liverpool 2021 is the Community Strategic Plan for the Liverpool LGA and identifies the following relevant objectives for the area:

- 1.3 Further develop commercial centres that accommodates a variety of employment opportunities.
- 2.8 Encourage the revitalisation of local retail centres.
- 10.2 Facilitate economic development.

The Planning Proposal will facilitate objectives 1.3 and 10.2 by allowing for the establishment of a diverse retail centre on the Site which will provide increased employment and economic development in the locality. It will also satisfy objective 2.8 in that it will revitalise the existing Centre and surrounding area, and not result in unacceptable economic impacts on surrounding centres (see Section 8.1 below).

7.2 State and Regional Planning Framework

This section summarises the Planning Proposal's consistency with relevant State and Regional statutory planning policies. No relevant Commonwealth legislation applies to the Planning Proposal for the Site.

7.2.1 Environmental Planning and Assessment Act 1979

Ministerial directions under Section 117 of the *Environmental Planning and Assessment Act* (EP&A Act) set out a range of matters to be considered when preparing an amendment to a LEP. The Section 117 Directions relevant to the Planning Proposal are as follows:

Direction 1.1 Business and Industrial Zones

This direction applies to business or industrial zoned land. The objectives of this direction is to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified strategic centres.

This Direction states that a Planning Proposal must:

- (a) give effect to the objectives of this direction,
- (b) retain the areas and locations of existing business and industrial zones,
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones,
- (d) not reduce the total potential floor space area for industrial uses in industrial zones, and
- (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

The Planning Proposal does not reduce the available land zoned for business use. It does not propose to amend the existing zoning on the Site. Rather it will allow for the expansion of permitted uses on the Site to include 'shops'. The Planning Proposal will facilitate the redevelopment of the Site to accommodate a new retail centre. There will be a minor reduction in bulky goods floorspace as a result of the proposal. However, the Liverpool Retail Centres Hierarchy Review identified a sufficient supply of bulky goods retail floorspace in the local area and the proposed reduction on the Site is not considered significant in the context.

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Further, as detailed in the EIA (Appendix A) the development facilitated by the Planning Proposal will not have an unacceptable impact on the economic viability of the Liverpool CBD. This finding is supported by Council's independent peer review of the EIA. The Planning Proposal will also support economic growth within the Liverpool Regional Centre of which it forms a part.

The Planning Proposal does not result in the loss of any industrial-zoned land.

Direction 2.1 Environment Protection Zones

This Direction requires as follows:

- A Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.
- A Planning Proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land.

The northern edge of the Site is identified as Environmentally Significant Land. The Planning Proposal does not seek to remove this overlay or amend Clause 7.6 of Liverpool LEP 2008 which applies specific controls to land identified as Environmentally Significant.

This portion of the Site is already zoned to permit urban development. The Planning Proposal seeks to allow an additional permitted use within Schedule 1. The additional permitted use relates to 'shops' and is limited to 21, 000m² GFA. It is considered that, once the LEP Amendment is finalised, an appropriate design for the new retail centre development can be prepared that would not have an adverse impact on the environmental significance of land along the northern edge of the site.

Direction 3.4 - Integrating Land Use and Transport.

The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) increasing the choice of available transport and reducing dependence on cars, and
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

The Grove Liverpool has good access to a main arterial road network. Bus services are provided along Orange Grove Road with bus stops provided directly outside the Centre and across the road. The development facilitated by this Planning Proposal is likely to support increased population growth and economic activity in the area which is expected to generate increased demand for, and utilisation of, public transport in the area.

This Direction requires a Planning Proposal to locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of the following documents:

- (a) Improving Transport Choice Guidelines for planning and development (DUAP 2001), and
- (b) The Right Place for Business and Services Planning Policy (DUAP 2001).

It is noted that the above policies were formally abandoned as a matter for consideration in the assessment of DAs in accordance with Planning Circular 08-103 which was issued by the Department on 13 November 2008. They are draft polices that have not been finalised and are outdated. Despite this, the Planning Proposal is considered to be consistent with their objectives and principles as it does not seek to create a new zone for urban purposes. Rather, it seeks to permit additional shop floor space on land already zoned for urban purposes to allow for a more diverse range of uses.

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Direction 4.3 - Flood Prone Land

This Direction applies to land identified as flood prone. The objectives of this Direction are:

- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

The Direction applies a number of requirements to Planning Proposal's relating to flood prone land. A Flood Assessment Report is included at **Appendix C** which confirms that the Planning Proposal is consistent with the relevant requirements of the Direction for the following reasons:

- All additional floor space will be able to be located above the flood planning level;
- The Site is not currently zoned Special Uses, Recreation, Rural or Environmental Protection;
- The development facilitated the Planning Proposal will not result in development within the Cabramatta Creek channel or loss of flood storage;
- The Site is already partially developed and further development is not anticipated to result in an increase in flood levels.

Direction 4.4 Planning for Bushfire Protection

This Direction applies when a RPA prepares a Planning Proposal that will affect, or is in proximity to land mapped as bushfire prone land. This Direction is relevant to the Planning Proposal as part of the Site is bushfire prone.

The following provisions apply under this Direction:

Table 6 - Planning Proposal's Consistency with Direction 4.4 Planning for Bushfire Protection

Provision

In the preparation of a Planning Proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made

A Planning Proposal must:

- have regard to Planning for Bushfire Protection 2006.
- introduce controls that avoid placing inappropriate developments in hazardous areas, and
- ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).

A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:

- provide an APZ incorporating at a minimum:
 - an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the

Planning Proposal's Compliance

It is expected that Council will act as RPA for the Planning Proposal and will consult with the Commission of the NSW Rural Fire Service once a Gateway Determination has been issued for the Planning Proposal. It is considered that future development on the site facilitated by the Planning Proposal will be able to incorporate appropriate bushfire protection measures, particularly as no residential development is envisaged.

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Provision	Planning Proposal's Compliance
incorporation of an APZ, within the property, and - an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,	
– for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,	
 contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks, 	
 contain provisions for adequate water supply for firefighting purposes, 	
 minimise the perimeter of the area of land interfacing the hazard which may be developed, 	
introduce controls on the placement of combustible materials in the Inner Protection Area	

Direction 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

The Direction states that a Planning Proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:

- (a) allow that land use to be carried out in the zone the land is situated on, or
- (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
- (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

A Planning Proposal may be inconsistent with the terms of this direction only if the RPA can satisfy the Department that the provisions of the Planning Proposal that are inconsistent are of minor significance.

The Planning Proposal for the Site seeks to allow an additional permitted use within Schedule 1 of the Liverpool LEP 2008. The additional permitted use relates to 'shops' and is limited to 21, $000m^2$ GFA. Although the Planning Proposal seeks to add an additional provision in Schedule 1 of the LEP, the intention of this provision is to expand the permissible uses on the Site, and not to narrow the permitted under on the Site.

The application of a maximum GFA cap on this 'shop' use is considered necessary to ensure that an accurate assessment of the economic impacts of the proposal can be considered, and that the viability of the Liverpool CBD (and other surrounding centres) will not be adversely affected. The addition of a floor space limit on shop uses does not affect the consistency of the Planning Proposal with the B5 Business Development zone objectives.

Direction 7.1 - Implementation of the Metropolitan Strategy

The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy. As

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detailed in Section 7.2 1 above, the Planning Proposal is consistent with the Metropolitan Strategy.

7.2.2 Water Management Act 2000

The Water Management Act 2000 (WM Act) provides for the sustainable and integrated management of water resources of the State. In accordance with the WM Act, any development within 40 metres of a waterway must be referred to the NSW Office of Water for concurrence. These provisions will apply to a future DA lodged for the new retail centre on the Site, and will be considered as part of the assessment process. It is expected that appropriate measures can be implemented to ensure no adverse impact on water quality within the adjoining Cabramatta Creek will occur as a result of the development of a new retail centre on the site.

7.2.3 State Environmental Planning Policies

The assessment of the Planning Proposal against relevant State Environmental Planning Policies (SEPPs) is set out below.

SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)

This SEPP aims:

- (a) to promote the orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development, and
- (b) to implement a policy of urban consolidation which will promote the social and economic welfare of the State and a better environment by enabling:
 - (i) the location of housing in areas where there are existing public infra-structure, transport and community facilities, and
 - (ii) increased opportunities for people to live in a locality which is close to employment, leisure and other opportunities, and
 - (iii) the reduction in the rate at which land is released for development on the fringe of existing urban areas

Council is required to implement the above aims and objectives when preparing a new EPI. Clause 6 of the SEPP also requires Council to consider whether urban land is no longer needed or used for the purposes for which it is currently zoned or used, and whether it is suitable for redevelopment for multi-unit housing and related development in accordance with the aims and objectives of the SEPP.

The Planning Proposal is consistent with SEPP 32 as it includes an additional use that will allow for the redevelopment of the Site as a new retail centre, which will encourage employment and economic growth in the area. The proposal is unlikely to result in a revitalisation of the surrounding industrial area which is currently underutilised.

SEPP 55 - Remediation of Land

Clause 6 of SEPP 55 states that a planning authority, when preparing and an EPI, must not permit a change of use on land identified in subclause 6(4) of the SEPP unless the planning authority has considered:

- whether the land is contaminated; and
- if the land is contaminated, whether it is suitable for the purpose for which it is proposed to be zoned; and
- whether remediation of the land is required to make it suitable for its proposed use.

The following types of land are identified in subclause 6(4):

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Table 7 - Types of land for which potential contamination must be considered

Relevant type under subclause 6(4) of SEPP 55	Relevant to site
Land that is within an investigation area.	The site is not in an investigation area.
Land on which development for a purpose referred to in Table 1 to the Contaminated Land Planning Guidelines is being, or is known to have been,	Table 1 of the Contaminated Land Planning Guidelines sets out the following activities that may cause contamination:
carried out.	- acid/alkali plant and formulation
	- agricultural/horticultural activities
	- airports
	asbestos production and disposal
	chemicals manufacture and formulation
	- defence works
	drum re-conditioning works
	dry cleaning establishments
	electrical manufacturing (transformers)
	electroplating and heat treatment premises
	- engine works
	- explosives industry
	- gas works
	- iron and steel works
	- landfill sites
	- metal treatment
	- mining and extractive industries
	- oil production and storage
	- paint formulation and manufacture
	pesticide manufacture and formulation power stations
	- railway yards
	- scrap yards
	- service stations
	- sheep and cattle dips
	smelting and refining
	tanning and associated trades
	waste storage and treatment
	- wood preservation
	The Site is not known to have been used for any of the above uses in the past.
To the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital - land:	The Site is not known to have been used for any of the potentially contaminating uses identified in Tabl 1 of the Contaminated Land Planning Guidelines. However, its previous 4(b) zoning under Liverpool LEP 1997 did permit some of the listed uses.
 in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the Contaminated Land Planning Guidelines has been carried out, and 	Nevertheless, the Planning Proposal is intended to facilitate the development of the site for retail purposes and not for residential, educational, recreational, child care purposes or a hospital.
 on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge). 	

The site is not known to have been used for any contaminating uses in the past. Further, the Planning Proposal will facilitate the redevelopment of the Site for an expanded range of retail uses and does not seek to facilitate the redevelopment of the Site for more sensitive uses. The Planning Proposal is considered to be consistent with SEPP 55.

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Draft Competition SEPP (2010)

The Draft Competition SEPP 2010 was publicly exhibited but never finalised, and is no longer a matter for the consideration in the assessment of DAs. The objectives of the SEPP were as follows:

(a) to promote economic growth and competition, and

(b) to remove anti-competitive barriers in environmental planning and assessment.

In this regard, the SEPP states that an EPI should not restrict the number of retail premises within a certain area or the proximity of retail premises to one another.

Although the SEPP has never been finalised, its objectives are considered to be sound. In particular, it is not considered appropriate for a planning authority to seek to limit the number of retail premises and their location, particularly where no overall economic impact can be demonstrated (see **Section 8.1** and the EIA at **Appendix A**).

7.3 Local Planning Framework

7.3.1 Liverpool Local Environmental Plan

The following key uses are currently permissible with consent within the B5 zone:

- Bulky goods premises;
- Office premises; and
- Food and drink premises.

The Planning Proposal will retain the B5 zoning on the Site, and will add 'shops' as an additional permitted use with a maximum GFA cap of 21, 000m².

The Planning Proposal is consistent with the objectives of the B5 Business Development Zone as set out below:

- To enable a mix of business and warehouse uses, and bulky goods premises that require
 a large floor area, in locations that are close to, and that support the viability of, centres.
 - The Planning Proposal will facilitate the redevelopment of the Site to provide an expanded retail offering. However, bulky goods premises will continue to be provided on the site in a new, diversified retail centre. It is considered that the Planning Proposal will enhance the bulky goods retail offering on the site by attracting additional retail spending to the new centre, as well as broader Grove Liverpool retail complex which is predominantly zoned B5.
- To maintain the economic strength of centres by limiting the retailing of food and clothing.
- The Planning Proposal will not have an unacceptable economic impact on surrounding centres (see Section 8.1 below), and will support the viability of the existing centre on the Site by expanding the range of permissible uses. It will maintain the economic strength of surrounding centres by placing a limit on 'shop' floor space and, in this way, limit the retailing of food and clothing to a level that has been assessed to have no unacceptable economic impacts on surrounding centres.
- To provide for a larger regionally significant business development centre in a location that is highly accessible to the region.

The Planning Proposal will also ensure that The Grove Liverpool – which has been recognised as a Stand Alone centre - will provide additional retail and business services in an accessible location and will be able to draw trade from a wider catchment.

EGROW 06

Attachment 5

Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm Submissions (Redacted)

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To ensure a reasonable concentration of business activity.

The Planning Proposal does not seek to limit or remove any existing permitted uses in the B5 zone. Existing businesses within The Grove Liverpool are expected to continue to operate once the centre is redeveloped. These existing business and retailers will benefit from the additional retail spending attracted to the Centre which will support continued business activity in the area.

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Environmental, Economic and Social 8.0 **Analysis**

This section of the report considers the potential economic, social and environmental impacts and benefits of the new retail centre development facilitated by the Planning

8.1 Economic Impacts and Benefits

In its Benchmarking Report, the Productivity Commission recommended the elimination of impacts on the viability of existing businesses as a consideration for DA and rezoning approval. Rather, it recommended that consideration of impacts on the viability of centres be limited to the broader metropolitan and strategic planning stages. Despite this, a detailed assessment of the potential economic impacts of a new retail centre development on the Site have been considered in the EIA (Appendix A) and have been peer reviewed by Deep End Services to ensure an accurate assessment (see Appendix E). In addition, Council has commissioned an independent peer review of the EIA by Essential Economics.

The findings of the EIA and peer reviews are summarised below.

8.1.1 Trade Area

The EIA defines a trade area for the proposed development having regard to the following factors:

- Location of competitive centres particularly those that contain a DDS or full-line
- Strategic location of The Grove Liverpool at the border between the Liverpool and Fairfield LGAs.
- Proximity of The Grove Liverpool to the arterial road network;
- The proposal to co-locate bulky goods retailing, an outlet retailing centre and traditional retailing within a single centre to create a regionally significant centre.

The extent of the Trade Area is shown in Figure 16 below and is divided into the following component:

- Primary Trade Area (PTA) includes central Liverpool and the Cabramatta area.
- Secondary Trade Area North (STA North) includes Canley Vale and part of Fairfield
- Secondary Trade Area East (STA East) includes Chipping Norton and part of Warwick
- Secondary Trade Area South (STA South) includes Lurnea and part of Casula.
- Secondary Trade Area West (STA West) includes Miller, Busby and part of Green Valley.

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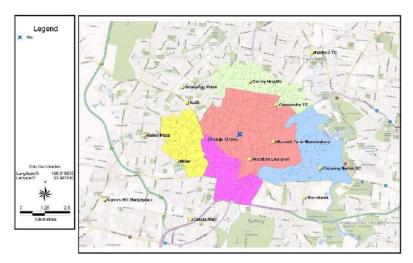


Figure 16 - Trade Area
Source: Leyshon Consulting

Trade Area Characteristics

The EIA notes that the Trade Area has a slightly younger age profile than the Sydney Region as a whole, and a slightly higher proportion of traditional family households (ie. couples with dependent children). Its average household size was also significantly above the Sydney average.

The labour force within the Trade Area has a lower number of managerial and professional workers than the Sydney average. Conversely, the proportion of employed persons in trade-based occupations is well above the Sydney average. The Trade Area also has an unemployment rate greater than the Sydney average.

Based on 2011 Census data, the EIA concludes that the average annual household income in the Trade Area is \$61,119 per household which is some 32% below the Sydney average.

Compared to the Sydney region as a whole, the Trade Area is also more ethnically diverse, with less than 50% of the population born in Australia.

However, the STA East has a markedly different demographic to broader Trade Area due to recent residential development in the northern part of Chipping Norton. The unemployment rate in this part of the Trade Area is less than the Sydney average, and average annual household income is estimated at \$91,586.

Despite this higher average household income in the STA East, it is evident that the population within the Trade Area has below average socio-economic characteristics compared with the Sydney Region as a whole. Consequently, there is a need for access low-cost retail goods and services of the type envisaged to be provided at The Grove Liverpool.

8.1.2 Predicted Population & Retail Spending Growth and Estimated Retail Floorspace Demand

Since 2001 Liverpool LGA, and to a lesser extent Fairfield LGA, have both experienced sustained population growth. According to the Australian Bureau of Statistics (ABS), preliminary data regarding the annual growth rates in both LGAs for the year to June 2013 were as follows:

- Liverpool: +2.1%; and
- Fairfield: +1.5%.

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The Department predicts that Liverpool LGA will grow at an annual average of +2.1% during the period 2011to 2031 reaching an overall population of 288,590 persons by 2031. Fairfield LGA meanwhile is projected to grow at +1.0% per annum between 2011 and 2031. The Liverpool Retail Hierarchy Review predicted the following population growth for the Trade Area between 2006 and 2031:

- Liverpool LGA: +113,681 persons (or +58,735 persons excluding the South West Growth Sector (SWGS)).
- Fairfield LGA: +29,428 person.
- Northern part of Campbelltown LGA: +6,054 person

Thus, the Review concluded that, excluding the SWGS, an overall population increase of +94,217 person between 2006 and 2031 is expected within (what is generally regarded as) the 'developed' areas of Liverpool and Fairfield LGAs and the northern part of Campbelltown LGA.

Such a significant population increase will give to a substantial increase in available retail spending. The EIA estimates an annual increase of +\$250.7 million in retail spending between 2011 and 2021 of which +\$80.2 million can be attributed to supermarket spending.

Similarly, such a significant increase in available spending will give rise to a very substantial demand for additional retail floorspace. While some of this increased demand will be directed to centres outside the Trade Area, the majority will flow to existing and proposed new centres within the Trade Area.

The EIA predicts that the increase in available retail expenditure generated by population growth in the Trade Area will require between 34,250m² and 43,535m² of additional retail floorspace between 2011 and 2021. This is equivalent to two new centres of the scale being proposed within The Grove Liverpool.

The increase in available supermarket spending is estimated (in the EIA) to give rise to a demand for between 8,020m² and 9,435m² of additional supermarket floorspace. This is equivalent to two to three new full-line supermarkets within the Trade Area by 2021.

8.1.3 Economic Impact Analysis

The EIA estimates that the proposed new retail centre facilitated by the Planning Proposal will achieve annual sales of some \$116.5 million in 2019 of which \$98.8 million will be derived from spending generated by residential within the Trade Area, and \$17.5 million from residents outside of it. The co-location of bulky goods retail premises and traditional retail premises on the Site will mean that the proposed new centre will have a regionalscale attraction, and will be able to draw customers from a wider catchment. This will be supported by the provision of other retail uses on the Site including the approved outlet retailing centre.

The expected annual turnover equates to approximately \$7,053 per m² of retail floorspace per annum which is typical of a DDS-anchored shopping centre. The overall market share of the proposed centre within the Trade Area in 2019 is estimated at 8.7% of available spending, which means that 91.3% of available spending generated within the Trade Area in 2019 will be directed to other retail centres within the Trade Area or external to it.

The EIA analyses the potential impact of the proposed development on existing shopping centres in and adjacent to the Trade Area. It takes into account the floorspace proposed in approved retail development projects (see Section 3.4 above), as well as that proposed retail floorspace on the Site, and then assesses the potential cumulative impact on relevant centres over time. The estimate is based on the assumption that other approved centres within the Trade Area will be operational in 2016, and that the proposed new centre on the Site will be operation by 2019.

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Table 8 below analyses potential impacts on centres within the Trade Area at 2016 when it is assumed approved retail developments within the Trade Area will commence operating. The EIA estimates that the impact (at 2016) of approved/proposed developments within the Trade Area on the Liverpool CBD will be -3.2%, with the impact on Westfield Liverpool in particular being -4%. Casula Mall will experience the greatest impact (8.7%) due to the development of the proposed Woolworths Centre at Casula. However, the impacts on all other centres is estimated at less than -4%.

The EIA notes that between 2016 and 2019 most centres will experience some lift in their turnover due to population and spending growth in their trade areas.

As shown in **Table 8** below, the EIA estimates that the impact of the proposed new retail space at The Grove Liverpool in 2019 will be -5.0% on the Liverpool CBD as a whole, and -5.8% on Westfield Liverpool in particular. Impacts on other centres are generally expected to be modest ranging between -1.6% at Woolworths, Casula and -6.1% at Miller. The only exception is Bonnyrigg Plaza which is projected to experience an impact of -7.3% in 2019. This is based on the assumption that Bonnyrigg will expand before 2019.

All of these impacts are either in the very low, or low-to-medium category of impact and would not undermine or materially affect the viability of any shopping centre. In general, Australian planning courts accept that impacts in excess of -15% are required to threaten the viability of existing shopping centres depending on their particular circumstances.

The independent peer review by Essential Economic found that the potential development facilitated by the Planning Proposal is forecast to result in a reduction in retail sales of -5.9% in 2019 at the Liverpool CBD, and -7.3% of sales at Westfield Liverpool. Essential Economic noted that its assessment of economic impacts is based on slightly different assumptions (compared to the EIA and Deep End Services peer review) relating to approved retail developments in the region, population, retail spending data and sales estimates of the proposed development. Nevertheless, Essential Economics note that accounting for these changes is unlikely to alter the overall findings of the analysis undertaken by the EIA and Deep End Services peer review.

Importantly, the Essential Economic independent review found that:

While the proposed development at Orange Grove will impact retail sales at competing centres, this is not expected to lead to the reduction of retail facilities at these centres. Therefore, the impacts are not beyond those expected in a competitive retail environment.

Notably, the EIA estimates an only -2.1% impact on the Fairfield Town Centre. The peer review by Essential Economics estimates an even lesser impact of -1.7% of annual sales. This impact is minor and will not adversely impact on the economic operation of the Fairfield Town Centre.

Table 8 - Estimated impact of proposed new centre in 2019

Centre		Estimate	Estimated Annual Sales	es			Estimated /	Estimated Annual Sales		
		2013	2016 Pre	2016 Post	\$ Change	% Change	2019 Pre	2019 Post	Change	Change 2019
			Devt	Devt	2016 Pre &		Devt	Devt	2019 Pre	Pre
					Post				& Post (\$)	& Post
The Grove	Bulky Goods	\$60.5	\$55.0	\$60.0	\$5.0	9.1%	\$61.0	\$67.0	\$6.0	9.8%
Пуегроог	Markets	\$24.0	\$26.0	\$0.0	(\$26.0)	(100%)	n.a	n.a	n.a	n.a
	Other Retail	\$6.5	\$16.5	\$18.5	\$2.0	12.1%	\$20.5	\$220	\$1.5	7.3%
	Outlet Centre	\$0.0	\$0.0	\$63.0	\$63.0	n.a	\$65.0	\$728	\$7.8	12%
	Traditional Centre	\$0.0	\$0.0	\$0.0	\$0.0	n.a	n.a	\$116.5	\$116.5	100%
Total The Grove Liverpool	ove Liverpool	\$91.0	\$97.5	\$141.5	\$44.0	45.1%	\$146.5	\$278.3	\$131.8	%06
lood	Westfield Liverpool	\$471.0	\$485.0	\$465.5	(\$19.5)	(4.0)%	2.805\$	\$479.0	(\$29.7)	%(8.3)
CBD	Liverpool CBD Balance	\$160.0	\$165.0	\$164	(\$1.0)	%(9:0)	\$169	\$164.5	(\$4.5)	(2.7)%
Sub-Total Liverpool CBD	rerpool CBD	\$631.0	\$650.0	\$629.5	(\$20.5)	(3.2%)	9.773\$	\$643.5	(\$34.2)	(2.0)%
Cabramatta		\$249.0	\$256.0	\$250.0	(\$5.0)	(2.0)%	\$265.3	\$254.8	(\$10.5)	(4.0)%
Bonnyrigg		\$104.0	\$94.4	2.06\$	(\$3.9)	(4.1)%	\$169.4	\$157.0	(\$12.4)	(7.3)%
Stockland Wetherill Park	etherill Park	\$262.4	\$374.9	\$370.5	(\$4.4)	(1.2)%	2.186\$	\$370.5	(\$11.2)	(2.9)%
Fairfield Town Centre	n Centre	\$358.0	\$338.8	\$335.0	(\$3.8)	(1.1)%	\$345.2	\$338.0	(\$7.2)	(2.1)%
Casula Mall		\$180.0	\$202.6	\$185.0	(\$17.6)	(8.7)%	\$190.6	\$186.0	(\$4.6)	(2.4)%
Cames Hill		\$137.8	\$155.1	\$149.2	(\$2.9)	(3.8)%	\$167.8	\$165.0	(\$2.8)	(1.7)%
Miller		\$58.0	\$60.4	\$59.2	(\$1.2)	(2.0)%	\$62.8	\$59.0	(\$3.8)	(6.1)%
Valley Plaza		\$85.0	\$95.7	\$93.0	(\$2.7)	(2.8)%	\$98.7	\$96.0	(\$2.7)	(2.7)%
Moorebank		\$48.0	\$52.0	\$51.0	(\$1.0)	(1.9)%	\$54.1	\$520	(\$2.1)	(3.9)%
Costco		n.a	\$130.0	\$125.0	(\$2.0)	(3.8)%	\$144.7	\$138.7	(\$6.0)	(4.1)%
Woolworths Casula	Casula	n.a	\$0.0	\$44.0	\$44.0	n.a	\$48.8	\$48.0	(\$0.8)	(1.6)%
Crossroads Bulky Goods	Bulky Goods	296\$	\$110.0	\$107.0	(\$3.0)	(2.7)%	\$110.2	\$103.5	(\$6.7)	(6.1)%
Warwick Fam	Warwick Farm Bulky Goods	\$45.0	\$43.0	\$41.0	(\$2.0)	(4.7)%	\$42.2	\$40.0	(\$2.2)	(5.2)%
Other Centres	8	n.a	n.a	n.a	(\$12.0)	n.a	n.a	n.a	(\$24.0)	n.a
TOTAL IMPACT	СТ				(\$88.0)				(\$131.2)	

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In summary, **Table 8** above demonstrates that no surrounding centre (with the exception of Fairfield Town Centre and the Warwick Farm Bulk Goods Centre) is projected to have a turnover in 2019 (when the proposed new centre commences operation) lower than the estimated current turnover. Furthermore, the impact on the Fairfield Town Centre primarily arises from the reduction in sales which occur between 2013 and 2016 due to the expansion of Stockland Wetherill Park.

Further, the estimated turnover of the Westfield Liverpool shopping centre at 2019 (when the proposed new centre is expected to commence operating) is higher than the estimated 2016 turnover when other approved centres within Trade Area will commence operating.

The EIA concludes that the PTA's population and spending growth will underpin a lift in retail sales at all centres between 2016 and 2019. Therefore, the proposal is capable of being absorbed within Liverpool's retail centres hierarchy without a detrimental impact on any centre within the Trade Area.

8.1.4 Impact on Liverpool CBD

For the purposes of this assessment, the Liverpool CBD has been split into two components, being Westfield Liverpool and the balance of the CBD.

As identified above, the EIA found that Westfield Liverpool is performing relatively well compared to other Centres in the Sydney region and had no vacancies at the time of investigation. It is envisaged that Westfield Liverpool will remain the dominant regional shopping centre in the Liverpool LGA for the foreseeable future and the Planning Proposal will not change the status or importance of this Centre.

In terms of productivity and retail vacancies, the remainder of the CBD is considered be trading successfully at present. The vacancy rate is below average for a centre of this type and has improved substantially since 2011. In 2011 a vacancy rate of 6.2% was recorded and the most recent survey undertaken as part of the EIA estimated a vacancy rate of 4.1%. This improvement in vacancy rates has been attributed to an increase in residential development in close proximity to the Centre, and the emergence of specialist retail stores catering to specific ethnic groups.

Notably, the survey undertaken found that there are no existing premises within the CBD that could accommodate a major retailer, nor where there any obvious opportunities for the amalgamation of land to accommodate a larger tenancy. This is important in the context of the Planning Proposal as there is a need to provide alternate retail space outside of the Liverpool CBD that can accommodate a DDS.

8.2 Net Community Benefit

The EIA includes a net community benefit assessment. It confirms that the proposed development facilitated by the Planning Proposal will generate significant community benefits when it commences operation in 2019.

The proposal will provide improved access to consumers within the Trade Area to DDSs and supermarkets, particularly for residents within the PTA and STA North. At present, residents within these area only have access to stores located in large centres such as Westfield Liverpool or more distant, subregional centres at Bonnyrigg, Wetherill Park and Casula.

Further, the proposed development will improve competition and choice for residential within the Trade Area particularly with the introduction of a Kmart store with no Kmart store currently existing within any major centres within the Trade Area at present. This is likely to result in improved value and affordability for residents within the Trade Area.

In addition, the development will improve shopper convenience through the co-location of a range retailing types within The Grove Liverpool including bulky goods retailing, outlet retailing and traditional retail uses.

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The new centre will also create an estimated 607 jobs on a full or part-time basis once operation. Even taking into account an approximate -5% impact on certain centres within its vicinity immediately following its operational commencement, the centre will still result in the addition of 567 jobs in the area in 2019.

The development will also act as a catalyst for long-term redevelopment of lands surrounding the Site. This is particularly important given the need to find more sustainable and viable uses of the surrounding industrial-zoned land.

The EIA concludes that despite some impacts on surrounding centres, overall the benefits of the additional retail development on the Site outweigh any potential negative impacts.

In addition, as detailed in **Section 5.3** above, it is proposed that a VPA be prepared in support of the proposal which will provide for upgrades to the surrounding road and pedestrian network, as well as a contribution towards community infrastructure consistent with that required in the Liverpool CBD.

8.3 Traffic and Transport Impacts

The Traffic and Transport Assessment at **Appendix B** analyses the potential traffic impacts resulting from the proposed development facilitated by the Planning Proposal on the surrounding road network.

The Thursday evening peak is the busiest traffic period for retail development as late night shopping trips coincide with return journey work trips. The Saturday midday peak has also been assessed as a typical peak traffic generation period for retail development.

The traffic generation estimates for different types of retail uses existing and approved on the Site are based on RMS guidelines, as well as the rates specified in the previous traffic report for the approved outlet retailing centre on the Weekend Markets site.

The Traffic and Transport Assessment notes that on a Site such as The Grove Liverpool (with multiple land uses), it can be expected that a number of visitors will seek to access more than one retail option available on the Site in a single trip. Therefore, a reduction in trips generated should be factored into the traffic assessment to reflect the share-purpose trip. In this regard, the Traffic and Transport Assessment applies the same reduction that was applied in the assessment of the traffic impacts on the approved outlet retail centre – a reduction of 10%. This is considered to be a conservative estimate of the possible reduction, particularly as the Planning Proposal seeks to increase the diversity of retail offering on the Site, and therefore the likelihood and frequency of shared vehicle trips.

The Traffic and Transport Assessment estimates that The Grove Liverpool will generate a total of 1,658 vehicle trips per hour during the Thursday evening peak, and 1,145 during the Saturday midday peak.

The expected distribution of vehicle traffic across the surrounding road network is based on traffic surveys undertaken in preparation of the Traffic and Transport Assessment. However, a slightly higher proportion of vehicle trips has been attributed to Hume Highway (accessed via Homepride Avenue) due to the concentration of new development on the eastern part of the Site which is currently vacant.

The Traffic and Transport Assessment concludes that the proposed development facilitated by the Planning Proposal will result in increased delays and queuing on key intersections and therefore recommends the following traffic upgrade works (see Figure 17 below):

- Converting the central exit land on Viscount Place to a shared left-out/right-out centre lane:
- A change to the existing short left out lane to a long lane;
- Changing the existing right turn lane into a short lane; and

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The additional of a left-in slop for southbound traffic.

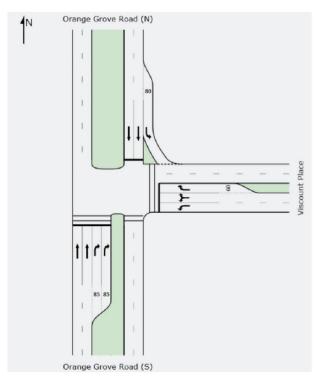


Figure 178 - Proposed Intersection Upgrades

Source: AECOM

With the proposed intersection upgrades, the level of service at the Orange Grove Road/Viscount Place will operate at LOS B (good with acceptable delays and spare capacity) during the Thursday evening peak, and at LOS C (satisfactory) during the Saturday midday peak. The intersection of Homepride Avenue/Hume Highway will operate at LOS B during the Thursday evening and Saturday midday peak.

Thus no unacceptable traffic impacts are expected to result from the development facilitated by the Planning Proposal provided the proposed intersection upgrade works are undertaken. It is considered that these works could be facilitated via a VPA.

8.4 Environmental Considerations

This Planning Proposal does not seek to amend the Environmentally Significant Land provisions of Liverpool LEP 2008 as they apply to the Site. Only a small portion of the Site (in the north-western and north-eastern corners) is identified as Environmentally Significant. An appropriate design for development on the Site that does not impact on its environmental significance can be prepared at the DA stage. The Site's environmental significance will not affect its ability to be developed as a mixed retail centre particularly as areas of significance are isolated to the Site's edges, and the Site already accommodates a bulky goods retail centre.

The Site is flood affected. However, the Flood Assessment (Appendix C) confirms that the Site is able to be developed without adverse flooding impacts.

In addition, appropriate built form measures will be able to be incorporated into the design of the development at the DA stage to address any bushfire risk as a result of the bushfire prone classification of the Site.

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8.5 **Public Interest**

The Planning Proposal is considered to be in the public interest. As set out in Section 8.2 above, it will have a number of community benefits, and will result in a number of positive economic outcome including the potential to transform the surrounding area which is currently underutilised. It will not have any unacceptable economic impact on surrounding centres and will provide additional, convenient retail services to the surrounding residents.

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9.0 Assessment of Planning Proposal against NSW Department of Planning and Environment Guidelines

The following section includes an assessment against the requirements in *A guide to preparing local environmental plans* and *A guide to preparing planning proposals* published by the Department of Planning and Infrastructure in July 2009.

9.1 Need for a Planning Proposal

Q1 - Is the planning proposal a result of any strategic study or report?

The Liverpool Retail Centres Hierarchy Review recognised The Grove Liverpool as a standalone centre, and at its November 2012 meeting Council agreed to consider a Planning Proposal to provide a broader range of uses on the Site. The Planning Proposal responds to this resolution, as well as the need to provide additional appropriately-located and designed retail floor space within the Liverpool LGA to meet an expressed market demand.

Q2 – Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best and most appropriate means of achieving the desired future redevelopment of this land. It will provide an additional permitted use for the Site encouraging traditional retailing and will place a cap on 'shop' floorspace to limit potential economic impacts.

This will allow for the development of a viable and diverse new retail centre on the Site that will provide appropriate retail services to the surrounding population.

9.2 Relationship to strategic planning framework

Q3 – Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Planning Proposal is consistent with relevant State-level strategic planning policies as set out in Sections 7.1.2 to 7.1.4 above.

Q4 - Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The Planning Proposal is consistent with Council's strategic planning policies as set out in **Sections 7.1.5** and **7.1.6** above.

Q5 – Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with applicable SEPPS as set out in **Section 7.2.3** above.

Q6 – Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is consistent with the relevant Section 117 Directions as set out in Section 7.2.1 above.

9.3 Environmental, social and economic impact

Q7 - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal will not result in any impact of critical habitat or threatened species, populations or ecological communities or their habitats. As detailed in Section 8.4 above, no unacceptable impacts on Environmentally Significant Land is expected to result from the development which will be facilitated by the Planning Proposal.

Q8 - Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

An assessment of the environmental impacts of the Planning Proposal has been undertaken and is detailed in this report. No unacceptable impacts will result from the

Q9 - Has the planning proposal adequately addressed any social and economic effects?

The economic and social impacts of the development facilitated by the Planning Proposal are considered in Section 8.1 and 8.2 above. The proposal will not have any unacceptable economic impacts and will have a net community benefit.

9.4 State and Commonwealth Interests

Q10 - Is there adequate public infrastructure for the planning proposal?

The Site is located in an established urban area and has access to a range of existing services. Further investigations will be undertaken as part of the preparation of the future DA to determine whether any upgrade of existing facilities is required.

Q11 – What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with Council and the RMS has already been undertaken in relation to the proposal. These public authorities are generally supportive of the proposal subject to an appropriate assessment of the potential impacts.

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10.0 Conclusion

The Updated Planning Proposal has been prepared in response to a letter from Council dated 28 September 2015 in which Council stated that 'there is sufficient evidence to support the expansion of retail uses on the subject site'. However, Council requested that the Planning Proposal be amended to delete the originally-proposed B2 zoning in favour of the retention of the current B5 zone with a maximum GFA cap of 21,000m² on 'shop' floorspace which is to be added as an additional permitted use on the Site.

The Planning Proposal has been updated accordingly and will facilitate the delivery of a new retail centre within The Grove Liverpool which has been recognised as a stand-alone centre in Council's Retail Centres Hierarchy Review, which also acknowledges the Site's potential to accommodate a broader range of retail uses. The proposal to provide a mixed retail centre with both bulky goods and traditional retailing will integrate with the approved outlet retailing centre within The Grove Liverpool as well as other retail services provided within The Grove and surrounding area.

The Site is level, well connected to the road network and is serviced by existing public transport infrastructure. The Traffic and Parking Assessment submitted with the Planning Proposal confirms that appropriate intersection upgrades can be undertaken to support the potential increase in traffic resulting from the development facilitated by the Planning Proposal. This could be facilitated through a VPA which may also include contributions towards improved pedestrian networks and infrastructure contributions consistent with those that apply in the Liverpool CBD. In addition, the Site is not affected by any environmental constraints that would preclude its development to accommodate a new retail centre.

The detailed sequential test indicates that there is no other appropriate land within surrounding centres or edge-of-centre locations to accommodate this scale and type of retail centre. The majority of the Site is currently vacant and is ideally located to provide meet the demand for additional retail floorspace within the northern part of the Liverpool LGA, and to provide accessible and affordable retail services to surrounding residents, including those in the Fairfield LGA and the northern part of Cabramatta.

A cap of 21,000m² of shop floorspace is proposed on the Site. A detailed EIA has been undertaken for the proposed development based on the proposed development which takes into account the cumulative impact of the proposed development together with approved retail developments within the Trade Area. The assessment finds that no unacceptable economic impact on surrounding centres, including the Liverpool CBD, will result from the proposal.

This EIA has been the subject of two peer reviews, including an independent review undertaken on behalf of Council by Essential Economics which confirms that the development facilitated by the Planning Proposal will not result in any unacceptable economic impacts on surrounding centres.

The Planning Proposal is consistent with relevant strategic and statutory planning controls, and will facilitate the development of the Site for a new retail development that will have a number of positive benefits for the surrounding area including increased employment, economic activity and the potential to revitalise surrounding redundant land. Council's support for the Planning Proposal is requested.



Updated Planning Proposal Draft Amendment to Liverpool Local Environmental Plan 2008



MegaCenta Site, The Grove Liverpool

Orange Grove Road, Warwick Farm Submitted to Liverpool Council On Behalf of Gazcorp

Volume 1 of 1

December 2016 - 12697

EGROW 06

Attachment 5

Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm Submissions (Redacted)

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JBA Urban Planning Consultants Pty Ltd operates under a Quality Management System. This report has been prepared and reviewed in accordance with that system. If the report is not signed below, it is a preliminary draft.

This report has been prepared by:

Kim Shmuel

14.10.15

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Andrew Duggan

14.10.15

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IRΔ

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JBA

G Letter of Support from Kmart

1.0 Introduction

This Updated Planning Proposal has been prepared by JBA on behalf of Gazcorp, for the site at 5 Orange Grove Road, Warwick Farm (the Site). The Site accommodates a homemaker centre (commonly known as The MegaCenta Liverpool) with approximately 29,000m²of net leasable area (NLA) predominantly taken up by bulky goods retail premises.

The Site is located within a larger centre (commonly known as the Orange Grove Centre but branded as The Grove Liverpool) which accommodates a broad range of existing and approved retail uses as shown in **Figure 1** below.



Figure 1 - Location Map

Source: Nearmap

An Initial Planning Proposal was submitted to Council in March 2015 which sought to rezone the part of the Site which is currently zoned B5 Business Development (see zoning map at **Figure 2** below) to B2 Local Centre. The proposed B2 zoning was intended to allow for the expansion of the retail uses on the site to accommodation 'shop' floor space. The Planning Proposal also sought to place a limit of 21,000m² gross floor area (GFA) on the amount of 'shop' floorspace permitted on the Site.

On 28 September 2015, Liverpool City Council (Council) wrote to the proponent (Gazcorp) stating that Council officers were of the view that there is evidence to support the expansion of retail uses on the Site. However, it was requested that the proponent consider amending the Planning Proposal to retain the existing B5 zoning and including' shop' as an additional permitted use on the Site with a maximum GFA cap.

Consistent with this request, this Updated Planning Proposal seeks to amend Schedule 1 of the Liverpool Local Environmental Plan 2008 (Liverpool LEP) to permit 'shops' up to a maximum GFA of 21,000m² on the Site (part Lot 101 in DP 1043160).

¹ The 21,000m² limit is specifically placed on 'shop' floorspace – and not on 'retail premises' to ensure that 'bulky goods retail premises' can continue to be provided at the rear of the Site without a floorspace restriction.

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Figure 2 – Zoning Map

Source: Liverpool LEP

The Planning Proposal is consistent with the *Liverpool Retail Centres Hierarchy Review 2012* (Liverpool Retail Centres Review) which identified the potential for the diversification of The Grove Liverpool to provide an expanded retail offering, and the subsequent resolution made by Council on 28 November 2012 to classify The Grove Liverpool as 'a **Stand Alone Centre**'.

The amendment to the Planning Proposal to retain of the B5 zone - with the addition of 'shops' as a permissible use on the Site - is also consistent with the recommendation of the Liverpool Retail Centres Review which suggested that 'if Council approve additional development at Orange Grove...this may be most appropriately accommodated through adding additional uses as permissible'.

It will facilitate the delivery of a new retail centre on the Site accommodating a component (approximately 27,000m² net leasable area (NLA)) of bulky goods retailing and approximately 17,000m² of traditional retail uses across the follow retail types:

- Approximately 5,500m² NLA discount department store (DDS) likely to be occupied by Kmart;
- Approximately 3,800m² NLA major supermarket likely to be occupied by Coles;
- Approximately 1,600m² NLA ALDI supermarket;
- Approximately, 1,500m² NLA across two mini majors; and
- Approximately 4,600m² NLA of specialty shops.

The Grove Liverpool already accommodates a Dan Murphy's liquor store, and there is an existing approval in place for redevelopment of an outlet retailing centre on the adjoining Weekend Markets site within the southern part The Grove Liverpool (see **Figure 1** above). The Planning Proposal supports the transformation of The Grove to accommodate an extensive range of retail and entertainment facilities.

The Planning Proposal is also consistent with Council's retail policy as set out in the Liverpool Retail Centres Review, and will also support the economic growth of the Liverpool local government area (LGA), and provide much-needed services and accessible retail facilities to the growing population in the Liverpool LGA and surrounding area.

The economic benefits of the Planning Proposal have been recognised in the Economic Impact Assessment (EIA) and peer review of the EIA submitted with the Planning Proposal. An independent peer review of the EIA commissioned by Council also confirms that the Planning Proposal will have no unacceptable economic impacts on surrounding centres.

This Planning Proposal has been prepared in accordance with the requirements of *A Guide to Preparing Planning Proposals* issued by the Department of Planning and Environment (Department). It considers the constraints and opportunities affecting the Site, and demonstrates that the Planning Proposal has strategic merit having regard to relevant strategic and statutory planning documents.

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2.0 Background

2.1 Evolution of The Grove Liverpool

The Grove Liverpool is owned by Gazcorp and accommodates a range of retail premises and other services.

The Centre was previously zoned 4(b) Industrial under *Liverpool Local Environmental Plan 1997* (Liverpool LEP 1997 in which bulky goods retail premises were permitted with consent). However, with the implementation of Liverpool LEP 2008, The Grove Liverpool was rezoned to B5 Business Development in recognition of its predominant use for bulky goods retailing and associated facilities

Since then, there have been a number of applications and proposals which have supported the transformation of the Centre into a stand-alone retail centre. These are detailed below.

2.1.1 Dan Murphy's Liquor Store

On 16 March 2012, Amendment 19 was made to Liverpool LEP 2008 to rezone land within The Grove Liverpool at the frontage to Orange Grove Road from B5 Commercial Development to B6 Enterprise Corridor zoning (see current zoning map at **Figure 2** above). It also amended Clause 7.23 of the Liverpool LEP 2008 to increase the maximum permitted GFA of individual retail premises in the B6 Enterprise Corridor zone from 1,000m² to 1,600m. This amendment was sought to allow a Dan Murphy's store to be developed on part of the site at the corner of Viscount Place and Orange Grove Road (see **Figure 1** above). Consent was subsequently granted for development of the Dan Murphy's store and it began trading in November 2013.

2.1.2 Outlet Retailing Centre - Weekend Markets Site

On 21 June 2013, Amendment 22 was made to Liverpool LEP 2008. This amendment related to the Weekend Markets site at 5 Viscount Place, Warwick Farm (see **Figure 1** above). It amended Schedule 1 of the Liverpool LEP 2008 to make 'retail premises' permissible on this site with a maximum of 19,000m² of retail premises permitted on the site, and a restriction of 1,200m² applied to each tenancy.

The amendment facilitated the redevelopment of the Weekend Markets site as an outlet retailing centre. DA920/2012 for establishment of an outlet retailing centre on the Weekend Markets site was approved by the Independent Hearing and Assessment Panel (IHAP) on 28 November 2013.

