No	Site	Summary of Issues	Response
		The Centres Hierarchy Review assumes an unreasonably high supermarket turnover density of $11,000/sqm. If a more reasonable figure of $9,000/sqm is used against available expenditure, this would equate to an additional $8,500sqm of supermarket demand within the LGA. (that is need more square metres to cater for projected spend)	Supermarket target turnover rates vary according to location and between different retailers. Hill PDA considers $11,000/sqm in 2011 to be appropriate for Liverpool. Hill PDA have used the following sources of information regarding supermarket target turnover rates: - Woolworths at the beginning of 2010-11 had 823 supermarkets in Australia with an average floor area of 2,676sqm (including Dan Murphy stores but excludes BWS stores and petrol outlets). Sales per square metre = $15,895/sqmwhich was a 9% increase from 2007 ($14,571/sqm). Source: Woolworths Annual Report 2011 Page 86. - ABS Retail Survey in 1998-99 had supermarkets trading at an average of $7,666/sqm across Australia. To June 2011 CPI growth has been 45.8%. Hence based on 2011 dollars average sales were **$11,176/sqm**.
		The Centres Hierarchy Review does not consider the possibility of the delayed provision of centres in the expected future residents from the South West Sector.	The Review has used the most recent information available to determine the likely delivery of residential and commercial development in the South-West Growth Centre.
		The Centres Hierarchy Review does not consider the trade impact of a larger supermarket (one over 1,600sqm) at the subject site. An LGA wide assessment differs from site – specific catchments analysis and signifies the need to be flexible with broad based approach.	The scope of the Review includes an examination of existing and future supply and demand for retail floorspace. It also considers the existing and potential future development of retail in appropriate locations such as centres. Council agrees with the Review findings in that a large scale supermarket is not supported in this out of centre location. Further, the trade area of a supermarket on this site would potentially overlap with the trade areas of proposed centres at Middleton Grange and Edmondson Park, coupled with existing centre at Carnes Hill and B6 Enterprise Corridor opposite the site.
		The Productivity Commission and other review question the application of floorspace limitations that restrict competition with commercial zones.	A floorspace limitation has been applied through LLEP 2008 in order to guide the location of larger retail development. The LLEP does not impose an explicit limit of how many stores are permitted within a certain zone. The locational requirement seek to concentrate retail floorspace, as much as possible, in centres that are well serviced by public transport and pedestrian links, are in proximity to existing residential densities, and to promote the concentration of commercial, social and business activity for multi-purpose trips.

No	Site	Summary of Issues	Response
8.	20 Mustang Close, Middleton Grange	There is merit in ensuring that retail activities are undertaken under an appropriate business zone rather than continuing to operate under existing use rights or provision contained under a non-business zone.	Existing use rights provisions apply in the instances where an approved use is being carried out in a zone which does not permit such a use. Neighborhood shops are permissible in the R1 zone and as such existing use rights do not apply.
		Council should consider rezoning the subject and adjoining properties which accommodate food and drink premises and service station to B1 Neighborhood Centre.	Neighborhood shops are permissible in the R1 zone with the objective of providing residential neighborhoods with access to convenience goods. Council has appropriate LEP and DCP controls to guide such development. Furthermore development consent in this instance has been granted with conditions of consent and as such, the commercial premises can continue to operate in accordance with the consent without the need for zoning changes. Rezoning this land to B1 Neighbourhood Centre will also introduce additional uses that are not appropriate in this context, including Hotel and Motel accommodation and Office Premises. The objectives of the R1 zone include the provision of appropriate housing mix and services to meet the day-to-day needs of residents. Neighborhood shops accord with these objectives and thus there is no valid argument to rezone the site to B1.
		A B1 centre in this location would not have any adverse impact upon the retail hierarchy including centers such as Middleton Grange Carnes Hill.	The focus for retailing and activity for Middleton Grange is within the land zoned B2 Local Centre. As stated above, the existing and proposed retail premises in Mustang Close and adjacent to Cowpasture Road can continue to operate under applicable development consents without the need to alter the land use zone. Uses such as Office premises are also best directed to the proposed local centre where there is a concentration of support retail and business premises, public transport, open space and other social infrastructure which will make it a destination.