A Voluntary Planning Agreement (VPA) was subsequently exhibited for DA920/2012 which provided for a monetary contribution to offset the increased demand on public infrastructure resulting from the outlet retailing centre.

In September 2014, a new DA was lodged for an outlet retailing centre on the Weekend Markets site which is for substantially the same use as approved under DA920/2012. However, the new DA updated the description of the use of the site and incorporated changes to the approved layout of the centre.

The approved outlet retailing centre will be known as Fashion Spree Outlets

2.2 Liverpool Retail Centres Hierarchy Review

In July 2012, Council placed the Liverpool Retail Centres Hierarchy Review on public exhibition. The Review noted the following in relation to The Grove Liverpool:

- The Grove 'would be likely to attract additional expenditure from residents outside of the Liverpool LGA that would not otherwise be directed to it, particularly from residents in the Fairfield LGA'.
- The Fairfield LGA contains limited bulky goods facilities, does not contain a department store, and lacks a discount department store in the south-east of the LGA. Furthermore, there are no Regional Centres within Fairfield LGA.

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- The Liverpool LGA is currently undersupplied by some 20,500m² of retail floor space at 2011, with the largest proportion of undersupply attributed to discount department stores (8,071m² or 40%) and supermarkets (6,500m² or 31%). This undersupply will increase as population increases.
- The capacity of the Liverpool CBD 'to absorb future retail developments appears to be somewhat limited with a lack of vacant or available development sites'.
- The Grove Liverpool is well situated to accommodate an ALDI store to service the unmet demand resulting from a lack of provision of an ALDI store in the Cabramatta trade area, and that 'Orange Grove in particular may be suitable for diversification of uses beyond a bulky goods role, particularly if an outlet centre is opened on the weekends market site'.
- In the medium term a change in the role of The Grove may be supported by Council to diversify its retail offer beyond bulky goods' and that the impacts of diversification 'should be quantified in the economic impact assessments accompanying development applications for such uses'.

Both Kmart and ALDI made submissions on the Liverpool Retail Centres Hierarchy Review noting their difficulty in obtaining appropriately sized and located premises within the Liverpool LGA and surrounding area, and their preference to locate within The Grove Liverpool.

In acknowledgement of the evolving nature of The Grove Liverpool, as highlighted in the Liverpool Retail Centres Review, at its meeting on 28 November 2012 Council resolved to adopt the exhibited version of the Liverpool Retail Centres Hierarchy Review and classify The Grove Liverpool (referred to as the Orange Grove Centre in Council documents) as a stand-alone centre². Council also resolved to consider a Planning Proposal for rezoning of the (MegaCenta) Site in The Grove Liverpool to accommodate a broader range of retail uses.

2.3 Stakeholder Consultation

To support the Planning Proposal, Gazcorp initiated the preparation of specialist studies for a new retail centre on the Site in early 2013, and has undertaken consultation with a number of key stakeholders as detailed below.

2.3.1 Liverpool City Council

Preliminary discussions were held with Council regarding the Planning Proposal on 5 February 2013. On 6 February 2013, Council issued a letter to JBA in which it set out the requirements for the Planning Proposal. These requirements included the following:

- Strategic study for broader area bound by Cabramatta Creek, Orange Grove Road, Hume Highway and Homepride Avenue;
- Planning Proposal report addressing local and state planning policies;
- Traffic study including consideration of public transport provision;
- Retail demand analysis and economic impact assessment;
- Flood assessment; and
- Design to address Viscount Place as a 'main street'.

A follow up meeting was held with Council on 19 September 2014 after detailed studies to support the Planning Proposal had been developed.

On 22 October 2014, Council wrote to JBA indicating that the requirements for the Planning Proposal (as stated in its letter of 6 February 2013) remained unchanged with the exception of the item requiring Viscount Place to be designed as a 'main street'. Council indicated that the main street option for Viscount Place is no longer considered relevant in the context of a broader precinct planning approach.

² As defined in the NSW Government's Draft Centres Policy (April 2009) as follows:

Stand-alone shopping centres or regional clusters of bulky goods retailers. Located away from other commercial areas, containing attributes of a town centre but without housing or public open space – may have potential to become a traditional town centre in the long-term.

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The documents requested by Council are attached to this Planning Proposal report and include the following:

- Appendix A Economic Impact Assessment (EIA) prepared by Leyshon Consulting
- Appendix B Traffic and Transport Assessment prepared by AECOM
- Appendix C Flood Assessment prepared by Lean Lackenby & Hayward
- Appendix D Strategic Plan for Broader Area prepared by JBA

In addition, to ensure the robust assessment of the potential economic impacts of the proposed development, a peer review of the Leyshon Consulting EIA has been undertaken by Deep End Services and is included at **Appendix E**.

On 18 February 2015 a further meeting was held with Council at which a preliminary draft of the Planning Proposal was presented. Council provided feedback on additional information to be incorporated into the Planning Proposal. This has been included within this report and attached Appendices.

2.3.2 Roads and Maritime Services

On 10 May 2013, Gazcorp and its traffic consultant met with the Roads and Maritime Service (RMS) and Council to discuss the Planning Proposal. The following key issues were discussed at the meeting:

- The existing intersection of Orange Grove Road /Viscount Place has spare capacity.
- Congestion currently experienced at this intersection is due to parking/pedestrian interactions at Viscount Place.
- Give that there is spare capacity at Orange Grove Road/Viscount Place, and additional
 access to The Grove Liverpool is available via Homepride Avenue, improvements to Viscount
 Place should be considered prior to the consideration of an additional access (third access) at
 the northern boundary of The Grove Liverpool.
- A third access (if pursued) would need to accommodate a southbound deceleration lane for the left turn movement.
- The existing safety issue at the 'jug handle' on Orange Grove Road was noted. However, it
 was also noted that the 'jug handle' is unlikely to remain in the future, particularly if the road is
 widened.
- An additional phase with the right turn movement from Hume Highway into Homepride Avenue can be accommodated in the existing phasing of this intersection and should be pursued.
- Consideration should be given to potentially increasing the length of the southbound left turn lane or to convert southbound left turn lane to a slip lane at Orange Grove Road/Viscount Place, if required.
- Access off Viscount Place in the design (of the planned new retail centre) should be simplified
 to reduce the amount and number of conflicts.
- The RMS supported dropping Viscount Place to access the planned underground car park as the main access, with minor access to surface car parking outside the planned supermarket.
 This would allow for separate service vehicles from private cars and pedestrians.
- An internal roundabout needs to be located further to the east if an 'at-grade' option is pursued. The above comments are considered to be relevant to the future design of the new retail centre on the Site and will be considered as part of a future development application (DA).

The Traffic and Transport Assessment at **Appendix B** includes some recommended upgrades to the intersection of Viscount Place/Orange Grove Road to respond to the scale of development facilitated by the Planning Proposal (see **section 8.3** below). It is proposed that the funding for these proposed intersection upgrades be facilitated through a Voluntary Planning Agreement (VPA). It is proposed that the VPA offer be made to Council prior to council forwarding the Planning Proposal to the Department for a Gateway determination.

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2.4 Initial Planning Proposal

An Initial Planning Proposal was submitted to Council in March 2015 and sought to rezone the part of the Site (and a small portion of the adjoining Viscount Place roadway) which is currently zoned B5 Business Development to B2 Local Centre. The Planning Proposal also sought to place a limit of 21,000m² GFA on the amount of 'shop' floorspace permitted on the Site.

Council commissioned an independent peer review of the EIA which was undertaken by Essential Economics. The peer review found that, while the proposal will result competitive trading impacts, 'these are not expected to impact the operation of the retail hierarchy that currently serves the communities in the Cities of Liverpool and Fairfield'. In particular, the peer review found that no unacceptable economic impact the Liverpool CBD or Westfield Liverpool would occur as a result of the proposal.

On 28 September 2015, Council wrote to the proponent (Gazcorp) stating that 'Council officers believe there is sufficient evidence to support the expansion of retail uses on the subject site as described in planning proposal'. However, Council officers requested that the proponent consider amending the Planning Proposal to retain the existing B5 zoning and instead include to 'shops' as an additional permitted use on the Site under Schedule 1 of the LEP with a maximum GFA cap.

Gazcorp has considered this request and the Planning Proposal has been amended accordingly as set out in this Updated Planning Proposal report.

In addition Council requested more detail in regards to the traffic and access design of the development. Council has confirmed that this additional traffic information can be provided post Gateway Determination should a positive Gateway Determination for the Planning Proposal be received.

Gazcorp will continue to engage with Council throughout the Planning Proposal and it is requested that Council remain the Relevant Planning Authority (RPA) for the Planning Proposal.

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3.0 Site Context

3.1 Site Description

3.1.1 Location

The Site is located at 5 Orange Grove Road. It is located within The Grove Liverpool which is located approximately 1.5km north of the Liverpool CBD, and sits at the northern edge of the Liverpool LGA bordering on the Fairfield LGA (see Figure 3 below).

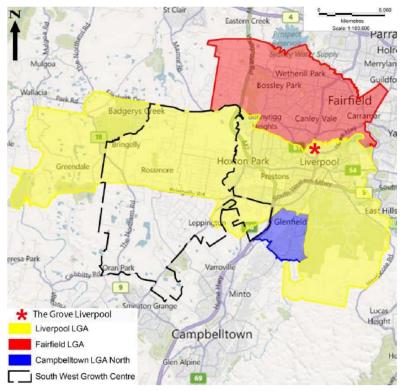


Figure 3 - Context Map

Source: Liverpool Retail Centres Hierarchy Review

Site Details 3.1.2

The Site has a legal property description of Lot 101 in DP 1043160 and an approximate site area of 10 hectares. The Planning Proposal relates to the majority of the Site apart from the portion fronting Orange Grove Road which is zoned B6 Enterprise Corridor. The area of the Site to which the Planning Proposal relates is approximately 9 hectares.

The Site is generally rectangular in shape with a frontage of approximately 153 metres to Orange Grove Road to the west, and a northern boundary of some 460 metres to Panorama Reserve to the north. The Site's southern boundary fronts Viscount Place, an internal road running east-west through The Grove Liverpool. To the Site's east is Dwyer Oval.

A location map is provided at Figure 1 above and a context map is provided at Figure 4 below.



Figure 4 – Context Map

Source: Google

3.1.3 Existing Development

The Planning Proposal relates to the B5-zoned portion of the Site (Lot 101 in DP 1043160) which currently accommodates the MegaCenta homemaker centre in its western portion, and at-grade parking and vacant land in its eastern portion. The homemaker centre predominantly accommodates bulky goods retail premises, as well as a bowling alley, gym and NSW Government Service Centre. A number of tenancies within the homemaker centre are currently vacant.

Additional freestanding retail units providing fast food and take away uses are provided adjacent to the homemaker centre within an at-grade parking area fronting Orange Grove Road. This portion of the site is zoned B6 Enterprise Corridor and it is not proposed to be rezoned as part of this Planning Proposal.

Basement parking is provided below the existing bulky goods retail centre.

3.1.4 Environmental Constraints

The northern portion of the site is identified as Bushfire Prone Land as shown in Figure 5 below.

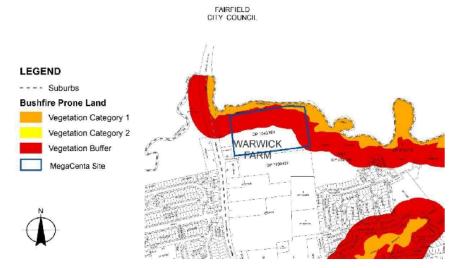


Figure 5 - Bushfire Prone Land Source: Liverpool City Council

In addition, part of the northern portion of the Site is identified as Environmentally Significant Land (see Figure 6 below) under Liverpool LEP 2008.



Figure 6 - Environmentally Significant Land

Source: Liverpool LEP 2008

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The Site is identified as Flood Prone Land and its northern and eastern edges are located within the Flood Planning Area (see Figure 7 below) as identified within Liverpool LEP 2008

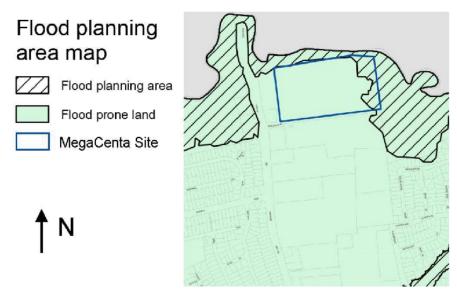


Figure 7 - Flood Planning Area Map Extract

Source: Liverpool LEP 2008

3.2 The Grove Liverpool

The Site forms part of a larger centre referred to as The Grove Liverpool, which includes the Weekend Markets site on the southern side of Viscount Place and which is zoned and approved to accommodate an outlet retailing centre. A Dan Murphy's store is also located within The Grove Centre on the southern side of Viscount Place and fronting Orange Grove Road. A stand-alone McDonalds store is located opposite the Dan Murphy's store on the northern side of Viscount Place and on a separate allotment to the homemaker centre. See Figures 1 and 4 above for details

As detailed in Section 2.1 above, The Grove Liverpool has evolved to accommodate a range of existing and approved retail premises and services, and has been recognised as a stand-alone centre in Council's Retail Centres Hierarchy Review.

3.3 Surrounding Land Uses

The area immediately surrounding The Grove Liverpool is made up of a mix of retail, industrial, residential, open space and school uses.

Officeworks

Immediately to the south of the Dan Murphy's store is a 1,200m2 Officeworks store fronting Orange Grove Road.

3.3.2 Orange Grove Industrial Area

To the south of the Grove Centre and bounded by Orange Grove Road to the west, the Hume Highway to the south and Homepride Avenue to the east (see Figure 4 above), is an industrial area that is predominantly occupied by manufacturing and warehouses. This area is zoned IN1 General Industrial under Liverpool LEP 2008. The potential transformation of this area has been taken into consideration as part of this Planning Proposal and is discussed in **Section 5.3** below with a broad strategic land use direction provided at Appendix D.

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3.3.3 Service Station

A service station is located directly across the road from the site on the western side of Orange Grove Road. It is understood that the potential rezoning and/or redevelopment of this site to accommodate some residential accommodation is currently being explored.

3.3.4 Open Space

Public open space is located to the Site's immediate north and east. The Panorama Reserve to the north is a passive recreational area. Cabramatta Creek runs east-to-west through the Panorama Reserve approximately 50 metres from the Site's northern boundary.

Dwyer Oval (to the Site's east) is an active recreational area that incorporates playing fields. The potential to link the new retail centre on the Site to the adjoining open space areas will be explored as part of a future DA for the new centre once the proposed LEP amendment has been finalised. This may also be explored as part of a VPA for the Site.

The Site is located in the vicinity of a number of other open space areas including:

- Bowden Park on the northern side of Cabramatta Creek;
- Warwick Farm Recreation Reserve to the east of Dwyer Oval; and
- Joe Broad Reserve and Cabramatta Golf Range on the eastern side of Orange Grove Road.

3.3.5 Residential Areas

A Caltex petrol station is located immediately opposite the Site on the western side of Orange Grove Road. However, as shown in Figure 4 above, land to the east and west is predominantly made up of large areas of low density residential development.

In addition, a number of local schools are located within the residential areas and within 1km of the Site including

- Warwick Farm Public School;
- Cabramatta West Public School;
- Cabramatta Public School; and
- Mt Pritchard Public School.

3.4 Surrounding Centres

As shown in Figure 3 above, The Grove Liverpool is located on the northern border of the Liverpool LGA on the border with the Fairfield LGA. Therefore, it is important to consider the Planning Proposal within the context of both the Liverpool and Fairfield existing retail hierarchy, as well as approved or proposed new centres within these LGAs. These are discussed below.

Liverpool LGA Retail Hierarchy

The Liverpool LGA retail hierarchy is describe in the Liverpool Retail Centres Hierarchy Review and includes the following:

Table 1 - Liverpool LGA Retail Centres Hierarchy

Centre	Details
Liverpool Regional Centre	The Liverpool CBD is the highest order centre in the Liverpool LGA and is identified as a Regional Centre in the Metropolitan Strategy. The Grove Liverpool is located at the northern edge of the Liverpool Regional Centre. Retailing in the Liverpool CBD is dominated by the Westfield shopping centre which accommodates almost 84,000m² (52%) of the CBD's total retail floor space. Major tenants in the Westfield shopping centre include:
	- Myer: approx. 19,000m ² ;
	- Target approx. 8,000m ² ;
	- Big W: approx. 8,000m ² ;

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Centre	Details
	- Coles: approx. 4,000m²; and
	- Woolworths: approx. 4,000m².
Town Centres	The Liverpool LGA has three Town Centres namely Carnes Hill, Casula and Moorebank. These centres range in size from approximately 10,000m² of retail floor space at Casula to some 17,500m² at Moorebank. Casula Mall was one of the earliest subregional-scale centres constructed in the Sydney Region. It is anchored by a Kmart DDS and a Coles supermarket. Valley Plaza in Green Valley is identified as a stand-alone shopping centre in the South West Region Draft Subregional Strategy and is anchored by Coles and Woolworths supermarkets.
Other Centres	Liverpool LGA contains a significant number of village centres. These vary significantly in size. The village centres most relevant to the Planning Proposal are:
	- Cecil Hills: approx. 3,100m ² ;
	- Miller: approx. 9,650m³;
	- Chipping Norton: approx. 5,300m².
Bulky Goods Clusters	Apart from the homemaker centre within The Grove Liverpool, there are two major clusters of bulky goods retailing activity in the Liverpool LGA including that at the Crossroads Centre and a smaller centre at Warwick Farm. The Crossroads Centre contains in excess of 50,000m²of retail floorspace. Its major tenants including Bunnings, Flower Power, The Good Guys, Freedom Furniture, Bing Lee and Costco. Warwick Farm centre contains some 15,000m² of bulky goods floorspace. Its major tenants include Fantastic Furniture, Lincraft, Supa Cheap Auto together with a number of fresh food retailers. Council has also approved the development of a Masters store and associated bulky goods space on a site at Warwick Farm.

Fairfield LGA Retail Hierarchy

Fairfield LGA has a somewhat unusual retail hierarchy in that it does not have one dominant centre. Rather, the LGA has three large centres (at Wetherill Park, Bonnyrigg and Fairfield) which contain one or more DDSs together with major supermarkets. There is also a significant centre at Cabramatta which does not contain a DSS but is nonetheless important in Fairfield LGA's retail hierarchy. The following are the key centres within the Fairfield LGA:

Table 2 - Fairfield LGA Retail Centres Hierarchy

Centre	Details
Stockland Wetherill Park	Stockland Wetherill Park contains 37,300m² of retail floorspace with an additional 14,300m² of associated services including a cinema, library and other commercial functions. The centre is anchored by Big W and Target DDSs together with Woolworths and Coles supermarkets.
Fairfield Town Centre	The Fairfield Town Centre comprises an estimated 60,000m² of retail floorspace in total. Within the Town Centre there are two enclosed centres which contain DDSs namely Fairfield Forum and Neeta City.
Bonnyrigg Plaza	Bonnyrigg Plaza accommodates approximately 20,700m² of retail floorspace. It is anchored by a Big W DDS and Woolworths and IGA supermarkets. In 2010, Fairfield City Council approved 9,700m² expansion of Bonnyrigg Plaza. This approval is yet to be fully implemented.
Cabramatta	Cabramatta is a unique centre in that it has some 25,000m² of retail floor space but only one anchor tenant (Woolworths 2,500m²). It is dominated by small-scale retailing operated by persons of Vietnamese or Chinese descent. Cabramatta centre currently has a very low level of vacancy at about 4%
Other Centres	A number of small-scale neighbourhood centres in southern part of Fairfield LGA which lie within potential trade area of The Grove Centre. Include:
	- Canley Heights
	- Canley Vale
	- Wakeley
	- St Johns Park
	None of these contain a major supermarket.

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Approved and Proposed New Retail Floorspace

In addition to the approved expansion of the Bonnyrigg Plaza listed above and the approved new outlet retailing centre at The Grove Liverpool, the Planning Proposal has been considered in the context of the following approved and proposed new retail floorspace within the surrounding area:

- New Woolworths supermarket (4,200m²) at Casula.
- A new retail centre of approximately 7,000m² at Holsworthy.
- A new Woolworths supermarket and specialty shops at Prestons.
- A new Town Centre of up to 22,000m² gross leasable area (GLA) at Edmondson Park.
- A new centre anchored by a DDS adjacent to Bonnyrigg Plaza which has been under consideration by Fairfield Council since 2010.

3.5 Road Network

Viscount Place is an east-west local road running through the centre of The Grove Liverpool. It connects Orange Grove Road in the west to Homepride Avenue in the east. Homepride Avenue runs north-south along the edge of the Orange Grove Centre down to Hume Highway in the south (see **Figure 4** above).

Parts of Homepride Avenue and Viscount Place are private roads on land owned by Gazcorp that are publicly accessible via right-of-way easements on the relevant lot titles.

The intersection of Orange Grove Road and Viscount Place is signalised and has recently been upgraded to improve intersection performance during peak periods. This is the primary vehicle access to The Grove Liverpool. As detailed in the Traffic and Transport Assessment at **Appendix B**, this intersection currently operates at Level of Service (LOS) A (Good Operation) during weekday peak periods and at LOS B (Good with acceptable delays and spare capacity) during weekend peak periods.

The intersection of Homepride Avenue and Hume Highway is signalised and provides secondary access to The Grove Centre. It currently operates at LOS A during both weekday and weekend peak periods.

The Centre is well-connected to the sub-regional road network including the Hume Highway to the south via Homepride Avenue and Orange Grove Road, and Cumberland Highway to the north via Orange Grove Road.

3.6 Public Transport

Data from the Bureau of Transport Statistics Household Travel Survey shows that, within the Liverpool LGA, public transport use is slightly below the Sydney average, and walk-only trips are well below the average. The Traffic and Transport Assessment suggests that this can be attributed to the peripheral location of Liverpool within the Sydney metropolitan region and lower comparative levels of transport infrastructure.

The closest rail station to the Site is at Warwick Farm some 1.8km to the Site's south-east. Liverpool Station is 2.3km to the south.

Bus stops are located on each side of Orange Grove road approximately 60 metres south of Viscount Place. A map of local public transport services is provided at **Figure 8** below and further detail is provided in Traffic and Transport Assessment at **Appendix B**.

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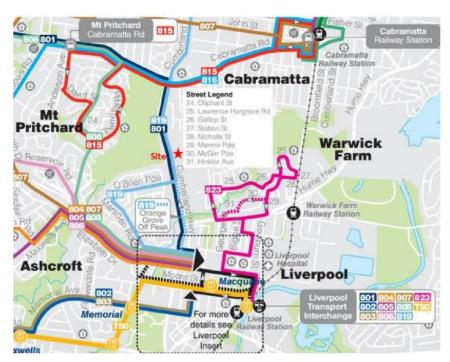


Figure 8 - Local Public Transport Infrastructure

Source: Transport for NSW

3.7 Pedestrian and Cyclist Facilities

The Site is connected to the broader pedestrian network via a 1.2m-wide footpath on the eastern side of Orange Grove Road, and a signalised pedestrian crossing at the intersection of Viscount Place and Orange Grove Road. As detailed above, opportunities exist to improve pedestrian access between the Site and the open space areas to the east. This will be explored as part of a future DA once the LEP Amendment has been finalised, and may be facilitated via a VPA.

There is minimal formal cycle infrastructure in the vicinity of the Site. This presents an opportunity to further improve connectivity in the area as part of a future DA for the Site.

4.0 Current Planning Controls

The primary environmental planning instrument (EPI) controlling development on the Site is the Liverpool LEP 2008. The key controls applying to the Site under the Liverpool LEP 2008 are detailed below.

4.1 Zoning and Permissible Uses

The Site is currently zoned B5 Business Development in which the following relevant uses are permitted with consent:

- Bulky goods premises;
- Food and drink premises;
- Garden centres:
- Hardware and building supplies;
- Landscaping material supplies;
- · Office premises; and
- Recreation facilities (indoor).

4.2 Floor Space Ratio and Height

A maximum floor space ratio (FSR) of 0.75:1 and a maximum height control of 15 metres applies to the Site and broader Centre.

4.3 Minimum Allotment Size

A minimum allotment size control of 2,000m² applies to the Site

4.4 Environmentally Significant Land

The northern portion of the Site is identified as Environmentally Significant Land (see **Figure 6** above). Clause 7.6 of Liverpool LEP 2008 applies to Environmentally Significant Land and aims:

- (a) to maintain bushland, wetlands and wildlife corridors of high conservation value,
- (b) to identify areas of significance for revegetation to connect to or buffer bushland, wetlands and wildlife corridors.
- (c) to protect rare and threatened native flora and native fauna,
- (d) to ensure consideration of the significance of vegetation, the sensitivity of the land and the impact of development on the environment prior to the giving of any development consent.

Before determining an application for development on Environmentally Significant Land, the consent authority must consider the following:

- (a) the condition and significance of the vegetation on the land and whether it should be substantially retained in that location,
- (b) the importance of the vegetation in that particular location to native fauna,
- (c) the sensitivity of the land and the effect of clearing vegetation,
- (d) the relative stability of the bed and banks of any waterbody that may be affected by the development, whether on the site, upstream or downstream,
- (e) the effect of the development on water quality, stream flow and the functions of aquatic ecosystems (such as habitat and connectivity),
- (f) the effect of the development on public access to, and use of, any waterbody and its foreshores.

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4.5 Flood Prone Land

The Site is identified as Flood Prone Land and its northern and eastern edges are located within the Flood Planning Area (see **Figure 7** above). Clause 7.8(3) of Liverpool LEP 2008 sets out the following relevant flood planning controls for the Site:

- (3) Development consent must not be granted to development on flood prone land (other than development for the purposes of residential accommodation) unless the consent authority is satisfied that the development:
 - (a) will not adversely affect flood behaviour and increase the potential for flooding to detrimentally affect other development or properties, and
 - (b) will not significantly alter flow distributions and velocities to the detriment of other properties or the environment, and
 - (c) will enable the safe occupation and evacuation of the land, and
 - (d) will not have a significant detrimental affect on the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of any riverbank or watercourse, and
 - (e) will not be likely to result in unsustainable social and economic costs to the flood affected community or general community as a consequence of flooding, and
 - (f) if located in the floodway, will be compatible with the flow of flood waters and with any flood hazard on that floodway.

The above provisions will be taken into account as part of any future DA for the Site. A Flood Assessment has been prepared for the Planning Proposal (see **Appendix C**) which considers the proposal against Section 117 Direction 4.3 Flood Prone Land and confirms that the Site is capable of being developed as a diverse retail centre despite its flood prone status.

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5.0 Proposed Development

The Planning Proposal will facilitate the redevelopment of the Site to accommodate a broad range of retail uses including bulky goods retailing as well as traditional retailing.

Centres that accommodate bulky goods retail premises only generally experience very low weekday foot traffic with consumer shopping trips concentrated on the weekend. The absence of trade during the week makes it difficult for bulky goods only centres to remain viable. This is reflected in the number of vacant tenancies within the existing MegaCenta and its failure to expand over the past 17 years despite the availability of vacant adjoining bulky goods zoned land.

The emerging trend to provide a mix of bulky goods premises, as well as standard retail uses within a single centre is a direct response to the need to diversify existing bulky goods centres to attract a range of shopping trips and consumers, and ensure that the centres can remain viable. A number of examples of this have emerged recently in NSW. For example, Primewest has recently sought an amendment to the *Auburn Local Environmental Plan 2010* to allow for traditional retail uses in its Homemaker Megamall in Auburn.

The EIA (**Appendix A**) notes the need to diversify the retail offering provided on the Site so that it can remain competitive, particularly having regard to the emergence of the new Crossroads Homemaker Centre in Casula which accommodates some 50,000m² of retail floor space including a new 13,500m² Costco store.

The diversification of retail uses within the proposed new retail centre will not only support the viability of the bulky goods retail component, but will also have broader economic benefits by creating a new retail centre that will attract a wide range of consumers from a large catchment area to the Liverpool LGA.

The centre will reflect the increasing emphasis on the convenience aspect of shopping trips and will be consistent with the trend towards homemaker centres evolving into more of a mixed use retail format. It will respond to the way people shop and service the needs of the Liverpool LGA and broader catchment. It is intended that the centre operate as a convenience-based centre.

In addition, it will respond to an expressed demand for appropriate retail tenancies within the northern part of the Liverpool LGA. Both ALDI and Kmart have expressed their desire to establish a presence in The Grove Liverpool, as it meets their operational and locational requirements.

Kmart in particular, has noted (in its submission on the Liverpool Retail Hierarchy Review) that it has explored the potential to locate on a number of CBD sites, but these do not meet its operational and location requirements. Kmart highlights the benefits of being able to co-locate with bulky goods retailing and outlet retailing uses within The Grove Liverpool, which is well-placed to allow Kmart to cater to a demand from potential customers within Liverpool, Cabramatta, Bonnyrigg and parts of Fairfield. It is also intended that parts of the centre, in particular the Kmart DDS, will operate on a 24 hour basis to cater to shift workers living and working in the area. This is made possible by the absence of residential neighbours to the Site, and the limited amenity impacts resulting from the proposal.

A letter of support for the Planning Proposal from Kmart is included at **Appendix G**. It highlights the specific site and operational requirements Kmart requires to ensure it can operate a viable store. In particular, it requires a relatively large floorplate with good access to convenient, at-grade parking and the ability to co-locate with a supermarket. Kmart notes that the planned centre for the Site (facilitated by the Planning Proposal) is ideal for a new Kmart store. The Site is also appropriately located to draw trade (predominantly) from the northern catchment. Kmart has indicated that it is unlikely that a new store in The Grove Liverpool would attract a significant portion of customers away from Westfield Liverpool which is a regional shopping centre and benefits from two DDSs.

In its submission on the Liverpool Retail Hierarchy Review, ALDI also confirmed that it had investigated a number of sites within the Liverpool CBD, all of which were unsuitable for a new ALDI store. ALDI has since opened a store in the Liverpool CBD. However, an ALDI store in The Grove Liverpool location will be able to attract a different customer base to ALDI's CBD store, and will be able to draw customers from a wider catchment than that current serviced by its CBD

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store. ALDI has confirmed that it will seek to provide a store within The Grove Liverpool **in addition** to its Liverpool CBD store (ie. the existing CBD store will continue to operate) to ensure that ALDI could continue to provide competitive grocery prices to surrounding residents.

5.1 Proposed Floorspace and Uses

The current and proposed floorspace on the Site is set out in Table 3 below:

Table 3 - Proposed Floorspace

Retail type	Existing (NLA)	Proposed (NLA)
Bulky goods	29,000m ²	27,000m ²
Traditional retail	-	17,000m² allocated approximately as follows: 5,500m² DDS likely to be occupied by Kmart; 3,800m² major supermarket likely to be occupied by Coles; 1,600m² ALDI supermarket; 1,500m² across two mini majors; and 4,600m² specialty shops.
Total	29,000m ²	44,000m²

The 17,000m² NLA of traditional retail floorspace proposed on the Site is equivalent to approximately 21,000m² of GFA.

5.2 Design of New Centre

A single-level retail centre is envisaged for development on the Site. Bulky goods retail premises are proposed be accommodated at the rear of the centre, whilst more traditional retail uses will be accommodated in the front portion. In order to ensure the ongoing operation of the bulky goods retail component during construction, it will be necessary to construct the new bulky goods retail component at the rear of the Site first, relocate existing tenants, and then construct the front portion of the new centre to accommodate traditional retailing.

The new centre is intended to operate as a single-level centre providing for the ready flow of foot traffic between the traditional and bulky goods components of the development.

Basement parking is proposed to be accessed off Viscount Place which will be redesigned to accommodate a turning circle and traffic calming measures such as tree planting and pedestrian crossings. Consistent with the RMS comments, Viscount Place will be re-graded to provide access to the underground car park. In addition, a limited amount of at-grade parking will be provided at the southern boundary of the centre which will be accessed via the turning circle. A food court is also envisaged at the centre's southern edge.

A number of pedestrian links to the approved outlet retailing centre on the Weekend Markets site are also being considered. Service vehicle access will be provided along the northern boundary of the Site.

A detailed development application will be lodged for the new centre once the LEP Amendment has been finalised. Concept sketches have been prepared for the proposed new centre and are provided at **Figures 9** to **11** below.

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Figure 9 - Centre entrance and signage (indicative)

Source: Leffler Simes



Figure 10 – Food court overlooking at grade parking at southern edge of the centre (indicative)

Source: Leffler Simes

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Figure 11 - Outdoor play area adjoining the food Court (indicative)

Source: Leffler Simes

5.3 Infrastructure Contributions

The Traffic and Parking Assessment (**Appendix B**) identifies a number of intersection upgrade works required to ensure no unacceptable impact on the surrounding road network will result from the proposal. In addition, it is envisaged that improved pedestrian connections will be facilitated by the proposal.

The above will be facilitated via a VPA. An offer in this regard will be made to Council prior to the Planning Proposal being forwarded to the Department for a Gateway Determination.

Consistent with the VPA entered into by Gazcorp for the outlet retailing centre in The Grove Liverpool, it is envisaged that the VPA will also provide for the payment of contributions consistent with those required in the Liverpool CBD to ensure a fair and equitable payment for demand on community infrastructure.

5.4 Transformation of the Surrounding Area

It is understood that Council is currently undertaking a review of its LEP and is updating a number of strategic planning documents at part of this process. Council has indicated that it is preparing a broader strategic planning framework for the area in which the Site is located.

In addition, it is understood that the owner of the service station to the west of the Site is considering redeveloping it to accommodate residential development.

Further, a number of the industrial premises to the south of the site are redundant and in need of revitalisation. There is the potential for the area to transform to accommodate a range of alternate uses

It is considered that the redevelopment of the Site to accommodate a mix of retail uses will support the revitalisation of the area and its transformation into a vibrant mixed use precinct.

As part of the Planning Proposal, Council has requested that a strategic study for the broader area bound by Cabramatta Creek, Orange Grove Road, Hume Highway and Homepride Avenue be provided. This is included at **Appendix D**. It is noted that the study is indicative only and is intended to inform Council's own strategic planning for the area.

6.0 Proposed LEP Amendments

The following section sets out the relevant amendments sought to Liverpool LEP 2008.

6.1 Objectives and Intended Outcomes

This Planning Proposal seeks to amend Schedule 1 of the Liverpool LEP 2008 to allow 'shops' on the Site and to place a GFA cap of 21,000m² on 'shop; floor space on the Site. The objective of this Planning Proposal is to permit a broader range of retail, business, entertainment and recreational premises on the Site.

The Planning Proposal specifically seeks the addition of 'shops' – and not 'retail premises' as a permissible use on the Site, and places a maximum GFA cap on the 'shop' land use only. This is intended to ensure that bulky goods retail premises can continue to be provided on the site without a maximum GFA cap.

6.2 Land to which the Plan will apply

Figure 12 identifies the land that is proposed to be included in the site specific LEP Amendment. It is legally described as part Lot 101 in DP 1043160.



Figure 12 - Land to which the LEP Amendment applies

Source: Land and Property Information

6.3 Amendment to Schedule 1 of the LEP

It is proposed to add 'shops; as a permissible uses and limit the amount of 'shop' floor space permitted on the Site. This will be achieved by amending the Key Site Map at shown in **Figure 13** below and inserting the following wording in an additional clause (potentially Clause 22) of Schedule 1 of the LEP:

Use of certain land at Warwick Farm

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

The 17,000m² NLA of traditional retail floorspace proposed on the Site is equivalent to approximately 21,000m² of GFA. Consistent with the Standard LEP Template, the floorspace limited is set out in GFA.

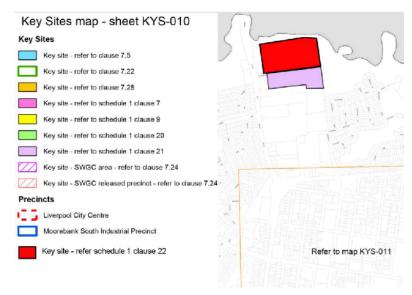


Figure 13 - Proposed Key Site Map

Source: Liverpool LEP 2008 (amended by JBA)

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7.0 Strategic and Statutory Planning Framework

7.1 Strategic Planning Framework

This section considers the strategic planning framework in which the Planning Proposal is considered.

7.1.1 Retail and Competition Policy Reviews

The Australian Government has recently completed a number of reviews of competition policy within Australia, which consider how planning and zoning laws (particularly those that relate the retail land use and development), impact on competition and economic performance. These reviews include the recently released Draft Competition Policy Review, as well as the following Productivity Commission reports:

- Performance Benchmarking of Australian Business: Planning, Zoning and Development Assessments (2010)(Benchmarking Report); and
- Economic Structure and Performance of the Australian Retail Industry (2011) (Retail Industry Report).

The Commission's Benchmarking Report was based on the premise that with the 'competitive and efficient allocation of land between uses, there is potential for flow-on benefits such as an efficient allocation of labour and ...lower prices for output (such as housing or retail goods and services)...' to be realised.

The Commission found that planning guidelines which incorporate controls as to where retailers can locate restricts the flexibility of retailers in responding to consumers' preferences. It recommended that broadening of zone definitions and a reduction in the prescriptiveness in planning regulations.

The Commission also noted that the use of adverse impact tests to restrict new developments in an attempt to preserve existing businesses is unjustifiable, and weakens the ability of retailers to respond to consumer preferences. It also suggested that the proposed development of an out-of-centre retail location should be permitted where it is likely to generate a net benefit to the community, even if there are likely to be some detrimental impacts to an existing activity centre.

Finally, the Commission highlighted the importance of maintaining the flexibility in the planning system to ensure 'bricks and mortar retailers' can remain competitive and productive with the increase in on-line shopping.

This is supported by the recommendations of the recently-released Draft Competition Policy Review which highlighted the importance of planning and zoning rules in encouraging competition. It recommended that 'all governments should include competition principles in the objectives of planning and zoning legislation so that they are given due weight in decision-making' including 'ensuring arrangements do not explicitly or implicitly favour incumbent operators'.

It is considered that the Planning Proposal is consistent with the above competition and retail policy reviews. It will facilitate the provisions of a new retail centre within The Grove Liverpool, which is already emerging as a stand-alone centre. Further, as demonstrated in **Sections 8.1** and **8.2** below, the development facilitated by the Planning Proposal will not have an unacceptable economic impact on surrounding centres, and will result in a net community benefit.

7.1.2 Metropolitan Strategy

In December 2014, the State Government released the final draft of the Metropolitan Strategy - A Plan for Growing Sydney – which will guide land use planning decisions in Metropolitan Sydney for the next 20 years.

The Metropolitan Strategy notes that 'many of Sydney's greatest opportunities lie in Western Sydney', and that the planned new airport at Badgerys Creek 'will emerge as a new hub of intense economic activity', and encourage improved new transport connections to regional centres such as Liverpool.

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The Strategy highlights the fact that 'Badgerys Creek Airport will be the single largest infrastructure catalyst for employment growth in the history of Western Sydney'. In response, the State Government is seeking to direct economic growth to surrounding areas including the Bankstown to Liverpool Enterprise Corridor (see Figure 14 below). The Strategy indicates that opportunities for increased economic activity and job growth in the Bankstown to Liverpool corridor will be generated 'through a flexible regulatory environment'. It also notes the need to grow strategic centres such as Liverpool thereby 'providing more jobs closer to home' and supporting surrounding communities.

It is considered that the Planning Proposal will support the aims of the Metropolitan Strategy by facilitating the delivery of a diverse retail centre providing services and economic growth within south-western Sydney, and Liverpool in particular. It will encourage increased economic activity in the area and provide additional on-site local jobs. It will also provide additional services for the local community and encourage urban renewal and housing growth.

In addition, it is considered that the Planning Proposal responds to the Metropolitan Strategy's specific aims for the Liverpool area as detailed in **Table 4** below:

Table 4 – Planning Proposals Consistency with Metropolitan Strategy's aims for Liverpool

Aim	How addressed by Planning Proposal
Work with council to retain a commercial core in Liverpool, as required, for long-term employment growth.	The Planning Proposal will facilitate the diversification of The Grove Liverpool to provide increased retail offering and services to the local community, as well as increased economic activity and employment growth in the area. As detailed in the EIA at Appendix A and as detailed in Section 8.1 below, the development facilitated by the Planning Proposal will not have an unacceptable impact on the economic viability of the Liverpool CBD or affect its ability to function as a vibrant core within the Liverpool LGA. The Planning Proposal does not seek to rezone any part of the Liverpool CBD commercial core. Rather, it focuses on encouraging increased employment growth in the northern part of the Liverpool Regional Centre.
Work with council to provide capacity for additional mixed-use development in Liverpool including offices, retail, services and housing.	The Planning Proposal is consistent with this aim. It seeks to allow an additional permitted use within Schedule 1. The additional permitted use relates to retail uses and is limited to 21, 000m² GFA The Planning Proposal will facilitate the redevelopment of the Site to accommodate additional retail premises and services and encourage a mix of uses in the surrounding area.
Work with council to investigate potential future uses of land located east of Georges River and north of Newbridge Road.	It is not considered that this aim relates directly to the Site. However, the Planning Proposal will facilitate the redevelopment of the Site (which is currently largely unoccupied and untenanted) as a viable development that will encourage increased economic activity in the area.
Support health-related land uses, infrastructure and conference facilities around Liverpool Hospital and Bigge Park.	It is not considered that this aim relates directly to the Site. However, the Planning Proposal will enable the redevelopment of the Site as a diverse retail centre which will service the needs of the nearby hospital precinct.
Work with council to improve walking and cycling connections to Liverpool train station from east of the train line. Work with council to improve walking and cycling connections between Liverpool and the Georges River.	It is not considered that these aim relates directly to the Site. However, improved pedestrian connections to surrounding open space will be explored as part of any future development application lodged for the new retail centre following finalisation of the proposed LEP Amendment.

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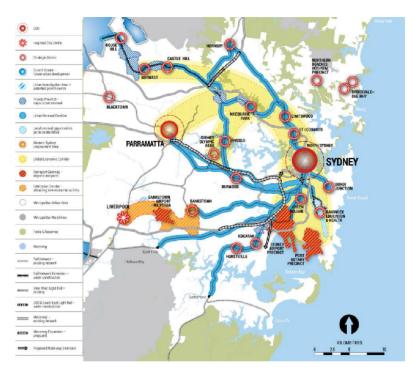


Figure 14 - Metropolitan Strategy Extract

Source: Metropolitan Strategy

7.1.3 South West Region Draft Subregional Strategy

The South West Region Draft Subregional Strategy (Draft Subregional Strategy) was released in December 2007 and precedes the gazettal of Liverpool LEP 2008 which commenced on 29 August 2008. The Draft Subregional Strategy identifies the Site (and The Grove Liverpool) as forming part of the Orange Grove Employment Lands and as accommodating industrial uses (see Figure 15 below).

However, since exhibition of the Draft Subregional Strategy, Liverpool LEP 2008 has rezoned The Grove Liverpool to a mix of B5 Business Development and B6 Enterprise Corridor zones. It is clear that, over the last few years The Grove Liverpool has been evolving to include a broader range of uses than those previously permitted in the 4(b) Industrial Special zone under Liverpool LEP 1997.

The Draft Subregional Strategy remains a draft policy. It is understood that the State Government will be developing new subregional strategy now that the final draft of the Metropolitan Strategy has been released, and it is expected that the Grove Liverpool's identification as a stand-alone centre will be recognised in any future subregional strategy prepared for the south-western region

It is noted that the Grove Liverpool is located at the northern edge of the Liverpool Regional Centre (as identified in **Figures 15** below) which extends approximately 1.5km in radius from the Liverpool train station. Therefore, the aims and objectives set out in the Metropolitan Strategy for the Liverpool Regional Centre are considered applicable to The Grove Liverpool including the Strategy's aim to encourage increased economic activity within the Liverpool Regional Centre. This aim is facilitated by the Planning Proposal.

The Department has committed to releasing new subregional strategies in 2015/2016. The new subregional strategy for the area is likely to recognise the status of The Grove Liverpool as a stand-alone centre.

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^{*}The Grove Liverpool

Figure 15 - Extract from Draft Subregional Strategy Map

Source: Draft Subregional Strategy

7.1.4 Draft Centres Policies

A number of NSW centre policies have been prepared and exhibited but never finalised.

In 2001, the State government released the 'Integrating Transport and Land Use Package' which included the 'Right Place for Business and Services Planning Policy' also known as Draft SEPP 66. In 2008, the Draft Policy was formally abandoned (as a consideration for DAs) by the State Government.

In 2009, the State Government released its *Draft Centres Policy: Planning for Retail and Commercial Development* for public comment. It aimed 'to create a network of vital and vibrant centres that cater for the needs of business, and are places where individuals and families want to live, work and shop'.

In 2010, the State Government released (on a limited scale) a *Draft Activity Centres Policy* for consultation with key industry representatives. The 2010 Draft Policy retained the same general principles as the 2009 Policy and introduced 'sequential testing' and 'site suitability criteria assessment' requirements in assessing rezoning applications for 'edge or out of centre proposals' where 'development cannot be accommodated on existing zoned land in centres'.

The 'sequential test' requires a proponent for a spot rezoning for new retail premises in an 'out-of-centre' location to demonstrate that there are no other suitable sites in existing centres or 'edge-of-centre' locations which may be suitable for that use. The 'site suitability criteria assessment' then requires the proponent to demonstrate that the site on which the rezoning is proposed, is suitable for the use having regard to a number of specified criteria.

A detailed sequential test and site suitability criteria assessment is provided at **Appendix F**. The sequential test demonstrates that there are no available sites within other surrounding centre or edge-of-centre locations that are suitable to accommodate the type and scale of development envisaged for the Site.

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The subdivision and ownership pattern in the Liverpool CBD in particular precludes the development of a new retail centre of this scale. Three sites were identified within the Retail Centres Hierarchy Review as being potentially appropriate for new retail development. Two of these are Council-owned car parks and are too small to accommodate a new retail centre without resulting in a development with multiple retail levels and a number of basement parking levels. This type of retail development would be unviable and expensive to construct. Further, development of a new retail centre on these sites would displace existing public parking uses. The former Peter Warren site on Elizabeth Street within the Liverpool CBD is the subject of an endorsed Planning Proposal to facilitate a mixed use development and therefore is not able to be developed (or suitable) for retail development.

Other surrounding centres have similar patterns of fragmented ownership with limited or no opportunities for large-scale retail development. These centres would also present significant challenges in terms of traffic impacts if a significant amount of retail floor space was development within the centres.

The edge-of-centre locations explored in the sequential testing represent significant challenges due to limited infrastructure connectivity and poor accessibility. In addition, new retail development in these locations would displace existing employment lands.

The site suitability criteria assessment demonstrates that the Site is the most appropriate location for the proposed new retail centre and will respond to a market demand for additional retail floorspace within this location. The Grove Liverpool is already identified as a stand-alone centre and is earmarked for further expansion of retail uses. It is well connected to the road network and existing infrastructure, and is not affected by an environmental constraints which would preclude its development for a new retail centre.

It is the only site within existing centre and edge-of-centre locations that can provide a significant area of level land to support the range of retail uses proposed. DDSs such as Kmart need to trade side by side with a full-line supermarket in order to be viable. This means that with car parking, a minimum area of 2ha would be required to facilitate such a development, excluding the specialty shops, smaller supermarket and mini majors. In addition, the proposed convenience centre will offer bulky goods retail which requires a large flat site.

The Planning Proposal's consistency with the principles of both the 2009 and 2010 Centres Policies are considered in **Table 5** below.

Table 5 - Consistency with Centre Policies

Draft Centres Policy (2009)	Draft Activity Centres Policy (2010)	Consistency of Planning Proposal
Retail and commercial activity should be located in centres to ensure the most efficient use of transport and other infrastructure, proximity to labour markets, and to improve the amenity and liveability of those centres.	Commercial development should be located in activity centres.	The Grove Liverpool is an established activity centre and is an appropriate location for increased retail activity. It is located at the northern edge of the Liverpool Regional Centre and is well connected to existing transport services. The increased provision of retail services on the Site (facilitated by the Planning Proposal) will improve the liveability of the surrounding residential areas.
The planning system should be flexible enough to enable all centres to grow, and new centres to form.	Activity centres should be able to grow and new activity centres form.	The Grove Liverpool is an existing centre that is ideally located to grow and accommodate changes in retail formats. Its transformation into a stand-alone centre has been recognised in the Liverpool Retail Centres Hierarchy Review and this Planning Proposal will support the continued diversification of the Centre.
The market is best placed to determine the need for retail and commercial development. The role of the planning system is to regulate	Market determines need for development.	There is a clear market demand for increased retail space at The Grove Liverpool. In submissions made during the exhibition of the Liverpool Retail Centres

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Draft Centres Policy (2009)	Draft Activity Centres Policy (2010)	Consistency of Planning Proposal
the location and scale of development to accommodate market demand.		Hierarchy Review, both Kmart and ALDI indicated their difficulty in finding appropriate sites within the Liverpool CBD to provide appropriate retail services to surrounding residents. Both retailers have indicated their preference to locate within The Grove Liverpool.
The planning system should ensure that the supply of available floor space always accommodates the market demand, to help facilitate new entrants into the market and promote competition.	The supply of development should accommodate market demand.	This Planning Proposal will ensure that additional retail floor space is made available in the right location and in the right format to accommodate market demand.
The planning system should support a wide range of retail and commercial premises in all centres and should contribute to ensuring a competitive retail and commercial market.	Activity centres should support a range of uses and contribute to a competitive market.	This Planning Proposal will increase the range of uses available at The Grove Liverpool, consistent with both Centre Policies.
Retail and commercial development should be well designed to ensure it contributes to the amenity, accessibility, urban context and sustainability of centres.	Activity centres should be well designed and integrated with surrounding uses.	The Planning Proposal for the Site will ensure that the additional retail space is colocated with complementary uses within The Grove Liverpool.

7.1.5 Liverpool Retail Centres Hierarchy Review

As detailed in **Section 2.2** above, the Liverpool Retail Centres Hierarchy Review identified the potential for The Grove Liverpool to attract additional expenditure from residents outside of the Liverpool LGA, in particular the Fairfield LGA which does not contain a department store, and lacks a DDS in the south-east of the LGA. The Review also identified the potential for the diversification of the Centre to provide retail offering other than bulky goods premises.

In acknowledgement of the evolving nature of The Grove Liverpool, in November 2012 Council adopted the Liverpool Retail Centres Hierarchy Review and classified 'the Orange Grove Centre as a Stand Alone Centre (in line with the standard definitions provided in Table 1 of the NSW Government Draft Centres Policy 2009)'. At this meeting Council also resolved 'to consider a Planning Proposal for a rezoning of the Mega Centre site in the Orange Grove Centre (Lot 101 DP 1043160) to accommodate a broader range of retail uses'.

Thus, this Planning Proposal is consistent with the Liverpool Retail Centres Hierarchy Review.

Notably, both ALDI and Kmart made submissions during the exhibition of the Retail Centres Hierarchy Review which noted their difficulties in finding appropriately sized and located tenancies within the northern part of the Liverpool LGA (particularly the Liverpool CBD), and their preference to locate within The Grove Liverpool.

7.1.6 Growing Liverpool 2021

Growing Liverpool 2021 is the Community Strategic Plan for the Liverpool LGA and identifies the following relevant objectives for the area:

- 1.3 Further develop commercial centres that accommodates a variety of employment opportunities.
- 2.8 Encourage the revitalisation of local retail centres.
- 10.2 Facilitate economic development.

The Planning Proposal will facilitate objectives 1.3 and 10.2 by allowing for the establishment of a diverse retail centre on the Site which will provide increased employment and economic development in the locality. It will also satisfy objective 2.8 in that it will revitalise the existing

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Centre and surrounding area, and not result in unacceptable economic impacts on surrounding centres (see **Section 8.1** below).

7.2 State and Regional Planning Framework

This section summarises the Planning Proposal's consistency with relevant State and Regional statutory planning policies. No relevant Commonwealth legislation applies to the Planning Proposal for the Site.

7.2.1 Environmental Planning and Assessment Act 1979

Ministerial directions under Section 117 of the *Environmental Planning and Assessment Act* (EP&A Act) set out a range of matters to be considered when preparing an amendment to a LEP. The Section 117 Directions relevant to the Planning Proposal are as follows:

Direction 1.1 Business and Industrial Zones

This direction applies to business or industrial zoned land. The objectives of this direction is to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified strategic centres

This Direction states that a Planning Proposal must:

- (a) give effect to the objectives of this direction.
- (b) retain the areas and locations of existing business and industrial zones,
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones,
- (d) not reduce the total potential floor space area for industrial uses in industrial zones, and
- (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

The Planning Proposal does not reduce the available land zoned for business use. It does not propose to amend the existing zoning on the Site. Rather it will allow for the expansion of permitted uses on the Site to include 'shops'. The Planning Proposal will facilitate the redevelopment of the Site to accommodate a new retail centre. There will be a minor reduction in bulky goods floorspace as a result of the proposal. However, the Liverpool Retail Centres Hierarchy Review identified a sufficient supply of bulky goods retail floorspace in the local area and the proposed reduction on the Site is not considered significant in the context.

Further, as detailed in the EIA (**Appendix A**) the development facilitated by the Planning Proposal will not have an unacceptable impact on the economic viability of the Liverpool CBD. This finding is supported by Council's independent peer review of the EIA. The Planning Proposal will also support economic growth within the Liverpool Regional Centre of which it forms a part.

The Planning Proposal does not result in the loss of any industrial-zoned land.

Direction 2.1 Environment Protection Zones

This Direction requires as follows:

- A Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.
- A Planning Proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land.

The northern edge of the Site is identified as Environmentally Significant Land. The Planning Proposal does not seek to remove this overlay or amend Clause 7.6 of Liverpool LEP 2008 which applies specific controls to land identified as Environmentally Significant.

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This portion of the Site is already zoned to permit urban development. The Planning Proposal seeks to allow an additional permitted use within Schedule 1. The additional permitted use relates to 'shops' and is limited to 21,000m² GFA. . It is considered that, once the LEP Amendment is finalised, an appropriate design for the new retail centre development can be prepared that would not have an adverse impact on the environmental significance of land along the northern edge of the site

Direction 3.4 - Integrating Land Use and Transport.

The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) increasing the choice of available transport and reducing dependence on cars, and
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

The Grove Liverpool has good access to a main arterial road network. Bus services are provided along Orange Grove Road with bus stops provided directly outside the Centre and across the road. The development facilitated by this Planning Proposal is likely to support increased population growth and economic activity in the area which is expected to generate increased demand for, and utilisation of, public transport in the area.

This Direction requires a Planning Proposal to locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of the following documents:

- (a) Improving Transport Choice Guidelines for planning and development (DUAP 2001), and
- (b) The Right Place for Business and Services Planning Policy (DUAP 2001).

It is noted that the above policies were formally abandoned as a matter for consideration in the assessment of DAs in accordance with Planning Circular 08-103 which was issued by the Department on 13 November 2008. They are draft polices that have not been finalised and are outdated. Despite this, the Planning Proposal is considered to be consistent with their objectives and principles as it does not seek to create a new zone for urban purposes. Rather, it seeks to permit additional shop floor space on land already zoned for urban purposes to allow for a more diverse range of uses.

Direction 4.3 - Flood Prone Land

This Direction applies to land identified as flood prone. The objectives of this Direction are:

- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

The Direction applies a number of requirements to Planning Proposal's relating to flood prone land. A Flood Assessment Report is included at **Appendix C** which confirms that the Planning Proposal is consistent with the relevant requirements of the Direction for the following reasons:

- All additional floor space will be able to be located above the flood planning level;
- The Site is not currently zoned Special Uses, Recreation, Rural or Environmental Protection;
- The development facilitated the Planning Proposal will not result in development within the Cabramatta Creek channel or loss of flood storage;
- The Site is already partially developed and further development is not anticipated to result in an increase in flood levels.

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Direction 4.4 Planning for Bushfire Protection

This Direction applies when a RPA prepares a Planning Proposal that will affect, or is in proximity to land mapped as bushfire prone land. This Direction is relevant to the Planning Proposal as part of the Site is bushfire prone.

The following provisions apply under this Direction:

Table 6 - Planning Proposal's Consistency with Direction 4.4 Planning for Bushfire Protection

Provision

In the preparation of a Planning Proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made

A Planning Proposal must

- have regard to Planning for Bushfire Protection 2006.
- introduce controls that avoid placing inappropriate developments in hazardous areas, and
- ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).

A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:

- provide an APZ incorporating at a minimum:
 - an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
 - an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,
- for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,
- contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks.
- contain provisions for adequate water supply for firefighting purposes,
- minimise the perimeter of the area of land interfacing the hazard which may be developed,
- introduce controls on the placement of combustible materials in the Inner Protection Area.

Planning Proposal's Complianc

It is expected that Council will act as RPA for the Planning Proposal and will consult with the Commission of the NSW Rural Fire Service once a Gateway Determination has been issued for the Planning Proposal. It is considered that future development on the site facilitated by the Planning Proposal will be able to incorporate appropriate bushfire protection measures, particularly as no residential development is envisaged.

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Direction 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls

The Direction states that a Planning Proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:

- (a) allow that land use to be carried out in the zone the land is situated on, or
- (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
- (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

A Planning Proposal may be inconsistent with the terms of this direction only if the RPA can satisfy the Department that the provisions of the Planning Proposal that are inconsistent are of minor significance.

The Planning Proposal for the Site seeks to allow an additional permitted use within Schedule 1 of the Liverpool LEP 2008. The additional permitted use relates to 'shops' and is limited to 21, 000m² GFA. Although the Planning Proposal seeks to add an additional provision in Schedule 1 of the LEP, the intention of this provision is to expand the permissible uses on the Site, and not to narrow the permitted under on the Site.

The application of a maximum GFA cap on this 'shop' use is considered necessary to ensure that an accurate assessment of the economic impacts of the proposal can be considered, and that the viability of the Liverpool CBD (and other surrounding centres) will not be adversely affected. The addition of a floor space limit on shop uses does not affect the consistency of the Planning Proposal with the B5 Business Development zone objectives.

Direction 7.1 - Implementation of the Metropolitan Strategy

The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy. As detailed in **Section 7.2** 1 above, the Planning Proposal is consistent with the Metropolitan Strategy.

7.2.2 Water Management Act 2000

The Water Management Act 2000 (WM Act) provides for the sustainable and integrated management of water resources of the State. In accordance with the WM Act, any development within 40 metres of a waterway must be referred to the NSW Office of Water for concurrence. These provisions will apply to a future DA lodged for the new retail centre on the Site, and will be considered as part of the assessment process. It is expected that appropriate measures can be implemented to ensure no adverse impact on water quality within the adjoining Cabramatta Creek will occur as a result of the development of a new retail centre on the site.

7.2.3 State Environmental Planning Policies

The assessment of the Planning Proposal against relevant State Environmental Planning Policies (SEPPs) is set out below.

SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)

This SEPP aims:

- (a) to promote the orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development, and
- (b) to implement a policy of urban consolidation which will promote the social and economic welfare of the State and a better environment by enabling:
 - (i) the location of housing in areas where there are existing public infra-structure, transport and community facilities, and
 - (ii) increased opportunities for people to live in a locality which is close to employment, leisure and other opportunities, and

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(iii) the reduction in the rate at which land is released for development on the fringe of existing urban areas

Council is required to implement the above aims and objectives when preparing a new EPI. Clause 6 of the SEPP also requires Council to consider whether urban land is no longer needed or used for the purposes for which it is currently zoned or used, and whether it is suitable for redevelopment for multi-unit housing and related development in accordance with the aims and objectives of the SEPP.

The Planning Proposal is consistent with SEPP 32 as it includes an additional use that will allow for the redevelopment of the Site as a new retail centre, which will encourage employment and economic growth in the area. The proposal is unlikely to result in a revitalisation of the surrounding industrial area which is currently underutilised.

SEPP 55 - Remediation of Land

Clause 6 of SEPP 55 states that a planning authority, when preparing and an EPI, must not permit a change of use on land identified in subclause 6(4) of the SEPP unless the planning authority has considered:

- whether the land is contaminated; and
- if the land is contaminated, whether it is suitable for the purpose for which it is proposed to be zoned; and
- whether remediation of the land is required to make it suitable for its proposed use.

The following types of land are identified in subclause 6(4):

Table 7 - Types of land for which potential contamination must be considered

Relevant type under subclause 6(4) of SEPP 55	Relevant to site
Land that is within an investigation area.	The site is not in an investigation area.
Land on which development for a purpose referred to in Table 1 to the Contaminated Land Planning Guidelines is being, or is known to have been,	Table 1 of the Contaminated Land Planning Guidelines sets out the following activities that may cause contamination:
carried out.	- acid/alkali plant and formulation
	agricultural/horticultural activities
	- airports
	- asbestos production and disposal
	- chemicals manufacture and formulation
	- defence works
	- drum re-conditioning works
	- dry cleaning establishments
	- electrical manufacturing (transformers)
	 electroplating and heat treatment premises
	- engine works
	- explosives industry
	- gas works
	- iron and steel works
	- landfill sites
	- metal treatment
	 mining and extractive industries
	 oil production and storage
	 paint formulation and manufacture
	 pesticide manufacture and formulation
	- power stations
	- railway yards
	- scrap yards
	- service stations
	- sheep and cattle dips

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Relevant type under subclause 6(4) of SEPP 55	Relevant to site
	- smelting and refining
	 tanning and associated trades
	waste storage and treatment
	wood preservation
	The Site is not known to have been used for any of the above uses in the past.
To the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital - land: - in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the Contaminated Land Planning Guidelines has been carried out, and	The Site is not known to have been used for any of the potentially contaminating uses identified in Table 1 of the Contaminated Land Planning Guidelines. However, its previous 4(b) zoning under Liverpool LEP 1997 did permit some of the listed uses. Nevertheless, the Planning Proposal is intended to facilitate the development of the site for retail purposes and not for residential, educational, recreational, child care purposes or a hospital.
 on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge). 	

The site is not known to have been used for any contaminating uses in the past. Further, the Planning Proposal will facilitate the redevelopment of the Site for an expanded range of retail uses and does not seek to facilitate the redevelopment of the Site for more sensitive uses. The Planning Proposal is considered to be consistent with SEPP 55.

Draft Competition SEPP (2010)

The Draft Competition SEPP 2010 was publicly exhibited but never finalised, and is no longer a matter for the consideration in the assessment of DAs. The objectives of the SEPP were as follows:

- (a) to promote economic growth and competition, and
- (b) to remove anti-competitive barriers in environmental planning and assessment.

In this regard, the SEPP states that an EPI should not restrict the number of retail premises within a certain area or the proximity of retail premises to one another.

Although the SEPP has never been finalised, its objectives are considered to be sound. In particular, it is not considered appropriate for a planning authority to seek to limit the number of retail premises and their location, particularly where no overall economic impact can be demonstrated (see **Section 8.1** and the EIA at **Appendix A**).

7.3 Local Planning Framework

7.3.1 Liverpool Local Environmental Plan

The following key uses are currently permissible with consent within the B5 zone:

- Bulky goods premises;
- Office premises; and
- Food and drink premises.

The Planning Proposal will retain the B5 zoning on the Site, and will add 'shops' as an additional permitted use with a maximum GFA cap of 21, 000m².

The Planning Proposal is consistent with the objectives of the B5 Business Development Zone as set out below.

 To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.

The Planning Proposal will facilitate the redevelopment of the Site to provide an expanded retail offering. However, bulky goods premises will continue to be provided on the site in a new, diversified retail centre. It is considered that the Planning Proposal will enhance the bulky

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goods retail offering on the site by attracting additional retail spending to the new centre, as well as broader Grove Liverpool retail complex which is predominantly zoned B5.

- To maintain the economic strength of centres by limiting the retailing of food and clothing.
- The Planning Proposal will not have an unacceptable economic impact on surrounding centres (see Section 8.1 below), and will support the viability of the existing centre on the Site by expanding the range of permissible uses. It will maintain the economic strength of surrounding centres by placing a limit on 'shop' floor space and, in this way, limit the retailing of food and clothing to a level that has been assessed to have no unacceptable economic impacts on surrounding centres.
- To provide for a larger regionally significant business development centre in a location that is highly accessible to the region.

The Planning Proposal will also ensure that The Grove Liverpool – which has been recognised as a Stand Alone centre - will provide additional retail and business services in an accessible location and will be able to draw trade from a wider catchment.

To ensure a reasonable concentration of business activity.

The Planning Proposal does not seek to limit or remove any existing permitted uses in the B5 zone. Existing businesses within The Grove Liverpool are expected to continue to operate once the centre is redeveloped. These existing business and retailers will benefit from the additional retail spending attracted to the Centre which will support continued business activity in the area.

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8.0 Environmental, Economic and Social Analysis

This section of the report considers the potential economic, social and environmental impacts and benefits of the new retail centre development facilitated by the Planning Proposal.

8.1 Economic Impacts and Benefits

In its Benchmarking Report, the Productivity Commission recommended the elimination of impacts on the viability of existing businesses as a consideration for DA and rezoning approval. Rather, it recommended that consideration of impacts on the viability of centres be limited to the broader metropolitan and strategic planning stages. Despite this, a detailed assessment of the potential economic impacts of a new retail centre development on the Site have been considered in the EIA (Appendix A) and have been peer reviewed by Deep End Services to ensure an accurate assessment (see Appendix E). In addition, Council has commissioned an independent peer review of the EIA by Essential Economics.

The findings of the EIA and peer reviews are summarised below.

8.1.1 Trade Area

The EIA defines a trade area for the proposed development having regard to the following factors:

- · Location of competitive centres particularly those that contain a DDS or full-line supermarket;
- Strategic location of The Grove Liverpool at the border between the Liverpool and Fairfield LGAs.
- Proximity of The Grove Liverpool to the arterial road network;
- The proposal to co-locate bulky goods retailing, an outlet retailing centre and traditional retailing within a single centre to create a regionally significant centre.

The extent of the Trade Area is shown in Figure 16 below and is divided into the following component:

- Primary Trade Area (PTA) includes central Liverpool and the Cabramatta area.
- Secondary Trade Area North (STA North) includes Canley Vale and part of Fairfield South.
- Secondary Trade Area East (STA East) includes Chipping Norton and part of Warwick Farm.
- Secondary Trade Area South (STA South) includes Lurnea and part of Casula.
- Secondary Trade Area West (STA West) includes Miller, Busby and part of Green Valley.

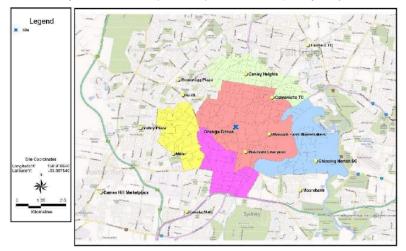


Figure 16 – Trade Area
Source: Leyshon Consulting

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Trade Area Characteristics

The EIA notes that the Trade Area has a slightly younger age profile than the Sydney Region as a whole, and a slightly higher proportion of traditional family households (ie. couples with dependent children). Its average household size was also significantly above the Sydney average.

The labour force within the Trade Area has a lower number of managerial and professional workers than the Sydney average. Conversely, the proportion of employed persons in trade-based occupations is well above the Sydney average. The Trade Area also has an unemployment rate greater than the Sydney average.

Based on 2011 Census data, the EIA concludes that the average annual household income in the Trade Area is \$61,119 per household which is some 32% below the Sydney average.

Compared to the Sydney region as a whole, the Trade Area is also more ethnically diverse, with less than 50% of the population born in Australia.

However, the STA East has a markedly different demographic to broader Trade Area due to recent residential development in the northern part of Chipping Norton. The unemployment rate in this part of the Trade Area is less than the Sydney average, and average annual household income is estimated at \$91,586.

Despite this higher average household income in the STA East, it is evident that the population within the Trade Area has below average socio-economic characteristics compared with the Sydney Region as a whole. Consequently, there is a need for access low-cost retail goods and services of the type envisaged to be provided at The Grove Liverpool.

8.1.2 Predicted Population & Retail Spending Growth and Estimated Retail Floorspace Demand

Since 2001 Liverpool LGA, and to a lesser extent Fairfield LGA, have both experienced sustained population growth. According to the Australian Bureau of Statistics (ABS), preliminary data regarding the annual growth rates in both LGAs for the year to June 2013 were as follows:

- Liverpool: +2.1%; and
- Fairfield: +1.5%.

The Department predicts that Liverpool LGA will grow at an annual average of +2.1% during the period 2011to 2031 reaching an overall population of 288,590 persons by 2031. Fairfield LGA meanwhile is projected to grow at +1.0% per annum between 2011 and 2031. The Liverpool Retail Hierarchy Review predicted the following population growth for the Trade Area between 2006 and 2031:

- Liverpool LGA: +113,681 persons (or +58,735 persons excluding the South West Growth Sector (SWGS)).
- Fairfield LGA: +29,428 person.
- Northern part of Campbelltown LGA: +6,054 person

Thus, the Review concluded that, excluding the SWGS, an overall population increase of +94,217 person between 2006 and 2031 is expected within (what is generally regarded as) the 'developed' areas of Liverpool and Fairfield LGAs and the northern part of Campbelltown LGA.

Such a significant population increase will give to a substantial increase in available retail spending. The EIA estimates an annual increase of +\$250.7 million in retail spending between 2011 and 2021 of which +\$80.2 million can be attributed to supermarket spending.

Similarly, such a significant increase in available spending will give rise to a very substantial demand for additional retail floorspace. While some of this increased demand will be directed to centres outside the Trade Area, the majority will flow to existing and proposed new centres within the Trade Area.

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The EIA predicts that the increase in available retail expenditure generated by population growth in the Trade Area will require between 34,250m² and 43,535m² of additional retail floorspace between 2011 and 2021. This is equivalent to two new centres of the scale being proposed within The Grove Liverpool.

The increase in available supermarket spending is estimated (in the EIA) to give rise to a demand for between 8,020m² and 9,435m² of additional supermarket floorspace. This is equivalent to two to three new full-line supermarkets within the Trade Area by 2021.

8.1.3 Economic Impact Analysis

The EIA estimates that the proposed new retail centre facilitated by the Planning Proposal will achieve annual sales of some \$116.5 million in 2019 of which \$98.8 million will be derived from spending generated by residential within the Trade Area, and \$17.5 million from residents outside of it. The co-location of bulky goods retail premises and traditional retail premises on the Site will mean that the proposed new centre will have a regional-scale attraction, and will be able to draw customers from a wider catchment. This will be supported by the provision of other retail uses on the Site including the approved outlet retailing centre.

The expected annual turnover equates to approximately \$7,053 per m² of retail floorspace per annum which is typical of a DDS-anchored shopping centre. The overall market share of the proposed centre within the Trade Area in 2019 is estimated at 8.7% of available spending, which means that 91.3% of available spending generated within the Trade Area in 2019 will be directed to other retail centres within the Trade Area or external to it.

The EIA analyses the potential impact of the proposed development on existing shopping centres in and adjacent to the Trade Area. It takes into account the floorspace proposed in approved retail development projects (see **Section 3.4** above), as well as that proposed retail floorspace on the Site, and then assesses the potential cumulative impact on relevant centres over time. The estimate is based on the assumption that other approved centres within the Trade Area will be operational in 2016, and that the proposed new centre on the Site will be operation by 2019.

Table 8 below analyses potential impacts on centres within the Trade Area at 2016 when it is assumed approved retail developments within the Trade Area will commence operating. The EIA estimates that the impact (at 2016) of approved/proposed developments within the Trade Area on the Liverpool CBD will be -3.2%, with the impact on Westfield Liverpool in particular being -4%. Casula Mall will experience the greatest impact (8.7%) due to the development of the proposed Woolworths Centre at Casula. However, the impacts on all other centres is estimated at less than 4%.

The EIA notes that between 2016 and 2019 most centres will experience some lift in their turnover due to population and spending growth in their trade areas.

As shown in **Table 8** below, the EIA estimates that the impact of the proposed new retail space at The Grove Liverpool in 2019 will be -5.0% on the Liverpool CBD as a whole, and -5.8% on Westfield Liverpool in particular. Impacts on other centres are generally expected to be modest ranging between -1.6% at Woolworths, Casula and -6.1% at Miller. The only exception is Bonnyrigg Plaza which is projected to experience an impact of -7.3% in 2019. This is based on the assumption that Bonnyrigg will expand before 2019.

All of these impacts are either in the very low, or low-to-medium category of impact and would not undermine or materially affect the viability of any shopping centre. In general, Australian planning courts accept that impacts in excess of -15% are required to threaten the viability of existing shopping centres depending on their particular circumstances.

The independent peer review by Essential Economic found that the potential development facilitated by the Planning Proposal is forecast to result in a reduction in retail sales of -5.9% in 2019 at the Liverpool CBD, and -7.3% of sales at Westfield Liverpool. Essential Economic noted that its assessment of economic impacts is based on slightly different assumptions (compared to the EIA and Deep End Services peer review) relating to approved retail developments in the region, population, retail spending data and sales estimates of the proposed development. Nevertheless, Essential Economics note that accounting for these changes is unlikely to alter the overall findings of the analysis undertaken by the EIA and Deep End Services peer review.

Table 8 - Estimated impact of proposed new centre in 2019

Centre		Estimate	Estimated Annual Sales	es			Estimated /	Estimated Annual Sales		
		2013	2016 Pre	2016 Post	\$ Change	% Change	2019 Pre	2019 Post	Change 2019 Pre	Change 2019
			Š	Š	Post		Š	i	& Post (\$)	& Post
The Grove	Bulky Goods	\$60.5	\$55.0	\$60.0	\$5.0	9.1%	\$61.0	\$67.0	\$6.0	%8'6
Пуегроо	Markets	\$24.0	\$26.0	\$0.0	(\$26.0)	(100%)	n.a	n.a	n.a	n.a
	Other Retail	\$6.5	\$16.5	\$18.5	\$20	121%	\$20.5	\$220	\$1.5	7.3%
	Outlet Centre	\$0.0	\$0.0	\$63.0	\$63.0	n.a	\$65.0	\$728	\$7.8	12%
	Traditional Centre	\$0.0	\$0.0	\$0.0	\$0.0	n.a	n.a	\$116.5	\$116.5	100%
Total The Gre	Fotal The Grove Liverpool	\$91.0	\$97.5	\$141.5	\$44.0	45.1%	\$146.5	\$278.3	\$131.8	%06
Liverpool	Westfield Liverpool	\$471.0	\$485.0	\$465.5	(\$19.5)	(4.0)%	\$508.7	\$479.0	(\$29.7)	(5.8)%
CBD	Liverpool CBD Balance	\$160.0	\$165.0	\$164	(\$1.0)	%(9:0)	\$169	\$164.5	(\$4.5)	(2.7)%
Sub-Total Liverpool CBD	/erpool CBD	\$631.0	\$650.0	\$629.5	(\$20.5)	(3.2%)	\$677.6	\$643.5	(\$34.2)	%(0:9)
Cabramatta		\$249.0	\$255.0	\$250.0	(\$5.0)	(2.0)%	\$265.3	\$254.8	(\$10.5)	(4.0)%
Bonnyrigg		\$104.0	\$94.4	\$90.5	(\$3.9)	(4.1)%	\$169.4	\$157.0	(\$12.4)	(7.3)%
Stockland Wetherill Park	etherill Park	\$262.4	\$374.9	\$370.5	(\$4.4)	(1.2)%	\$381.7	\$370.5	(\$11.2)	(2.9)%
Fairfield Town Centre	n Centre	\$358.0	\$338.8	\$335.0	(\$3.8)	(1.1)%	\$345.2	\$338.0	(\$7.2)	(2.1)%
Casula Mall		\$180.0	\$202.6	\$185.0	(\$17.6)	(8.7)%	\$190.6	\$186.0	(\$4.6)	(2.4)%
Cames Hill		\$137.8	\$155.1	\$149.2	(\$5.9)	(3.8)%	\$167.8	\$165.0	(\$2.8)	(1.7)%
Miller		\$58.0	\$60.4	\$59.2	(\$1.2)	(2.0)%	\$62.8	\$59.0	(\$3.8)	(6.1)%
Valley Plaza		\$85.0	\$95.7	\$93.0	(\$2.7)	(2.8)%	\$98.7	\$96.0	(\$2.7)	(2.7)%
Moorebank		\$48.0	\$52.0	\$51.0	(\$1.0)	(1.9)%	\$54.1	\$520	(\$2.1)	(3.9)%
Costco		n.a	\$130.0	\$125.0	(\$5.0)	(3.8)%	\$144.7	\$138.7	(\$6.0)	(4.1)%
Woolworths Casula	Casula	n.a	\$0.0	\$44.0	\$44.0	n.a	\$48.8	\$48.0	(\$0.8)	(1.6)%
Crossroads Bulky Goods	Bulky Goods	\$96.7	\$110.0	\$107.0	(\$3.0)	(2.7)%	\$110.2	\$103.5	(\$6.7)	(6.1)%
Warwick Fan	Warwick Farm Bulky Goods	\$45.0	\$43.0	\$41.0	(\$2.0)	(4.7)%	\$42.2	\$40.0	(\$2.2)	(5.2)%
Other Centres	8	n.a	n.a	n.a	(\$12.0)	n.a	n.a	n.a	(\$24.0)	n.a
TOTAL IMPACT	CT				(\$88.0)				(\$131.2)	

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Importantly, the Essential Economic independent review found that:

While the proposed development at Orange Grove will impact retail sales at competing centres, this is not expected to lead to the reduction of retail facilities at these centres. Therefore, the impacts are not beyond those expected in a competitive retail environment.

Notably, the EIA estimates an only -2.1% impact on the Fairfield Town Centre. The peer review by Essential Economics estimates an even lesser impact of -1.7% of annual sales. This impact is minor and will not adversely impact on the economic operation of the Fairfield Town Centre.

In summary, **Table 8** above demonstrates that no surrounding centre (with the exception of Fairfield Town Centre and the Warwick Farm Bulk Goods Centre) is projected to have a turnover in 2019 (when the proposed new centre commences operation) lower than the estimated current turnover. Furthermore, the impact on the Fairfield Town Centre primarily arises from the reduction in sales which occur between 2013 and 2016 due to the expansion of Stockland Wetherill Park.

Further, the estimated turnover of the Westfield Liverpool shopping centre at 2019 (when the proposed new centre is expected to commence operating) is higher than the estimated 2016 turnover when other approved centres within Trade Area will commence operating.

The EIA concludes that the PTA's population and spending growth will underpin a lift in retail sales at all centres between 2016 and 2019. Therefore, the proposal is capable of being absorbed within Liverpool's retail centres hierarchy without a detrimental impact on any centre within the Trade Area.

8.1.4 Impact on Liverpool CBD

For the purposes of this assessment, the Liverpool CBD has been split into two components, being Westfield Liverpool and the balance of the CBD.

As identified above, the EIA found that Westfield Liverpool is performing relatively well compared to other Centres in the Sydney region and had no vacancies at the time of investigation. It is envisaged that Westfield Liverpool will remain the dominant regional shopping centre in the Liverpool LGA for the foreseeable future and the Planning Proposal will not change the status or importance of this Centre.

In terms of productivity and retail vacancies, the remainder of the CBD is considered be trading successfully at present. The vacancy rate is below average for a centre of this type and has improved substantially since 2011. In 2011 a vacancy rate of 6.2% was recorded and the most recent survey undertaken as part of the EIA estimated a vacancy rate of 4.1%. This improvement in vacancy rates has been attributed to an increase in residential development in close proximity to the Centre, and the emergence of specialist retail stores catering to specific ethnic groups.

Notably, the survey undertaken found that there are no existing premises within the CBD that could accommodate a major retailer, nor where there any obvious opportunities for the amalgamation of land to accommodate a larger tenancy. This is important in the context of the Planning Proposal as there is a need to provide alternate retail space outside of the Liverpool CBD that can accommodate a DDS.

8.2 Net Community Benefit

The EIA includes a net community benefit assessment. It confirms that the proposed development facilitated by the Planning Proposal will generate significant community benefits when it commences operation in 2019.

The proposal will provide improved access to consumers within the Trade Area to DDSs and supermarkets, particularly for residents within the PTA and STA North. At present, residents within these area only have access to stores located in large centres such as Westfield Liverpool or more distant, subregional centres at Bonnyrigg, Wetherill Park and Casula.

Further, the proposed development will improve competition and choice for residential within the Trade Area particularly with the introduction of a Kmart store with no Kmart store currently existing within any major centres within the Trade Area at present. This is likely to result in improved value and affordability for residents within the Trade Area.

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In addition, the development will improve shopper convenience through the co-location of a range retailing types within The Grove Liverpool including bulky goods retailing, outlet retailing and traditional retail uses.

The new centre will also create an estimated 607 jobs on a full or part-time basis once operation. Even taking into account an approximate -5% impact on certain centres within its vicinity immediately following its operational commencement, the centre will still result in the addition of 567 jobs in the area in 2019.

The development will also act as a catalyst for long-term redevelopment of lands surrounding the Site. This is particularly important given the need to find more sustainable and viable uses of the surrounding industrial-zoned land.

The EIA concludes that despite some impacts on surrounding centres, overall the benefits of the additional retail development on the Site outweigh any potential negative impacts.

In addition, as detailed in **Section 5.3** above, it is proposed that a VPA be prepared in support of the proposal which will provide for upgrades to the surrounding road and pedestrian network, as well as a contribution towards community infrastructure consistent with that required in the Liverpool CBD.

8.3 Traffic and Transport Impacts

The Traffic and Transport Assessment at **Appendix B** analyses the potential traffic impacts resulting from the proposed development facilitated by the Planning Proposal on the surrounding road network.

The Thursday evening peak is the busiest traffic period for retail development as late night shopping trips coincide with return journey work trips. The Saturday midday peak has also been assessed as a typical peak traffic generation period for retail development.

The traffic generation estimates for different types of retail uses existing and approved on the Site are based on RMS guidelines, as well as the rates specified in the previous traffic report for the approved outlet retailing centre on the Weekend Markets site.

The Traffic and Transport Assessment notes that on a Site such as The Grove Liverpool (with multiple land uses), it can be expected that a number of visitors will seek to access more than one retail option available on the Site in a single trip. Therefore, a reduction in trips generated should be factored into the traffic assessment to reflect the share-purpose trip. In this regard, the Traffic and Transport Assessment applies the same reduction that was applied in the assessment of the traffic impacts on the approved outlet retail centre – a reduction of 10%. This is considered to be a conservative estimate of the possible reduction, particularly as the Planning Proposal seeks to increase the diversity of retail offering on the Site, and therefore the likelihood and frequency of shared vehicle trips.

The Traffic and Transport Assessment estimates that The Grove Liverpool will generate a total of 1,658 vehicle trips per hour during the Thursday evening peak, and 1,145 during the Saturday midday peak.

The expected distribution of vehicle traffic across the surrounding road network is based on traffic surveys undertaken in preparation of the Traffic and Transport Assessment. However, a slightly higher proportion of vehicle trips has been attributed to Hume Highway (accessed via Homepride Avenue) due to the concentration of new development on the eastern part of the Site which is currently vacant.

The Traffic and Transport Assessment concludes that the proposed development facilitated by the Planning Proposal will result in increased delays and queuing on key intersections and therefore recommends the following traffic upgrade works (see **Figure 17** below):

- Converting the central exit land on Viscount Place to a shared left-out/right-out centre lane;
- A change to the existing short left out lane to a long lane;
- Changing the existing right turn lane into a short lane; and

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The additional of a left-in slop for southbound traffic.

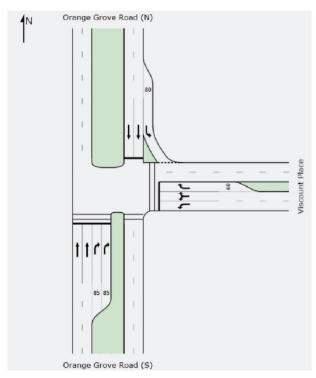


Figure 172 - Proposed Intersection Upgrades

Source: AECOM

With the proposed intersection upgrades, the level of service at the Orange Grove Road/Viscount Place will operate at LOS B (good with acceptable delays and spare capacity) during the Thursday evening peak, and at LOS C (satisfactory) during the Saturday midday peak. The intersection of Homepride Avenue/Hume Highway will operate at LOS B during the Thursday evening and Saturday midday peak.

Thus no unacceptable traffic impacts are expected to result from the development facilitated by the Planning Proposal provided the proposed intersection upgrade works are undertaken. It is considered that these works could be facilitated via a VPA.

8.4 Environmental Considerations

This Planning Proposal does not seek to amend the Environmentally Significant Land provisions of Liverpool LEP 2008 as they apply to the Site. Only a small portion of the Site (in the north-western and north-eastern corners) is identified as Environmentally Significant. An appropriate design for development on the Site that does not impact on its environmental significance can be prepared at the DA stage. The Site's environmental significance will not affect its ability to be developed as a mixed retail centre particularly as areas of significance are isolated to the Site's edges, and the Site already accommodates a bulky goods retail centre.

The Site is flood affected. However, the Flood Assessment (**Appendix C**) confirms that the Site is able to be developed without adverse flooding impacts.

In addition, appropriate built form measures will be able to be incorporated into the design of the development at the DA stage to address any bushfire risk as a result of the bushfire prone classification of the Site.

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8.5 **Public Interest**

The Planning Proposal is considered to be in the public interest. As set out in Section 8.2 above, it will have a number of community benefits, and will result in a number of positive economic outcome including the potential to transform the surrounding area which is currently underutilised. It will not have any unacceptable economic impact on surrounding centres and will provide additional, convenient retail services to the surrounding residents.

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9.0 Assessment of Planning Proposal against NSW Department of Planning and Environment Guidelines

The following section includes an assessment against the requirements in *A guide to preparing local environmental plans* and *A guide to preparing planning proposals* published by the Department of Planning and Infrastructure in July 2009.

9.1 Need for a Planning Proposal

Q1 - Is the planning proposal a result of any strategic study or report?

The Liverpool Retail Centres Hierarchy Review recognised The Grove Liverpool as a stand-alone centre, and at its November 2012 meeting Council agreed to consider a Planning Proposal to provide a broader range of uses on the Site. The Planning Proposal responds to this resolution, as well as the need to provide additional appropriately-located and designed retail floor space within the Liverpool LGA to meet an expressed market demand.

Q2 – Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best and most appropriate means of achieving the desired future redevelopment of this land. It will provide an additional permitted use for the Site encouraging traditional retailing and will place a cap on 'shop' floorspace to limit potential economic impacts.

This will allow for the development of a viable and diverse new retail centre on the Site that will provide appropriate retail services to the surrounding population.

9.2 Relationship to strategic planning framework

Q3 – Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Planning Proposal is consistent with relevant State-level strategic planning policies as set out in **Sections 7.1.2** to **7.1.4** above.

Q4 - Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The Planning Proposal is consistent with Council's strategic planning policies as set out in **Sections 7.1.5** and **7.1.6** above.

Q5 – Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with applicable SEPPS as set out in Section 7.2.3 above.

Q6 – Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is consistent with the relevant Section 117 Directions as set out in **Section 7.2.1** above.

9.3 Environmental, social and economic impact

Q7 – Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal will not result in any impact of critical habitat or threatened species, populations or ecological communities or their habitats. As detailed in **Section 8.4** above, no

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unacceptable impacts on Environmentally Significant Land is expected to result from the development which will be facilitated by the Planning Proposal.

Q8 – Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

An assessment of the environmental impacts of the Planning Proposal has been undertaken and is detailed in this report. No unacceptable impacts will result from the proposal.

Q9 – Has the planning proposal adequately addressed any social and economic effects?

The economic and social impacts of the development facilitated by the Planning Proposal are considered in **Section 8.1** and **8.2** above. The proposal will not have any unacceptable economic impacts and will have a net community benefit.

9.4 State and Commonwealth Interests

Q10 – Is there adequate public infrastructure for the planning proposal?

The Site is located in an established urban area and has access to a range of existing services. Further investigations will be undertaken as part of the preparation of the future DA to determine whether any upgrade of existing facilities is required.

Q11 – What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with Council and the RMS has already been undertaken in relation to the proposal. These public authorities are generally supportive of the proposal subject to an appropriate assessment of the potential impacts.

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10.0 Conclusion

The Updated Planning Proposal has been prepared in response to a letter from Council dated 28 September 2015 in which Council stated that 'there is sufficient evidence to support the expansion of retail uses on the subject site'. However, Council requested that the Planning Proposal be amended to delete the originally-proposed B2 zoning in favour of the retention of the current B5 zone with a maximum GFA cap of 21,000m² on 'shop' floorspace which is to be added as an additional permitted use on the Site.

The Planning Proposal has been updated accordingly and will facilitate the delivery of a new retail centre within The Grove Liverpool which has been recognised as a stand-alone centre in Council's Retail Centres Hierarchy Review, which also acknowledges the Site's potential to accommodate a broader range of retail uses. The proposal to provide a mixed retail centre with both bulky goods and traditional retailing will integrate with the approved outlet retailing centre within The Grove Liverpool as well as other retail services provided within The Grove and surrounding area.

The Site is level, well connected to the road network and is serviced by existing public transport infrastructure. The Traffic and Parking Assessment submitted with the Planning Proposal confirms that appropriate intersection upgrades can be undertaken to support the potential increase in traffic resulting from the development facilitated by the Planning Proposal. This could be facilitated through a VPA which may also include contributions towards improved pedestrian networks and infrastructure contributions consistent with those that apply in the Liverpool CBD. In addition, the Site is not affected by any environmental constraints that would preclude its development to accommodate a new retail centre.

The detailed sequential test indicates that there is no other appropriate land within surrounding centres or edge-of-centre locations to accommodate this scale and type of retail centre. The majority of the Site is currently vacant and is ideally located to provide meet the demand for additional retail floorspace within the northern part of the Liverpool LGA, and to provide accessible and affordable retail services to surrounding residents, including those in the Fairfield LGA and the northern part of Cabramatta.

A cap of 21,000m² of shop floorspace is proposed on the Site. A detailed EIA has been undertaken for the proposed development based on the proposed development which takes into account the cumulative impact of the proposed development together with approved retail developments within the Trade Area. The assessment finds that no unacceptable economic impact on surrounding centres, including the Liverpool CBD, will result from the proposal.

This EIA has been the subject of two peer reviews, including an independent review undertaken on behalf of Council by Essential Economics which confirms that the development facilitated by the Planning Proposal will not result in any unacceptable economic impacts on surrounding centres

The Planning Proposal is consistent with relevant strategic and statutory planning controls, and will facilitate the development of the Site for a new retail development that will have a number of positive benefits for the surrounding area including increased employment, economic activity and the potential to revitalise surrounding redundant land. Council's support for the Planning Proposal is requested.



Roads and Maritime Reference: SYD16/00317

Council Reference: 049719.2017

11 August 2017

Manager, Strategic Planning Liverpool City Council Locked Bag 7064 Liverpool BC NSW 1871

Attention: Amy van den Nieuwenhof

Dear Mr Macnee

DRAFT LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 (AMENDMENT NO. 61) PROPOSED USE OF SHOPS UP TO MAXIMUM GFA OF 21,000 SQUARE METRES 5 ORANGE GROVE ROAD, LIVERPOOL

I refer to the abovementioned planning proposal and associated parking and traffic impact assessment by GHD dated 2017 on behalf of the proponent, which was referred to Roads and Maritime Services for review and comment. Roads and Maritime appreciates the opportunity to provide comment.

Roads and Maritime has reviewed the planning proposal including the traffic and parking assessment by GHD and provides the following advice to Liverpool City Council for consideration in the determination of the planning proposal.

 The traffic generated by the maximum permissible floor space under the proposed LEP Amendment is likely to result in the mid-block capacity on Orange Grove Road on the approaches to the Viscount Place intersection being at or close to capacity in peak periods.

There is likely to be a nexus between the traffic generated by the proposed development and the need to widen Orange Grove Road to three through lanes on the approach and departure to the Viscount Place signalised intersection.

However, as Council would appreciate, the above localised widening of Orange Grove Road cannot be accommodated within the existing road corridor and would require land acquisition from a number of third parties.

Roads and Maritime Services

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www.rms.nsw.gov.au | 13 22 13

As a result of the above constraint, Council as the relevant planning authority may wish to give consideration to the following options (including both) being included in a planning agreement as part of the determination of the proposal:

- a. Identify an evidence based (mid-block capacity assessment) maximum floor space cap that
 cannot be exceeded until such time that adequate infrastructure could be provided to justify the
 removal of the cap.
- b. Council may wish to consider collecting appropriate monetary contributions towards the above localised widening through a funding mechanism (including Planning Agreement). This could be in the form of monies for the development of a concept design for the widening of Cumberland Highway between Hume Highway and Links Avenue.
- 2. The following road works (at no cost to RMS) should also be included in the planning agreement:

Orange Grove Road/Viscount Place Intersection

- 90 metre long left turn slip lane on the north approach to the signalised intersection. Any land components required for the provision of the slip lane should be from the subject site dedicated as public road at no cost to RMS.
- Extend dual right turn lanes on the south approach to 120 metres (adjacent median) and 180 metres (adjacent through lane).
- The above road works shall be designed and constructed in accordance with Austroads and RMS supplements.

Hume Highway/Homepride Avenue Intersection

The existing right turn storage bay on the east approach to the Homepride Avenue shall be extended as long as physically possible (at no cost to RMS) within the constraints of the existing Hume Highway corridor. A geometric road design concept plan of this right turn extension overlayed on either a scaled aerial photograph and/or survey plan should be submitted for review and "in principle" endorsement and attached to the planning agreement.

3. Site observations have indicated that the majority of motorists entering Viscount Place enter the first north facing driveway (adjacent McDonalds), which occasionally leads to vehicle queue spill back to Orange Grove Road in peak periods and impacts the network performance of the signalised intersection. Motorists may not be aware that there is additional parking at the eastern boundary of the site and take the first entry point.

Council as the relevant planning authority for the LEP Amendment may wish to give consideration to either closing this entry driveway (as motorists have alternative access to this open car park adjacent the Highway at the next driveway on Viscount Place to the east) or ensuring the proponent provides better signage and guidance to advise motorists of additional parking on the eastern boundary of the site.

4. Motorists may be discouraged from utilising the car parks on the eastern boundary of the subject site due to the pedestrian crossings on Viscount Place and the number and frequency of pedestrian movements using these crossings in the peak periods causing delays for motorists on Viscount Place and associated vehicle queue spillback. As a result, consideration should be given to the provision of a grade separated pedestrian bridge on Viscount Place that provide direct and safe pedestrian links between the land uses on the southern and northern side of Viscount Place.

EGROW 06

Attachment 5

Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm Submissions (Redacted)

5. TfNSW would consider diverting bus services via Viscount Place (through to Homepride Avenue then back onto the Hume Highway), providing that the provision of supporting infrastructure is provided (at no cost to Government), which would be an improvement in public transport accessibility for the proposed development. It is recommended the proponent consult TfNSW (Brendan.Pegg@transport.nsw.gov.au) regarding the above supporting infrastructure.

Thank you again for the opportunity of providing advice on the subject proposal. If you require clarification of any issue raised, please contact James Hall – Senior Land Use Planner on 8849-2047 or james.hall@rms.nsw.gov.au.

Yours sincerely

Program Manager, Land Use



Roads and Maritime Reference: SYD17/00317

Council Reference: 049719.2017

20 November 2017

Manager, Strategic Planning Liverpool City Council Locked Bag 7064 Liverpool BC NSW 1871

Attention: Ash Chand

Dear Mr Macnee

DRAFT LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 (AMENDMENT NO. 61) PROPOSED USE OF SHOPS UP TO MAXIMUM GFA OF 21,000 SQUARE METRES 5 ORANGE GROVE ROAD, LIVERPOOL

I refer to recent correspondence from Liverpool City Council advising that the applicant and their legal representatives (**TAB A**) have formally responded, in a letter of 21 August 2017, to the previous comments provided to Council by Roads and Maritime Services (**Roads and Maritime**) on the planning proposal in Roads and Maritime's letter dated 11 August 2017 (**TAB B**).

Roads and Maritime have reviewed the applicant's response to our previous comments and provide the following advice for consideration by Liverpool City Council as the relevant planning authority:

1. Traffic Generation

The section of Orange Grove Road fronting the subject site is two lanes in each direction. The scale of traffic generated by the planning proposal (particularly when the peak traffic generation of the proposal coincides with the on road peak), is likely to result in hourly volumes exceeding mid-block lane capacity of 1000 vph on this section of Orange Grove Road (Cumberland Highway) at Viscount Place. As shown in the table below, there is a nexus between the need to provide additional lane capacity on the north and south bound approaches to the existing signalised intersection of Orange Grove Road and Viscount Place for the Thursday PM peak period (based on generation rates from RMS Guide to Traffic Generating Development and GHD's 2016 base traffic volumes converted to pc/h).

Road		Existing		With development	
		pc/h	V/C ratio	pc/u	V/C ratio
Orange Crows Bood	Northbound	1852	0.93	2076	1.04
Orange Grove Road	Southbound	1889	0.94	2238	1.12

Roads and Maritime Services

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As Council would be aware, Cumberland Highway is a primary arterial road with both a movement and freight function, where traffic efficiency (travel time) is of strategic importance for the movement of vehicles and freight (goods) between regions.

Roads and Maritime remains of the view that there is a nexus between the traffic generated by the planning proposal and the need to widen Cumberland Highway to six through lanes on the north and sound bound approaches and departures to Viscount Place intersection. The extent of this widening would be in the order of approximately 300 metres (including taper) on each of the approaches and departures to achieve optimum lane utilisation in accordance with AUSTROADS.

Based on Roads and Maritime Global Strategic Rates, the strategic cost estimate of the abovementioned widening of this section of Cumberland Highway is approximately \$7.65 million inclusive of 70% contingency (standard where no concept design plan and investigation has been undertaken to date) and utility adjustments. However, this strategic cost estimate excludes acquisition costs associated with the above road works.

However, as advised in the previous Roads and Maritime letter of 11 August 2017, the above road works cannot be accommodated within the existing road corridor and would require land acquisition from a number of third parties.

In lieu of the abovementioned road works, Council should consider collecting monetary contributions towards the above localised widening through a funding mechanism (including Planning Agreement). This could be in the form of monies for the development of a concept design for the widening of the Cumberland Highway between the Hume Highway and Links Avenue.

In this regard, Roads and Maritime has identified a strategic cost estimate (using Roads and Maritime Global Strategic Rates) of \$2.98 million for the development of a concept road design (including identification of land components, utility risk assessment and community liaison) for the upgrade of the Cumberland Highway (Orange Grove Road) between Links Avenue and the Hume Highway to a six lane dived road corridor.

Roads and Maritime is of the view that the above monies should be considered as a developer contribution towards regional road infrastructure to off-set the traffic generating impacts on the adjacent regional road network.

The monies (\$2.98 million) should be incorporated into a Planning Agreement between the proponent and Council and forwarded to Roads and Maritime to commission the study, with the findings of any study being made available to Liverpool City Council.

However, Roads and Maritime advises that the commissioning and preparation of a strategic concept design for the widening of this section of the Cumberland Highway to six lanes does not commit Roads and Maritime to deliver this road works. As Council would be aware, the upgrade of this section of Cumberland Highway is not in the forward work programs. As Council would appreciate, funding for state road infrastructure is limited and is allocated on a state wide priority basis.

2. Road Works

Roads and Maritime is of the view that the nominated road works at the intersections of Orange Grove Road/Viscount Place and the Hume Highway/Homepride Avenue as outlined in point 2 of the previous Roads and Maritime letter of 11 August 2017 be incorporated into the Planning Agreement. This will provide certainty to all stakeholders (Council, Roads and Maritime and the proponent) of the quantum of road works required to mitigate the traffic generating development on these two gateway intersections to/from the proposed development.

In reference to Section 2(e) of Addisons Lawyers letter of 21 August 2017, the WAD that has been prepared and submitted to Roads and Maritime associated with DA839/2014 is yet to be executed and does not cover the full scope of road works nominated by Roads and Maritime as part of the subject planning proposal.

3. Signage and Guidance

The advice provided by Roads and Maritime for consideration to be given to the provision of better signage and guidance to make motorists aware of additional parking at the eastern boundary of the site to reduce vehicle queues on Orange Grove Road can be addressed at the DA stage.

4. Pedestrian Issues

The advice provided by Roads and Maritime for consideration to be given to improving pedestrian access and associated mitigation of potential traffic issues relating to pedestrian access can be addressed at the DA stage.

5. Buses

It is noted that the applicant supports the suggestion that buses be diverted via Viscount Place and proposes to fund the acquisition of third party properties on the southern sections of Homepride Avenue. It is recommended that Council and the applicant consult TfNSW (Brendan.Pegg@transport.nsw.gov.au) regarding all supporting infrastructure required to facilitate the diversion of bus services via Viscount Place and for these facilities to be incorporated into the Planning Agreement.

Thank you again for the opportunity of providing advice on the subject proposal. If you require clarification of any issue raised, please contact James Hall – A/Program Manager Land Use on 8849-2047 or james.hall@rms.nsw.gov.au.

Yours sincerely

Senior Manager Strategic Land Use

VERPOOL ITY 29

ORDINARY MEETING 28 FEBRUARY 2018 CITY ECONOMY AND GROWTH REPORT

	Liverpool Local Environmental Plan 2008 - Draft
EGROW 01	Amendment 61 (Additional Permitted Uses at
	The Grove Homemaker Centre)

Strategic Direction	Generating Opportunity Meet the challenges of Liverpool's growing population	
File Ref	186333.2017	
Report By	Ash Chand - Executive Planner	
Approved By	Tim Moore - Director, City Economy and Growth / Deputy CEO	

EXECUTIVE SUMMARY

At its Ordinary Meeting on 16 December 2015, Council resolved to support an application for a planning proposal by Gazcorp Pty Ltd to amend the Liverpool Local Environmental Plan (LLEP) 2008 for land located at 10 Orange Grove Road, Warwick Farm (Lot 101 in DP 1043160, otherwise known as The Grove Homemaker Centre. The planning proposal was submitted to the NSW Department of Planning and Environment and received Gateway determination on 18 November 2016.

Draft Amendment 61 seeks to amend Schedule 1 of LLEP 2008 to permit 'retail shops' up to a maximum gross floor area (GFA) of 21,000sqm as an additional permitted use on the subject property. The zoning for the site, part B5 Business Development and part B6 Enterprise Corridor, remains unchanged.

This report updates Council on the Gateway determination for Draft Amendment 61 and the results of the public exhibition and community consultation. It is noted that objections to the proposal were received from Fairfield City Council and also from Urbis on behalf of Scentre Group and AMP Limited, who are the co-owners of Westfield Liverpool. These objections are addressed in the body of this report.

This report also updates Council on the details of the draft planning agreement (VPA) submitted by Gazcorp in conjunction with Draft Amendment 61. The VPA proposes monetary contributions and works in kind for the improvement of the local catchment area and upgrades to transport infrastructure to improve access to the site for pedestrians and vehicles and also to mitigate traffic impacts as a result of increased retail floor space on the site.

Attachment 5

Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm Submissions (Redacted)



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ORDINARY MEETING 28 FEBRUARY 2018 CITY ECONOMY AND GROWTH REPORT

Draft Amendment 61 would permit development that provides opportunities for increasing local employment in the existing business zones, and improving retail amenities and services for the adjoining residential catchments. When combined with the contributions towards local infrastructure and improvement works offered by the VPA, the amendment to the local environmental plan (LEP) will result in a net benefit for the local community.

RECOMMENDATION

That Council:

- 1. Note the Gateway determination for draft Liverpool Local Environmental Plan 2008 (Amendment 61) and the results of public exhibition and community consultation;
- 2. Endorse and place on public exhibition the draft Planning Agreement offered by the proponent in conjunction with the Planning Proposal;
- Delegate authority to the CEO to execute the Planning Agreement following its public exhibition if no submissions are received; and
- 4. Subject to Item 2 and Item 3 above, forward the Planning Proposal and supporting documentation to the Department of Planning and Environment for finalisation.

REPORT

Overview

Draft Amendment 61 applies to land located at 10 Orange Grove Road, Warwick Farm (Lot 101 DP 1043160, otherwise known as The Grove Homemaker Centre). The site is approximately 1.5km north of the Liverpool City Centre and immediately south of the border with the Fairfield Local Government Area on the Cumberland Hwy. The Grove Homemaker Centre encompasses approximately 29,000sqm of bulky goods retailing, which includes a large at-grade carpark.

The amendment specifically concerns the portion of the site that is zoned B5 – Business Development, under which 'bulky goods premises' are permitted, but 'retails shops' are not. The proposal will amend Schedule 1 of LLEP 2008 to permit 'shops' as an additional permitted use up to a maximum GFA of 21,000sqm. The reason for the amendment is to facilitate the diversification of the retail offering on the site by enabling the transaction of traditional merchandising such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods, and the like, in addition to the exiting merchandising of bulky goods. The intent is to support the viability of The Grove Homemaker Centre.

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The proponent's indicative plans envisage a single-level complex comprising of bulky goods and traditional retailing. The additional uses would include a full-line major supermarket, a mini-major supermarket and a discount department store, co-located with a mix of specialty and ancillary shops.



Strategic Justification

Draft Amendment 61 would provide a net community benefit by meeting the current and future demand within the larger catchment for traditional retailing. At present, there is a shortage of suitable sites within the established local centres, in the eastern part of the Liverpool LGA and the south-eastern part of the Fairfield LGA, to support full-line supermarkets and discount department stores. This type of retail mix requires sites be able to support the large floorplates. The established centres in both LGAs are largely constrained due to the pattern of fine-grain subdivision that exists within those centres.

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The subject site would play an important part in meeting the overall regional demand for what is known as 'traditional' retailing, but one that is delivered in the format of large floorplates. The subject property, due to its size, is able to accommodate the retail mix of a full-line supermarket, a mini-major supermarket and a discount department store, co-located with a broad range of retail facilities.

The proponents prepared a Sequential Test and Site Suitability Report (refer to attachment 1 of this report) as part of the pre-Gateway assessment which demonstrated that there were no suitable sites to accommodate the proposed development in nearby existing centres, including Liverpool City Centre.

As well as playing a regional retailing role, the site would increase local retail access and amenity for those areas in Warwick Farm and Cabramatta. There are no retail centres in the immediate vicinity of the proposal, and residents must drive to either Liverpool City Centre or Cabramatta to access a supermarket or specialty retail services. The proposal would reduce the distance that they need to travel, and would also improve active transport connectivity to the site by upgrading Homepride Avenue through the proposed planning agreement.

The proposal increases the viability of The Grove Homemaker Centre by providing it the opportunity to develop a similar platform to that of other large format outlets that incorporate a broader retail mix. This approach is also consistent with the *Liverpool Retail Centres Hierarchy 2012*, which designated The Grove as a stand-alone centre, and concluded that it was suitable for diversification of uses beyond bulky goods retailing.

The remainder of this report discusses the Gateway requirements received from the Department of Planning and Environment and the actions undertaken to support Draft Amendment 61, including the results of the public exhibition and community consultation undertaken in accordance with the Gateway requirements under s57 of the *Environmental Planning and Assessment Act 1979*.

Gateway Determination

The Department issued a Gateway determination on 18 November 2016 which allowed the proposal to proceed subject to the conditions (refer to attachment 2 of this report). Actions undertaken in response to the conditions included:

- Amending the planning proposal in consultation with Department before proceeding with public exhibition to correctly reflect the property description of the subject site (refer to attachment 3 of this report for the revised planning proposal);
- Consulting with the Rural Fire Service, who did not raise any concerns regarding the proposal, prior to public exhibition; and
- Undertaking a review to clearly identify potential impacts on established centres, where
 it was found that the impacts of the proposal would be at an acceptable level on existing
 regional and sub-regional centres (discussed in more detail below).

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Public Exhibition

Draft Amendment 61 was publically exhibited for the period of 1 March 2017 - 7 April 2017. The exhibition comprised notices in the Liverpool Leader and on Council's website. In addition, there was an article in the Liverpool Champion before the public exhibition commenced outlining the proposal and noting that submissions would be invited from the community.

Only one public submission was received. This was from Urbis on behalf of Scentre Group Limited and AMP Limited, the co-owners of Westfield Liverpool (refer to attachment 4 of this report). The details of this submission are discussed in the following sections.

Public Agency Consultation

The following public authorities were consulted and provided submissions:

- Sydney Water
- Endeavour Energy
- RMS
- Fairfield City Council
- Transport for NSW

Fairfield Council objected to the proposal's impact on established local and subregional centres (refer to attachment 5 of this report) and RMS raised concerns about the proposal's traffic impact on the regional road network (refer to attachment 6 of this report). The issues raised in these submissions are discussed in the following sections. The other public authority submissions did not object to the proposal (refer to attachment 7 of this report).

Economic Impacts

Urbis objected to the impacts of Draft Amendment 61 on the Liverpool City Centre, and more specifically on the viability of Westfield Liverpool. Urbis raised concerns regarding the cumulative impact of this amendment together with other planned retail expansions elsewhere within the broader region. Urbis provided its own economic impact assessment, where it concluded that the impact of the Draft Amendment 61 on retail turnover in Liverpool City Centre would be -5.9%, with the cumulative impact along with other planned expansion being -10.5% on the Liverpool City Centre and -14.3% on Westfield Liverpool.

Urbis argued that the future economic development in the Liverpool City Centre would be dependent on retail growth, and so the proposed amendment would undermine Council plans for the renewal of the city centre. For this reason, Urbis claimed that new retail developments should be located in Liverpool City Centre.

Urbis also identified methodological errors in the economic impact assessments (EIAs) provided in support of Draft Amendment 61, to the effect that the proposal overstates the future demand of retail floor space and understates its impacts on existing centres. The inconsistencies noted by Urbis included:

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- An overly long analysis time period (2011-2021).
- Unreasonable assumptions for floor space productivity rates and turnover growth rates.
- Not considering escape expenditure.
- Not considering the effect of online shopping, which will reduce future demand for retail floor space.
- Not determining whether there is a current undersupply or oversupply of retail floor space when discussing future demand.

Urbis considered a 5km buffer around the subject site and concluded that it is already oversupplied with DDS floor space compared with the Greater Sydney average, and that if the proposed development and other proposed developments proceed, the area will be oversupplied with supermarket floor space.

Fairfield City Council also objected to the potential economic impacts of the amendment, particularly the loss of retail turnover in its centres and the implications for its strategies such as the Fairfield City Centres Policy 2015.

Officer Response

A total of five (5) Economic Impact Assessments have been conducted in determining the merits of Draft Amendment 61 and assessing the cumulative impacts of this proposal as well as the impacts on established centres (attached to this report). The sequence of economic impact assessments include:

- Gazcorp, submitted an EIA by Leyshon Consulting with the original planning proposal;
- Gazcorp also submitted with the original planning proposal, a peer review by Deep End Services of Leyshon's EIA;
- Council, as part the assessment of the planning proposal, commissioned an independent peer review of the proponent's EIAs undertaken by Essential Economics;
- In response to the Gateway determination, specifically Condition 3, Leyshon Consulting updated their EIA, quantifying the impacts of the proposal on additional regional and sub-regional centres;
- In support of their objection to the proposal, Urbis submitted a peer-review of Leyshon's EIA, and of the peer reviews by Essential Economics and Deep End Services; and
- In response to the Urbis submission, Gazcorp commissioned Essential Economics,
 Deep End Services and Hill PDA to review the Urbis peer-review assessment.

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Impact Assessment

Leyshon Consulting, Deep End Services, Essential Economics, Urbis and Hill PDA all found that the impact of the proposed development on the retail turnover of the Liverpool City Centre would be between 5-5.9%, with an impact of 8% on Bonnyrigg Plaza being the highest impact found on any other established centre. Impacts of less than 10% for established centres are generally considered to be acceptable in a competitive retail context, particularly if the centres are already trading strongly. Westfield Liverpool currently has a relatively high retail turnover and the Liverpool City Centre experiences low retail vacancy rates.

The peer reviews by Deep End Services, Essential Economics and Hill PDA all found the methodology and assumptions used by Leyshon to be reasonable and consistent with best practice. The methodological shortcomings identified by Urbis, such as the future impact of the internet and the consideration of escape expenditure within the trade area, would either generally not form part of the assessment of impacts on existing or planned centres and the retail trade area or not have a substantial impact on the overall results.

The impact of the internet on traditional retailing is a consideration only for the trend in the industry itself. This change in consumer habit would equally influence the marketplace regardless, and therefore impact all forms of traditional retailing. This consideration of trend does not negate the overall demand for retailing within the region as it relates to planning for the area. How and in what form that demand is to be met will ultimately be determined by consumer habit.

With regard to escape expenditure within the trade area, the conclusion reached by Urbis is based on the assumption that the trade area will have leakages and somehow the EIAs have not fully accounted for the escape in that expenditure. However, the reverse is also true, in that the trade area will also attract expenditure inward from consumer catchments elsewhere because of passing trade. Trade areas and consumer catchments are not wholly self-contained entities. They have both inward and outward flows when it comes to expenditure and demand.

Despite Urbis' concerns, their estimate of the impact of the proposed development from Draft Amendment 61 on the Liverpool City Centre in 2019 (5.8%) does not differ markedly from the findings of the other EIAs (5-5.9%).

The analysis of cumulative impact by Urbis in the Liverpool CBD and Liverpool Westfield also considered developments across a much broader area than the other EIAs, and included expansions and upgrades to planned and established centres at Macarthur, Narallen, Edmondson Park and Wetherill Park. The approach by Urbis overestimates the importance of impacts from other centres which are a considerable distance from Liverpool CBD. Most of these developments will cater for significant growth in population in their immediate trade areas and are likely to capture only some of the resulting growth in retail demand from trade areas serviced by Westfield Liverpool. As such, the actual economic impacts are likely to be far less than estimated by Urbis.

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Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm Submissions (Redacted)



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There are a variety of factors which will drive the future growth of Liverpool City Centre, including the continued development of the Liverpool Health and Education Precinct, the development of Western Sydney Airport and high-density residential and commercial development resulting from Draft Amendment 52 (the City Centre LEP). The viability and growth of Liverpool City Centre does not require all retail premises being located within it. Similarly and equally, the claim by Urbis of the proposal's impact on the viability of Liverpool Westfield is misplaced.

Retail floor space demand

Each EIA identified a substantial increase in the demand for retail floor space in the identified trade area over the modelled period. When considered against the low vacancy rates for retail floor space in the Liverpool CBD, there is a strong argument for zoning suitable land to deliver the retail floor space that is required.

While the creation of a stand-alone centre at Orange Grove would draw business from existing centres in the short-term, the projected increase in population and retail spending within the broader region would offset the estimated impacts on established centres due to the overall increase in retail demand. For this reason each EIA, including Urbis', found that retail turnover for each centre assessed would grow over the modelled period. In addition, the population projections used in the EIAs do not reflect the substantial growth planned for Liverpool City Centre under Draft Amendment 52 which will create capacity for up to 10,000 additional residential dwellings within the City Centre.

Analysis by Leyshon, Deep End Services and Urbis shows that there will be an underprovision of supermarket floor space in the proposed development's trade area even if the development occurs. Urbis' estimation of an oversupply of supermarket floor space is based upon a 5km buffer from the subject site, which includes several shopping centres at the edge of the buffer whose trade areas extend well beyond the buffer. As such, Urbis underestimates the supportable supermarket floor space near the subject site.

While the DDS provision rate in the trade area is currently over the Greater Sydney average, this reflects the increased demand for discount department stores in Sydney's outer ring. Liverpool LGA has considerably less DDS floor space per resident than some other outer Sydney LGAs. In addition, a detailed review of existing DDS networks by Deep End Services found that the proposal would fill an identifiable gap of a nearby Kmart.

Except for Urbis, each assessment considered there to be a net community benefit to locating additional retailing as proposed by Draft Amendment 61. This is due to an increase of approximately 550 local jobs and an increase in the level of retail access and amenity for residents within the catchment or trade area.

Public Transport

Both Urbis and Fairfield City Council objected to Draft Amendment 61 on the basis that the subject site is an inappropriate location for a retail centre as it does not have access to meaningful public transport.

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Officer Response

The site is near Orange Grove Road which is serviced by bus routes 801 (Liverpool-Badgerys Creek) and 819 (Liverpool – Prairiewood). Route 801 runs three times each way on weekdays, and route 819 runs approximately every 30 minutes during peak times. There is no public transport during off-peak or on the weekends. The level and frequency of service do not provide good accessibility to the site by public transport.

While the subject site currently lacks the appropriate public transport connectivity, Gazcorp has submitted a letter from Transit Systems (refer to attachment 8 of this report), the operator of the bus network in the area. This letter indicates that they intend to start a service every 30 minutes throughout the day on weekdays and services on weekends connecting the site, as well as the Fashion Spree outlet centre, with the Liverpool City Centre.

This commitment to providing a higher level of service has not been approved or finalised between the parties concerned. TfNSW has also indicated that they would consider diverting bus services through Viscount Place and Homepride Avenue providing that suitable infrastructure is provided, which would improve public transport accessibility to the proposed development.

The Sequential Test and Site Suitability Report prepared by Gazcorp indicated that there were no suitable sites for the proposed development in existing centres with access to a train station or a high-frequency bus service. While Urbis argued that an expansion of Westfield Liverpool could accommodate a DDS, Kmart have provided a letter to Council (refer to attachment 9 of this report) indicating that they support the proposed development and that it would offer increased convenience and amenity than an expansion of Westfield.

The proposed development would increase the viability of providing improved public transport connectivity along Orange Grove Road to Liverpool City Centre. This is a major transport corridor which would be suitable for a higher level of bus services. Therefore, the development of the site would increase the likelihood of providing additional bus services in future network reviews.

Traffic Impacts

Draft Amendment 61 would facilitate 21,000sqm of retail shops in addition to the bulky good retailing that already exists on site. This will have a significant impact on traffic generation and the capacity of surrounding local and regional roads. This point was made in submissions by Urbis and Fairfield Council, who noted potential traffic impacts along the Cumberland Highway.

RMS also provided a submission to Council regarding the regional traffic impacts of the proposal. The proponent responded to this submission, and RMS responded to the proponent's response. These letters are attached to this report, and a summary is provided below.

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RMS's submission:

- Noted that the traffic generated would result in Orange Grove Road being close to capacity during the Thursday evening peak hour.
- Increasing the capacity of Orange Grove Road would require widening of the road and associated land acquisition.
- Recommended that either a floor space cap is imposed until adequate transport infrastructure is provided, or that monetary contributions towards road widening be collected to fund a study and design of the widening of Orange Grove Road.
- Identified road works on Orange Grove Road to be included in a planning agreement.
- · Identified other matters concerning traffic movement on the subject site which impact on Orange Grove Road.

In response the proponent stated that:

- The proposed development would only partly contribute to Orange Grove Road being over capacity, in combination with other developments within the broader area.
- · Council could apply monetary contributions already identified in their Letter of Offer to enter into a planning agreement towards the upgrade of Orange Grove Road.
- Road works and internal traffic operation matters should be addressed at the DA stage, when further detailed assessment would be required.

In reply, RMS indicated that they remain of the view that there is a connection between this development proceeding and the need to upgrade Orange Grove Road, and so \$2.98 million should be provided by the proponent (through a planning agreement) for RMS to fund the potential development of a concept road design for the widening of Orange Grove Road to six lanes between Links Avenue and the Hume Highway.

RMS also consider that identified roadworks at the intersection of Orange Grove Road and Viscount Place and the intersection of Homepride Avenue and Hume Highway should be incorporated into the VPA to provide certainty regarding the delivery of these works.

Officer Response

The proponent has provided Council with three traffic and transport studies (updated progressively over the course of the proposal). The most recent was received in June 2017. This document has been reviewed by both Council's traffic department, and RMS.

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Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm Submissions (Redacted)

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The largest impacts from the proposed development would occur during Thursday evening and on Saturday morning shopping periods. During both of these periods, there is already significant demand on the regional road network. The proposal is not expected to generate substantial traffic during other key periods such as morning or afternoon commuter peak periods.

During the Thursday evening peak, the proposal would generate approximately 284 additional vehicles on Homepride Avenue and 496 additional vehicles on the Hume Highway around Viscount Place. Whether this would place this section of the Cumberland Highway above its mid-block capacity is in dispute.

The proponent's traffic assessment states that it would not, with intersection upgrades that would improve traffic flow by increasing capacity at the intersection. However, the RMS states the proposed development would place this portion of the Cumberland Highway above its midblock capacity, especially on Thursday evenings.

Council does not have an endorsed strategy to transition or rezone the broader area along Orange Grove Road in Warwick Farm away from the existing industrial uses, which largely occur south of the subject site. Such a transitioning of land use would necessitate an assessment of infrastructure capacity, and would provide the mechanism for developers and landowners to contribute to the widening of Orange Grove Road.

In the absence of the above, requiring a \$2.98 million payment to RMS via the VPA in support of Draft Amendment 61 would not necessarily compel RMS to undertake the proposed road widening study. Therefore then is no certainty for the widening of Orange Grove Road or other infrastructure improvements in the vicinity.

While RMS have stated Council should consider \$2.98 million as an appropriate contribution to mitigating impacts on Orange Grove Road, they have not objected to the amendment. The proposed development would only make a contribution to the traffic on Orange Grove Road, and the road would only be potentially above mid-block capacity during the Thursday PM peak. For these reasons, it is considered that it would not be reasonable to require a payment of \$2.98 million towards design and modelling investigations for the widening Orange Grove Road on the basis of only this amendment.

If Draft Amendment 61 proceeds without conditioning a payment to RMS in the VPA, RMS will still be able to identify the traffic mitigation measures at the DA stage if the detailed assessments at that stage demonstrate the improvements are required. At the DA stage, Council would also be required under the *State Environmental Planning Policy (Infrastructure)* 2007 to consider any submission by RMS.

The additional traffic generated by the proposal would also cause significant impacts to the following intersections:

· Orange Grove Road/Viscount Place

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Hume Highway/Homepride Avenue

To maintain an acceptable level of service during the Thursday evening peak and Saturday morning, the intersection of Orange Grove Road and Viscount Place would need to be upgraded with two right turn lanes and a left turn slip lane to access Viscount Place. RMS identified these road works to be delivered by the proponent and included in the VPA, along with a lengthened right turn storage bay to access Homepride Avenue from Hume Highway. The proponent has agreed to these works as part of the VPA.

The identified road works would mitigate some impacts of the proposal. It is likely that there would still be traffic impacts, particularly if significant development occurs in Warwick Farm and Liverpool in the future. The remaining impacts should be viewed in the context of the other benefits and impacts of the proposal in order to assess whether it generates a net community benefit.

Consistency with District Plan

Urbis and Fairfield City Council submitted that the proposal would create a new centre which is not included in the *Draft South-West District Plan* (the SWDP), and that this would be inconsistent with the district plan. Fairfield Council submitted that the proposal would create a "new local town centre" with 40,000sqm of retail (includes the factory outlets, Fashion Spree), while Urbis suggested that the proposal was a "precursor to the development of a new District Centre" in close proximity to the Liverpool City Centre.

Officer Response

Since the exhibition of Draft Amendment 61, the revised *Draft Western City District Plan* (WCDP) has been released, which applies to the Liverpool LGA. All planning proposals must now consider the WCDP. Together with the *Draft Greater Sydney Region Plan* (GSRP), the WCDP classifies centres into three categories: *local centres*, *strategic centres* and *metropolitan centres*.

Strategic centres are places where the community can access a wide range of goods, services and jobs. All other centres are classified as local centres and the WCDP specifies that management of these places is to be led by Councils.

The proposed additional retail development when combined with the existing Homemaker Centre and Fashion Spree could be considered as a local centre, but would not meet the definition of a strategic centre. Therefore, the potential creation of a local centre by the draft amendment is an issue rightly considered by Council. It is not an issue of district-wide significance which would be expected to be explicitly mentioned in the district plan.

The WCDP contains actions which encourage planning for centres to consider the capacity for places to change, evolve and accommodate diverse activities over time (*Action 43*), to provide access to jobs, goods and services in centres by diversifying the range of activities in all centres (*Action 51*), and to create new centres in line with the *Principles for Greater*

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Sydney's Centres (Action 52). These principles are part of the WCDP and specify that existing centres need to grow and new centres need to be established across Greater Sydney to deliver the additional retail floor space needed to support the growing population.

It is considered that the diversification of the retail offering at the subject site would be consistent with the policies in the WCDP to allow the evolution of existing centres and to plan for new centres. It is important to note that this amendment would create a stand-alone centre, and not a local centre which would have higher order uses, including residential uses, which would require more significant social infrastructure.

It is the assessment of Council officers that the subject site is not suited to support a B2 Local Centre zoning, which would allow higher order uses, including residential. The site lacks transport connectivity and social infrastructure needed to support the opportunities and functions of a local centre. The site does however provide opportunities to meet the retail demand within the local catchment and the broader area. Therefore, Draft Amendment 61 maintains specific merit for the additional permitted retail uses proposed.

Broader Strategic Framework

Both Fairfield City Council and Urbis addressed the issue of a broader strategic planning framework in their submissions. Fairfield Council objected to the proposal because of the lack of a strategic study for the surrounding precinct. Urbis questioned the purpose of the proposal and stated that it represented a tipping point to further development, necessitating a broader strategic assessment of the site in relation to the Liverpool City Centre.

Officer Response

While Urbis claim that this proposal is a precursor to future redevelopment, the planning proposal was assessed on its strategic merit. It should not be considered on the basis of the site's suitability of any potential uses which are not made explicit. While the proposal was submitted with a masterplan for the surrounding area which suggested a broader redevelopment, this only illustrated a possible future outcome for the area which would be compatible with the planning proposal. The proposal itself does not include residential development or other services which a larger town centre would include.

It is considered that allowing traditional retail development in a bulky goods centre is a reasonable outcome which is aligned with the objectives of the business zone. It would not necessarily dictate the future creation of a large town centre with higher order uses through redevelopment of the surrounding industrial zoned land.

While the proposal does not follow from a specific masterplan for the industrial precinct in the western part of Warwick Farm, it is consistent with Council's strategic planning documents. The Liverpool Retail Centres Hierarchy Review 2012 classifies Orange Grove as a 'standalone shopping centre' where in the medium term (2019-2026) a diversification of the retail offering away from only bulky goods may be appropriate if the impact on Liverpool City Centre is acceptable.



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The Review also found that a DDS and full-line supermarkets on the site could be supported and that these uses would best be accommodated by an 'additional permitted use' under the LEP for the subject site, as is made specific by Draft Amendment 61.

Environmental Impacts

Fairfield Council's submission expressed concerns about the impacts of the proposed development on vegetation along Cabramatta Creek, and about cumulative impacts on the creek catchment.

Officer Response

Almost all of the site is already cleared of vegetation, with the majority occupied by the Homemaker Centre, including a large at-grade carpark. There is sufficient space for the proposed development to occur without substantial impacts on vegetation or the Cabramatta Creek. The treatment of stormwater and impacts on the creek catchment would be more appropriately addressed as part of the assessment of a development application.

Planning Agreement

An offer to enter into a VPA was submitted to Council on 21/12/2015, with the agreement to require:

- A cash contribution to Council of 3% of the capital investment value;
- Upgrading pedestrian access to Homepride Avenue; and
- Roadworks at the intersection of Orange Grove Road and Viscount Place.

Council resolved on 3/2/2016 that it:

Delegates to the CEO to negotiate with the applicant regarding the proposed VPA subject to traffic modelling and improved pedestrian connectivity, with a separate report to be presented to Council for consideration.

Since then, negotiations have been held between the proponent and Council, and a draft planning agreement has been finalised for Council's consideration (refer to attachment 10 of this report).

The VPA involves an agreement between a developer and the planning authority, in this case Council, in which the developer or landowner agrees to provide a public benefit when undertaking a particular development.

This agreement between Council and Gazcorp will operate in the following manner:

 It will be a legal document whereby Gazcorp will agree to provide works and a monetary contribution to Council.

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- It will be tied to the subject land parcel and will apply to the existing and future land owners under the *Environmental Planning & Assessment Act 1979*.
- It will have a list of works to be provided at the developer's expense and will specify
 monetary contributions which must be paid to Council.
- It will require the provision of security to Council which may be called on in the event of a breach of the agreement or the insolvency of the developer.
- · It will contain various clauses to cover disputes.

The agreement will require the following contributions and works:

- A cash contribution be paid to Council of 3% of the capital investment value of the proposal, with the development excluded from any local contributions plan;
- A payment to Council to cover expenses incurred in the acquisition of Homepride Avenue; and
- The delivery by the proponent of road works to mitigate the traffic impacts of the proposal including:
 - Rehabilitation and upgrade of the road surface on Homepride Avenue to allow bus services.
 - o 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.
 - Upgrades to the Hume Highway/Homepride Avenue intersection to extend the right run bay from Hume Highway into Homepride Avenue.

The identified roadworks would mitigate some of the traffic impacts of the proposal on the regional road network.

The rehabilitation of Homepride Avenue and its acquisition will also generate a public benefit by improving public access to The Grove and Dwyer Oval on what is currently a private road. It will allow buses from Liverpool to be routed through Homepride Avenue, The Grove and the Fashion Spree Outlet Centre to Orange Grove Road, which would improve public transport access to the existing and future retail development. The construction of a footpath along Homepride Avenue would increase pedestrian access to the retail facilities on the subject site.



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VPA Exhibition

If Council resolves to support the recommendations of this report, the draft planning agreement will be publicly exhibited for a minimum of 28 days with delegation to the CEO to execute the agreement if no submissions are received in relation to it. If any submissions are received as a result of the public exhibition, these will be reported back to Council for its consideration.

After public exhibition of the VPA and Council's consideration of any issues raised in any submissions received and reported, the agreement can be executed and Draft Amendment 61 submitted to the NSW Department of Planning and Environment for finalisation.

Conclusion

Submissions on Draft Amendment 61 raised concerns with its impacts on the retail turnover of Westfield Liverpool and the Liverpool City Centre, as well as other established centres in the Fairfield LGA, and also regional traffic impacts on Orange Grove Road and the Hume Highway. While there would be some economic impacts on established centres within the region in the short term, these are considered to be marginal and at an acceptable level. The impacts on regional traffic on Orange Grove Road should be considered in the context of the benefits of the draft amendment. These include:

- Increased access to local retail facilities for the populations of Warwick Farm, southern Cabramatta, and parts of Liverpool;
- Provision of additional supermarket and discount department store floor space in an area currently undersupplied with these;
- The creation of approximately 550 local jobs; and
- The rehabilitation of Homepride Avenue.

As the impact of Draft Amendment 61 on Westfield Liverpool and the Liverpool City Centre would be within acceptable bounds and the proponent would undertake roadworks at intersections on Orange Grove Road and Hume Highway to mitigate transport impacts, it is considered that the amendment would have a net community benefit.

It is recommended that Council resolve to support the making of Draft Amendment 61, subject to endorsement and public exhibition of the VPA offered by Gazcorp in support of the amendment.

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CONSIDERATIONS

	Further develop a commercial centre that accommodates a variety of employment opportunities.
Economic	Deliver a high quality local road system including provision and maintenance of infrastructure and management of traffic issues.
	Facilitate economic development.
Environment	There are no environmental and sustainability considerations.
Social	There are no social and cultural considerations.
Civic Leadership	There are no civic leadership and governance considerations.
Legislative	Environmental Planning & Assessment Act

ATTACHMENTS

- 1. Sequential test and site suitability report (Under separate cover)
- 2. Gateway determination ⇒ (Under separate cover)
- 3. Revised Planning Proposal (Under separate cover)
- 4. Urbis objection

 (Under separate cover)
- 5. Fairfield Council objection (Under separate cover)
- 6. RMS correspondence and proponent response (Under separate cover)
- 7. Other public agency submissions

 (Under separate cover)
- 8. Letter from Transit Systems (Under separate cover)
- 9. Letter of support from Kmart (Under separate cover)
- 10. Draft Voluntary Planning Agreement (Under separate cover)

Submissions (Redacted)



Pre-DA Meeting Minutes

Project: The Grove Homemaker Centre, Liverpool

Project Number: SCT_00147

Client: GazCorp

Meeting Information

Date and time

12 March 2020 3pm to 4pm

Location

Transport for NSW office 27-31 Argyle Street Level 8 Meeting Room 5 Parramatta NSW 2150

<u>Attendees</u>

Andy Yung | SCT Consulting Shawn Cen | SCT Consulting Charles Wiafe | Liverpool Council Malgy Coman | TfNSW Pahee Rathan | TfNSW Felix Liu | TfNSW Nicholas Gazal | GazCorp Scott Timmins | GazCorp

	Minutes				
	<u>Item</u>	<u>Actions</u>			
1	Truck access proposed to / from via Homepride Avenue to separate from general traffic movements at Cumberland Highway access.	SCT Consulting to undertake SIDRA modelling to consider impacts of heavy vehicle access via Hume Highway / Homepride Avenue intersection, include the identification right turn bay length.			
		DA submission to include strategic concept design and TCS plan to show the upgrade, including swept paths of design heavy vehicles.			
2	Current VPA includes provision of left turn slip lane (for 90m) into Viscount Place.	DA to confirm land dedication (3.5m x 90m) to Council as public road. DA to provide survey drawing to show proposed subdivision.			
3	Current VPA includes the rehabilitation of the road surface of Homepride Avenue.				
4	The proposed concept has two entry lanes (feeding from dual right turn lane) and four exit lanes at the main access. Majority of traffic will use the portal to access underground car park, minimising traffic at-grade.	SCT Consulting to undertake SIDRA modelling of traffic signals at Cumberland Highway / Viscount Place and proposed roundabout to consider queueing impacts and design requirements of the roundabout (whether two exit lanes and / or a left turn slip lane to McDonalds are required). DA submission to include strategic concept design and TCS plan to show the upgrade, including swept paths of design vehicles and public bus.			



5	SIDRA modelling needs to consider all proposed heavy vehicle movements as well as sensitivity of proportion of general traffic using Homepride Avenue.	
6	Pedestrian movements across Viscount Place have been improved. Crossing on 4 lane road is replaced by at grade crossing at Main Street with significantly reduced traffic volumes.	DA drawings to show existing vs proposal to reflect the changes, including cross sections of Viscount Place (to be prepared by Architects). DA drawings to show public bus access via Main Street.
7	Basement car park design – parking zones established with one-way loop system to minimise internal traffic conflicts. Vertical transport provided to retail level and at grade crossing at Main Street to negate crossing in the parking areas.	Traffic report to include: Detail account of existing and future parking numbers. Parking Management Plan to detail operation of car park such as VMS / wayfinding, traffic circulation, internal road hierarchy, car parking zoning, vertical transport. Truck / Delivery Management Plan to detail the number of delivery vehicles, timing of deliveries etc.
8	TfNSW suggested the team to have another meeting, if required, after traffic modelling and intersection designs are completed, prior to the DA submission.	

Submissions (Redacted)



Minutes

MINUTES OF DESIGN EXCELLENCE PANEL MEETING Tuesday 13th October 2020

DEP PANEL MEMBERS PRESENT:

Kim Crestani Chairperson Order Architects
Shaun Carter Panel Member Carterwillamson
Caroline Pidcock Panel Member PIDCOCK

APPLICANT REPRESENTITIVES:

Rowan Geitz

Nicholas Gazal

Scott Timmins

Noel Yap

Lefflersimes Architects

Gazcorp Pty Ltd

Gazcorp Pty Ltd

Lefflersimes Architects

Marios Savopoulos Organisation
Jennie Buchanan Ethos Urban
Claire Burdett Ethos Urban

Matthew Taylor Taylor Brammer Landscape Architects

OBSERVERS:

Danielle Hijazi Panel Support Officer Liverpool City Council
Ariz Ashraf Acting Coordinator Urban Liverpool City Council

Design

Boris Santana Principal Planner Liverpool City Council

ITEM DETAILS:

Application Reference Number: PL-52/2020

Property Address: Liverpool Mega Centre 10 Orange Grove Road, Warwick Farm

Council's Planning Officer: Boris Santana

Applicant: GAZCORP

Proposal: The Redevelopment and expansion of the current homemaker centre

1.0 WELCOME, ATTENDANCE, APOLOGIES AND OPENING

The Chairperson introduced the Panel and Council staff to the Applicant Representatives. Attendees signed the Attendance Registration Sheet.

The Liverpool Design Excellence Panel's (the Panel), comments are to assist Liverpool City Council in its consideration of the Development Application.



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The absence of a comment under any of the principles does not necessarily imply that the Panel considers the particular matter has been satisfactorily addressed, as it may be that changes suggested under other principles will generate a desirable change.

All nine design principles must be considered and discussed. Recommendations are to be made for each of the nine principles, unless they do not apply to the project. If repetition of recommendations occur, these may be grouped together but must be acknowledged.

2.0 DECLARATIONS OF INTEREST

NII

3.0 PRESENTATION

The applicant presented their proposal for PL-52/2020, Liverpool Mega Centre, 10 Orange Grove Road, Warwick Farm, NSW 2170.

4.0 DEP PANEL RECOMMENDATIONS

The nine design principles were considered by the panel in discussion of the Development Application. These are 1] **Context**, 2] **Built Form + Scale**, 3] **Density**, 4] **Sustainability**, 5] **Landscape**, 6] **Amenity**, 7] **Safety**, 8] **Housing Diversity + Social Interaction**, 9] **Aesthetics**.

The Design Excellence Panel makes the following recommendations in relation to the project:

4.1. Context

- The panel supports the overall design intent for the development and appreciates the incorporation of a 'main street retail' approach for the centre, however, the Panel notes that the design drawings submitted as part of the review proposes the idea of façade elements being considered within a big box retail approach, rather than actual smaller building elements (ie: a finer grain). The Panel requests that the Proponent and design team provide a summary of design rationale to substantiate the preferred design outcome.
- The Panel acknowledges that the overall design intent is based on the idea of making
 the site 'a destination' within itself, however, the Panel strongly recommends that the
 proposal should not undermine the physical/visual connections across Viscount Place
 (i.e. towards Homepride Ave and Dwyer Oval). The proposed design needs to establish
 the desired physical/visual connection across Viscount Place and Homepride Avenue.
- The Panel supports the idea of providing of a central open space along the main street, however, encourages the applicant to have a closer look at the design of the interface (i.e. the design of the peripheral edges of the site with respect to the surrounding context) so that the design is not just inward looking but also engages with it's adjacent context. The Panel recommends the applicant to consider the Government Architects Green Grid and Greener Places principles within the design, in particular the



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- corresponding natural features and existing creek lines. The proposal should also comply with the existing regional plans.
- The Panel requires the applicant to develop a strategy for the long-term vision of the site
 and establish its 'Connection to Country' (i.e. establish the past, present and future
 context of the site in relation to its surrounding). Refer to the document 'Designing with
 Country' prepared by the Government Architect NSW to inform the overall vision
 strategy and nuance the finer details of signage/wayfinding measures incorporated as
 part of the design.
- The Panel notes that the site is located in close proximity of a key natural feature that abuts the project site area (i.e. riparian zone for Cabramatta Creek). The Panel firmly advises the applicant should ensure that the design does not encroach, nor face its back to the riparian zone. The Panel recommends that the design should incorporate adequate measures to improve the quality of vegetation within the riparian zone and incorporate aspects of sustainability within the design to achieve a stronger reference to the existing natural feature within the drawings. This will also assist with the increase of tree canopy and mitigation of heat sink effects, especially to the hardstand required service and waste zones. (See also Landscape and Amenity below)
- The Panel recommends the applicant to undertake adequate traffic studies to support
 the design and application. These should also benchmark this proposal against similar
 developments in Sydney (e.g. Rouse Hill) to prove the added value for the overall design
 outcome. Similarly, investigate and demonstrate the provision of the bus service and
 pedestrian activation to the bus routes proposed. (See also Landscape below)
- The Panel recommends the applicant to future proof the design by ensuring that the vision looks beyond the idea of a 'big box retail' and towards a more bespoke design outcome for the site. In this process, the Panel advises it is important to address the future of a post COVID world and ensure that the design is able to address the critical issues that are pertinent for planning not just for now, but well into the future. External retail dining and other augmented retail propositions should be investigated.

4.2. Built Form + Scale

- The Panel requires the applicant to elaborate on the ideas of clock tower/blade sign being included as part of the design. The Panel notes that the current design of the clock tower reads more of a location marker rather than a civic element for the development. Provide an architectural design statement to substantiate the various design elements being proposed as part of the design.
- The Panel recommends that the design should consider providing accessible roof gardens/outdoor dining areas on the upper levels of the building. This will help the proposal appear more pedestrian friendly and less car focussed.

4.3. Density

NIL

4.4. Sustainability

 The Panel requires the applicant to outline the sustainability targets for the project and how they plan to achieve them.. Provide details of all sustainability elements and principles being incorporated as part of the design.



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- The Panel notes the proponents intent to place provide a 500Kw array of PV's for the entire site. This is supported and should be enshrined within the application.
- The Panel recommends integrating advanced Photovoltaic (PV) technology as part of the design to collect/capture as much energy through renewable sources as possible. Incorporate smart metering system for all commercial/retail tenants within the building to offset the load on existing electrical grid.
- The Panel recommends that the design should incorporate adequate sustainability
 measures within the overall landscape strategy. The Panel requires the applicant to
 engage a sustainability consultant to undertake a thorough review of the proposal
 considering Environmentally Sustainable Development (ESD) principles and to prepare
 a sustainability vision for the proposal and demonstrate that with an overlay for the
 proposed design/site.
- The Panel requires the applicant to provide a thorough understanding the proposed water flow systems for the site, and to detail the flood management/ proposed mitigation measures for any adverse events.
- The Panel requires the applicant to incorporate storm water harvesting system as part of
 the design to collect water from the roof and utilise it for irrigation within the site and/or
 feed the excess water into Cabramatta creek post adequate filtration.

4.5. Landscape

- The Panel notes that the landscape design reflect great aspirations/design intent for the site, however, the Panel recommends that the design needs to consider detailing the peripheral edges of the site and its interface with the riparian corridor. Provide a series of cross sections that detail structure, soil depths, green zones etc, particularly given that there is a car park under a large area of the site and a comprehensive urban design/landscape plan to establish the overall design outcome for the site. Include details of proposed landscaping/vegetation along Hume Highway and Homepride Avenue as part of the drawings.
- The Panel supports the design intent of providing a central public open space with water features and other landscape elements, however, but would like to review the application once it is further developed (reports, drawing and detailing).
- The Panel notes that the current design focusses on vehicular transportation rather than
 encouraging public/active (Pedestrian) transport. The Panel requires the applicant to
 provide details of all proposed public/active transport facilities within the drawings.
 Include modal hierarchy diagrams along with the urban design plans to outline the
 overall ped-bike network being proposed as part of the development.
- The Panel requires the applicant to provide details of proposed bus routes and its
 related infrastructure that needs to be incorporated as part of the landscape design (i.e.
 bus shelters, bus zones, seating, legible wayfinding etc.)
- The Panel requires the applicant to elaborate on the extent of urban heat island being created as part of the development and to outline the measures being adopted to mitigate the impacts of urban heat islands within the site.
- The Panel notes that the palm trees being proposed within central park will not provide
 adequate shade for pedestrians/outdoor seating. A more judicious approach in terms of
 landscape planting and selection of tree species is required for the project site. It is
 recommended that the context of south-west Sydney is respected in terms of suitable



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(endemic) tree/vegetation species being selected. Provide details of deep soil zone, required soil volume and other key engineering details related to tree pits/landscaping at podium level.

4.6. Amenity

- The panel supports the idea of creating a themed world for the visitors, however, additional details are required to identify the functional allocation of the central open space along the main street, including proposed programming/curation of activities.
- The Panel requires the applicant to provide adequate details of the Back of House (BOH) areas along the periphery of the site. The design should consider the surrounding context while designing the BOH areas.

4.7. Safety

 The Panel recommends the applicant to have closer look at the urban environment being created as part of the development. Incorporate Crime Prevention through Environmental Design (CPTED) principles to achieve passive surveillance and required safety for the users. In particular look at Pedestrian focussed areas, carparking zones (above and below ground) and the implication of safety at the edges of the subject site.

4.8. Housing Diversity + Social Interaction

NIL

4.9. Aesthetics

- The Panel recommends that the design should look at Australian examples as
 references to building aesthetics and consider the recommendations of 'Designing with
 Country' to establish the required local character for the built form. Provide a design
 overlay outlining the various 'Connection to Country' being established by the
 development to substantiate the overall design intent. Refer to the Government
 Architects & their website for the Discussion paper on Designing with Country
 (https://www.governmentarchitect.nsw.gov.au/projects/designing-with-country)
- The Panel recommends the applicant to embrace the diversity of the peoples and
 cultures of Liverpool within the proposed development to give it a local identity and
 incorporate appropriate design measures that embrace and amplify the existing culture
 of the area. An interpretation and Public Art strategy would also underpin some of the
 aspirations noted above and engagement with local community to assist would be
 appropriate.

5.0 OUTCOME

The panel have determined the outcome of the DEP review and have provided final direction to the applicant as follows:

The proposal is supported in principal by the DEP and must return to the panel, with all feedback incorporated or addressed.



Peer Review - Economic Impacts of The Grove **Planning Proposal**

Liverpool City Council 25 | 02 | 2021





EGROW 06

Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm SGS Peer Review

Attachment 6





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SGS Economics and Planning Pty Ltd ACN 007 437 729 www.sgsep.com.au

Offices in Canberra, Hobart, Melbourne, and Sydney, on Ngunnawal, muwinina, Wurundjeri, and Gadigal Country.

Attachment 6

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1. Introduction

SGS Economics and Planning (SGS) has been engaged by Liverpool City Council (Council) to peer review the economic impacts of a planning proposal (PP) at 'The Grove' and to provide independent advice on likely economic impacts.

The scope of works for this appointment is to:

- 1. Review Planning Proposal & associated Economic Impact Assessment Reports including:
 - the Deep End Report submitted with the Planning Proposal;
 - Response to pre-gateway submissions letter from Ethos Urban and relevant attachments (A-D);
 - Updated Planning Proposal from Ethos Urban and relevant attachments; and
 - Economic Impact reports submitted / undertaken as part of Amendment 22 and Amendment 61.
- Consider the comments from Council's City Economy team including impacts on small independent businesses, the timing of including 'business premises' as a permitted use due to the proximity of the subject site to the Liverpool CBD and Council's strategic vision for the CBD, and the role of Council's Civic Place activating an 18-hour economy along Macquarie Street.
- 3. Review and address the Scentre Group Pre-gateway Submission on the PP.

1.1 Report structure

This report contains the following sections:

- Chapter 2: Planning proposal context which outlines the proposed changes in the PP and the history of planning proposals on the subject site.
- Chapter 3: Retail impacts and permissible uses, which reviews and comments issues relating to retail impact and permissible uses in the Deep End Services report, submission of Scentre Group, response to pre-gateway submissions by Ethos Urban and the submission of Council's Economic Development Department.
- Chapter 4: Role and function of The Grove, which comments on potential changes to the role and function of The Grove as a centre and how this relates to the Liverpool Retail Centres and Corridors Strategy, and could create competition with the Liverpool CBD
- Chapter 5: Conclusion, which summarises SGS's response to the PP and options for Council's consideration in responding to it.

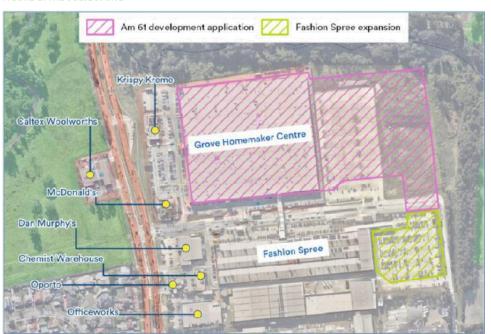
2. Planning proposal context

2.1 Existing use of the subject site

The subject site is located north of the Liverpool City Centre and currently contains a homemaker centre (The Grove Homemaker Centre), a fashion outlet centre called Fashion Spree and several standalong retail premises along Orange Grove Road. These premises are labelled in Deep End Services submission, the map from which is depicted in the figure below.

While both the Fashion Spree and Homemaker Centre are part of the retail precinct at The Grove, for convenience this review will refer to the Fashion Spree site (south of the central dividing road) and Homemaker site (north of the dividing road) separately.

FIGURE 1: THE SUBJECT SITE



Source: Deep End Services Liverpool City Council LEP Review Phase 1: economic analysis for Gazcorp submission, July 2020

According to Deep End Services' submission, the current GFA at The Grove is split up as follows:

- 34,570 sqm in the Homemaker Centre
- 14,040 sqm at Fashion Spree, with an additional expansion of 4,260sqm approved
- = 5,375 sqm at Krispy Kreme, McDonalds, Dan Murphy's, Chemist Warehouse and Officeworks

The Liverpool Local Environmental Plan (LEP) 2008 currently allows up to 19,000sqm GFA of retail premises to be built on the Fashion Spree site, and up to 21,000sqm GFA of shops on the Homemaker site in addition to other permitted uses (including the Homemaker Centre).

2.2 Strategic context

Council recently adopted a Retail Centres and Corridors Strategy (RCCS) which sets visions and principles for planning for The Grove and other centres and employment corridors in the Liverpool LGA. This strategy was informed by the Liverpool Centres and Corridors Study, which Council appointed SGS to write, and which made recommendations regarding the role and planning for The Grove and other retail centres.

SGS was also appointed by Council in August 2020 to peer review several submissions on the public exhibition of the RCCS and to comment on their alignment with the RCCS and SGS's Study, including a submission by Gazcorp requesting changes to the Liverpool LEP similar to those in this PP.

The RCCS designates The Grove as a stand-alone centre. The strategic role for stand-alone centres is to provide for the convenience and specialised retail needs of the local community, but do not act as mixed-use centres of the local community. The Strategy further specified that these centres should:

- Feature a supermarket or significant specialised retail,
- Have no or limited co-location with social infrastructure (as opposed to local and town centres
 which are expected to have co-location with social infrastructure),
- Have good access from the arterial road network, and
- Only be expanded if there is limited capacity elsewhere, if they can act as a local or town centre in the future, and if there will not be a substantial impact on the viability of a local or town centre

Along with The Grove, several other supermarket-based centres received this designation, including Chipping Norton, Flowerdale Road/Hoxton Park Road and Woolworths-based centres in Casula and Prestons. The stand-along centre designation is distinct from out of centre bulky goods clusters, including Crossroads and Sappho Road, which are only expected to contain specialised retail premises.

2.3 Changes proposed in the planning proposal

The PP proposes the following changes to the Liverpool Local Environmental Plan:

- Updates to the clause applying to The Grove to reflect changes in the legal description of the land,
- Amending Clause 21 of Schedule 1, applying to Fashion Spree, to allow business premises as well as shops within the floorspace cap (currently 19,000 sqm with no retail premise having more than 1,200sqm of floorspace)
- Amending Clause 21 of Schedule 1, applying to Fashion Spree, to increase the floorspace cap from 19,000sqm to 21,000sqm, an addition of 2,000sqm
- Amending Clause 21 of Schedule 1, applying to Fashion Spree, to remove specialised retail premises
 and food and drink premises, as well as other kinds of retail premises apart from shops, from the
 floorspace cap

 Amending Clause 24 of Schedule 1, applying to The Grove, to allow business premises as well as shops within the floorspace cap (currently up to 21,000sqm of shops only)

Design vision

The PP provides documentation or the design vision underpinning the proposed changes to the LEP in the form of an indicative concept plan and render. These are reproduced in Figure 2 and Figure 3 below.

The design vision appears to be intended to bring together the different retail components existing and proposed on the subject site, joining them into a single cohesive shopping centre organised around a central park.

The proposed development also appears to contain a substantial hospitality presence, with multiple restaurants ringing the Central Park area and creating a large dining precinct. Hospitality is currently heavily concentrated in the Liverpool City Centre and there are few other precincts of this type in the area.

LANGE FORMAT RETAIL

DESCRIPTION OF THE PARK

FIGURE 2: INDICATIVE CONCEPT PLAN FOR PROPOSED DEVELPOMENT

Source: Marios Savopulis Architects, shown in Ethos Urban Planning Proposal, November 2020





Source: Marios Savopulis Architects, shown in Ethos Urban Planning Proposal, November 2020

2.4 History of LEP amendments on the subject site

The history of planning proposals and development on the site is referred to and summarised in multiple of the documents reviewed. SGS have also reviewed this history, along with the Council reports and resolutions which were attached to Ethos Urban's response to submissions. This history is informative as to the policy intent of development on the subject site, and how that relates to the current PP.

Amendment 22

Liverpool LEP 2008 Amendment 22 allowed Fashion Spree to be developed by adding retail premises as an additional permitted use on the site. This amendment introduced a cap on retail premises of 19,000sqm, with no one premise to have floorspace greater than 1,200sqm.

The rationale for this amendment as stated in the Council reports was that:

- There were no other suitable places for outlet centre development due to the large land take required
- An outlet centre likely to have a large trade catchment due to the specialised nature of the retail,
 limiting likely competition with nearby centres and impacts on them
- The size of any one tenancy would be limited to 1,200sqm, meaning that supermarkets and DDSs (discount department stores like Target, Kmart or Bid W) which should locate in centres couldn't locate in the outlet centre

 Modelling showed that the impact on the Liverpool City Centre would be at most 9%, which was not deemed highly significant, and this impact would be counteracted within four years by population growth.

This amendment specifically sought to allow development of an outlet centre, and attempted to prevent it being developed into a more general retail centre. Inclusion of business premises within the Fashion Spree would be contrary to the intentions of this amendment, although whether it is in keeping with the evolving and intended economic role of the site is discussed in more detail in the following chapters.

While Amendment 22 permitted retail premises on the site, it appears that its intention was specifically to facilitate the development of shops, used for outlet purposes, with very limited ancillary functions such as takeaway food and drink.

Amendment 61

Liverpool LEP 2008 Amendment 61 allowed the development of a traditional retail centre on the site of The Grove, with a floorspace cap of 21,000sqm of shops. This is in addition to existing specialised retailing on the site, and additional floorspace under the permitted uses of the B5 zone would also be allowed.

The rationale of this amendment as stated in the Council reports was that:

- Multiple economic impact assessments and peer reviews found that the proposal would not adversely impact the viability of existing centres including Liverpool CBD and Westfield
- The proposed development, including an additional DDS, could not be accommodated elsewhere nearby and would increase accessibility for convenience retailing without people needing to go to Liverpool CBD, for example to supermarkets and day to day specialised retail
- Retail diversification would service unmet demand for DDSs, supermarkets and other retail and would support the continued operation of specialised retailing at The Grove by diversifying activity on the site.

The proponent originally proposed rezoning the site to B2. As Council was concerned that development did not meet the B2 zone objectives and that undesirable uses such as residential would be permitted, the PP instead added an additional permitted use under the B5 zone. In the PP, Ethos Urban state that Council's concern with residential uses primarily rather than the retail makeup should be considered when considering the current proposal. However, it is evident from the council report adopting Amendment 61 that the size and competitiveness of the proposed retail floorspace was a key concern, with multiple economic impact assessments occurring, that other uses in the B2 zone were not specifically highlighted but may also have been a concern, and that the strategic alignment of a B2 zoning with the subject site was a concern (SGS emphasis added in bold below):

"The proposal demonstrates the need to provide additional clause to the LLEP 2008 Schedule 1 – Additional Use as opposed to rezoning because **the site does not meet the objectives of the B2 – Local Centre zone**. Moreover, rezoning to B2 – Local Centre would open up the possibility of establishing uses that would not be desirable in the locality.

The B2 – Local Centre objective is to provide a range of retail, business, entertainment and community uses that serve the needs of people in the local area. The subject site is a regional

facility servicing a very broad catchment as opposed to a local catchment. The subject site is located on Orange Grove Road, a major regional thoroughfare, and is designed for and primarily accessible by motor vehicles.

The B2 – Local Centre would allow a number of additional uses permitted for development (e.g. residential flat buildings or shop top housing) which are prohibited in the B5 – Business Development zoning. This could lead to unplanned and unintended consequences on the site which may lead to poor land use outcomes."

Council should not be constrained from considering these issues when assessing the current PP.

It is noted that the Amendment 61 PP stated that the Homemaker Centre functions would be relocated to the rear of the Homemaker site, with traditional retail functions in front of them. Integration of traditional retail functions with outlet retailing in Fashion Spree was not discussed. While the proponent should not be bound by the initial indicative precinct design expressed in the earlier PP, it is relevant to consider the extent to which an amended design with LEP implications (as proposed in this PP) may contribute to a different retail role and function than previous supported. This issue is discussed in Chapter 4 and Chapter 5.

3. Retail impacts and permissible uses

This section summarises the following documents:

- The justifications for change from the PP document by Ethos Urban
- Deep End Services economic analysis, which was prepared in support of Gazcorp's submission on the Liverpool LEP review, and which SGS has previously commented on
- Scentre Group's submission on the PP
- The City Economy Department of Council's internal submission on the PP not supporting it and requesting an independent economic assessment
- Ethos Urban's response to submissions

These documents comment on common issues regarding the strategic justification of the PP, its impacts and its consistency with the LEP and strategic context. The contents of the submissions are summarised thematically below, with an SGS response provided following the summary of each document on each topic. Issues related to the role and function of The Grove, including in these documents, are discussed in the following chapter.

SGS has not included in the following discussion any comments on changing the legal description of the land in the LEP, or on traffic impacts. The first change appears to be purely administrative in nature, while the second is outside of the scope of SGS's review.

It is also noted that a comprehensive review of the strategic merits of the PP are outside of the scope of SGS's work. Rather, SGS is specifically commenting on economic impacts and analysis of their likely size, and alignment of the PP with the RCCS, which adopted many of the recommendations of SGS's Liverpool Centres and Corridors Study.

3.1 Additional retail floorspace and cumulative economic impacts

Planning proposal rationale

Ethos Urban argue that the proposed 2,000sqm to the Fashion Spree site would allow the provision of a better experience for shoppers and a better urban design outcome by sleeving the Fashion Spree building with tenancies and integrating the two retail centres.

Deep End Services analysis

Deep End Services argue that the proposed addition of 2,000sqm of retail floorspace on top of what is currently permitted would have a limited impact on the turnover of the Liverpool CBD or other centres. Deep End Services' rationale for this position is that:

 Economic impacts of the Fashion Spree outlet centre have been tested several times and impacts on Westfield Liverpool have never been deemed significant

- Recent analysis by Leyshon Consulting to accompany a 2016 development application to expand
 the Fashion Spree from 10,100sqm to 16,025 sqm found that the impact on Westfield Liverpool
 would be very low at around 1.4% of sales, based on the new portion of the centre trading at the
 same level as the already built portion and trade area analysis
- Applying similar parameters as Leyshon's recent analysis shows that economic impacts of adding 2,000sqm will be minimal at around -0.5% of sales at Westfield Liverpool
- Westfield Liverpool generally performs well in sales, with moving annual turnover per sqm consistently around 15% above the average for all Big Gun centres (of which Westfield Liverpool is one)

Scentre Group submission

Scentre Group argues that over time the amount of retail allowed at The Grove has increased incrementally, with each increase justified as not having significant impacts on other centres. However, Scentre Group argues that the cumulative economic impacts of the multiple additions of retail floorspace has not been considered and should be tested to better understand the overall economic impact. These multiple retail additions or expansions include the original fit-out and opening of Fashion Spree, the development approval for an expansion of Fashion Spree, the traditional retail floorspace proposed on the Homemaker site and an additional 2,000sqm on the Fashion Spree site.

City Economy Submission

The City Economy submission includes the following statement:

The economic impact assessment from the applicant's consultant and our own consultant, have only considered Westfield as the CBD. There are many smaller traders outside Westfield and the Liverpool Plaza which should also be considered within the CBD boundaries specifically, economic impact assessments should refer to the CBD boundaries set out in the DCP.

Ethos Urban Response

In response to Scentre Group, Ethos Urban state that:

- Economic impacts of the Orange Grove Centre, and Amendment 22 and 61, have been tested multiple times and found not to be significant
- The addition of 2,000sqm will have a negligible further impact

SGS Response

Impacts of addition of 2,000sqm

SGS's response to Gazcorp's submission requesting an additional 2,000sqm is provided below:

SGS have not performed retail impact modelling on the addition of 2,000sqm of retail floorspace on the Fashion Spree site. However, this is not a large enough amount of floorspace to make a significant change to the overall structure of the centre and the impact on other centres of this particular addition is likely to be minimal providing that the outlet clothing retail focus is retained.

Consistent with previous advice, SGS maintains that the impact of 2,000sqm of additional retail floorspace is in itself very unlikely to have a large impact on turnover of another large centre, given the small size of this additional floorspace amount when compared against what is currently anticipated. However, if this addition contributes to changing the overall function of the site impacts could be greater, and consistency with the policy framework should also be considered. These issues are discussed in Chapter 4.

Cumulative economic impact

SGS agrees with Scentre Group that an assessment of the trading impact of all of the existing and proposed floorspace at The Grove would find higher impacts than any single assessment conducted for Amendment 22, Amendment 61 or the current proposal. In sum, these impacts could be greater than the 10% threshold sometimes cited as significant. An assessment of the cumulative percentage trading impacts on the Liverpool CBD comparing the base case of only specialised retailing functions at The Grove with the development of both Fashion Spree and the proposed traditional retail function has not been conducted.

However, SGS agrees with Ethos Urban's response that economic impact assessments for the increases in floorspace cited by Scentre Group have included information on the overall turnover on Westfield Liverpool, and have found that Amendment 61 along with Fashion spree would be unlikely to reduce Westfield Liverpool's turnover below an acceptable level. In this sense, the absolute quantum of retail floorspace proposed does not appear to be unacceptable. However, it is also important to establish that any proposed development is consistent with intended centre roles and functions in strategic planning documents, and with the centre hierarchy. The question of the centre hierarchy also reflects the need to ensure that anchor tenants and retail categories in the CBD and other centres are not significantly affected, which could impact on the function of the other centres as a whole (for example a strong hospitality offering could be viewed as crucial to the future of the Liverpool CBD). This issue is considered in more detail in Chapter 4.

The existing retail floorspace in the bulky goods part of the subject site, existing floorspace at Fashion Spree and the proposed addition of 21,000sqm of traditional retail were included in SGS's retail modelling as part of the Liverpool Retail Centres and Corridors Study. Despite this existing and additional retail floorspace, SGS still found that there is likely to be an increase in retail floorspace demand at Liverpool City Centre in the future, driven by population growth, although the relative size of this increase is not great compared to current retail provision. SGS's modelling can thus be viewed as including cumulative impacts, and informed SGS's recommendations and the RCCS.

However, modelled impacts on retail turnover are only one part of the broader considerations that should inform the appropriateness of a proposed development and its potential impact on other centres. It is important to also consider the likely market profile and competitive role of each centre and whether this creates the potential for competition or impacts beyond what is likely to be captured by modelling that is necessarily high-level. Such additional impacts overlap with the retail hierarchy and centre roles question noted above, and are considered in more detail in Chapter 4.

Impact on small traders in the Liverpool CBD

The proposed development at The Grove is likely to compete primarily with Westfield Liverpool and to a lesser extent Liverpool Plaza, as the proposed development is likely to attract typical shopping centre tenants while outside of the shopping centres the tenants in the Liverpool CBD are generally smaller or

specialised businesses with a different market than those served by shopping centre retail. As a result, the proposed development is likely to have a limited impact on retail viability outside of Westfield and the Liverpool Plaza.

This issue is discussed in more detail in Section 4.3.

3.2 Addition of business premises

Planning proposal rationale

Ethos Urban argue that the introduction of business premises will enable the provision of ancillary and complementary services for the convenience of the visitor and working population of the site. The proposed changes would then enable The Grove to align with other stand along centres with a degree of flexibility between business premises and small retail tenancies. However, Ethos Urban state that the introduction of some business premises would not convert the site into a mixed-use or local centre in the traditional sense.

Ethos Urban also state that Council's concern with the proposed B2 zone when Amendment 61 was initially lodged was that residential land uses would be permitted rather than that retail or business premises would be allowed.

Deep End Services analysis

Deep End Services that business premises should be permissible on the sites of both The Grove and Fashion Spree on the following basis:

- Business premises rely on pedestrian activity from retail to attract businesses and are likely to make up a small proportion of total floorspace, with little chance of a multiplicity of such uses being established
- Adding business premises would provide services for shoppers and workers already coming to the centre, improving the amenity of The Grove
- Business premises have a minor and ancillary role in the functioning of centres and are typically excluded from economic impact assessments
- Businesses premises should be permissible on both sites as development may occur across the boundary line between lots in the future.

Scentre Group submission

Scentre Group argue that the inclusion of business premises in The Grove would impact Westfield Liverpool and other centres which provide a wide range of retail and business uses, by reducing trips to them. They state that this is inconsistent with the objectives of the B5 zone to:

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

Scentre Group also note that the subject site is in close proximity to other centres that could provide business premises, reducing the need for them on the subject site.

City Economy submission

City Economy's submission expresses concern that the addition of business premises to the site could detract from Council's current strategies and aspirations for the Liverpool CBD including the City Activation Strategy and intentions to achieve an 18-hour vibrant economy. They consider that business premises could become permissible in the future (for example in 5-10 years), but that the timing of the proposal could detract from the CBD's development.

Ethos Urban response

In response to the submissions by City Economy and Scentre Group, Ethos Urban argue that:

- Activity in the Liverpool CBD is underpinned by a large amount of retail, entertainment, dining, other uses and a residential population, and so busines premises which are likely to be an ancillary function at The Grove will have no affect on the Liverpool CBD.
- Provision of business premises is consistent with the B5 zone as they will support the viability of the Orange Grove Retail Centre.
- The PP is consistent with SGS's prior review of Gazcorp's submission, which agreed that business
 premises should be permitted in a traditional retail centre and suggested they fall within the
 existing floorspace cap.

SGS response

SGS's previous advice on the suitability of business premises at The Grove, commenting on Gazcorp's submission, is provided below.

SGS agree with Gazcorp and Deep End Services that some business premises are a usual inclusion in centres and that there is some degree of substitutability between small retail tenancies like clothing stores and business premises like hairdressers, optometrists and real estate agencies. Given that a retail centre of around 21,000 sqm is proposed on the site and has been facilitated through a site-specific amendments to the LEP, it would be unusual and restrictive on the operation of a general retail centre operation not to allow it to contain any services such as hairdressers, dry-cleaners etc. SGS agree that allowing population services would also be consistent with the classification of The Grove as a stand-alone centre under the retail hierarchy.

SGS would not support the addition of offices at The Grove, even those (for example solicitors or accountants) that have a small-scale population-serving function. While office premises is permissible in the B5 Zone in the Liverpool LEP 2008, the provision of offices in this location could detract from the development of the Liverpool City Centre (and to a lesser degree other centres) as a primary office location. While Council cannot separate small scale office businesses from other business premises, not including small offices in any development could form the basis of constructive discussions with the development proponent.

Deep End Services is correct that business premises are not normally considered in retail modelling. In line with the arguments of Gazcorp and Deep End Services, business premises form a significant part of the total floorspace in some local centres, but generally only a small proportion of floorspace in enclosed and stand-alone shopping centres.

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Despite the general compatibility of some business premises with the retail role of a stand-alone shopping centre, there is a risk if business premises are allowed without any cap that the size of the proposed retail centre will be expanded significantly beyond what was previously approved by Council. This would make The Grove more competitive with centres like the Liverpool City Centre and other nearby town centres. Given this, some cap on the amount of floorspace permitted may be appropriate. While SGS have not conducted retail modelling with the specific intent of testing the quantum of the retail floorspace cap applying to The Grove, the most straightforward way to implement a cap on the amount of business premises floorspace would be to replace the proposed floorspace cap on shops with a cap on both shops and business premises. For example:

Schedule 1, Clause 24 - Use of certain land at 10 Viscount Place, Warwick Farm

- (1) This clause applies to part of Lot 101, DP1043160, 10 Viscount Place, Warwick Farm, as shown coloured green on the Key Sites Map.
- (2) Development for the purpose of shops or business premises is permitted with consent if the total gross floor area of shops and business premises on the site does not exceed 21,000m2.

Other mechanisms for capping the size of the centre may also be appropriate (for example capping business premises GFA to a proportion of total GFA benchmarked to other centres), subject to discussion between Council and the proponent.

SGS continues to maintain this position regarding the inclusion of business premises in a traditional retail centre, which is what is proposed to be developed on the Homemaker site. Capping business premises as part of the overall floorspace cap for the traditional retail function on the site is the most natural way to restrict their provision as suggested in the quoted text above.

However, the above advice is focused on traditional retail centres, which does not necessarily include specialised retail precincts, noting that Fashion Spree is a clothing outlet rather than a part of a traditional retail centre. The inclusion of a wide range of business premises is not a standard part of a clothing outlet. The addition of business premises on the Fashion Spree site could facilitate its transition towards operation as a standard shopping centre, or could cause it to operate as part of a broader shopping centre together with the proposed traditional retail area, rather than as a clothing outlet. This issue is discussed in more detail in Section 4.2.

3.3 Uses covered by floorspace cap on Fashion Spree site

Planning proposal rationale

Ethos Urban argue that Amendment 22 only sought to limit the potential for shops to be built on the subject site, so the current restriction on specialised retail and food and drink premises to fall within the existing floorspace cap should be removed. They content that this would allow the site to realise its development potential, provide consistency across The Grove site in terms of permissible land uses and promote the orderly and economic use of the land.

Scentre Group submission

Scentre Group request a detailed economic assessment of the economic impacts of removing the cap on the Fashion Spree site on retail premises apart from shops, and that this be considered as part of a cumulative impact assessment.

Ethos Urban Response

Ethos Urban states that this change reflects the underlying intent of the B5 zone, and that the types of retail premises which would be permitted are not directly in competition with the types of retail provided within the Liverpool CBD.

Ethos Urban also highlight SGS's advice on Gazcorp's submission, which supported providing no cap for specialised retail premises.

SGS Response

SGS's previous advice on the suitability of specialised retail premises at The Grove, commenting on Gazcorp's submission, is provided below.

"Specialised retail premises are a permitted land use in the B5 Zone with no restriction on overall floorspace besides floor space ratio controls. As such it would be unusual to prescribe a cap on the amount of specialised retail floorspace in this location"

SGS maintain this position, and note that specialised retail premises have a specific target market which mostly does not directly compete with traditional centres, and so additional specialised retail premises would not be expected to significantly impact turnover in centres like Liverpool CBD.

It is also noted that the amount of specialised retail floorspace could be increased on the Homemaker site under the current LEP, so restricting their volume on the Fashion Spree site would have the affect of restricting which parts of The Grove can contain specialised retail premises rather than their total volume.

The PP would also remove any restriction on food and drink premises floorspace on the Fashion Spree site. While this would appear to be consistent with the intention of the B5 zone, it could have increased economic impacts given the permissibility of shops and the proposed development across the site. This is discussed in more detail in Sections 4.2 and 4.3.

Economic impact testing of lifting retail cap

No assessment has been performed of the economic impact of removing the cap on retail premises apart from shops on the Fashion Spree site. It would be expected that additional development on the site apart from shops would most likely take the form of specialised retail premises, food and drink premises or hardware and landscaping supplies.

The addition of large amounts of food and drink floorspace could create additional economic competition with the Liverpool CBD. This is discussed in more detail in Section 4.3.

Additional specialised retail premises and hardware or landscaping supplies stores would likely compete primarily with other specialised retailing and bulky goods precincts – for example Crossroads and

Sappho Road. While this impacts have not been tested, as noted above impacts of additional floorspace in these categories on the Liverpool CBD or other traditional centres would be expected to be small.

3.4 Type and size of shops and business premises

Scentre Group submission

Scentre Group suggest that there is inadequate information regarding the underlying intent of the LEP amendment and what kinds of retail offering will be proposed. They suggest that any modifications to Schedule 1 Clause 21 (applying to the Fashion Spree) specify what type of shops and business premises will be permissible, with consideration given to implementing a minimum GFA requirement for individual shops and business premises with the intention of aligning with bulky goods and specialised retail use profiles.

Ethos Urban Response

Ethos Urban state that specific details on the tenant makeup will be provided in a DA to be lodged shortly. They argue that it is unnecessary to place a limit on the size of retail premises given that any future development application on the site will need to demonstrate consistency with the objectives of the B5 zone.

SGS Response

SGS note that detailed information on likely tenants would generally not be provided at the PP stage. The level of detail required, and whether a more detailed design should be assessed (potentially from a development application lodged concurrently with the PP) is a matter for Council. However, SGS does have concerns that the design of the combined retail precinct could place it in competition with other centres. This issue is discussed in more detail in Chapter 4.

It is noted that there is no way under the NSW Standard Instrument to restrict permissibility to certain kinds of shops or business premises. A planning provision which is unduly prescriptive on the exact tenant profile, rather than on the intended role of the centre, could unnecessarily restrict its operation and evolution.

4. Role and function of The Grove

Scentre Group's submission on the PP comment on the development's inconsistency with the RCCS, SGS recommendations and zone objectives. City Economy's submission comments on potential negative effects on the Liverpool CBD, which can be considered to be related to The Grove's position within the centres hierarchy.

This section summarises these comments on these issues in the documents reviewed, and responds to the issues by discussing the retail role of the proposed centre, its alignment with the RCCS and SGS study, and likely competition with the Liverpool CBD.

4.1 Reviewed documents

Scentre group submission

Scentre Group argue that the proposed concept plan shows that the proponent is seeking to create a 'one stop shop' centre and 'destination shopping experience' including a much larger dining precinct. They argue that this is a change from the current and historical use of the site, which has predominately been a bulky goods destination.

Scentre Group argues that this shift in the function of the subject site is inconsistent with the objectives of the B5 zone, which include "to maintain the economic strength of centres by limiting the retailing of food and clothing". Instead Scentre group states that food and drink premises should serve an ancillary function, and that business premises are not consistent with the B5 zone objectives and should remain prohibited.

Scentre Group also argue that the shifting retail function of the subject site is inconsistent with the stand-alone centre designation of the RCCS, or with SGS's analysis which finds that The Grove is not an appropriate place for a local centre due to its poor walkability and integration with social infrastructure. Scentre Group also state that the proposal is inconsistent with the criteria for planning proposals from the RCCS, and with the stated intention in the Liverpool Local Strategic Planning Statement (LSPS) and RCCS for retail expansion to be prioritised in the Liverpool CBD, town centres and local centres over stand-alone centres.

City Economy submission

City Economy's submission raises concerns that that the proposed development could detract from the Liverpool CBD through the addition of Business Premises, as noted above. The submission also requests that an independent economic assessment consider Council's Civic Place development and its intended role anchoring the southern end of the CBD along the Macquarie Street Spine which is intended to be activated to create an 18-hour economy, and which has Westfield Liverpool at its northern end.

Ethos Urban response

Ethos Urban note that only 2,000sqm of additional retail floorspace is requested and that this small increase is not inconsistent with the LSPS or RCCS given that no new centre is being created and that the Grove is recognised in the LSPS as a stand-alone centre. Ethos Urban further state that the additional floor space will result in a public benefit of better activation of the centre and not generate any adverse economic impact.

With regard to the proposal creating a significant dining precinct, Ethos Urban state that food and drink premises currently make up only 3% of GFA at The Grove, cater only to visitors already coming to the site, and are naturally limited by this role consistent with the objectives of the B5 zone. They further state that the design included in the PP is indicative only and so it is misleading to say that the PP report indicates that a larger dining precinct will be developed.

In response to the City Economy submission, Ethos Urban state that

"The proposed changes to Clauses 21 and 24 would have no adverse effect on achieving the aims of the City Activation Strategy. This Strategy seeks to create an 18-hour activated city centre by leveraging visitation to major drawcard attractions such as Westfield, institutional uses and the station, improving the physical appearance of the CBD, and encouraging activation of surrounding streets and laneways. The inclusion of business premises at The Grove would have no bearing whatsoever on implementing the Strategy or achieving its goals given that they are not typically associated with key activation of retail precincts and they typically do not operate for extended trading hours."

4.2 SGS Discussion

As well as ensuring that proposed development at The Grove would not have significant trading affects on the Liverpool City Centre and other centres, it is important to ensure that its likely retail role and function is aligned with the retail hierarchy and strategic planning principles.

Intended role of stand-alone centres

As noted in Chapter 2, Council's RCCS as well as the SGS study which informed it, considered The Grove as a Stand-alone Centre. Stand-alone centres are intended to fulfill general convenience retailing needs, providing easy access to retail facilities particularly by car. Stand-alone centres but are not intended to have a broader function, for example as a commercial or mixed-use centre or major community gathering place (which would generally be expected to feature co-location with social infrastructure and in some cases higher-density residential development). From a strategic planning, retail expansion and activity is intended to be concentrated in town and local centres in preference to stand-alone centres.

This retail function is consistent with a retail function in which bulky goods and outlet retailing are provided at The Grove, as these are specialised retail functions which require a large land area and are unlikely to be able to be accommodated in traditional and higher-order centres. These retail uses also have specific target markets and large catchment areas and are not focused on providing for the day to day retail needs of the local population.

The inclusion of a traditional retail role at The Grove is also considered to be consistent with the standalone centre designation, provided that its focus is on meeting convenience retailing needs which increase the access of the local population to retail facilities (for example a DDS and supermarket with some specialty retail), and that it does not emulate the function of local and town centre by adding a much larger range of uses and social infrastructure.

Ways in which development could not be aligned with stand-alone centre role

The likely tenant profile, design and size of a traditional retail role at The Grove are relevant considerations in whether it fits within the stand-alone centre role. An initial (although not exhaustive or definitive) set of criteria for considering this would include:

- A tenant profile with a services, commercial or strong hospitality focus would emulate the intended competitive offer of higher-order centres and be inconsistent with the intended role of a standalone centre.
- 2. If a broader range of uses, for example commercial, residential or community uses were included this would be inconsistent with a stand-alone centre designation.
- If the size of the traditional retail offer at The Grove became large enough to significantly impact turnover at local and town centres and the Liverpool CBD it would be incompatible with the intended retail hierarchy.
- 4. If the amount and breadth of retail at The Grove were to become large enough that it would be likely to outcompete other town centres or the Liverpool CBD for a wide range of retail trips, this would be incompatible with the retail hierarchy. In this outcome, the Grove could be perceived as more attractive than other centres, and could attract a greater share of retail trade than would otherwise be assumed.

Alignment of planning proposal with stand-alone centre role

With respect to the **first consideration** above, the indicative design concepts included with the PP appear to show a large hospitality precinct around a central park. While the designs in the PP are indicative only as noted by Ethos Urban, this is a relevant concern in assessing the PP and proposed development. A dining precinct as appearing in the indicative design could be large enough to create a large amount of activity in The Grove beyond what otherwise caters to visitors to the precinct, and to become a drawcard in itself. This would not be consistent with the intended role of a stand alone centre, which is for convenience retailing, but which could conceivably include a small number of food and drink or take away food and drink premises.

It is noted that food and drink premises are currently permitted in the B5 zone. However, shops are not permitted in this zone, and so in the B5 zone more generally food and drink premises are likely to be take away, or to cater to visitors to specialised food and drink premises. The inclusion of a large number of food and drink premises in combination with shops is likely to be a much larger drawcard and so to have greater economic impacts than hospitality premises by themselves. On this basis, it would be reasonable to consider when assessing the proposal whether the quantum of floorspace of food and drink premises proposed is appropriate, and will not compete with the Liverpool CBD as a drawcard, even though food and drink premises are permissible in the B5 zone more generally.

Regarding the **second consideration** above, the PP intends to allow business premises which are typically included as a relatively small proportion of traditional retail centres, including those with a convenience retailing role, and so which fit within the intended function of a stand alone centre providing that they make up a small proportion of the total floorspace. Broader office, community, civic and leisure uses do not appear to be proposed, but would not be consistent with a stand-alone centre designation.

Regarding the **third and fourth considerations** above, as noted a retail centre of 21,000sqm could be consistent with the retail hierarchy and fall within the broad range of retail sizes of other town centres, depending on the tenant mix. In addition, retail impacts have been tested and do not significantly impact on other centres.

However, if the retail floorspace in the current Fashion Spree and proposed to be allowed on the Fashion Spree site (up to 21,000sqm under the PP) is considered combined with the 21,000sqm of shops permitted on the Homemaker site, The Grove would appear as a much larger traditional retail centre of up to 42,000sqm of shops and business premises, plus potentially more floorspace in food and drink premises, plus bulky goods retailing. This would be much larger than town centres and could likely outcompete them, making The Grove a much more significant retail centre than supported in the RCCS. To prevent this occurring, it would be important to maintain Fashion Spree as an outlet retail precinct with a distinct retailing role to other retail on the site. Some design separation between these retailing areas would be recommended to reinforce their separate roles and prevent them to appearing to be one larger consolidated centre.

It is noted that there is no requirement that outlet retailing functions be maintained at Fashion Spree, apart from a cap of 1,200sqm on any one shop. Notwithstanding the proponent's expressed vision for the outlet function to remain, it would be possible under current and proposed planning instruments for it to transition to a more general retail use profile. The addition of business premises on the Fashion Spree site could facilitate its transition towards operation as a standard shopping centre, or could cause it to operate as part of a broader shopping centre together with the proposed traditional retail area, rather than as a separate clothing but co-located discount outlet.

Alignment with zone objectives

SGS has not conducted a full strategic merits assessment of the PP. However, as long as The Grove does not detract from the likely success and activity of higher-order centres, its potential role and function as a stand-alone centre is considered to be compatible with the objectives of the B5 zone at The Grove, which are:

- 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

In line with the rationale for Amendment 22, bulky goods and outlet retailing cannot be accommodated elsewhere, and have a different market profile than traditional centres, and so their development in the B5 zone is consistent with its intent and objectives

To the extent that the development of a moderately sized retail centre on the site as proposed under Amendment 61 supports (or is ancillary to) the operation of bulky goods and outlet retailing on the site, and provides convenience retail premises that do not detract from higher order centres, this is considered to be consistent with the zone objectives.

If the site were to become a much larger traditional retail development, with a focus on food and clothing development apart from at the Fashion Spree outlet (which as discussed has a distinct retail function), this may not be consistent with the zone objectives.

4.3 Competition with Liverpool CBD

When considering the degree of likely competition between The Grove and the Liverpool CBD, it is instructive to consider separately the different retail roles of The Grove including under the PP.

Bulky goods and outlet centre

Some purchases of bulky goods or clothing at the homemaker centre and outlet centre at The Grove would undoubtably otherwise be made in Liverpool City Centre, and so there these parts of The Grove would have some trading impacts. However, as noted above the bulky goods and outlet retailing roles are likely to have large trade areas and distinct target markets that do not directly compete with retailing in Westfield Liverpool or the broader Liverpool CBD, limiting potential impacts.

Broader uses

A transition of The Grove towards commercial use, a focus on services, community use, or a strong entertainment offering would directly compete with the Liverpool City Centre's primacy in these areas. However, the PP does not propose these things, noting that any business premises included are likely to make up only a small proportion of the total floorspace and to be secondary to the retail function (this is discussed in more detail in Section 3.4). Given this, The Grove is unlikely to attract the aggregation of business premises across the precinct to compete with the Liverpool CBD as a service centre.

Retail use

A moderately sized traditional retail centre is proposed to be developed at The Grove. As this will be a shopping centre under single ownership, it is likely to have a similar tenant profile to other enclosed shopping centres. Tenants are more likely to be chains or larger independent stores and brands which can afford high retail rents and which align with the brand of the centre. This retail profile is likely to compete mostly with the enclosed shopping centres of Westfield Liverpool and to a lesser extent the Liverpool Plaza.

There are many stores and small businesses outside of the enclosed shopping centres of the Liverpool CBD. Many of these stores have specific retail markets (for example with a particular ethnic focus), are hospitality businesses, or offer different kinds of goods and services than are generally found in

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> enclosed shopping centres. For this reason, while traditional retail at The Grove is likely to have some impact on these other businesses, it is likely to be smaller than that on the enclosed shopping centres.

Hospitality and entertainment

As noted above, the indicative design concepts included with the PP appear to show a large hospitality precinct around the central park. This would directly compete with hospitality in the Liverpool CBD, which is a targeted growth sector of Council along Macquarie Street. If The Grove is developed in the short term and is perceived to be the primary hospitality design in the surrounding area, it could attract significant market share and momentum which would undermine the potential or timeframe for the Liverpool CBD to develop an 18-hour economy.

5. Conclusion

Overall, previous assessments (which SGS have not reviewed in depth) found the potential retail impacts of development at The Grove to fall within acceptable ranges. SGS's modelling for the Liverpool Centres and Corridors Study determined that development as envisaged under Amendment 61 and 22 would not prevent demand in the Liverpool City Centre from growing.

However, it is also important to consider whether development may cause The Grove to become much more attractive from a retail sense and to compete with other centres like Liverpool CBD, potentially with The Grove's increased attractiveness resulting greater turnover impacts and impacts on development prospects than would otherwise be expected from retail modelling. The retail hierarchy and RCCS are intended to protect the strategic position of centres like Liverpool CBD and town centres, and are also an important consideration in the strategic merits of the PP.

SGS is concerned that the joining together of the Fashion Spree and proposed traditional retail development on the Homemaker site, catalysed by the inclusion of business premises in the Fashion Spree site as well as Homemaker site and by the proposed development design, creates the risk that The Grove will become a larger traditional retail centre of 42,000sqm of shops and business premises, plus the potential for additional food and drink premises and not including specialised retail floorspace. This could be considered inconsistent with the strategic framework, and could offer increased competition with other centres. The apparent inclusion of a large food and drink precinct is also a concern due to competition with the Liverpool CBD and the potential to diminish its changes and timeframe for developing a stronger night-time economy.

As a design principle to mitigate this risk, SGS recommends that the Fashion Spree should continue to have a discount outlet function, and to be functionally separate from the other parts of the traditional retail centre. This could be encoded in the DCP or LEP, for example through:

- A site-specific DCP chapter specifying development principles for The Grove, which could be prepared and implemented concurrently with the planning proposal
- Additional qualitative objectives or requirements on the additional permitted uses in Schedule 1 of
 the Liverpool LEP, or in a new clause in Division 2 replacing current additional permitted uses on
 the Grove. For example, this could specify that the use is only permitted if a set of criteria are
 fulfilled.

It is noted that any development application would need to be assessed on its merits against the objectives of the relevant zones. SGS have not completed more detailed research to inform the best statutory implementation pathway.

5.1 Components of planning proposal

Change in legal description of land

SGS has no position on this change, which appears to be administrative in nature.

Inclusion of business premises

SGS continues to maintain that it is reasonable to allow business premises within proposed traditional retail development on the Homemaker Centre site, capped along with shops within the 21,000sqm additional permitted use. SGS do not support inclusion of business premises in the Fashion Spree site, as this would create the risk that it could transition to a broader retail role and would be inconsistent with the design principle proposed above.

Council could consider establishing design guidelines stating that business premises will have an ancillary role as part of the retail development.

Removal of cap on specialised retail on Fashion Spree site

SGS continues to maintain that it is reasonable to remove the cap on the Fashion Spree site on specialised retail premises and other kinds of retail premises apart food and drink premises, considering that these uses are permissible in the B5 zone and uncapped on the Homemaker site, and that impacts on the Liverpool CBD and other traditional centres are likely to be minimal.

Addition of 2,000sqm of additional retail floorspace

This change is unlikely to have significant turnover impacts on other centres in itself, and SGS would not oppose providing that it complies with the design principle to keep outlet retailing separate from traditional retailing. If this is not the case (it appears not to be the case from the indicative vision), this proposed additional may be deemed to be contrary to the strategic planning framework. In this sense it is the design intent of the addition which would be problematic rather than the floorspace addition in itself.

It is noted that there have been multiple planning proposals to allow additional retail floorspace over the last ten years, which have shifted the function of The Grove. While these are not necessarily inconsistent with the current strategic planning framework, they do raise concerns that further proposals could occur in the future and could slowly shift the retail landscape in a way that is inconsistent with the strategic planning framework and which could hamper the development of other centres (even if each individual change has an impact of less than 10%). In this light, it may be appropriate for Council to establish an internal policy position against considering further additions of floorspace unless the circumstances of the site change. In addition, Council could consider overall cumulative trading impacts on the Liverpool City Centre when assessing retail impacts in the future as part of the assessment of planning proposals or development applications within the existing statutory framework.

Food and drink premises

While the design included in the PP is indicative only, SGS is concerned that if a large food and drink precinct is delivered it could compete with Liverpool CBD and would be inconsistent with the strategic planning framework. Removal of the cap on food and drink premises on the Fashion Spree site could contribute to this, although it is noted that food and drink premises are currently uncapped on the Homemaker site.

Council may also wish to consider restricting food and beverage retailing in discussion with the proponent. For example:

- It could be capped, including within the proposed 21,000sqm cap on shops on the Homemaker Centre site and the cap on shops on the Fashion Spree site,
- · Permissibility could be restricted to takeaway food and drink premises, or
- Design principles could be established.

The scale of food and drink premises is relevant to the size of the likely impacts. However, it is difficult to establish a cap below which impacts are acceptable, and above which they are not. This is due to the role and function of the centre being the important factor in this case, which could be seen as a merits based question depending upon the details of the design.

As a principle, if food and drink premises on the site of The Grove went beyond catering to visitors otherwise likely to shop in the precinct, or an additional take-away function, and became a stand-alone hospitality destination, this could detract from the potential success of Liverpool CBD and other centres and be incompatible with the strategic framework. In this sense, food and drink premises at The Grove should be viewed as ancillary to the homemaker centre, clothing outlet and convenience retail roles. This general principle could be treated a design guideline or development objective to be considered in future development assessment.

While food and drink premises are permitted in the B5 zone, their inclusion at a large scale within a traditional retail development (potentially up to 42,000sqm of shops and business premises) presents a different strategic prospect to their inclusion within a specialised retail precinct which would be typical of the B5 zone, and so a site-specific approach reflecting the uniqueness of The Grove may be appropriate.

Design intent

As noted above, the acceptability of the additional 2,000sqm of shops, and of business premises, depends on the design intent of the addition.

The overall design and outcome of a development containing significant amounts of food and drink premises is also important given the principle suggested that food and drink premises on the site should cater to site visitors but not be a draw-card in itself.

In these cases, design principles could be established with statutory backing in the LEP and/or DCP, and could be assessed at the DA stage.

5.2 Summary

The following tables provide a summary of the above conclusions relating to each element of the PP. These tables do not include all elements of SGS's commentary on food and drink premises, which are currently uncapped on the Homemaker Site, and which Council should consider in addition to the elements of the PP summarised in the tables below.

TABLE 1: SUMMARY FOR HOMEMAKER SITE

Proposed amendment	Supported by SGS	Comment
Addition of business premises	Yes	Subject to cap, along with shops, at 21,000sqm

TABLE 2: SUMMARY FOR FASHION SPREE SITE

Proposed amendment	Supported by SGS	Comment
Address change	n/a	n/a
Addition of business premises	No	This is contrary to the principle SGS proposed of maintaining function separation as much as possible between outlet retailing and traditional retailing, and creates a risk of creation of a larger traditional retail centre than has been supported.
Addition of 2,000sqm GFA of shops/business premises	Qualified	Unlikely to have a substantial retail turnover impact in itself, but only supported if it is for additional outlet retailing and would not have the design outcome of removing functional separation of the outlet and traditional retailing.
Removing cap on retail uses apart from shops	Partly	SGS support removing the cap on retail premises apart from shops and food and drink premises, as specialised retail premises and other likely development types are permitted in the B5 zone, uncapped on the Homemaker Site, and are unlikely to significantly compete with traditional centres. SGS would not support the creation of a large dining precinct on either or both sites, which could be facilitated by uncapping food and drink premises, and which would be compete with the Liverpool CBD and be contrary with the intended stand-alone centre function of the site.

EGROW 06

Attachment 6

Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm SGS Peer Review

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ETHOS URBAN

9 March 2021

2200411

Mr David Smith A/Director City Economy & Growth Liverpool City Council By email.

Dear David,

SGS PEER REVIEW OF ORANGE GROVE PLANNING PROPOSAL - RZ-8/2020

We write on behalf of Gazcorp Pty Ltd, the owner of The Grove shopping Precinct and the applicant of Planning Proposal RZ- 8/2020 in response to the economic peer review which has been prepared by SGS Economics. Gazcorp supports many aspects of the report and the conclusions that SGS draws in its assessment, but has concerns with some of the comments made, in particular with respect to the following topics:

- Scope of the economic review and comments made which are outside of the ambit of the Planning Proposal, particularly in respect of the design of the centre.
- · Scale of food and drink premises and proposed restriction on these uses.
- The impact and assessment of the additional 2,000m² GFA on the Fashion Spree site.
- Recommendations would be inconsistent with the standardised Liverpool LEP objectives and land use
 permissibilities of the B5 zoning of the site and surrounds.

These points are discussed in more detail below.

1.0 Scope of SGS review

Many of the comments made by SGS in their review are subjective and outside of the scope of the Planning Proposal review that Council commissioned.

An example of this is the repeated reference to a 'substantial hospitality presence' (mentioned pages 4,18 and 21). We are not sure where this description of the development has arisen from as the documents submitted with the PP only state that the area surrounding the urban park will be occupied by various uses. There is no information on what split of uses will be retail, business premises and food and drink premises as Gazcorp itself does not yet have this information. None of the tenants to be located within this area have been secured and it is not Gazcorp's intention that restaurants will 'dominate' this area.

Another example of their subjective commentary is their lack of support for a "strong entertainment offering" (page 20) which refers to uses (recreational indoor facilities) that have been allowable in the B5 zone for over 9 years (e.g., Bowling, Gymnasiums, Child play areas, etc) and have been operating on the subject site with no effect on the Liverpool Town Centre.

SGS also mentions multiple times that the "office premises" use is not consistent with The Grove site, and its standalone centre designation (page 19). While no office premises are being considered in the DA that is soon to be lodged for the expansion of The Grove, SGS comments fail to recognise that the use is mentioned in 3 of the 4 zone objectives and has been allowed uncapped in the B5 zone since 2012.

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These are only a few examples selected in reviewing the report, and Gazcorp's requests that LCC responds to the SGS report and asks for the subjective comments which are outside the scope of the report to be reviewed/removed.

2.0 Design of the Centre

In addition to the above subjective comments, SGS further digresses with its review of the design of the site. Although SGS has only seen a small snapshot of the entire precinct, the design discussions about "separating" the land uses, and the potential detrimental economic consequences if they are allowed to seamlessly be joined don't make sense. All existing land uses on site don't currently operate in "isolation" of one another (as it seems to be suggested by SGS). There is no hard wall up between them, and customers are free to roam between the Fashion Spree Outlet Centre, the Homemaker Centre, and the fast food and convenience precinct.

The design vision doesn't aim to join all the retail components into "a single cohesive shopping centre" as suggested on page 4 of SGS's report. It rather aims to improve the Pedestrian / Vehicle conflict points under the existing site arrangements in a much more contemporary urban setting. Currently there are four crossing points that cause traffic conflicts on a regular basis. The proposed design of the centre will resolve this and allow for the flow of both pedestrians and cars to occur somewhat more freely and safely - with pedestrian safety being paramount.

The two centres will continue to operate as separate entities and will have a different retail focus with Fashion Spree retaining its outlet focus and The Grove retaining a bulky goods focus with additional convenience retail offerings introduced in the forthcoming development application. Rather than being separated by a road dominated by vehicles, the design seeks to create a new tree lined street and open space which improves the amenity of the centres and the safety of pedestrians travelling between them.

To suggest that the design of the centre should seek to separate out the two centres would be contrary to all Council studies and planning proposals prepared on the site to date, which have considered all of the land parcels as 'one precinct'. This would also be inconsistent with the comments made by Council's design excellence panel which supported the generation of a cohesive outcome on the site. Furthermore, improvements in pedestrian permeability across the precinct and resolution of traffic conflicts would have no effect on potential economic impacts on other centres arising from development at The Grove. It is the quantum of development and likely sales redirection that informs economic impacts rather than design issues, particularly in the context of assessing a Planning Proposal.

3.0 Additional 2,000m² of floorspace on Fashion spree site & restriction of Food and Drink Premises

SGS incorrectly states that cumulative impacts have not been examined, but the EIA's prepared for Amendment 61 were undertaken in the context of examining cumulative impacts arising from the initial development of Fashion Spree. Notwithstanding this error, SGS conclude that the addition of 2,000m² of additional floorspace would have no significant impact on existing centres within the Liverpool LGA.

However, SGS does conclude that a restriction on Food and Drink Premises should remain on the Fashion Spree site. The imposition of such a restriction would be discriminatory and would stand in contrast to their comments regarding the uncapping of the specialised retail premises, to align it with the standard B5 objectives and permissible land uses. It is also completely illogical given such uses have been allowable on the B5 zoned lands on an unrestricted basis since the early 90's (including on all other lots in the Precinct) with no impact or concern on the Liverpool CBD having ever been raised. In fact, all development of food and drink premises on the site have been undertaken in an orderly manner, with each DA having been assessed on its individual merits – as it should – against the objectives of the zone and the relevant controls contained within Council's planning controls.

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SGS also understand this to be case, stating on page 14 that "While this would appear to be consistent with the intention of the B5 zone (having no cap)...". Their comments further down the page that "the addition of large amounts of food and drink premises could create additional economic competition with the Liverpool CBD" is purely a hypothetical comment about what "could" occur on site and should be left to the merit based assessment that Council would no doubt vigorously undertake if "large amounts" of individual food and drink premises ever do get lodged in due course.

This would be similar to the outcome proposed for The Grove which is not currently subject to such a restriction and where it will be at the DA stage that an assessment for consistency with the zone objectives would be undertaken. This would also be the case for business premises, where an assessment could be made to determine if these were of a level that would be ancillary to the retailing occurring on the site.

4.0 Stand Alone Retail Centre

Finally, SGS makes comments in respect of concern for the Fashion Spree centre turning into a normal retail centre (page 19 in particular). As Council is aware, this issue was dealt with in significant detail during the Planning Proposal and development applications for the operation of the outlet centre (Fashion Spree). Consequently, the operation of that centre has strict conditions of consent and a Plan of Management which limit the type of retailing that can occur on that part of the site. Gazcorp cannot change this without further lodging an application with Council and as such it is within Council's control to ensure that the centre continues to operate as approved.

It is noted that Gazcorp has also never once sought to amend or alter the restrictions placed by Council to control the outlet retailing use over the past 7 years since receiving the rezoning. In fact, it has gone to further lengths to strengthen the outlet retailing component on site through its approval and imminent construction start for its expansion on the eastern side of the existing centre.

5.0 Conclusion

As has been demonstrated in this letter, many of the comments and conclusions made by SGS in its peer review are subjective and seek to impose restrictions on the Fashion Spree site beyond what is necessary, given the development application process that will follow the Planning Proposal, and also that these uses are able to occur elsewhere in the B5 zone without restriction.

The proposed changes are intended to deliver a better development outcome for the community, including improved amenity, while being consistent with the intended functions for each part of the centre as expressed in Clauses 21 and 24 of Schedule 1 of the LEP.

Yours sincerely,

Jennie Buchanan

Director 0404 909 035

jbuchanan@ethosurban.com

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

1. EXECUTIVE SUMMARY

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

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



Figure 1: The Grove sites

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

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

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

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

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

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

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

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

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Table 1: Summary of planning proposal and council officer recommendation

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

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

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

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2. SITE AND LOCALITY DESCRIPTION

The Site

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

Homemaker Centre

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

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

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

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

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

Fashion Spree

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

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

21 Use of certain land at Warwick Farm

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

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

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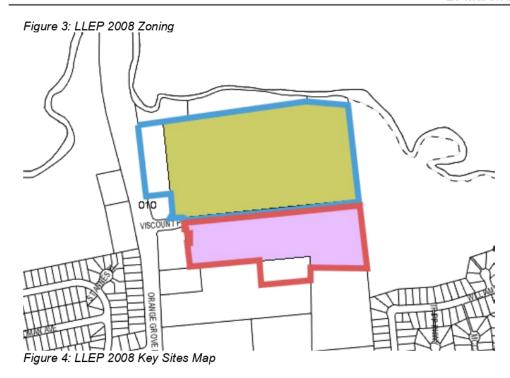


Figure 2: Aerial Image of sites



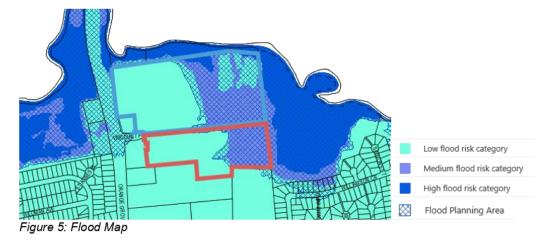
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Environmental Constraints

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



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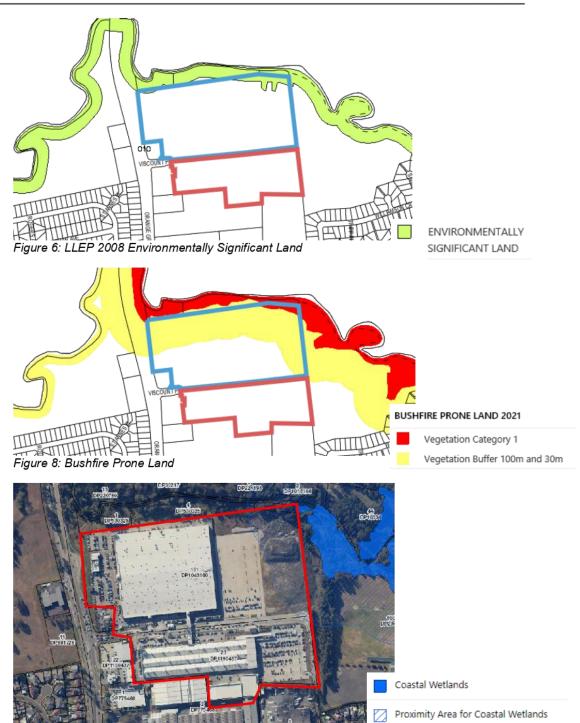


Figure 9: Coastal Wetland Mapping

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The Locality

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

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



Figure 10: Locality

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3. SITE HISTORY & BACKGROUND

Amendments to Liverpool Local Environmental Plan 2008

Zoning History

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

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

Fashion Spree Site & Amendment 22

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

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

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

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

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

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

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

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

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

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

The planning proposal was amended to include an additional permitted use within Schedule 1 of the LLEP 2008, rather than rezone the site to B6 Enterprise Corridor. The intention to retain the B5 Business Development zone was explained in the amended planning proposal, which stated "In the event that a retail outlet centre is not pursued, the B5 zone will facilitate any demand for bulky goods retailing on the site." (p17-18) (Attachment 10).

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

Homemaker Site & Amendment 61

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

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

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

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

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Development Application History

Fashion Spree

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

The Grove

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

Local Strategic Planning Statement & LEP Review

Local Strategic Planning Statement

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

Centre & Corridor Study

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

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

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

Key features of stand-alone centres include:

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

Centre & Corridor Strategy

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

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

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

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

LEP Review Planning Proposal

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

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

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

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

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4. DETAILS OF THE PROPOSAL

Planning Proposal Summary

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

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

Fashion Spree (Clause 21) The Grove Homemaker Centre (Clause 24) Schedule 1, Clause 21 - Use of certain land at Schedule 1, Clause 24 - Use of certain land at 10 Viscount Warwick Farm Place, Warwick Farm (1) This clause applies to part of Lot 121, DP (1) This clause applies to part of Lot 101, DP1043160, 10 876962-and part of Lot 101, DP1043160 and part Lot 23 in DP1190437, 5 Viscount Place, Viscount Place, Warwick Farm, as shown coloured green on the Key Sites Map. Warwick Farm, as shown coloured light purple on the Key Sites Map. (2) Development for the purpose of shops and business premises is permitted with consent if the total gross floor (2) Development for the purposes of retail premis area of shops and business premises on the site does shops and business premises is permitted not exceed 21,000m2 with consent if-(a) The total gross floor area of all retail premises shops and business premises uses on the site does not exceed 49,000m2 21.000m² and The gross floor area of any individual retail premises shop or business premises on the site does not exceed 1,200m2.

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

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

The planning proposal intents to add 'business premises' as a permissible use on this site.

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

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

The planning proposal intends to:

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

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

Voluntary Planning Agreement

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

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

Pre-Gateway Public Exhibition Submissions & SGS Peer Review

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

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

Addition of Business Premises

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

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

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

Removal of 'retail cap'

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

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

Cumulative Economic Impacts of Additional Retail Floorspace

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

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

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

Food & Drink Premises

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

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

SGS Peer Review Summary & Council Officer comment

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

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

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

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& Comment s is contrary to the principle S proposed of maintaining ction separation as much possible between outlet ailing and traditional ailing, and creates a risk of attention of a larger traditional	& Comment Do not support this amendment as per SGS advice. The intent of Amendment 22 was to allow for the fashion outlet, and this is achieved by permitting shops. This is a specialised use, and the addition of business premises will transition away from the intent of Am. 22. Council staff want to avoid the possible future
s is contrary to the principle S proposed of maintaining ction separation as much possible between outlet ailing and traditional ailing, and creates a risk of ation of a larger traditional	advice. The intent of Amendment 22 was to allow for the fashion outlet, and this is achieved by permitting shops. This is a specialised use, and the addition of business premises will transition away from the intent of Am. 22.
ail centre than has been sported. alified. ikely to have a substantial ail turnover impact in itself, only supported if it is for litional outlet retailing and ald not have the design come of removing ctional separation of the let and traditional retailing.	transition of this site into traditional shops with business premises retailing, when the intent of the site is to be a fashion outlet. Do not support this amendment, with consideration of SGS advice. Although the economic impacts of this addition are believed to be negligible, the impacts of this amendment are not in-line with the strategic direction of the stand-alone centre. It is deemed that there is insufficient strategic justification for the additional 2,000sqm of GFA. The planning proposal facilitates a possible way of connecting the Fashion Spree site with the
3	Homemaker Centre and the possible moving away from the use of the Fashion Spree site as a specialised retail outlet. Support this amendment in-line with SGS comments. The definition of 'retail premises' has changed since Am. 22, and now is a group term definition which incorporates other retail uses, such as specialised retail and landscape material supplies. The current wording of Sch. 1 Cl. 21 achieves the intent of Am.22, however Council staff agree with the SGS analysis that it is unusual to cap floor space of uses already permitted under the zone. The SGS peer review notes that the expected uses to be developed are the specialised retail, landscape supplies, and food & drink premises, which have not been modelled as these are already permitted on the site.
i	kely to have a substantial il tumover impact in itself, only supported if it is for itional outlet retailing and ald not have the design come of removing stional separation of the et and traditional retailing.

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

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5. CONSIDERATIONS FOR STRATEGIC MERIT

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

Section A - Need for the planning proposal

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

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

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

The planning proposal intents to "provide greater flexibility in the permissible uses and realise the full development potential of The Grove Liverpool site."

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

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

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

Section B – Relationship to the strategic planning framework

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

Greater Sydney Regional Plan - A Metropolis of Three Cities

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

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

Table 3: Consistency with the Regional Plan

Objective	Comment
A city for people	
Objective 7 Communities are healthy, resilient and socially connected	This objective states "Well-planned neighbourhoods can improve people's health Enhancing the safety, convenience and accessibility of walking and cycling trips has many benefits including healthier people, more successful businesses and centres and reduced traffic congestion."
	Homemaker Site: the addition of business premises to the Homemaker site is justifiable, as shops are already permitted to be developed on the site as an additional permitted use. The inclusion of business premises within the existing 21,000sqm will allow for ancillary supporting uses to be co-located with the shops permitted already.
	Fashion Spree Site: The addition of business premises and increase additional permissible uses by 2,000sqm are inconsistent with this objective, as they have the potential to change the way in which the site is used. It is currently a stand-alone centre focusing on a specific form of retaining (fashion outlet stores), and these changes have the potential to transition to a more traditional retailing format, containing traditional shops and business premises, whilst also integrating with the neighbouring Homemaker site containing bulky goods premises.
	This would transition the site to a local or town centre (as further discussed in detail when assessing against the Centre & Corridor Strategy). Given the car-based nature of the standalone centre and lack of supporting social infrastructure, it is not an appropriate location to support further traditional retailing.
	The lifting of the retail cap on Fashion Spree site is consistent, as it will provide for large floor plate uses suitable to the site, as they are already permissible under the zone.
	Food & Drink Precinct: The possible future transition toward a substantial hospitality offering with numerous food and drink premises is not consistent with this objective, as the site does not promote walking or cycling trips, and these uses should be located within accessible centres.

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Comment		
A city of great places		
 This objective encourages placed-based planning to achieve the following: Well-designed built environment: great places are enjoyable and attractive, they are safe, clean and flexible with a mix of sizes and functions. Social infrastructure and opportunity: great places are inclusive of people of all ages and abilities, with a range of authentic local experiences and opportunities for social interaction and connections. Fine grain urban form: great places are walkable of human scale, with a mix of land uses including social infrastructure and local services at the heart of communities. The planning proposal used this objective to justify the proposed amendments. However, this objective is not applicable to the role of stand-alone centres. The Grove contains specialised retail (bulky goods) on the Homemaker Site, and specialised use of fashion outlet on the Fashion Spree site. These two sites have their own individual functions in line with the B5 zone objectives of providing for large floor plate uses. As discussed in the LSPS and Strategy section, the site is to retain its use as a stand-alone centre, which does not have a place-based function, and is not to transition into a town or local centre. 		
This objective focuses of delivering the 30-minute city and intends to "Co-locate activities in metropolitan, strategic and local centres". The planning proposal justifies its proposed amendments against this objective by claiming that The Grove is in a walkable catchment of Liverpool and Warwick Farm, and improvements to site accessibility can be provided at the DA stage. The planning proposal is also inconsistent with this objective, as The Grove is a stand-alone centre with its specialised retail use, and is not to act as a local or town centre. Whilst it is in close proximity to other centres, it is a car dominant centre located along Orange Grove Road and is not supported by active transit routes. The B5 Business Development zone objectives are to provide for the uses with large floorplates, near other centres.		

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Objective	Comment	
Jobs and Skills for the city		
Objective 22 – Investment and business activity in centres	This objective sets out principles for centres and their future development. It notes that clusters of large format retail should be treated as part of the retail network, so they can grow and evolve over time. In relation to local centres, these are to provide access to goods and services close to where people live with a strong focus on walkability.	
	In relation to the Fashion Spree site (i.e the addition of business premises and 2,000sqm GFA), this has potential to transition the site away from a stand-alone centre, and towards a local or town centre. The Grove is to continue to operate as a stand-alone centre.	
	On the Homemaker site, the addition of business premises to the existing additional permitted use of shops allows for some ancillary uses that can co-locate with the shops use that is already permitted.	
	Similarly, the lifting of the retail cap on the Fashion Spree site, allows for the future development of this site, with development permissible with consent under the land use zone. This allows for further investment at the site, with appropriate uses.	
A city in its landscape		
Objective 27 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced	This objective is to "Protect and enhance biodiversity by: supporting landscape-scale biodiversity conservation and the restoration of bushland corridors managing urban bushland and remnant vegetation as green infrastructure managing urban development and urban bushland to reduce edge-effect impacts."	
	Section 2 of this report notes the site has environmental constraints, including Environmentally Significant Land mapped under the LLEP 2008. This relates to land on the Homemaker site.	
	The proposed amendment on this site is to add business premises within an area already marked with the additional permitted use of 'shops'. Any environmental considerations in relation to this can be appropriately addressed at the DA stage.	
A resilient city		
Objective 37 – Exposure to natural and urban hazards is reduced	This objective states "Effective land use planning and design can reduce the exposure to natural and urban hazards and build resilience to shocks and stresses."	

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

Western City District Plan

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

Table 4: Consistency with the District Plan

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

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

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

Connected Liverpool 2040 - Local Strategic Planning Statement (LSPS)

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

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Table 5: Consistency with LSPS

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

Liverpool Centres and Corridors Strategy 2020

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

Stand-Alone Centre

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

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Table 6: Consistency with Strategy

Stand-alone centre Role

Provide for the convenience and specialised retail needs of the local community, but do not act as mixed-use centres of the local community.

Function

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

Consistency

The Grove currently aligns with this role and function. Each site currently holds a separate and specialised function for the retail needs of the community, and does not hold a greater place-based function.

The Homemaker site contains specialised retail (bulky goods) and has potential to expand with 21,000sqm of 'shops'. The Fashion Spree site contains a factory outlet centre which meets a specialised need for this use. The sites have good access from Orange Grove Road and currently are not co-located with social infrastructure.

Homemaker Centre: the addition of business premises does not adversely change the role and function of this site, as it is ancillary to the additional shops already permissible with consent.

Fashion Spree:

- The addition of business premises is contrary to the role and function, as it detracts from the factory outlet use. It also has potential to dilute this specialised use and transition into a traditional retailing format.
- The additional 2000sqm GFA could allow for the current use to evolve into one that is not aligned with the 'stand-alone centre' function that it serves. The expansion could lead to a connection with the Homemaker site which would result in an overall centre with diverse offerings. Stand-alone centres are to provide for their specialised use only. They are not intentioned to act as nor compete with town or local centres. Further they lack the required social infrastructure to act as a local or town centre.
- The lifting of the 'retail cap' is in-line with the role and function, as it is allowing uses permissible under the B5 Business Development zone to be developed.

Food and drink premises should not become a substantial component of development on the sites but rather remain ancillary to the operation of each site in line with the role and function of a stand-alone centre.

Future Development

Should only be expanded if there is limited capacity elsewhere, if they can act as a local or town centre in the future, and if there will not be a substantial impact on the viability of a local or town centre. The Strategy notes that amendments to include further retail or service-based uses in the B5 Business Development zone is not encouraged, as these standalone centres have a car-based role and are not appropriate for a broader centre role.

Homemaker Centre: the addition of business premises is justifiably inconsistent with the Strategy. Its addition to the already permissible 21,000sqm of shops will not have an adverse economic impact on the city centre. Additionally,

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Stand-alone centre	Consistency		
	according to the SGS reviews, it is reasonable to place shops and business premises together within a traditional retailing centre.		
	 Fashion Spree: The addition of business premises is not in-line with the strategy, as there is capacity elsewhere, (including within The Grove at the Homemaker site) and these uses are not required for the effective functioning of the fashion outlet. The additional 2000sqm GFA is also not in-line with the strategy, as it can be located elsewhere. Although not having a substantial economic impact in isolation, the way this facilitates the possible future integration of the two separate sites changes the role of the centre by transitioning it to an integrated town or local centre with place based functions, rather than focusing on the specialised retail provided on each site. The lifting of the 'retail cap' is in-line with the strategy as it allows for permissible uses to be expanded on the site, e.g. specialised retail premises and landscape material supplies. 		
	Food and drink premises should not become a substantial component of development on the sites but rather remain ancillary to the operation of each site in line with the role and function of a stand-alone centre. This will protect the viability of the Liverpool City Centre as the primary food and drink destination in the Liverpool LGA.		

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

Table 7: Assessment against the Strategy's Guiding Criteria

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

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

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

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

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

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

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

Table 8: Ministerial Direction Consistency

Section	Comment	Consistency
1. Employment ar	1. Employment and Resources	
Direction 1.1 Business and Industrial Zones	In its current form, the planning proposal is inconsistent with this direction. The objectives of this direction are to: • encourage employment growth in suitable locations, • protect employment land in business/industrial zones, • support the viability of identified centres. Homemaker Centre: addition of business premises will not reduce floor space of other employment uses, as it will be capped within the 21,000sqm of the additional permitted use of 'shops'.	Not consistent in current form. Deemed consistent as amended by Council staff.
	 Fashion Spree: The addition of business premises and additional 2,000sqm of additional permitted uses is not consistent as this use can be located in the Liverpool City Centre. It will also reduce the floorspace available for retail uses permitted under the B5 Business Development zone. The future growth of the centre may lead to the transition from a standalone centre to a local centre which is not supported as it detracts from the large floorplate uses to be located within this zone. The lifting of the 'retail cap' is consistent as it allows uses permissible with consent within the zone to be developed on the site. 	
	Food & Drink Premises The planning proposal could facilitate the future development of The Grove into a development that includes a substantial hospitality offering. Food and drink	

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Section	Comment	Consistency
	premises are to be ancillary to the primary use of the site as per the B5 Business Development zone objectives, and their development beyond an ancillary use will detract from the viability of Liverpool City Centre to have a vibrant night time economy.	
2. Environment a	nd Heritage	
Direction 2.1 Environmental Protection Zones	The Homemaker site has environmental constraints, including Environmentally Significant Land mapped under the LLEP 2008. The Planning Proposal does not seek to change this identification under the LLEP 2008.	Yes
	The proposal is for additional permitted use of business premises within an area and GFA cap already approved for the use of shops. Any environmental considerations in relation to this can be appropriately addressed at the DA stage.	
Direction 2.2 Coastal Management	As noted, SEPP (Coastal Management) 2018 is applicable. The planning proposal has not addressed this direction, therefore is inconsistent with this Direction.	Justifiably inconsistent.
	The planning proposal is justifiably inconsistent given the nature of the proposal (being related to non-intensive additional permitted uses) and any further development on the sites being with the development standards of the LLEP 2008.	
Direction 2.6 Remediation of land	The planning proposal states, "the site is not known to have been used for any contaminating uses in the past". As the planning proposal primarily seeks to change permissible uses at The Grove, and does not seek intensification of the sites further than what is permissible under the LLEP 2008, or introduce sensitive uses, it is deemed to be consistent with this direction.	Yes
3. Housing, Infras	tructure and Urban Development	
Direction 3.4 Integrating Land Use and Transport	The objective of this direction is "to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:	Not consistent in current form.
	 improving access to housing, jobs and services by walking, cycling and public transport, and increasing the choice of available transport and reducing dependence on cars, and reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and 	Deemed consistent as amended by Council staff

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Section	Comment	Consistency
	 supporting the efficient and viable operation of public transport services, and providing for the efficient movement of freight." In its current form the planning proposal is deemed to be inconsistent with this Direction. This is because the proposed amendments are seen to be facilitating the 	
	possible evolution of The Grove site away from its stand- alone centre designation. This possible transition is seen to be made possible by allowing for business premises and extra GFA for additional permitted uses on the Fashion Spree site. This has potential to develop into a traditional retailing centre and also combine with the Homemaker site.	
	The Grove site currently is not well serviced by public transport or active transport connections but rather relies on trips by car. The Fashion Spree site should continue to operate as a stand-alone centre with specific use for the retail outlet. The existing stand-alone centre designation of The Grove as identified in Liverpool's strategic planning framework allowing for more lenient requirements for improving public and active transport access.	
4. Hazard and Ris	sk	
Direction 4.1 Acid Sulfate Soils	The site is identified as having moderate salinity potential. The planning proposal did not address this direction. As the planning proposal primarily seeks to change permissible uses at The Grove, and does not seek intensification of the sites further than what is permissible under the LLEP 2008, or introduce sensitive uses, it is deemed to be justifiably inconsistent with this direction given the minor significance of this inconsistency.	Justifiably inconsistent.
Direction 4.3 Flood Prone Land	The sites are identified as being flood prone. The planning proposal has addressed this ministerial direction, and flooding implications can be further addressed at the DA stage.	Yes
Direction 4.4 Planning for bushfire protection	The sites are identified as containing bush fire prone land. The planning proposal has addressed this Direction. If the planning proposal receives a positive Gateway determination and proceeds to formal exhibition, the NSW rural Fire Service will be engaged for comment.	Yes

LOCAL PLANNING PANEL REPORT

Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm Local Planning Panel Assessment Report

LIVERPOOL CITY COUNCIL

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

6. CONSIDERATIONS FOR SITE SPECIFIC MERIT

Section C - Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

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

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

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

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

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

Flooding

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

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

Bushfire

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

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

Transport

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

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

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

Section D - State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

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

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

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

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

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

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

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7. NEXT STEPS

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

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

8. CONCLUSION

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

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

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

9. RECOMMENDATION

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

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

Fashion Spree Site:

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

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

Attachment 8

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

29 March 2020

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

ETHOS URBAN

25 March 2021

2200411

Mr David Smith A/Director City Economy & Growth Liverpool City Council By email.

Dear David,

LOCAL PLANNING PANEL REPORT ORANGE GROVE PLANNING PROPOSAL - RZ-8/2020

We write on behalf of Gazcorp Pty Ltd, the owner of The Grove shopping Precinct and the applicant of Planning Proposal RZ- 8/2020 in response to the planning report which is on the agenda for the Local Planning Panel meeting to be held on Monday 29th March. In response to the recommendations made in that report, Gazcorp is proposing to amend the Planning Proposal Application as it applies to the Fashion Spree site, as set out and explained below.

No changes are proposed to the Planning Proposal as it applies to The Grove Shopping Centre where amendments are proposed to include Business Premises as an additional permitted use within the 21,000m2 floorspace 'shops' cap as provided for under Schedule 1 Clause 24.

1.0 Original Proposed Amendments

The following amendments were originally proposed to Schedule 1 of Clause 21 for the Fashion Spree Site:

- Change the legal description;
- Add business premises as a permissible use within the 19,000m² retail premises cap;
- Add 2,000m² of shops/business premises; and
- Amend Schedule 1 such that the current 19,000m² cap on 'retail premises' would only apply to 'shops'.

2.0 Proposed Revised Amendments

The following revised amendments are now proposed:

- · Change the legal description; and
- Add 2,000m² of retail premises which would be subject to the same restrictions as currently applies to the site in respect of tenancy size and use.

3.0 Justification and Commentary

Following a review of the SGS report and Council's assessment report to the Local Planning Panel we understand that the key concerns held by SGS and Council in respect of the Fashion Spree Proposal relate to the addition of business premises and the proposed removal of the restriction of food and drink premises. We understand the concern with these amendments / additions is the possibility of the factory outlet centres transitioning to a traditional retail centre. As has been outlined before by Gazcorp, it is not the intent of the proposed design and expansion of the site to transition it a traditional retail centre, nor create a dining precinct, and to date, nothing has been submitted to Council to suggest that this will occur. All Food and drink premises that are to be provided as amenity to customers of Fashion Spree will remain ancillary to and will not be the primary purpose for trips to the centre.

The Grove, Warwick Farm | Amendments to Planning Proposal | 25 March 2021

To reinforce that this is the case, it is now proposed to maintain the 'retail premises' restriction on the Fashion Spree site. This will mean that the proposed additional 2,000m² of retail floorspace will be subject to the same restrictions and merit assessment as the retail floor space already approved on the Fashion Spree site. This includes the restriction on the use as a discount fashion retail outlet, the 1,200m² limitation on the size of any retail premises as well as the quantum of food and drink premises. The Plan of Management which forms part of the Fashion Spree consent, DA 839/2014, will continue to apply to the development and could also be applied to cover the additional floorspace proposed. The assessment of the development application made in respect of the additional floorspace would also be subject to an assessment against the objectives of the B5 zone.

Deep End Services and SGS have both confirmed in their assessment of the proposed changes, that an additional 2,000m² of floorspace on the Fashion Spree site is unlikely to give rise to any economic impacts on any nearby centres, including Westfield and the Liverpool Plaza within the Liverpool CBD.

The additional 2000m² of floorspace and the retention of the 'retail premises' land use and the other controls on the Fashion Spree site (as listed above) will be beneficial to the entire site as it will:

- a) Increase in amount of floorspace, but ensure that food and drink retailing on the site continues to be
 provided in accordance with the centre hierarchy and role of the centre, and will not impact upon the outlet
 clothing retail focus; and
- b) Enable the sleeving of the northern side of Fashion Spree centre with additional tenancies, thereby activating the public domain and creating a better shopping experience for customers and workers.

On this point, we note that the Council Officers consider that the use of the additional 2,000m² to join the two sites together, may change the role and operation of the stand-alone centre.

In response, The Grove Liverpool, (referenced as Orange Grove in the Centres and Corridors Strategy), comprises both the Homemaker Centre and Fashion Spree, as well as other smaller stores, such as Dan Murphy's, Krispy Kreme and McDonalds. The two centres are already linked and joined by the shared access road Viscount Place and a pedestrian walkway. They are part of the same stand-alone centre. An additional 2,000m² of floorspace on the Fashion Spree site will not alter its role or operation in anyway other than to provide a better urban design outcome and customer environment, particularly in respect of pedestrian safety and amenity, that will be subject to further scrutiny during the DA process.

We thank Council for considering our revised proposal and would welcome the opportunity to discuss the proposed amendments to the Planning Proposal further.

Yours sincerely,

Jennie Buchanan

0404 909 035

jbuchanan@ethosurban.com

Ethos Urban | 2200411



Memo

To: The Liverpool Local Planning Panel

Luke Oste, Executive Planner

Date: 31 April 2021

Subject: Ethos Urban Response Letter

Reference: RZ-8/2020

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

Revised Amendments Proposed

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

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

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



Memo

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

Liverpool Centres and Corridors Strategy

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

Table 2 - Assessment Against the Liverpool Centres and Corridors Strategy

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



Memo

Guiding Criteria 5 of the Centres and Corridors Strategy is to "allow additional retail uses in the B5 zone if it can be demonstrated they could not reasonably locate in another centre and they constitute a small proportion of the total retail floorspace". The additional 2,000sqm of floorspace proposed is deemed to be a small proportion of the total retail floorspace. Further, the existing 'factory outlet retail' offering is unique to the site and provides an appropriate location for such a use.

Traffic Impacts

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

Voluntary Planning Agreement (VPA)

An existing VPA applies to the subject site. A letter of offer has been provided by the applicant to ensure the monetary contribution towards public infrastructure which is payable subject to Clause 6 of the existing VPA will be applicable to both shop and business premises uses on the Fashion Spree site and the Homemaker Site as well as the additional 2,000sqm of shop and business premises that is being requested on the Fashion Spree site. This letter of offer will need to be updated depending on the final form of the planning proposal supported by Council staff as informed by the LPP advice. Once this has occurred, a revised letter of offer can be included with the planning proposal when reported to a future Council meeting.

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



Memo

Yours sincerely

Luke Oste

Executive Planner



Memo

Summary Table - Council Staff Position on Revised Proposal

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



ADVICE ON PLANNING PROPOSALS LIVERPOOL LOCAL PLANNING PANEL

8th April 2021

Held online Via Microsoft Teams

Panel: Julie Walsh (Chair)

Jason Perica Expert Marjorie Ferguson Expert

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

LIVERPOOL CITY COUNCIL

ADVICE OF LIVERPOOL LOCAL PLANNING PANEL PAGE 1

8th April 2021

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

ADVICE OF THE PANEL

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

The amended PP is as follows:

The "Homemaker" Site

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

The "Fashion Spree" Site

Increase the current cap on "retail premises" in Schedule 1, Clause 21 from 19,000 to 21,000 square metres.

Update the legal description.

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

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

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

LIVERPOOL CITY COUNCIL

ADVICE OF LIVERPOOL LOCAL PLANNING PANEL PAGE 2

8th April 2021

wider objectives.

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

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

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

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

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

VOTING NUMBERS:

3 - Nil (unanimous)

ETHOS URBAN

13 April 2021

2200411

Mr David Smith A/Director City Economy & Growth Liverpool City Council By email.

Dear David,

RESPONSE TO THE LIVERPOOL LOCAL PLANNING PANEL ADVICE THE GROVE LIVERPOOL, PLANNING PROPOSAL – RZ-8/2020

We write on behalf of Gazcorp Pty Ltd, the owner of The Grove Liverpool Shopping Precinct and the applicant of Planning Proposal RZ- 8/2020. The purpose of this letter is to express Gazcorp's support to Council's recommendation that the Planning Proposal proceed to Gateway determination as set out in its assessment in the Memo dated 31st April 2021 and, in its advice, dated 8th April 2021.

In addition to the above, Gazcorp wishes to further respond to the key issues raised within the Liverpool Local Planning Panel's (the Panel) advice and provide further evidence that there is significant strategic merit in the Planning Proposal progressing without the need for any development control mechanisms being applied across The Grove Liverpool site that are in addition to those that currently exist.

This letter refers to and should be read in accordance with the following documents, as attached:

- Discussion Paper: Proposed Subregional Shopping Centre at 2-12 Orange grove Road, Warwick Farm, prepared by Gazcorp, dated 13th October 2011 (Attachment A);
- Review of Centre Strategy Liverpool, prepared by Leyshon Consulting, dated 16th December 2011 (Attachment B);
- Liverpool Retail Centres Hierarchy Review, prepared by Hill PDA, dated July 2012 (Attachment C);
- Letter from Liverpool City Council to JBA, dated 6 February 2013 (Attachment D);
- · Letter from Liverpool City Council to Gazcorp, dated 28 September 2015 (Attachment E);
- Amendment 61(updated) Planning Proposal report, prepared by JBA, dated October 2015 (Attachment F);
- Amendment 61 (updated) Planning Proposal report, prepared by JBA, dated December 2016 (Attachment G);
- Letter from Roads & Maritime (RMS) to Liverpool City Council, dated 11 August 2017 (Attachment H);
- Letter from Roads & Maritime (RMS) to Liverpool City Council, dated 20 November 2017 (Attachment I);
- Council Agenda of the Ordinary Meeting on 28 February 2018 (Attachment J);
- Pre-DA Meeting Notes, prepared by STC, dated 12 March 2020 (Attachment K); and
- Design Review Panel Minutes, prepared by Liverpool City Council, dated 13 October 2020 (Attachment L).

The Grove, Warwick Farm | Response to Liverpool Local Planning Advice 13 April 2021

1.0 Issues raised by the Liverpool Local Planning Panel and Council's position

The Liverpool Local Planning Panel's advice note stated that it was supportive of the Planning Proposal (as amended by Gazcorp on 25 March 2021) proceeding to Gateway determination, however raised two key concerns.

- 1. The Panel agreed with the advice of SGS that whilst the additional of an additional 2,000 square metres of retailing on the Fashion Spree site and the additional of 'business premises' as a permitted use on the Homemaker site would be themselves unlikely to have an adverse impact on the Liverpool City Centre or be otherwise contrary to Council's Centres and Corridors Strategy (CCS), the Panel was concerned that if changes lead to a transition away from the current operation of the centre, then there may be an impact on Liverpool City Centre or the future development would be contrary to the CCS. Accordingly, the Panel recommended that for the Planning Proposal to proceed, then it be on the basis that there be an enforceable legal mechanism to ensure that the Fashion Spree site remain as a retail factory outlet centre and does not transition to a more 'traditional' retail offering.
- 2. The Panel also agreed with SGS in considering that there was potential for the site(s) to become a 'destination' food and drink location, which could also compete with the Liverpool City Centre as opposed to providing food and drink premises as ancillary to other shopping visits. Accordingly, the Panel also recommended that if the Planning Proposal were to proceed, a legal mechanism should also be explored to ensure that any food and drink premises at both the Homemaker Centre site and Fashion Spree site are ancillary to the other uses rather than becoming destinations in themselves.

Gazcorp's response to the above points are set out below.

1.1 Fashion Spree Factory Outlets

A further legal mechanism to ensure that the Fashion Spree outlets remain as factory outlets is not warranted in this instance. This is because, retailing on the site is already controlled by the following measures:

- 1. Overall cap of retail premises as set out in Schedule 1, Clause 21 of the Liverpool LEP.
- The restriction of the maximum tenancy size of 1,200m².
- Development consent 839/2014 which includes a Plan of Management which restricts the types of retail permissible on the site.
- 4. The zone objectives of the B5 zone any change of use on the site would require a development application and Council would have the ability to ensure the development is consistent with the zone objectives.

Further to the above, any application for a change of use would need to be accompanied by an Economic Impact Assessment which addresses the Liverpool Retail Hierarchy and Councils Centres and Corridors Strategy.

Finally, it is noted that Gazcorp is about to commence construction of the expansion of the Fashion Spree centre. This is further evidence that Gazcorp has no intention of changing the retail strategy for the Fashion Spree site, and simply wishes to build on the success of the existing centre.

1.2 Food and Drink Premises

In respect of food and drink premises, Gazcorp wishes to highlight that the provision of food and drink premises is an important aspect of supporting the viability of a subregional centre and are required to provide amenity to patrons coming to the centre. The list of similar and/or nearby centres below, demonstrates that food and drink premises are an ancillary component of a shopping precinct and can be provided without creating a stand-alone food and drink destination precinct. It is also important to note that from an outlet perspective, Fashion Spree is still heavily underweight on food and drink outlets in comparison to comparable centres.

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OUTLETS

- FASHION SPREE (INCL EX): 80 Speciality stores, 7 Food Outlets, 0 Business Premises.
- DFO HOMEBUSH: 102 Speciality stores, 15 Food Outlets, 2 Business Premises.
- BIRKENHEAD: 101 Speciality stores, 17 Food Outlets, 12 Business Premises.
- DFO ESSENDON: 118 Speciality stores, 11 Food Outlets, 2 Business Premises
- HARBOUR TOWN GC: 170 Speciality stores, 32 Food Outlets, 8 Business Premises.

SUB-REGIONAL CENTRES

- CARNES HILL MARKETPLACE: 28 Majors/Speciality stores, 14 Food Outlets, 12 Business Premises.
- · CASULA MALL: 36 Majors/Speciality stores, 15 Food Outlets, 14 Business Premises.
- BONYRIGG PLAZA: 31 Majors/Speciality stores, 11 Food Outlets, 17 Business Premises.

Restricting food and drink premises is unnecessary on the site as again, Council will have the ability to review and restrict the amount of food and drink premises on the site when the detailed development application is lodged for the site. This would have been the case for all the developments listed above if it was considered necessary.

It is further noted that food and drink premises are a permissible use within the B5 and B6 zones, and the objectives of the B5 zone seek to maintain the economic strength of centres by limiting the retailing of food [and clothing], but also require a reasonable concentration of business activity. It is therefore considered that these existing LEP provisions can be relied upon when assessing any future development applications, without a specific restriction on the amount of food and drink premises permitted on the site.

2.0 Gazcorp's long standing intentions for the site

The Planning Proposal report, prepared by Ethos Urban, dated 5th November 2020, included a detailed explanation of the planning history and the approved uses on the site. This was included because the site's planning history was considered an extremely important consideration in explaining the context behind the Planning Proposal.

Two of the key concerns raised by SGS in its review of the Planning Proposal were:

- 1. The connectivity of the two shopping centres; and
- Incremental expansion of traditional retailing on the site.

In undertaking its assessment, we understand that SGS were not privy to the longstanding history of the site and we note that since October 2011, Gazcorp has always conveyed its long-standing vision for the site to create a single unified precinct with significantly improved amenity for patrons and an expanded the retail offering to include traditional retailing.

During the evolution of the development of planning controls for the site and the vision for the redevelopment of the precinct, Gazcorp has repeatedly met with both Council and the RMS. This has influenced the design significantly and has result in the initial vision, which proposed pedestrian bridges across Viscount Place, being amended such that a main street design was pursued which provided separate circulation for pedestrian and vehicles on the site.

The documents attached to this letter also demonstrate that from the outset, Gazcorp has been clear in its intentions to expand the retail offering on the site to include more traditional and convenience types of retail.

Attachments A-L and the extracts taken from the Attachments, as set out in Table 1 demonstrate that since 2011, Gazcorp has expressed its vision for The Grove Liverpool to be a single shopping precinct that comprises, bulky goods (now referred to as specialised retail premises), outlet retail and traditional convenience retail floorspace.

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Furthermore, the documentation also demonstrates that Council has accepted that:

- · The Grove Liverpool should include many attributes of a town centre and should include a 'main street' element;
- The economic impact of a diversified retail offer would support the viability of the specialised retail component, will have broader economic benefits and is unlikely to seriously impact any nearby centres;
- · Service vehicle access will be provided along the northern site boundary;
- · Gazcorp has always intended to provide outdoor dining opportunities;
- Viscount Place would ramp down to underground car parking, in order to separate service vehicles from private cars and pedestrians;
- Access from Viscount Place would be simplified to reduce the amount and number of conflicts, which may
 include at grade pedestrian links between the land uses on the northern and southern sides of Viscount Place;
 and
- Gazcorp's indicative plans have always envisaged a single-level complex comprising specialised retail premises
 and traditional retailing, with additional uses including a full-line major supermarket, a mini-major supermarket
 and a discount department store, co-located with a mix of speciality and ancillary shops.

In addition, the proposed overall design intent, the provision of external dining, the central open space and included water features as well as other landscape elements within a 'themed world' across The Grove Liverpool site, has been supported by Council's Design Review Panel in its review of the future proposed redevelopment designs for the site. It has also been accepted by both Council and Transport for NSW that traffic and pedestrian access related issues can be addressed at the DA stage as demonstrated in Table 1 and **Attachments I** and **K**.

Table 1 Relevant extracts from Attachments A-L

Document name	Relevant exact
Gazcorp Discussion Paper: Proposed Subregional Shopping Centre at 2-12 Orange grove Road, Warwick Farm 13 th October 2011 Attachment A	General Overview Gazcorp Pty Ltd is seeking support for a new sub regional shopping centre to be built on the land adjoining the rear of the current Liverpool Megacenta. The proposal would contain approximately 14,600 square metres of gross leasable area, made up of: a) A discount Department Store of 5,000 square metres. b) A full line supermarket of 3,800 square metres. c) A small discount supermarket of 1,300 square metres d) Speciality and mini major shops of 4,500 square metres. To put the size of the proposal into context, the centre would be smaller than all of the subregiona centres currently in the South West region (subregional centres usually have at least one full line DDS and at least one major Supermarket): a) Carnes Hill Market Place – 17,500 square metres b) Casula mall – 20,100 square metres c) Bonnyrigg Plaza – 23,000 square metres; d) Fairfield Forum – 18,027 square metres; e) Neeta City – 25,359 square metres; f) Bass Hill Plaza – 19,985 square metres.

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The Grove, Warwick Farm | Response to Liverpool Local Planning Advice 13 April 2021

Document name	Relevant exact
Leyshon Consulting Review of Centre Strategy – Liverpool	Redevelopment and Expansion In our opinion a far more attractive option would be to redevelopment the Orange Grove Road property into a centre which could contain elements of the following: • bulky goods retailing
- Liverpooi	outlet retailing
16th December 2011	discount and convenience retailing
Attachment B	This would provide the centre with a diversified retail offer and increase patronage to Orange Grove
	A future standalone centre at Orange Grove Road could include the following elements: • bulky goods retailing – up to 30,000sq.m.
	convenience and discount retailing – up to 15,000 sq.m
	factory outlet retailing – up to 17,000sq m.
	pad sites – up to 5,000 sq.m
Hill PDA	Orange Grove was identified as a Stand Alone Shopping Centre and the characteristics of such a centre within the Existing Retail Hierarchy were described as follows:
Liverpool Retail Centres Hierarchy Review	Internalised, privately owned centres located away from other commercial areas, containing many of the attributes of a Town Centre but without housing or public open space – may have potential to
July 2012	become a traditional town centre in the long-term.
Attachment C	
Liverpool City Council Letter to JBA regarding the proposed redevelopment of Orange	In relation to your advice that you were preparing to lodge a Planning Proposal for the redevelopment of the Orange Grove site. Council requested that you consider the following matters in the preparation of the Planning Proposal and drafting of an amendment of Liverpool Development Control Plan 2008:
Grove	8. That that proposed development be designed in such a way that it addresses Viscount Place as a 'main street'.
6 February 2013	
Attachment D	
Liverpool City Council	When considering the Orange Grove stand-alone centre as a single entity, it currently has approval for 50,000sqm of retail floor space of different kinds (bulky goods, retail outlets and enterprise
Letter to Gazcorp regarding the rezoning of the Homemaker Centre	corridor uses). The addition of an extra 17,000sqm of traditional retailing to the site may therefore be considered an additional use.
28 September 2015	As noted in Section 5.0 of the planning proposal,
Attachment E	The diversification of retail uses within the proposed new retail centre will not only support the viability of the bulky goods retail component, but will also have broader economic benefits by creating a new retail centre that will attract a wide range of consumers from a large catchment to the Liverpool LGA.
	Council staff understand that the development of the regionally significant outlets centre will attract consumers from a wide catchment, including those from outside the Liverpool local government area. It is also acknowledged that the EIA (and peer reviews) have predicted that diversifying the uses at the Orange Grove site is unlikely to seriously impact any nearby centre.

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Document name

Relevant exact

JBA

Amendment 61 (updated) Planning Proposal report

October 2015

Attachment F

A single-level retail centre is envisaged for development on the Site. Bulky goods retail premises are proposed to be accommodated at the rear of the centre, whilst more traditional retail uses will be accommodated in the front portion. In order to ensure the ongoing operation of the bulky goods component during construction, it will be necessary to construct the new bulky goods component at the rear of the site first, relocate existing tenants, and then construct the front portion of the new centre to accommodate traditional retailing.

The new centre is intended to operate as a single-level centre providing for the ready flow of foot traffic between the traditional and bulky goods components of the development.

Basement parking is proposed to be accessed of Viscount Place which will be redesigned to accommodate a turning circle and traffic calming measures such as tree planting and pedestrian crossings. Consistent with the RMS comments, Viscount Place will be re-graded to provide access to the underground car park. In addition, a limited amount of at-grade parking will be provided at the southern boundary of the centre which will be accessed via the turning circle. A food court is also envisaged at the centre's southern edge.

A number of pedestrian links to the approved outlet retailing centre on the Weekend Markets site are also being considered. Service vehicle access will be provided along the northern boundary of the Site'.

The following images were also included within the report which demonstrated Gazcorp's intention to provide outdoor dining opportunities as part of the refurbished centre and to improve the amenity and pedestrian experience of the shopping centre.



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The Grove, Warwick Farm | Response to Liverpool Local Planning Advice 13 April 2021

Document name Relevant exact

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The Grove, Warwick Farm | Response to Liverpool Local Planning Advice 13 April 2021

Document name

Relevant exact

JBA

Amendment 61 (updated) Planning Proposal report

December 2016

Attachment G

Throughout the progress of the Amendment 61 Planning Proposal, significant consultation occurred with the RMS, as it has always been a priority for both Gazcorp and the RMS to improve pedestrian safety and to reduce conflicts with service vehicles.

Accordingly, the Planning Proposal report, dated December 2016 set out that the following issues (as discussed with the RMS) were relevant to the future design of the new retail centre and would be considered as part of the future development application:

- the existing intersection of Orange Grove Road/ Viscount Road has space capacity;
- congestion currently experiences at this intersection is due to parking/ pedestrian interactions at Viscount Place:
- given that there is spare capacity at Orange Grove Road/ Viscount Place, an additional access
 to The Grove Liverpool is available via Homepride Avenue, improvements to Viscount Place
 should be considered prior to the consideration of an additional access (third access) at the
 northern boundary of The Grove Liverpool;
- a third access (if pursued) would need to accommodate a southbound deceleration lane for the left turn movement:
- the existing safety issue at the 'jug handle' on Orange Grove Road was noted. However, it was also noted that the 'jug handle' is unlikely to remain in the future, particularly if the road is wide ped
- any additional phases with the right turn movement from Hume highway into Homepride Avenue
 can be accommodated in the existing phasing of this intersection and should be pursued;
- consideration should be given to potentially increasing the length of the southbound left turn lane or to convert the southbound left turn land to a slip lane at Orange Grove Road/ Viscount Place, if required:
- access off Viscount Place in the design (of the planned new retail centre) should be simplified to reduce the amount and number of conflicts:
- the RMS supported dropping Viscount Place to access the planned underground car park as the main access, with minor access to surface car parking outside the planned supermarket. This would allow for separation of service vehicles from private cars and pedestrians.
- an internal roundabout needs to be located further to the east if an 'at-grade' option is pursued.

NSW Transport – Roads & Maritime Services

Letter for Liverpool City Council

11 August 2017

Attachment H

3. Site observations have indicated that the majority of motorists entering Viscount Place enter the first facing driveway (adjacent to McDonalds), which occasionally leads to vehicle queue spill back to Orange Grove Road in peak periods and impacts the network performance of the signalised intersection. Motorists may not be aware that there is additional parking at the eastern boundary of the site and take the first entry point.

Council as the relevant planning authority for the LEP Amendment may wish to give consideration to either closing this entry driveway (as motorists have alternative access to this open car park adjacent to the Highway at the next driveway on Viscount Place to the east) or ensuring the proponent provides better signage and guidance to advise motorists of additional parking on the eastern boundary of the site.

4. Motorists may be discouraged from utilising the car parks on the eastern boundary of the subject site due to the pedestrian crossings on Viscount Place and the number and frequency of pedestrian movements using these crossings in the peak periods causing delays for motorists on Viscount Place and associated vehicle queue spillback. As a result, consideration should be given to the provision of a grade separated pedestrian bridge on Viscount Place that provides direct and safe pedestrian links between the land uses on the southern and northern side of Viscount Place.

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The Grove, Warwick Farm | Response to Liverpool Local Planning Advice 13 April 2021

Document name	Relevant exact
NSW Transport – Roads &	
Maritime Services	The advice provided by Roads and maritime for consideration to be given to improving pedestrian
Letter for Liverpool City Council	access and associated mitigation of potential traffic issues relating to pedestrian access can be addressed at DA stage.
20 November 2017	
Attachment I	
Liverpool City Council	The proponent's indicative plans envisage a single-level complex comprising of bulky goods and traditional retailing. The additional uses would include a full-line major supermarket, a minim major
Agenda to Ordinary Meeting 28 February 2018	supermarket and a discount department store, co-located with a mix of specialty and ancillary shops.
Attachment J	
STC Consulting	Items proposed by Gazcorp and discussed at the meeting included:
Pre-DA Meeting Minutes of meeting between Gazcorp project team and Transport for NSW	The proposed concept has two entry lanes (feeding from dual right turn lane) and four exit lanes at the main access. Majority of traffic will use the portal to access underground car park, minimising traffic at-grade.
12 March 2020	Pedestrian movements across Viscount Place have been improved. The crossing on the 4 lane road is replaced by at grade crossing at main Street with significantly reduced traffic volumes.
Attachment K	TfNSW suggested the team to have another meeting, if required, after the traffic modelling and intersection designs are completed prior to DA submission.
Liverpool City Council	Specific relevant comments raised by Council's Design Review Panel include:
Design Review Panel Minutes 13 October 2020	The panel supports the overall design intent for the development and appreciates the incorporation of a 'main street retail' approach for the centre, however, the Panel notes that the design drawings submitted as par of the review proposes the idea of façade elements being considered within a big box retail approach, rather than actual smaller building elements.
Attachment L	External retail dining and other augmented retail propositions should be investigated.
	The Panel recommends that the design should consider providing accessible roof gardens/ outdoor dining areas on the upper levels of the building. This will help the proposal appear more pedestrian friendly and less car focussed.
	The Panel supports the design intent of providing a central public open space with water features and other landscape elements, however, but would like to review the application once it is further developed.
	The Panel supports the idea od creating a themed world for visitors, however, additional details are required to identify the functional allocation of the ventral open space along the main street, including proposed programming/ curation of activities.

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The Grove, Warwick Farm | Response to Liverpool Local Planning Advice 13 April 2021

3.0 Conclusion

Overall, Gazcorp would like to reiterate its support for Council's position that the Planning Proposal proceed to Gateway determination and that no further restrictions are required in respect of the type of retail offered than those which already exist. In addition, this letter has also sought to demonstrate that the Panel's concerns were unfounded as Gazcorp's long term vision for the site has never been to compete with any nearby centres, including the Liverpool City Centre or to transition into a food and drink 'destination'.

Yours sincerely,

Jennie Buchanan

Director 0404 909 035 jbuchanan@ethosurban.com

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Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to faciliate the expansion of The Grove, Warwick Farm Proposed Public Benefit Letter of Offer

GAZCORP

13 April 2021

Mr David Smith Acting Chief Executive Officer Liverpool City Council Locked Bag 7064 Liverpool BC NSW 1871

By Email - C/O Michael Midson

Dear David,

RE: Public benefit offer to Liverpool City Council for RZ-8/2020, 10 Orange Grove Road, Warwick Farm.

Following on from the finalisation of advice from the Liverpool Local Planning Panel, we are pleased to update our previous offer from 30 October 2020.

It is still our intention to provide the benefit via a formal amendment to the existing Planning Agreement that is in force between LCC and Gazcorp covering the MegaCenta Site, the Grove Liverpool, Orange Grove Road, Warwick Farm (VPA); in connection with Amendment 61 to the Liverpool LEP 2008.

Gazcorp proposes to update the following:

- Include Lot 23 DP 1190437 together with the whole of Lot 101 DP 1043160 as land that is subject to the VPA.
- Replace the use of the definition 'Shop' with 'Shop and Business Premises' throughout the VPA as it relates to Lot 101 DP 1043160, and insert a new definition for 'Business Premises' drawn from the Dictionary of the LEP.
- Update all relevant definitions and clauses to ensure that a 3% Monetary Contribution applies to the additional 2,000 square metres of 'Retail Premises' that is proposed on Lot 23 DP 1190437. It is important that a new definition for 'Retail Premises' drawn from the Dictionary of the LEP only relates to Lot 23 DP 1190437.

For the avoidance of doubt, the intention of the three amendments listed above is to ensure that the 3% monetary contribution that is payable subject to Clause 6 of the VPA, will now apply to both the Shop and Business Premises uses on Lot 101 DP 1043160, as well as the additional 2,000 square metres of Retail Premises being requested on Lot 23 DP 1190437.

Please let us know if this proposed updated offer is, in principle, acceptable to LCC. We look forward to working closely with LCC in achieving a well-considered Retail Centre Precinct that adds to the character and vibrancy of the Liverpool City area.

Yours Sincerely,

Nicholas Gazal Director



GRANTS, DONATIONS, AND CORPORATE SPONSORSHIP POLICY

Adopted: 29 May 2019

TRIM: 2016/2682, 091748.2019



GRANTS, DONATIONS, AND CORPORATE SPONSORSHIP POLICY

1. LEGISLATIVE REQUIREMENTS

Local Government Act 1993, Section 356

2. OBJECTIVE

Council is committed to building strong and resilient communities within the Liverpool Local Government Area (LGA) and to increase social wellbeing for all residents. One way of achieving these goals is to provide financial assistance in the form of grants, donations, and sponsorships to individuals and groups to develop leadership skills, increase participation in community life and address identified social issues. Council seeks to support programs that can build or enhance the reputation and brand of Liverpool City in accordance with Council's Community Strategic Plan.

3. **DEFINITIONS**

Acquittal	Reporting on the activities of a project as set out in the funding agreement. This could take the form of providing financial reports, written reports, evidence of activity performance and where funding was spent
Auspice	An agreement where an incorporated organisation agrees to apply for funding or resources on behalf of an applicant that is not incorporated. If the application is successful, the auspicing organisation then administers the resources on behalf of the applicant, and is legally responsible for ensuring that the terms of the agreement are met
Charity	Listed on the Australian Charities and Not-for-profit Commission (ACNC) website as a registered charity
Community Capacity Building	Involves the provision of community activities that contribute to people developing their own capacity and resilience to maintain and build on their own resources and to manage future challenges
Incorporated Association	A legal entity (organisation) that provides legal protection to its members in legal transactions

4. GRANT PRIORITIES

4.1 Council seeks to enhance the use of public funds through effective and efficient grant processes. Clear grant program objectives are linked to the organisation's strategic goals, outlined in Council's Community Strategic Plan. Council's grants and sponsorship programs provide a coordinated and integrated approach to growing Liverpool socially, culturally, economically and environmentally.

Council grants, donations and sponsorships may be provided to individuals who reside in the LGA, or to community-based groups, organisations and services that operate within the Liverpool LGA and/or for the benefit of Liverpool residents. Council facilitates nine programs for the allocation of grants, donations, and sponsorship:

- 1. Kick-Starter Grants
- 2. Small Grants
- 3. Liverpool Young Achievers Awards
- 4. Community Grants
- 5. Sustainable Environment Grants
- 6. Matching Grants
- 7. Corporate Sponsorship
- 8. Sporting Grants
- 9. Sporting Donations

Grants, Donations and Corporate Sponsorship Policy

GRANTS, DONATIONS, AND CORPORATE SPONSORSHIP POLICY

4.2 GRANT MAKING PRINCIPLES

The key principles that inform grant making by Council are:

- <u>Council's Community Strategic Plan.</u> All grants align with Council's Community Strategic Plan, and other social, economic and environmental policies and plans;
- <u>Partnerships and collaboration.</u> Develop and maintain partnerships between Council
 and the community to achieve Council's strategic directions based on mutual respect
 and transparency;
- <u>Capacity building.</u> Support community groups and organisations to function positively, develop skills and increase community participation;
- <u>Social inclusion.</u> Liverpool is a diverse community and our grant making process encourages directing resources to specific needs of disadvantaged groups;
- Leveraging value. Council seeks to leverage community expertise, capacity, networks and resources to provide the best suite of grant programs to meet the needs of and maximise positive outcomes for the community and business. Council supports projects that represent good value for the level of cash or in-kind support requested. Through effective and efficient grant management processes, Council seeks to ensure costs for administration by the Council and grant applicants are minimised;
- Good governance. Council is committed to demonstrating integrity, professionalism
 and transparency in our decision making and have strong governance structures in
 place to support this. Council will ensure that grant processes are transparent and fair.
 Applications are assessed objectively against the assessment criteria. All conflicts of
 interests are addressed and declared as part of this process; and
- Reflection and learning. As part of Council's commitment to continuous improvement, Council will ensure there are evaluation mechanisms in place and opportunities for feedback on grant processes.

5. GENERAL ELIGIBILITY AND EXCLUSIONS

5.1 GENERAL ELIGIBILITY

To be eligible for funding an applicant must:

- Acquit previous Council grants, donations or sponsorship and have no outstanding debts to Council:
- Be a resident of the LGA, or an organisation located in the LGA and/or principally providing services to the residents of Liverpool; and
- c) Include all required supporting documentation with their application.

5.2 APPLICATIONS THAT ARE INELIGIBLE FOR FUNDING INCLUDE:

- a) Projects that duplicate existing Council services or programs.
- b) Projects that directly contravene existing Council policy.
- Projects that do not meet the identified priority needs of Liverpool as set out in Council's Community Strategic Plan.
- d) Applications from government departments, political parties, or commercial/profitmaking/private organisations (excluding Corporate Sponsorship which accepts applications from private organisations).
- e) Applications from charities for general donations.
- f) Applications for general fundraising activities, general operational expenditure (e.g. administration, insurance, office equipment, car parking, IT costs/equipment), shortfalls in funding by government departments, or completed/retrospective projects.
- g) For employee salaries/wages or any direct employment costs.
- h) Projects that will rely on recurrent funding from Council.

- Identical projects that have previously been funded by Council (excluding Corporate Sponsorship).
- Projects or programs that charge people for participation, including charges to participants through an individual's NDIS funding plan.

5.3 FURTHER CONDITIONS

5.3.1 Council will not:

- a) Provide in-house design, printing and distribution services (organisations may apply for funding to undertake these activities themselves).
- b) Provide cleansing and waste services for events (organisations may apply for cash funding to undertake these activities themselves).
- Support political activities or activities that could be perceived as benefiting a political party or political campaign.
- d) Support religious activities that could be perceived as divisive within the community.
- e) Support activities that deliberately exclude any individuals or groups from participating or attending.
- Provide in-kind support of any nature (eg: the provision of chairs or portable toilets for events).
- 5.3.2 For specific eligibility requirements and exclusions for each program, refer to Section 7 of this policy.

5.4 ETHICS FRAMEWORK

Council will not support any activities or entities that:

- a) Pollute land, air or water, or destroy or waste non-recurring resources.
- b) Market or promote products/services in a misleading or deceitful manner.
- c) Produce, promote or distribute products/services likely to be harmful to the community.
- d) Acquire land or commodities primarily for speculative gain.
- e) Create or encourage militarism or engage in the manufacture of armaments.
- f) Entice people into financial over-commitment
- g) Exploit people through the payment of below award wages or poor working conditions.
- h) Discriminate by way of race, religion, or sex in employment, marketing or advertising.
- i) Contribute to the inhibition of human rights generally.

5.5 CONFLICTS OF INTEREST

- 5.5.1 Council staff assessing and determining applications should identify and manage any potential conflicts of interest in accordance with Council's Code of Conduct and Ethical Governance: Conflicts of Interest Policy.
- 5.5.2 Members of Council staff and Councillors must ensure that any affiliation between them and the applicant is appropriately managed when assessing and determining applications for grants and donations.

6. GRANTS MANAGEMENT PROCESS

6.1 APPLICATIONS

All applicants must register with Council's online grants management system before applying. Applications must be submitted using the approved online application form on Council's online grants management system. Council will not accept any hard copy or emailed submissions, or any submissions after any applicable closing date or time.

6.2 ASSESSMENT AND RECOMMENDATIONS

- 6.2.1 All applications received by Council will be assessed by relevant Council staff members. Sporting Grants and Donations will be sent to the Sports Committee for review. Recommendations for funding of \$1,000 or less may be approved by the CEO or their delegate, provided the funding is in accordance with sections 356(3), 377(1A), and 378 of the Local Government Act 1993. Council will be notified of funded projects by Council report as soon as appropriately possible. Recommendations for funding over \$1,000 will be made to Council for endorsement in accordance with Section 356 of the Local Government Act 1993.
- 6.2.2 For grant programs that are open for applications all year, recommendations will be made to the next available Council Meeting. For grant programs with specific funding rounds, recommendations will be made within three months of the closing date.
- 6.2.3 Unsuccessful applicants are encouraged to seek feedback from relevant Council staff on their application. Programs are highly competitive and even though an application may meet the program criteria it may not be competitive against other applications.
- 6.2.4 Council uses the Australian Business Register (ABN) as its sole source of truth to confirm an applicant's operating status as an incorporated not-for-profit or charitable organisation http://www.abr.business.gov.au/.
- 6.2.5 Council values and recognises the importance of applicant financial and in-kind contributions. Applicants that demonstrate a commitment to the project through either financial or volunteer support are considered favourably.

6.3 APPROVAL

- 6.3.1 The elected Council has authority to approve grants, donations, and sponsorship. In some circumstances, specific delegation for this purpose is given to the CEO.
- 6.3.2 Approval of a grant, donation or sponsorship does not imply that Council has given any other consent. Applicants should note that events or any capital works require approvals and consents from Council, NSW Police and other state government agencies.

6.4 FUNDING AGREEMENTS

All successful applicants are required to enter into a funding agreement before funds are released and before a project can commence.

Council's support must be acknowledged on all promotional material. The Council logo should be used with the text "proudly supported by Liverpool City Council". All promotional material must be approved by Council prior to publication. Council also reserves the right to receive the following: joint media release opportunities, opportunity for Mayor to speak at the event or occasion, space at the event (table or marquee stall), and tickets to attend the event or occasion.

6.5 REPORTING

All grant recipients are required to acquit their project as detailed in their funding agreement. Reports are to be submitted using the approved online grants management system. Reports provide feedback on the success of the project in terms of the agreed outputs and outcomes, relevant data, and any lessons learnt. Funding recipients are required to submit detailed financial reports and may be requested to provide further documentation and evidence of expenditure. Council may audit recipients at any time. Previously funded applicants must receive an acknowledgement of a successful acquittal

prior to applying for further funding. No further funding will be granted to any organisation who has failed to submit an acquittal report for previous funding from Council.

6.6 MINOR CHANGES TO THIS POLICY

Council authorises the CEO to make minor changes to this policy to reflect changes in legislation, expiry of or changes to grant programs, and changes in Council structure.

Grants, Donations and Corporate Sponsorship Grants, Donations and Corporate Sponsorship Policy

GRANTS, DONATIONS, AND CORPORATE SPONSORSHIP POLICY

7. FUNDING PROGRAMS

7.1 KICK-STARTER GRANTS | UP TO \$500 | OPEN ALL YEAR

This program supports individuals or unincorporated community groups to establish a social enterprise aimed at addressing priorities in Council's Community Strategic Plan or a project which promotes social inclusion and increased community participation. Applications can be made for funding of up to \$500 per financial year. Repeated applications of the same project in subsequent years will not be accepted. Applications for events are not eligible under this program.

Project outcomes must meet at least one of the below priorities:

- a) Improve connections and social networks within the community.
- Increase participation in community activities, including by those experiencing social disadvantage.
- c) Facilitate access to education, training, or employment opportunities.
- d) Improve collaboration and coordination of community support and services.
- e) Improve social and physical wellbeing through prevention and early intervention approaches.

7.1.1 Program timeframe

Applications can be made all year. Grants must be spent within 12 months of receiving them.

7.1.2 Eligibility

To be eligible for funding applicants must:

- a) Be an individual resident or unincorporated community group based within the Liverpool LGA.
- b) Be 100% volunteer run or operate as a not-for-profit.
- c) Must update Council's Community Development Worker (Funding and Support) during the delivery of the project or initiative.

For more information on eligibility and exclusions refer to Section 5: General Eligibility and Exclusions.

Assessment criteria

To be considered for a grant, applicants should clearly describe the proposed project and how it will meet the following criteria:

Evidence provided to support the need for the project, including addressing at least one of the strategic directions in Council's Community Strategic Plan

The anticipated number of individuals that will benefit from the proposed project

Timeframe and budget are realistic and align with project objectives

Evidence of collaboration and partnership to maximise the use of existing community resources and to avoid duplication

Evidence that project strategies are innovative or practical to meeting the project need

Appropriate project evaluation method

Sustainability of project post funding

7.2 SMALL GRANTS | UP TO \$1,000 | OPEN ALL YEAR

This program supports a range of small-scale community initiatives and is for community groups who may not have experience with grants programs. It aims to provide more intensive support and build the capacity of less established groups to familiarise themselves with grants programs and Council processes.

7.2.1 Expected program outcomes

Initiatives and projects can contribute to one or more of the following outcomes:

- a) Develop trial community capacity building programs or facilitate small-scale community awareness events.
- b) Increase engagement of individuals in academic, cultural, and environmental fields.
- Improve relative equality, resilience and adaptive capacity of Liverpool's diverse communities.
- d) Enhance positive social, cultural, or sustainability outcomes for local communities related to Council's strategic priorities.

7.2.2 Available funding

Applications can be made for funding of up to \$1,000 per project. Repeated applications of the same project or initiative in subsequent years will not be accepted.

7.2.3 Program timeframe

Grants must be spent within 12 months of receiving them.

7.2.4 Eligibility

To be eligible for funding applicants must:

- a) Be incorporated or auspiced by an incorporated organisation;
- A non-profit community service organisation or group providing programs/services to the residents of Liverpool; and
- c) Supply a copy of their most recent annual report and/or financial statements.

For more information on eligibility and exclusions refer to Section 5: General Eligibility and Exclusions.

7.2.5 Assessment criteria

To be considered for a grant, applicants should clearly describe the proposed project and how it will meet the following criteria:

Evidence that the organisation has capacity to deliver the project

Evidence provided to support the need for the project, including addressing at least one of the strategic directions in Council's Community Strategic Plan

The anticipated number of individuals that will participate in and benefit from the proposed project

Timeframe and budget are realistic and align with project objectives

Evidence of collaboration and partnership to maximise the use of existing community resources and to avoid duplication

Evidence that project strategies are innovative or practical to meeting the project need

Appropriate project evaluation method

Sustainability of project after funding ceases

7.3 LIVERPOOL YOUNG ACHIEVERS AWARDS | OPEN ALL YEAR

The Liverpool Young Achiever Awards are given as a prize to a student who has excelled in citizenship, academic studies, artistic endeavors, or sporting proficiency.

7.3.1 Available funding

Under each applicable category there will be two prizes as follows:

Citizenship:	Artistic Endeavours:
1x \$1,000 for a high school student	1x \$1,000 for a high school student
1x \$500 for a primary school student	1x \$500 for a primary school student
Academic Studies:	Sporting Proficiency:
1x \$1,000 for a high school student	1x \$1,000 for a high school student
1x \$500 for a primary school student	1x \$500 for a primary school student

Highly Commended:

All eligible nominees who are not selected for the major prize will be awarded a \$200 student donation.

Each high school and primary school are only eligible to submit one student nomination per year.

7.3.2 Program timeframe

Applications will be accepted from the beginning of school Term 1 until the end of Term 3. A presentation ceremony will be held during Term 4.

7.3.3 Eligibility

To be eligible for this award applicants must:

- a) Be a high school or primary school based in the Liverpool Local Government Area (LGA);
- Be nominating a student attending either a high school or primary school based in the Liverpool LGA; and
- Supply a letter of support from the principal of the applying school for the nominated student.

For more information on eligibility and exclusions refer to Section 5: General Eligibility and Exclusions.

7.4 COMMUNITY GRANTS | UP TO \$5,000 | TWO ROUNDS PER YEAR

This program provides financial assistance to community groups, organisations and services for projects that foster partnerships and collaboration, build capacity, promote social inclusion and increase community participation. The program assists in developing pilot or trialling innovative services or programs that address the needs of residents, workers and visitors. The program will support projects that:

- a) Improve connections and build social networks within the community.
- Increase participation of people in community activities and programs, including members of the community who are experiencing social disadvantage.
- c) Facilitate access to education, training and employment opportunities.
- d) Improve opportunities for people to build confidence and develop their skills.
- e) Facilitate inclusion and access to facilities, services, open spaces and activities.
- f) Improve collaboration and coordination of community support and services.
- g) Improve social or physical wellbeing through prevention and early intervention.
- h) Strengthen governance and accountability in community organisations.

7.4.1 Expected program outcomes

Initiatives and projects can contribute to one or more of the following outcomes:

- a) Increased involvement and engagement by communities in social activities.
- b) Increased number of people feeling a strong sense of social wellbeing.
- Strengthened maintenance, management or improvement of physical and mental health and wellbeing.
- d) Improved access to information and development of new skills.
- e) Increased numbers of people undertaking educational courses and gaining sustainable employment.
- Reduced financial hardship and social disadvantage, including food insecurity and homelessness.

7.4.2 Available funding

Applications can be made for funding of up to \$5,000 per year.

7.4.3 Program timeframe

This grant program has two rounds per year. Round dates will be advised on Council's website. Grants must be spent within 12 months of receiving them.

7.4.4 Program eligibility and exclusions

To be eligible for funding through the Community Grants Program applicants must:

- a) Be incorporated or auspiced by an incorporated organisation.
- A non-profit community service organisation or group providing programs/services to the residents of Liverpool.
- Have public liability insurance of at least \$10 million (must be active during the period of funding).
- d) Supply a copy of their most recent annual report and/or financial statements.

For more information on eligibility and exclusions refer to Section 5: General Eligibility and Conditions.

7.4.5 Assessment criteria

To be considered for a grant, applicants should clearly describe the proposed project and how it will meet the following criteria:

Evidence that the organisation has capacity to deliver the project
Evidence provided to support the need for the project, including addressing at least one of
the strategic directions in Council's Community Strategic Plan

Anticipated number of individuals participating in and benefiting from the proposed project

Timeframe and budget are realistic and align with project objectives

Evidence of collaboration and partnership to maximise the use of existing community resources and to avoid duplication

Evidence that project strategies are innovative or practical to meeting the project need

Appropriate project evaluation method

Sustainability of project after funding ceases

7.5 SUSTAINABLE ENVIRONMENT GRANTS | UP TO \$5,000 | TWO ROUNDS PER YEAR

The Sustainable Environment Grants program provides financial assistance to support schools and community groups to play an active role in reducing their impact on the environment and implementing environmentally sustainable actions. The program seeks projects focused on environmental improvement, sustainability education, awareness-raising and the promotion of sustainable living as a way of life that provide benefit to the natural environment and local community. Projects can include:

- Waste Minimisation including reuse, recycling, litter reduction, composting and worm farming, waste education projects.
- Sustainable Water Use including water efficiency, stormwater harvesting and water reuse, rain gardens and water quality improvements, and sustainable water use education programs.
- Environmental Improvement including protection and enhancement of natural areas, habitat creation for native fauna, and natural environment education programs.
- Sustainable Living including establishment of vegetable or native display gardens, bush tucker or community gardens, and the keeping of chickens or native bees.

7.5.1 Expected program outcomes

Grants from this program can contribute to one or more of the following outcomes:

- a) Build the capacity of schools and community groups to promote efficient resource use and improve the quality of the local environment.
- b) Encourage community members to become involved and take initiative in improving their behaviours for a more sustainable future.
- Encourage schools and community groups to identify and implement innovative approaches and positive solutions that protect and enhance Liverpool's unique natural environment.
- d) Improve the health of vegetation, water quality and healthy ecosystems contributing to cleaner waterways, air and healthier native vegetation.
- e) Raise awareness and promote sustainable living as a way of life, including actively
 participating in Council's environmental programs and activities.
- f) Generate positive community engagement (e.g. involvement of local businesses, environmental education centres or botanic gardens).

7.5.2 Available funding

Applications can be made for funding of up to \$5,000 per year by a school or an incorporated community group.

7.5.3 Program timeframe

This grants program has two rounds per year. Round dates will be advised on Council's website. Grants must be spent within 12 months of receiving them.

7.5.4 Program eligibility and exclusions

To be eligible for the Sustainable Environment Grants program applicants must have not received funding under this or another program for the same project (separate and additional stages of a previous project are eligible), and:

- a) Be a registered NSW school, not-for profit pre-school or child care centre; or
- An incorporated, non-profit, community service, welfare or charitable organisation or group providing programs or services to the residents of Liverpool; or
- c) Community group auspiced by an incorporated organisation.

Applications will not be accepted for:

Grants, Donations and Corporate Sponsorship Policy

- a) For profit organisations
- b) Overall project coordination
- c) Capital works for major infrastructure or construction of buildings
- d) Work being completed on land not owned by the applicant without evidence of approval from the landowner.

For more information on eligibility and exclusions refer to Section 5: General Eligibility and Conditions.

Assessment criteria 7.5.5

To be considered for a grant, applicants should clearly describe the proposed project and how it will meet the following criteria:

Demonstrate the capacity to deliver the project or activity and subsequent sustainability of the project beyond initial funding

Evidence provided to support the need for the project, including addressing at least one of the strategic directions in Council's Community Strategic Plan

Demonstrate tangible and measurable environmental outcomes

The anticipated number of individuals that will participate in and benefit from the project Demonstrate measurable student learning and/or increase teacher capacity to deliver environmental education

Value for money

7.6 MATCHING GRANTS | UP TO \$20,000 | TWO ROUNDS PER YEAR

This program is designed to provide financial support to projects and activities that build or strengthen communities within Liverpool. These projects will focus on supporting the development and implementation of community capacity building activities and providing opportunities for a broader cross section of the community to be involved in community and recreational activities. Funding will support projects that address one of the following categories:

Arts	Contribute community art to a neighbourhood or work to increase the participation of residents within art-based programs/projects.		
Community	Bring residents together and enhance participation in the community.		
capacity	including those who are experiencing social disadvantage, or provide		
building	benefits to address an identified community need. This could be a		
	community event or community-based capacity building project.		
Youth	Focus on increasing the ability of young people to obtain skills and		
engagement	qualifications or increase their active participation within the community.		
Accessibility	Enhance and improve access options for the community, either through		
_	education, transport, disability access or connectivity.		
Environmental	Address environmental issues and concerns or contribute to		
	environmental education and awareness.		
Community	Address community safety and security issues such as activities that		
safety/public	activate or diversify the night time economy including pop up		
space	entertainment and night time performances in public spaces. These		
activation	projects can also include addressing perceptions of community safety.		
Sports	Contribute to the development of sporting groups or enhance		
development	participation in sporting and recreational activities.		

7.6.1 <u>Expected program outcomes</u>

Grants from this program can contribute to one or more of the following outcomes:

- a) Develop social connections and partnerships within communities, or reinforcement of those that already exist.
- Increased participation in community activities and organisations by improving collaboration and coordination of community support and services.
- Strengthened opportunities for community members and others to build personal creativity and self-expression.
- Increased opportunities for community members to acquire or develop new skills and/or employment.
- e) Create, renew or revitalise places and spaces within the community.
- f) Strengthened community members' feelings of safety and sense of belonging within public spaces.

7.6.2 Available funding

The matching grants program recognises community contribution towards a project and can offer up to \$20,000 support to match this contribution. The program supports projects that involve genuine community participation. By 'matching' what the community contributes, Council is building a sense of community and strengthening partnerships as people work together on the project. Contributions from the community or Council can be made in cash or value-in-kind. Recognised in-kind community contributions include:

- a) Design services, professional services, trade services (such as plumbing), provision of trucks and plant, concreting and painting, donated supplies, materials or venues.
- b) Volunteer time such as labour, set up and pack down, and meeting time to identify, plan and implement projects. The rate of volunteer time is calculated as \$20 per hour. For professional or contracted services, the rate is \$75 per hour.
- c) Direct cash input to the project through donations or income generated.

The value of in-kind contributions should be verified by an independent quote, and where the value is in question, Council's assessment of the value of in-kind contributions will take precedence in the assessment of the matching grant given. The costs of Council and other approvals required by government agencies/authorities must also be considered when applying under this grants program.

7.6.3 Program timeframe

This program accepts applications twice per year. Grants must be spent within 12 months of receiving them.

7.6.4 Program eligibility and conditions

To be eligible for the Matching Grants program applicants must:

- a) Be incorporated or auspiced by an incorporated organisation.
- A non-profit community service organisation or group providing programs/services to the residents of Liverpool.
- Have public liability insurance of at least \$20 million (must be active during the period of funding).
- d) Supply a copy of their most recent annual report and/or financial statements.

Organisations are only eligible to receive funding through this program once each financial year. Council reserves the right to defer consideration of a Matching Grant application where planning, leasing or ownership, statutory approvals, or appropriate development issues are raised by a project.

For more information on eligibility and exclusions refer to Section 5: General Eligibility and Exclusions.

7.6.5 Assessment criteria

Matched contribution (financial or in-kind)

Consulted with Council staff prior to submitting application

Project is considered an appropriate development on the proposed site

Project meets Council's construction and safety standards

Evidence that the organisation has capacity to deliver the project

Evidence provided to support the need for the project, including the degree to which the project addresses at least one of the strategic directions in Council's Community Strategic Plan

The anticipated number of individuals that will participate in and benefit from the proposed project

Timeframe and budget are realistic and align with project objectives

Evidence of collaboration and partnership to maximise the use of existing community resources and to avoid duplication

Proposed project evaluation method including sustainability of project

7.7 CORPORATE SPONSORSHIP | UP TO \$10,000 | OPEN ALL YEAR

Council may provide financial contributions of up to \$10,000 through its Corporate Sponsorship Program to organisations, groups, or individuals for programs that can build or enhance Council's reputation. These include but are not limited to providing appropriate branding benefits and opportunities for Council, and/or providing cross-promotional opportunities for Council's services or facilities.

Applications to Council for sponsorship must address at least one of the following:

1. Economic benefit

- a) Delivers significant economic benefit to the Liverpool LGA.
- b) Delivers benefit to tourism, hospitality and retail sectors through the attendance of regional, national, or international delegates at events.
- c) Provides a platform for research, trade, and/or investment opportunities.
- Attracts national or international attention to Liverpool as a place to reside, visit, work and/or invest.
- e) Creates employment opportunities within the Liverpool LGA.

2. Community, cultural, and social benefit

- a) Provides an innovative opportunity to meet community needs and promote Liverpool's cultural diversity and celebrate our City's uniqueness.
- Enhances Liverpool's profile and reputation as an outward looking, creative and connected city.
- Creates opportunities for education and information exchange between Council, the community and the sector.
- d) To support the organisation and activation of a charity event with the Liverpool LGA. Sponsorship funds are not to be used for direct fundraising, including but not limited to the purchase of tickets or tables at a fundraising event.
- e) Attracts a major program to Liverpool that has South West-Sydney region, state or national significance.

3. Environmental benefit

a) Enhances Liverpool's reputation as a sustainable city through leadership in waste and environment management.

7.7.1 Expected program outcomes

Projects must contribute to one or more of the following outcomes:

- a) Provide an opportunity for measurable economic, social, environmental and/or cultural benefits to Council and the Liverpool LGA.
- b) Provide opportunities for the community to participate and contribute in activities/events in the Liverpool LGA.
- c) Create a valuable strategic alliance for Council.
- d) Provide extensive coverage and promotional/publicity opportunities across a range of media outlets.
- e) Promote Liverpool's reputation as a great place to live, visit, work, and invest.

7.7.2 Program timeframe

- This program accepts applications all year.
- Applications must be submitted at least three months prior to an event taking place. Applications submitted with less than three months lead time will be deemed ineligible.

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 Activities should take place within 12 months of successful sponsorship funding being received.

7.7.3 Program eligibility and conditions:

To be eligible for the Corporate Sponsorship program applicants must:

- a) Be incorporated or auspiced by an incorporated organisation and hold a current ABN.
- A non-profit community service organisation or group providing programs/services to the residents of Liverpool.
- Have public liability insurance of at least \$10 million (must be current during the period of funding).
- d) Supply a copy of their most recent annual report and/or financial statements.
- e) Must apply for sponsorship towards an event or activity in the Liverpool LGA that attracts a significantly high level of attendance from the community and provides direct benefits for Liverpool based organisations and/ or Liverpool residents.
- f) Must ensure that attendance and participation is free where sponsorship is sought for a community event.
- g) Must be registered with the Australian Charities and Not-for-profits Commission if an application is for a local charity event.

7.7.4 Funding will not be provided to:

- a) Projects that do not address the identified directions of the Liverpool LGA as set out in Council's Community Strategic Plan.
- b) Charities for general donations including the purchase of tickets or fundraising tables at an event.
- c) Projects that will rely on recurrent funding from Council.
- d) More than one event within the Liverpool area in a two-month period that celebrates or marks a specific occasion or activity.
- e) Organisations whose activities are not aligned with the City's ethical framework.
- f) Previous recipients who have not fulfilled the conditions of a sponsorship.
- g) Organisations that are not registered in Australia.
- h) Activities or events that do not benefit the Liverpool LGA or its residents.
- i) Underwrite events, programs or projects.

For more information on eligibility and exclusions refer to Section 5: General Eligibility and Exclusions.

7.7.5 Council's current standing sponsorship resolution:

Sponsorship Activity	Amount	Council Resolution
Police Officer of the Year	\$1,000	27/06/2011

7.7.6 Approval of sponsorship does not imply that Council has given any other consent. Applicants should note that many festivals and events require approvals and consents from Council, NSW Police and other NSW Government agencies. For guidelines on applying to host an event in Liverpool, visit www.liverpool.nsw.gov.au/whats-on/events/event-organisers-information-kit-guidelines

7.8 SPORTING GRANTS | UP TO \$5,000 | ONE ROUND PER YEAR

This program offers funding to sporting clubs and junior disability sporting clubs to assist with the development of young people and encourage participation of the broader community in local sporting and recreational activities. Grants can also be used towards the purchase or maintenance of sporting equipment.

Funding will support applications by recreation and sporting organisations/clubs under one of six categories:

- a) Sports development Coaching clinics, sports camps, or training/development
- b) Ground development Minor capital improvements
- Maintenance Equipment Line marking equipment or ground maintenance equipment (to be eligible, equipment must remain the property of the club)
- d) Sporting Equipment Kits, bags, first aid supplies, safety equipment (to be eligible, equipment must remain the property of the club)
- e) **Education** First aid training, coaching programs or safe play
- f) Club diversity Introduction of additional sports or expansion of club to encourage greater community involvement

7.8.1 Expected program outcomes

Projects must contribute to one or more of the following outcomes:

- a) Increased opportunities for participation of the broader community in sporting and recreational activities.
- b) Improved condition and functionality of sporting equipment.
- Enhanced awareness of emerging trends in sports development and demonstrated best practice.
- d) Strengthened maintenance, management or improvement of physical and mental health and wellbeing by improving opportunities for physical activity.

7.8.2 Available funding

Grants of up to \$5,000 per sporting club are available. Clubs may submit applications for more than one project. Within the funding pool, \$5,000 is reserved to fund applications that support participants with a disability. Where eligible applications that support participants with a disability are less than \$5,000 the remaining funds are returned to the main pool of funding for distribution.

7.8.3 <u>Program timeframe</u>

This program accepts applications once per year. Grants must be spent within 12 months of receiving them.

7.8.4 Program eligibility and exclusions

To be eligible for the Sporting Grants Program applicants must:

- a) Be incorporated or auspiced, a non-profit recreation or sporting organisation/club, providing programs/services to the residents of Liverpool.
- b) Have public liability insurance of up to \$10 million.
- c) Supply a copy of most recent annual report and/or financial statements.
- d) Have not received funds from the Sporting Grants program in the previous year.

For more information on eligibility and exclusions refer to Section 5: General Eligibility and Exclusions.

7.8.5 Assessment criteria

An independent panel consisting of members from the Liverpool Sports Committee will assess applications based on set criteria. To be considered for a grant, applicants should clearly describe the proposed project and how it will meet the following criteria:

Application received prior to the closing date		
Proof of costs provided		
Grant able to be spent within 12 months		
Applications signed by Club Office bearers		
Project meets Council's construction and safety standards		
Demonstrate improvements to the delivery of junior sport in Liverpool		
Demonstrate meeting an identified community need including access opportunities for		
specific special needs groups or individuals		
Timeframe and budget are realistic and align with project objectives		
Contribution from club (financial or in-kind)		
Demonstrate benefit to the broader community		
Proposed project evaluation method including sustainability of project		

7.9 SPORTING DONATIONS | UP TO \$500 | OPEN ALL YEAR

This program enables Council to provide small amounts of funding to assist community members in their efforts to achieve excellence in sport at a regional, state or national representative level. Individuals and teams based in the Liverpool LGA are eligible to apply for donations towards the cost of participating in representative sporting events for which they have qualified. Donations are based on the level of representation achieved and where events will be held. Participation at school sport events is also eligible for consideration.

7.9.1 Expected program outcomes

Donations from this program can contribute to one or more of the following outcomes:

- a) Increased participation of individuals/teams in representative sporting events.
- b) Improved accessibility to participation in representative sporting events.
- Improved confidence and capacity of local individuals and teams by acknowledging and supporting participation at a representative level.
- d) Enhanced positive social outcomes and opportunities for local communities.

7.9.2 Available funding

Donations are available for the following amounts:

- a) \$100 for regional representation (competitor only), or for coach/referee/umpire/official representation at a regional, state or national event more than 100km from Liverpool.
- b) \$200 for state representation (competitor only).
- s300 for Australian national representation at an event within New South Wales, Australian Capital Territory, Queensland and Victoria (competitor only).
- s400 for Australian national representation at an event within Tasmania, South Australia, Northern Territory and Western Australia (competitor only).
- e) \$500 for Australian national representation at an overseas event (competitor only).
- f) \$500 for team representation.

7.9.3 Program timeframe

This program accepts applications all year and applicants are required to submit their application prior to the event taking place. Activities must take place within 12 months from when the application was submitted. Information must be provided on the costs associated with participating in the representative events.

7.9.4 Program eligibility and exclusions

To be eligible for funding through the Sporting Donations Program the following criteria applies:

- a) Individual applicants must be a resident of the Liverpool LGA.
- b) Applicants must provide proof of selection for the event.
- c) Applications from students at state, private or independent schools or for participation at school sport events, are eligible for consideration.
- d) Team applications must have a minimum of 75% of the team residing in the Liverpool LGA, club must be based in the Liverpool LGA, and a maximum of three teams per club can be funded in a financial year.

For more information on eligibility and exclusions refer to Section 5: General Eligibility and Exclusions.

7.9.5 Assessment criteria

To be considered for a grant, applicants should meet the following criteria:

Evidence the individual/team qualified for a representative sporting event		
Information provided on costs associated with participating in the representative event		
Evidence that the individual or 75% of the team resides in the Liverpool LGA		

AUTHORISED BY

Council Resolution

EFFECTIVE FROM

XXXX 2019

DEPARTMENT RESPONSIBLE

City Community and Culture (Community Development and Planning)

REVIEW DATE

The policy will be reviewed every two years.

VERSION	AMENDED BY	DATE	TRIM NUMBER
1	Council Resolution	18 October 2010	158320.2014
2	Council Resolution	29 May 2013	097264.2013
3	Council Resolution	31 July 2013	150967.2014
4	Council Resolution	25 February 2014	026269.2014
5	Council Resolution	28 May 2014	126057.2014
6	Council Resolution	30 September 2015	227843.2015
7	Minor changes approved by CEO	12 July 2016	185151.2016
8	Council Resolution	26 April 2017	026648.2017
9	Council Resolution	26 April 2019	

THIS POLICY WAS DEVELOPED AFTER CONSULTATION WITH

City Community and Culture, Corporate Services (Governance, Legal and Procurement), Infrastructure and Environment.

REFERENCES

Australian Institute of Grants Management: Grant making Manifesto (2011)

Liverpool City Council: Council's Community Strategic Plan

Liverpool City Council: Code of Conduct Procedures

Liverpool City Council: Social Justice Policy and Ethical Governance, Conflicts of Interest Policy

Services: Community Builders Program Guideline (2012)

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MINUTES

This meeting was held via MS Teams

MINUTES OF LIVERPOOL PEDESTRIAN, ACTIVE TRANSPORT & TRAFFIC COMMITTEE MEETING - 17 MARCH 2021

COMMITTEE FORMAL MEMBERS

Councillor Nathan Hagarty Liverpool City Council (LCC) (Chairperson)

Damien Leemon Police Local Area Command
Daniel Nicholls Office of Melanie Gibbons MP

Bikram Singh Transport for NSW

COMMITTEE TECHNICAL ADVISORS & INFORMAL MEMBERS

Councillor Karress Rhodes LCC
Councillor Peter Harle LCC

Charles Wiafe (CW) Service Manager, Traffic & Transport, LCC

Mahavir Arya Traffic & Transport Engineer, LCC

Toula Athanasiou Road Safety Officer, LCC Rachel Palermo Road Safety Officer, LCC Stella Qu Transport Planner

Parth Tiwari Assistant Traffic Engineer, LCC

EXTERNAL ATTENDEES (FOR ITEM 2)

Alan Massoud Transport for NSW
John Posthoorn Transport for NSW
Toufique Rasul Transport for NSW
Alexi Bebonis Transport for NSW

COUNCIL ADMINISTRATIVE SUPPORT

Christopher Jattan LCC – Minute taking

COUNCIL TECHNICAL OBSERVER

Ariz Ashraf Acting Coordinator Urban Design City Design

and Public Domain

Melinda Ho
Civil Design Engineer

Binod Parajuli
Coordinator Invest & Design

Nory-Ann Fernandez
Senior Civil Design Engineer

Joshua Walters
Graduate Urban Designer

APOLOGIES

Betty Green Representative for MP for Liverpool

Rose Koch LCC (Minutes)

Tanya Davis Representative for MP for Mulgoa

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WELCOME, ATTENDANCE, APOLOGIES AND OPENING

Councillor Hagarty opened the meeting at 10.00am and welcomed the Committee. The traditional custodians of the lands were acknowledged. Apologies were noted.

DECLARATIONS OF INTEREST

Nil

CONFIRMATION OF PREVIOUS MINUTES

The Committee was informed that the minutes from the previous meeting held on 3 February 2021 was being put to Council's ordinary meeting of 31 March 2021 for endorsement.

AGENDA ITEMS

Item	Subject
1	Badgerys Creek Road, Badgerys Creek - Access to the metro station proposed roundabout
2	Governor Macquarie Drive, Chipping Norton – Signs and Linemarking Scheme
3	Adams Road, Luddenham – Revised access to existing quarry request to lift load limit
4	Braidwood Drive and Michael Angelo crescent – proposed signs and linemarking scheme
5	Regentville Drive, Elizabeth Hills – proposed traffic management changes
6	Special Event – Street Parade, Liverpool by Australian Air League on 18 July 2021
7	Liverpool City Centre - Special Community Event, Festival of Chariots
8	Powerhouse Road and Woodbrook Road – proposed new carpark signs and linemarking
9	Subdivision and development – signs and linemarking – seventh avenue and Fifteenth Avenue
10	Items Approved Under Delegated Authority

GENERAL BUSINESS ITEMS

Item	Subject
GB1	Airfield Drive, Len Waters Estate
GB2	Moore Street, Liverpool at the entrance/exit to the Liverpool Interchange
GB3	Frederick Road, Cecil Hills
GB4	Sixth Avenue, Austral
GB5	Speeding and reckless driving in Holsworthy, Hammondville and Wattle Grove
GB6	125 Memorial Avenue, Liverpool - Decommission of Bus stop

CLOSE - Meeting closed at 12.30pm

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ITEM 1

Badgerys Creek Road, Badgerys Creek – Access to the metro station proposed roundabout

INTRODUCTION

Transport for NSW (TfNSW) is proposing to construct a temporary roundabout at the intersection of Badgerys Creek Road and a the proposed Aerotropolis Metro station access road as part of the enabling works packages for the Sydney Metro Western Sydney Airport (SMWSA).

TfNSW has submitted concept design of the proposed roundabout. The Committee is requested to support the proposed roundabout as shown in Attachment 2.1.

ASSESSMENT

Sydney Metro – Western Sydney Airport (SMWSA) will deliver a new 23 km metro rail link from St Marys to the new Western Sydney International (Nancy-Bird Walton) Airport and the proposed Western Sydney Aerotropolis.

As part of SMWSA's delivery strategy, enabling works packages will be carried out to prepare various sites to be ready for the construction of the proposed metro line and precinct developments. One of the projects is to design and construct a temporary intersection along Badgerys Creek Road in order to provide formalised access to the proposed Aerotropolis Station.

Badgerys Creek Road is currently a local road and under the care and control of Council. It has a speed limit of 80 km/h. The existing access to the future Aerotropolis Station is via a residential driveway.

As indicated above, as part of the enabling works for the metro project, intersection treatment is required at the access road to the station. TfNSW consultants have carried out detailed investigation of appropriate intersection treatment and has advised that traffic signals is not likely to be supported under the current traffic conditions and that the most appropriate intersection treatment is a single lane roundabout at the T-intersection.

TfNSW consultants have advised that the only constraint is through traffic along Badgery's Creek Road which may exceed capacity of the single lane roundabout at the peak of the construction activities in the local area namely, metro, the airport and urban development around the station.

TfNSW consultants have also advised that due to constraints on land acquisition, the roundabout would not include dedicated left turn lanes.

Design of the roundabout has been carried out in accordance with TfNSW guidelines including appropriate swept path analysis to accommodate the longest construction vehicle and can operate to such a time that the intersection needs to be upgraded in future to provide access to the station.

RECOMMENDATION

- That the Committee supports the submitted concept design of the proposed roundabout.
- Consideration is to be given for tree planting in the central island or around the roundabout.
- Detailed design to be submitted to TfNSW and Council for review prior to construction.

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COMMITTEE DISCUSSION

Four representatives of Sydney Metro presented information about intersection treatment options and advice that due to constraints on land acquisition, a roundabout has been identified as the preferred intersection treatment and a concept design is presented to the Committee for endorsement.

The representatives outlined that intersection performance analysis indicates the roundabout would operate with acceptable level of service after the peak construction period between 2024 and 2026.

However, during the peak construction period analysis indicates that, the mid-block traffic volumes along Badgerys Creek would exceed its two-lane road capacity. CW requested that options to increase the road capacity should be assessed and addressed in the submission of the detailed design to the Committee for further assessment.

The Committee supported the roundabout with the request for increased road capacity. The representatives offered to provide further advice to the Committee when the detailed design is completed at the May/July Meeting.

COMMITTEE RECOMMENDATION

That the Committee supports:

- The submitted concept design of the proposed roundabout.
- Consideration is to be given for tree planting in the central island or around the roundabout.
- Detailed design to be submitted to the Committee for further assessment prior to construction.

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ITEM 2

Governor Macquarie Drive, Chipping Norton – Signs and Linemarking Scheme

INTRODUCTION

In 2019, Council received Federal Government Funding under its Western Sydney Infrastructure Program (WSIP) Local Roads Package to upgrade the section of Governor Macquarie Drive (GMD) between Newbridge Road to Alfred Road to a four-lane divided road.

Council has completed detailed design of the road upgrade including the signs and linemarking scheme and is presented for consideration. The Committee is requested to support the proposed signs and linemarking scheme along GMD between Newbridge Road and Alfred Road as shown in Attachment 1.1-1.2.

ASSESSMENT

The funded road upgrade includes the following:

- Extension of the existing right turn bay from GMD into Newbridge Road from 80m to 180m in order to address queuing during the morning peak periods.
- Modification of the carriageway including installation of a central median island to form a four-lane divided road.
- Prohibit right turn movements at the Newbridge Road and Balanda Avenue intersection.
- Shared path on one side which is funded through the State Government's active transport program.
- On-street parking along both sides to be retained.
- Right turn restriction out of the existing shops (along the western side of GMD close to Alfred Road).

Detailed design investigations including a road safety audit and a Review of Environmental Factors (REF) have been completed. The detailed design incorporates corrective actions recommended in the road safety audit. The REF has included consultation with Transdev the local bus company, local member of parliament, local residents and shop owners.

The shop owners initially express concern about right turn restriction out of the existing shops. A revised access arrangement to the shops which involves retaining the existing left-in and out and the right turns into and out of Alfred Road has been discussed and agreed to with the shop owners. The attached signs and linemarking plans indicates the existing and proposed signs and linemarking scheme.

TfNSW is managing the WSIP program on behalf of the State Government and the status of the project has been discussed with the project managers. The adopted program is for the improvement works to be completed by December 2021.

RECOMMENDATION

That the Committee supports the signs and linemarking scheme for the road upgrade of Governor Macquarie Drive between Newbridge Road and Alfred Road, Chipping Norton to a four-lane divided road.

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COMMITTEE DISCUSSION

The Committee discussed and endorsed the signs and linemarking for the road reconfiguration of GMD between Newbridge Road and Alfred Road. The chairperson enquired how the project would affect turning movements along the section of Nuwarra Road between Newbridge Road and Balanda Avenue.

CW advised that turning movements at the Nuwarra Road/Balanada Avenue is being changed and the adjoining St Joseph Catholic Primary School and Church is being consulted. The revised design layout will be presented to the May Committee meeting for consideration.

COMMITTEE RECOMMENDATION

That the Committee supports:

 Signs and linemarking scheme for the road upgrade of Governor Macquarie Drive between Newbridge Road and Alfred Road, Chipping Norton to a four-lane divided road.

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ITEM 3

Adams Road, Luddenham – Revised access to existing quarry request to lift load limit

INTRODUCTION

Council has received a request from a developer for a load limit on the northern section of Adams Road to be lifted to permit heavy vehicle movements into an adjoining extractive industry re-development.

The application includes reconstruction of the road to accommodate heavy vehicle movements. The committee is requested to consider and support lifting of the load limit on this road section.

ASSESSMENT

An existing quarry at 275 Adams Road, Luddenham is being re-developed and as part of the re-development, the applicant has requested Council to lift an existing 3-tonne load limit along the section of Adams Road close to its intersection with Elizabeth Drive.

The quarry has two driveways one off Adams Road and the other off Elizabeth Drive. The driveway off Elizabeth Drive is being closed to accommodate quarry expansion. Therefore, the quarry operators has submitted a development application to the Department of Planning Industry and Environment (DPIE) to modify the vehicular access for the driveway off Adams Road to be the only driveway to the development site.

The driveway configuration to the development site off Adams Road is as shown below.



DPIE is expected to determine the application within the next three to six months. As part of the application, the applicants have carried out detailed pavement investigation and identified pavement upgrade which Council's Infrastructure and Environment directorate has assessed and approved for improvement works to be carried out.

The improvements works includes pavement rehabilitation of the northern section of Adams Road to accommodate heavy vehicle movements.

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Council has made a submission to DPIE with a requirement that heavy vehicles should only use the northern section of Adams Road which will be rehabilitated. The southern section of Adams Road has an existing load limit and lifting the load limit on the northern section would not lift the load limit on this road section.

RECOMMENDATION

That:

 The Committee supports lifting the load limit on the northern section of Adams Road approximately 300m from Elizabeth Drive, to permit heavy vehicle movements.

COMMITTEE DISCUSSION

The Committee discussed and agreed the need for load limit on the northern side of Adams Road to be lifted to permit heavy vehicle movements to the proposed Resource Recovery Development.

The Committee requested that community consultation is to be carried out prior to llifting the load limit.

COMMITTEE RECOMMENDATION

That the Committee supports:

- Lifting the load limit on the northern section of Adams Road approximately 300m from Elizabeth Drive, to permit heavy vehicle movements.
- · Community consultation is to be carried out prior to llifting the load limit.

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ITEM 4

Braidwood Drive, Michelago Circuit and Ulladulla Drive Roundabout intersection, Prestons – Proposed Modification to the Roundabout

INTRODUCTION

Council has received concerns from local residents, about speeding through traffic along Braidwood Drive at its existing roundabout with Michelago Circuit and Ulladulla Drive intersection, affecting safe traffic movements along the Ulladulla Drive approach.

To address this concern, a raised threshold across the Braidwood Drive approach to the roundabout is proposed. The Committee is requested to consider and support the proposed threshold as shown in the agenda item.

ASSESSMENT

Braidwood Drive is a major collector circuitous road, with four 90-degree bends through the Prestons residential area. It provides direct vehicular access to residential properties along both sides of the street, local side streets and three entry and exit points to/from the residential area.

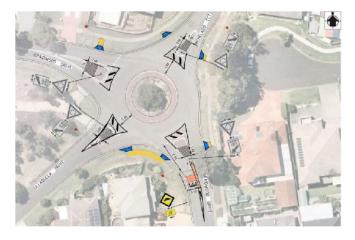
The street has a carriageway width of approximately 7.3m wide with a single traffic lane in each direction. It has twenty-four indented parking bays, with eight roundabouts and other midblock traffic calming devices.

Braidwood Drive, Michelago Circuit and Ulladulla Drive intersection, has a four-way single lane roundabout. Ulladulla Drive is on the southern approach to the roundabout side of the bend. The existing roundabout does not provide sufficient deflection to the northbound traffic along Braidwood Drive.

To reduce the speed of the northbound through traffic (along Braidwood Drive), a raised threshold is proposed across this approach. This would slow down traffic on the northbound approach and provide gaps for traffic along the Ulladulla Drive approach.

In addition, the chevron linemarking are proposed at the existing splitter islands to narrow the traffic lanes around the roundabout to reduce traffic speed. The splitter islands would also be modified to provide gaps to act as pedestrian refuges as shown in Attachment.

The modification has been designed in accordance with TfNSW road design guide. The existing configuration and the proposed treatment is as shown below.



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RECOMMENDATION

That:

- The Committee supports installation of a raised threshold across the northern approach
 to the existing roundabout at Braidwood Drive, Michelago Circuit and Ulladulla Drive
 intersection, Prestons.
- Supports modification to the existing splitter islands on all approaches to the existing roundabout to include a pedestrian refuge and to narrow the traffic lanes around the roundabout.

COMMITTEE DISCUSSION

The Committee discussed and noted that the existing roundabout does not have the required deflection and the proposed modification and raised threshold would improve traffic movements at the intersection.

Hence, the Committee supported the proposed raised threshold and modifications of the splitter islands as presented.

COMMITTEE RECOMMENDATION

That the Committee supports:

- Installation of a raised threshold across the northern approach to the existing roundabout at Braidwood Drive, Michelago Circuit and Ulladulla Drive intersection, Prestons.
- Modification to the existing splitter islands on all approaches to the existing roundabout to include a pedestrian refuge and to narrow the traffic lanes around the roundabout.

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ITEM 5

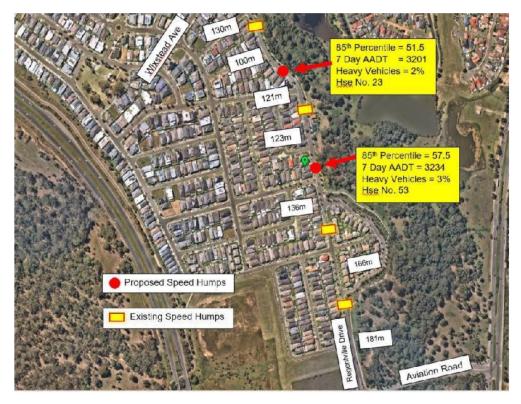
Regentville Drive, Elizabeth Hills - Proposed Traffic Management Changes

INTRODUCTION

Council has received representations on behalf of local residents concerning traffic conditions including heavy vehicle movements, speeding and road safety along sections of Regentville Drive, Elizabeth Hills.

Following discussions at the February meeting, Council carried out additional speed classification to assess the speed profile and whether changes are required to improve traffic conditions.

Following the speed classification, two additional speed humps in the vicinity of House No. 23 and No. 53 are proposed. The Committee is requested to support the proposed speed humps and the proposed load limit along the road as shown below.



Existing Traffic Conditions

Regentville Drive is classified as a collector road with bus route and is approximately 980m long and has variable carriageway widths between 6.5m to 9m. It has the default 50 km/h urban residential speed limit.

Council has previously identified the need for traffic calming devices along the street and the Traffic Committee has supported and Council has approved the installation of four speed cushions in the vicinity of House No. 15, 35, 71 and 95. These speed humps were installed in October 2017 and December 2018.

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In addition, to improve road safety along the street, Council has marked separation lines to demarcate opposing traffic movements along the street between Aviation Road and Wixstead Avenue. However, Council is still receiving representations about heavy vehicle movements and damage to parked vehicles along sections of the road and a local resident has organised a petition for traffic conditions to be improved. Council is yet to receive the petition, but the solution proposed in this report will address the concerns raised to date.

ASSESSMENT

Speed and vehicle classification was carried out in the vicinity of House No. 23 and 53 Regentville Drive between Aviation Road and Wixstead Avenue for seven days.

The results of the classification are as follows:

Location	85 th Speed (km/h)	AADT (Daily Volume)
Outside 23 Regentville	51.5	3201 including 2% of Heavy Vehicles
Drive		
Outside 53 Regentville	57.5	3234 – including 3% of Heavy vehicles
Drive		
* AADT (Annual Average Da	ily Traffic)	* 85% speed (85% of the total traffic)

Crash History

TfNSW crash database for the five-year period ending June 2020 indicates that there was at total of two recorded crashes along Regentville Drive made up of a head-on crash and a run-off crash at its intersections with Setrop Avenue and Dobroyd Drive respectively.

The crash history does not identify the speeding concern the residents are expressing concerns about. However, to address the speeding concern, the Police has previously been requested to include Regentville Drive in their speed patrol and enforcement.

The above results indicates that the speed profile in front of House No. 23 of 51.5km/h is acceptable within the 50km/h zone. However, as the local residents have been expressing significant concerns about speeding and damage to parked vehicles, two additional speed humps in the form asphalt concrete are proposed. In addition to the existing speed humps, this would result in speed humps being installed 150m apart.

Request for Load Limit

The above results of the vehicle classification between 2-3% does not indicate that the road is attracting heavy vehicle movements. Therefore, at this stage, a load limit is not required. However, Council would carry out further assessment in the next twelve months and if required, the issue will be presented to the committee for further consideration.

RECCOMENDATION

That:

- The Committee supports the installation of the proposed speed thresholds on Regentville Drive, Elizabeth Hills at the following locations, subject to community consultation:
 - o In front of House Nos. 23
 - In front of House Nos. 53
- All stakeholders be advised accordingly of Council's decision.

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COMMITTEE DISCUSSION

The Committee discussed and noted that the Regentville Drive community still has concerns about speeding (along the street) and additional devices are required. The Police representative supported the treatment but noted that the additional devices could divert traffic onto the other parallel roads such as Rosebank Avenue.

Hence, the Committee supported the proposed the additional raised thresholds. Traffic conditions along the other parallel roads such as Rosebank Avenue, are to be monitored.

COMMITTEE RECOMMENDATION

That the Committee supports:

- Installation of the proposed speed thresholds on Regentville Drive, Elizabeth Hills at the following locations, subject to community consultation:
 - o In front of House Nos. 23
 - o In front of House Nos. 53
- All stakeholders be advised accordingly of Council's decision.

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ITEM 6

Special Event - Street Parade, Liverpool by Australian Air League

INTRODUCTION

Council has received an application from The Australian Air League, Moorebank Squadron to conduct a rolling street parade along a number of streets in Liverpool CBD on Sunday 18 July 2021.

The Committee is requested to consider and support the rolling parade route and classify the event as a Class 2 Special Event, in accordance with Transport for NSW (TfNSW) Special Event Planning & Resource Matrix Guide.

ASSESSMENT

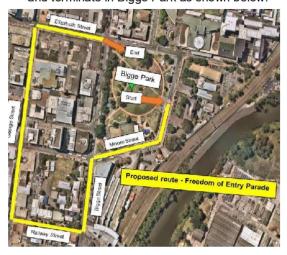
As indicated above, the Australian Air League – Moorebank Squadron is seeking approval to conduct a rolling street parade through a number of streets in the Liverpool CBD. The Air League has advised that this would commemorate its 60th anniversary since its establishment in Liverpool in February 1961.

The Australian Air League promotes and encourages development of Aviation in the Youth of Australia, good citizenship, ingenuity and resourcefulness and development of physical and mental abilities of its members.

Proposed Rolling Street Parade Route

The organisers are proposing to commence the street parade from Bigge Park and proceed along following streets:

- · Turn right into College Street.
- Continue into Moore Street.
- Turn left into Bigge Street.
- Turn right into Railway Street.
- Turn right into George Street.
- Turn right into Elizabeth Street.
- Along Elizabeth Street and enter Bigge Park at the intersection of Elizabeth/Bigge Streets and terminate in Bigge Park as shown below.



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Expected Numbers and Durations

The organisers are expecting approximately 250 people to take part in the march. It is scheduled to commence at 2pm on 18 July 2021. The march will consist of marching units and band. No vehicle will be part of the march.

Expected Traffic Impact

Sections of the street parade route are bus routes and would affect passenger bus services along the affected routs routes. In addition, it would affect general traffic movements, and could affect emergency services.

To minimise possible impacts, the event organisers are to work with Council, local bus companies and the Police to confirm the parade route and implement arrangements to minimise impact on bus movements, and the local community.

The event organisers are yet to confirm how the rolling road closures would be managed. A combination of traffic controllers and police management is required. A confirmation of the NSW Police Force management is required prior to Council's approval. A separate meeting is to be organised during the month or early April.

Event Classification

Due to the scale and nature of the street parade, and possible impact, the event is considered to be of a Class 2 Special Event, in accordance with TfNSW's Special Event Planning & Resource Matrix. This requires submission of a special events traffic management plan to TfNSW for endorsement.

Required Conditions

Required conditions for the class 2 event includes the following:

- Submission of a Special Event Transport Management Plan Traffic Management Plan to the TfNSW for endorsement.
- Police approval for the management of the associated rolling road closures.
- Advertisement of the event in local newspapers.
- Road Occupancy License to be obtained from Transport Management Centre.
- The organisers must obtain relevant approval from NSW Department of Health for this street parade.

The Committee is requested to support the route in principal and classify the event as Class 2.

RECOMMENDATION

That:

- The Committee classifies the event as a Class 2 Special Event with all associated conditions including:
 - Submission of a Special Event Transport Management Plan Traffic Management Plan to the TfNSW for endorsement.
 - Police approval for the management of the associated rolling road closures.
 - Advertisement of the event in local newspapers.
 - o Road Occupancy License to be obtained from Transport Management Centre.

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- The organisers must obtain relevant approval from NSW Department of Health for this street parade.
- The Committee support in principle the Australian Air League march through the Liverpool City Centre on 18 July 2021.
- Council liaises with the event organisers, Police and local bus companies to minimise traffic impacts of the event. A separate meeting is to be organised during the month or early April.
- The organisers to obtain relevant approval from NSW Department of Health for this street parade.

COMMITTEE DISCUSSION

The Committee discussed the proposed route and the Police representative expressed concern that the right turn from Railway Street into George Street would result in the parade matching against traffic and the whole road section (between Railway Street and Elizabeth Street) would need to be closed.

In addition, the march along Bigge Street past the Railway Station would affect traffic flow along one of the main traffic routes in the City Centre. The route would therefore have a have significant traffic impact and affect bus services. A revised route along Moore Street is to be considered. The organisers are to be invited to discuss a revised route with Council, Local Bus Companies, and the Police for a route to be agreed to before the event.

In addition, the Police representative requested that the organisers are to engage traffic controllers to manage the rolling march with minimal Police assistance. Alternatively, the Police would need to be engaged under a user pay system for the Police to manage the street march. The Committee noted and raised no objection that the two-street march events namely Festival of Chariots scheduled for Saturday, 17 July 2021 and The Australian Air League, Moorebank Squadron scheduled for Sunday 18 July 2021 are on the same weekend.

COMMITTEE RECOMMENDATION

That the Committee supports:

- The event as a Class 2 Special Event with all associated conditions including:
 - Submission of a Special Event Transport Management Plan Traffic Management Plan to the TfNSW for endorsement.
 - o Police approval for the management of the associated rolling road closures.
 - Advertisement of the event in local newspapers.
 - Road Occupancy License to be obtained from Transport Management Centre.
 - The organisers must obtain relevant approval from NSW Department of Health for this street parade.
- The Committee support in principle the Australian Air League march through the Liverpool City Centre on 18 July 2021.
- Council liaise and if required, organise a meeting with the event organisers, Police and local bus companies to adopt a revised route that would minimise traffic impacts of the event.
- The organisers to obtain relevant approval from NSW Department of Health for this street parade.

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ITEM 7

Liverpool City Centre - Special Community Event, Festival of Chariots

INTRODUCTION

Council has received an application from Vedic Festival Incorporation to hold their annual Festival of Chariots community event on Saturday, 17 July 2021 through the Liverpool City Centre.

The event includes a street parade with rolling road closures along the road sections of College Street, Moore Street, George Street, Scott Street, Memorial Avenue and Northumberland Street as shown below.

The Committee is requested to support the rolling road closures and classify the event as a Class 2 Special Event in accordance with Transport for NSW (TfNSW) Special Event Planning & Resource Matrix Guide.

ASSESSMENT

The Festival of Chariots is an annual community event, involving a street parade requiring rolling road closures. The event has been held over the last eleven years and has wide community support. The 2021, event is scheduled for 17 July 2021. Last year this event was cancelled due to Covid19 pandemic.

It is noted that Council has also received an application form the Australian Air League, Moorebank Squadron to conduct a rolling street parade along a number of streets in Liverpool CBD on Sunday 18 July 2021.

Proposed Rolling Street Parade Route

The event will be held in Bigge Park. The associated street parade would also start and finish in the park. The street parade generally takes approximately an hour.

This year's street parade is to follow the same route as in previous years as listed below:

- · Right turn from Bigge Park into College Street.
- Continue along College Street and Moore Street.
- Left turn into George Street.
- Right turn into Scott Street, straight through along Memorial Avenue.
- Right turn into Northumberland Street.
- Right turn into Moore Street, straight through along College Street.
- Turn left into Bigge Park.

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Expected Numbers and Durations

The organisers are expecting approximately 400-500 people to take part in the march. It is scheduled to commence at 11:30am and will end at 12:30pm on 17 July 2021. The march will consist of marching units and band. Chariot will be pulled by the devotees. No vehicle will be part of the march.

Excepted Traffic Impact

Sections of the street parade route are bus routes affecting bus movements along sections of College Street, Northumberland Street and Moore Street. In addition, it would affect general traffic movements, and could affect emergency services.

To minimise possible impacts, the event organisers are to work with Council, local bus companies and the Police in the lead up to the event, to minimise impact on bus movements, and the local community.

The event organisers are yet to confirm how the rolling road closures would be managed. A combination of traffic controllers and police management is required. A confirmation of the NSW Police Force management is required prior to Council's approval. A separate meeting is to be organised during the month or early April.

Event Classification

Due to the scale and nature of the street parade the Committee is requested to classify the event as Class 2, in accordance with the TfNSW Special Event Guidelines, which requires submission of special event traffic management plan to the TfNSW for endorsement.

This year's event is expected to be of a similar scale as last year's and rolling road closures are expected to be managed by the NSW Police Force. A confirmation from the NSW Police Force is required.

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Required Conditions

Required conditions for the class 2 event includes the following:

- Submission of a Special Event Transport Management Plan Traffic Management Plan to the TfNSW for endorsement.
- · Police approval for the management of the associated rolling road closures.
- Advertisement of the event in local newspapers.
- Road Occupancy License to be obtained from Transport Management Centre.
- The organisers must obtain relevant approval from NSW Department of Health for this street parade.

The Committee is requested to support in principle the route and classify the event as Class 2. The event organisers are to work with Council and the Police in a lead up to the event to address concerns of local community and bus companies.

RECOMMENDATION

That:

- The Committee supports the event as a Class 2 Special Event with all associated conditions including:
 - Submission of a Special Event Transport Management Plan Traffic Management Plan to the TfNSW for endorsement.
 - o Police approval for the management of the associated rolling road closures.
 - Advertisement of the event in local newspapers.
 - o Road Occupancy License to be obtained from Transport Management Centre.
 - The organisers must obtain relevant approval from NSW Department of Health for this street parade.
- Support in principle the route and classify the event as Class 2.
- Council liaises with the event organisers, Police and local bus companies to ensure that
 the impacts of the event is minimised. A separate meeting is to be organised during the
 month or early April.

COMMITTEE DISCUSSION

The Committee discussed and noted that the route is similar to the one that was used previously and is supported.

The Committee expressed concern that the event attracts significant number of people, and the organisers must obtain relevant approval from NSW Department of Health for the street parade.

In addition, as the parade would affect bus service and traffic movements, the organisers are to be invited to discuss the traffic impacts and arrangements to minimise these impacts with Council, Local Bus Companies, and the Police before the event.

The Committee noted and raised no objection that the two-street march events namely Festival of Chariots scheduled for Saturday, 17 July 2021 and The Australian Air League, Moorebank Squadron scheduled for Sunday 18 July 2021 are on the same weekend.

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COMMITTEE RECOMMENDATION

That the Committee supports:

- The event as a Class 2 Special Event with all associated conditions including:
 - Submission of a Special Event Transport Management Plan Traffic Management Plan to the TfNSW for endorsement.
 - o Police approval for the management of the associated rolling road closures.
 - Advertisement of the event in local newspapers.
 - o Road Occupancy License to be obtained from Transport Management Centre.
 - The organisers must obtain relevant approval from NSW Department of Health for this street parade.
- Support in principle the route and classify the event as Class 2.
- Council liaises and if required organise a separate meeting with the event organisers,
 Police and local bus companies to ensure that traffic impacts of the event is minimised.

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ITEM 8

Powerhouse Road and Woodbrook Road – proposed new carpark signs and linemarking

INTRODUCTION

TfNSW has an agreement with Council to provide commuter carpark on the western side of Casula station at the rear of Casula Powerhouse and Art Centre (CPAC). The agency is funding construction of additional overflow parking on the northern side of the centre. In addition, the agency is funding the re-opening of Woodbrook Road to Powerhouse Road.

These works includes installation of a pedestrian refuge and signs and linemarking scheme.

The Committee is requested to support the attached proposal along with signs and linemarking schemes as shown in Attachments 9.1 - 9.8.

ASSESSMENT

In 2019, State Government announced additional commuter carparking spaces at the Casula Railway Station. Subsequently, Council and TfNSW has negotiated for existing overflow carpark at the rear of CPAC to be used as commuter carpark and for additional parking to be constructed north of the arts centre.

The location of the commuter carpark is as shown below.



The other works associated with the rehabilitation of the commuter carpark includes the following:

- Woodbrook Road to be extended under the railway bridge to Powerhouse Road along with Shared path on the north side and pedestrian refuge in Powerhouse Road.
- Construction of additional carparking spaces in front of CPAC.
- Access road on the western side of the centre to be widened to accommodate two-way traffic movement.

Details of these works are as follows.

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Woodbrook Road

Woodbrook Road is a link road between Casula residential area and Powerhouse Road. The street is approximately 90m in length and passes under the existing south-west railway lines (including the south western freight line). In 2012, as part of the construction of the freight line, access under the railway arch was blocked in part due to height restrictions.

TfNSW and Sydney Trains have agreed in principle for the road link to be opened subject to detailed design with a height limit to maintain structural integrity of the arches.

Design drawings for Woodbrook Road re-opening with a shared path the northern side and a pedestrian refuge across Powerhouse Road to link the shared path on the eastern side of Powerhouse Road as shown in the Attachments.

The road link would attract additional traffic through the affected Casula area and consultation with the local residents is required prior to installation.

(Commuter and Replacement) Carparks

As part of the project, Council will re-linemark the existing carpark east of the station to become a commuter carpark to include two accessible parking spaces. In addition, Council is proposing to construct 75 additional replacement carpark spaces including two accessible spaces at the front of CPAC to replace the spaces at the rear of CPAC that would be used as commuter carparking. The car park will have direct access from Powerhouse Road.

These spaces will be signposted as 4P parking 8am-2pm to ensure they are available for customers to the arts centre.

Access Road

The existing access arrangement to the proposed commuter parking is through the CPAC frontage. Additional commuter traffic will affect pedestrian safety at the front of CPAC. Therefore, the project includes road widening, existing northbound single lane road to a two-lane road to accommodate two-way traffic.

A copy of the proposed road widening is shown in the Attachment. The Committee is requested to support road widening as indicated.

The design drawings including parking spaces have been prepared in accordance with TfNSW guidelines and Australian Standards. Swept path analysis has also been carried out using service vehicle 12.5m as the design vehicle.

RECOMMENDATION

That:

- The Committee supports in principle the re-opening of Woodbrook Road, associated shared path and pedestrian refuge to connect to Powerhouse Road.
- Consultation be carried out with the local residents and for the results to be presented to a future committee meeting.
- The signs and linemarking scheme including 4P (8am-12pm) parking for the new carpark.
- All other signs and linemarking scheme for the project.

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COMMITTEE DISCUSSION

The Committee discussed and supported the three components of the construction works associated with the construction of the commuter carpark at the Casula Station. The Committee made the following comments for the design to be modified:

- A paved footpath to connect the path along the carpark north of the powerhouse to the path along the river.
- Detailed design of Woodbrook Road extension to Powerhouse Museum Road is to be submitted to the Committee for further consideration.
- The Woodbrook Road extension to Powerhouse Museum Road requires community consultation.

On a related subject, Councillor Harle requested that the configuration of the Powerhouse Museum Road connection from Shepherd Street needs to be improved (to prevent small cars being damaged).

COMMITTEE RECOMMENDATION

That the Committee supports:

- In principle the re-opening of Woodbrook Road, associated shared path and pedestrian refuge to connect to Powerhouse Road.
- Consultation be carried out with the local residents and for the results to be presented to a future committee meeting.
- Detailed design of the car park in front of CPAC is to include paved footpath connection to the path along the river and signs and linemarking scheme including 4P (8am-12pm) parking for the new carpark.

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ITEM 9 Subdivisions and Developments – proposed signs and linemarking schemes

INTRODUCTION

The development consents for the following four subdivisions into residential lots require construction of new roads, along with associated signs and line marking scheme.

- CCE-14/2020 245 Fifteenth Avenue, Austral 23 new subdivision Lots.
- CCE-14/2020 14 Sixteenth Avenue, Austral 31 new subdivision Lots.
- CCE-44/2020 80 Sixteenth Avenue, Austral 30 new subdivision Lots.
- 95-105 Seventh Avenue, Austral 40 new subdivision Lots.

The developers have submitted design drawings of the new roads and associated signs and linemarking schemes as shown below. The Committee is requested to support the proposed signs and linemarking schemes.

ASSESSMENT

Subdivisions of the above-mentioned development sites require construction of the following roads and signs and linemarking schemes:

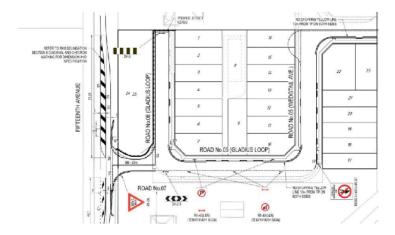
CCE-14/2020 - 245 Fifteenth Avenue, Austral - 23 new subdivision Lots

The subdivision involves urban development of two separate but adjoining Lots. The subdivision includes the construction of:

• One north/south road off Fifteenth Avenue and two east/west roads.

North/South road is half re-constructed with the carriageway width of 5.5m. This subdivision will have temporary access off Fifteenth Avenue with a right-turn bay and associated signs and linemarking which will be removed in future after the subdivision gets access from the adjoining Lots. In addition, 'No Parking' signs as well as C3 yellow 'No Stopping' linemarking is proposed along the north/south street to ensure two-way traffic flow.

A road safety audit has been submitted for temporary access arrangement. Right turn movements out of the developments could present a safety concern. For further consideration, a revised design incorporating a seagull island is to be submitted. The resulting road layout is as shown below.



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As indicated above, the road layout will result in two T-intersections. The intersection with Fifteenth Avenue is proposed to be linemarked with a 'give-way' intersection. Due to the traffic volume on Fifteenth Avenue and the channelised intersection proposed, the 'give-way' treatments is considered appropriate.

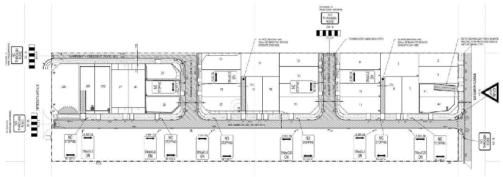
CCE-14/2020 - 14 Sixteenth Avenue, Austral - 31 new subdivision Lots

This subdivision involves the construction of four new east/west roads and half road reconstruction of Sixteenth Avenue. The associated signs and linemarking is 'No Parking' signs along the north/south road to permit as shown below.



CCE-44/2020 - 80 Sixteenth Avenue, Austral - 30 new subdivision Lots

This subdivision involves the construction of one new north/south road and two east/west roads as well as reconstruction of half road off Sixteenth Avenue as shown below.



The associated signs and linemarking is as indicated above and includes 'No Stopping' and 'give-way' signs. The proposed 'give-way' sign is not required and 'No Stopping' signs also need to be changed to 'No Parking'. In addition, direct access to Fifteenth Avenue is not to be supported.

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95-105 Seventh Avenue, Austral - 40 new subdivision Lots

This subdivision involves the construction of two new north/south roads and two east/west roads as well as reconstruction of Seventh Avenue as shown below.



The road layout will result in two T-intersections and two 90-degree bends. The associated signs and linemarking scheme is as indicated above and is considered appropriate.

RECOMMENDATION

That:

 The Committee supports the signs and linemarking scheme for the four subdivisions as indicated in the agenda item.

COMMITTEE DISCUSSION

The Committee discussed signs and linemarking scheme for new subdivisions as submitted. The Police representative outlined that the Police would not support construction of half roads which would not permit two-way traffic unless signposted as one-way. This is to ensure that the Police are not called to deal with poor driving behaviour.

COMMITTEE RECOMMENDATION

That the Committee supports:

• Signs and linemarking scheme for the four subdivisions as indicated in the agenda item.

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ITEM 10	ITEMS APPROVED UNDER DELEGATED AUTHORITY
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INTRODUCTION

This item provides a summary of minor traffic facilities that have been approved under the Liverpool Pedestrian, Active Transport and Traffic Committee Delegated Authority by the TfNSW and Police representatives over the period, between 3 February 2021 and 17 March 2021.

Delegated Authority No.	Location	Description of Proposal
2021.003	Central Avenue, Chipping Norton	Installation of Bus zone
2021.005	Delfin Drive, Wattle Grove	Installation of 'No Stopping' sign
2021.006	Australis Avenue, Wattle Grove	Installation of Bus zone and Timed
		Parking

RECOMMENDATION

That:

The Committee notes the above Delegated Authority applications approved by the NSW Police Force and TfNSW representatives over the period between 3 February 2021 and 17 March 2021.

COMMITTEE DISCUSSION

The Committee discussed and supported the Delegated Authority applications approved by the NSW Police Force and TfNSW representatives over the period between 3 February 2021 and 17 March 2021.

COMMITTEE RECOMMENDATION

That the Committee supports:

 The Delegated Authority applications approved by the NSW Police Force and TfNSW representatives over the period between 3 February 2021 and 17 March 2021. March 2021

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GENERAL BUSINESS

ITEM	LOCATION/ISSUE	REMARK
GB1	Airfield Drive, Len Waters Estate	Transit systems drivers have expressed safety concerns including difficulty of entering and exiting their driveway due to speeding along the road section between the company's driveway and the Bunnings driveway with a request for installation of a traffic calming device. The Committee discussed and supported for investigation will be carried out for further consideration.
GB2	Moore Street, Liverpool at the entrance/exit to the Liverpool Interchange	Transit systems has requested re-linemarking of the keep clear zone in front of the Liverpool bus interchange to prevent queuing across the interchange driveway. The Committee discussed and supported for investigation will be carried out in consultation with TfNSW.
GB3	Frederick Road, Cecil Hills	Transit systems is requesting installation of bus zones in front of Cecil Hills High School to ensure the bus stops are not occupied by motorists. The Committee discussed and supported for investigation to be carried out for further consideration.
GB4	Sixth Avenue, Austral	Sixth Avenue across the Water NSW canal (near its intersection with Thirteenth Avenue) has an existing one-lane bridge. The bridge has stop signs on both sides and restricted sight distance. To maintain road safety, Council is proposing installation of two rubber speed cushions on either side of the bridge. The Committee discussed and supported installation of two rubber speed cushions on either side of the bridge.
GB5	Speeding and reckless driving in Holsworthy, Hammondville and Wattle Grove	Speeding concern raised by the Member for Holsworthy. Update from the Police on speed enforcement. The Police representative advised that the speed enforcement is continuing.
GB6	125 Memorial Avenue, Liverpool - Decommission of Bus stop	Transit Systems have advised that a bus stop at 125 Memorial Avenue next to the T-way is no longer required. The Committee discussed and supported the decommissioning of this bus stop.

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