No	Site	Summary of Issues	Response
9.	Orange Grove Road and general issues	The Centres Hierarchy Review suggests there is both a vacancy of 16,000sqm in the Liverpool City centre, but also states there is a retail floorspace shortfall of 20,500sqm in 2011. Also vacancies in Campbelltown Sale Outlet and Cross Roads suggest retail shortfall is fanciful. Vacancies suggest an overprovision of retail floorspace rather than undersupply.	The City Centre vacancy figures also include non-retail commercial floorspace such as offices and business premises. In a regional city of this size, it is unavoidable that there will be some vacancies at any point in time. Council and the industry does consider 10% as being considerable. This re-iterates the need for Council, in conjunction with State Government, to focus on actively promoting Liverpool as a place of investment and opportunity and to carefully consider proposals that may affect trading performance. The undersupply and proposed floorspace figures are based on an analysis of population growth and rate of expenditure, which follows historical trends.
		The 2007 Retail Hierarchy Study suggested a 68,140sqm demand could be accommodated within the City Centre where the 2012 draft Centres Hierarchy Review suggests a 35,000sqm shortfall. There is no clear analysis demonstrating why this capacity forecast has been revised down by nearly 100%.	The undersupply and proposed floorspace figures are based on an analysis of population growth and rate of expenditure, which follows historical trends. As is often the case, property consultants use different methodologies to forecast demand. The reduced foreseeable floorspace may also be attributed to the following; - The impact of Leppington Major Centre considered by Hill PDA from 2016 into the long term - Continued suburbanisation of office space - Emergence of large format retailers which require expansive site areas not readily available in city centres - The growth in the bulky goods retailing types - Development of sites in the city centre since the 2006 Leyshon Hierarchy Review.
		The 2007 study did not endorse the Orange Grove precinct as a retail centre.	The Leyshon Retail Hierarchy Study and the current study support the current role of the centre as a bulky goods node. Council acknowledges that some other form of retail may be support subject to specific evaluation, such as the retail outlet centre considered under LLEP 2008 Amendment No. 22. Council does not endorse the site as a town centre such as those currently zoned B2 Local centre.

No	Site	Summary of Issues	Response
		The location of pipeline development needs to be justified as "the right place for business".	Each individual application to rezone and has been submitted with a suite of specialist report justifying the proposal against the relevant Council and State Policies. Specific assessment against those policies is carried out during the course of the assessment.
		Such a significant (19,00sqm) of retail floorspace in close proximity to the Liverpool CBD will have a detrimental impact on the retail hierarchy, reduce the relevance of the CBD, shift the focus of core retailing to orange Grove.	Council has considered the potential impact during the detailed assessment of LLEP Amendment No. 22. Generally the Hierarchy Review promotes the focus on centres and Councils has re-iterated this stance through the various responses to submission relating to the further expansion of non-bulky goods floorspace at Orange Grove (Refer to submission 1-4 within this table).
		The Planning Proposal shall not progress until further independent analysis in undertaken in respect to; • Evaluation of the need and demand for retail uses for the established centres • Consideration of the current vacancies in the City Centre • Consideration of the 2012 census data for population growth, affluence etc • Independent review of the negative multiplier effect on the Liverpool CBD in terms of local employment, agglomeration industries, supply trade etc	Council is satisfied that determination can be made regarding the Retail Hierarchy Study. The census and other data sources are deemed appropriate and provide for adequate guidance for this level of reporting. The specific consideration of the Planning Proposal for an outlet centre at Orange Grove is stipulated in a separate Council report.

No	Site	Summary of Issues	Response
		The Hierarchy Centres Hierarchy Review does not offer any analysis of the proposed rezoning or recalibrated centre hierarchy against the objectives of the Draft Centres Policy.	Hill PDA considers the 19,000sqm retail outlet proposal as 'pipeline' development and has not been included in the supply side modeling. As such of the proposal is not supported, the results remain current. The specific and in depth assessment of the proposal in terms of the impact upon the existing hierarchy is part of the Councils report and Planning Proposal for LLEP 2008 Amendment No. 22.
		According to the Hierarchy Review Study, a submission was received seeking 71,000aqm of floorspace at Orange Grove. Consideration should be given that this site is only 2km away and equates to a regional shopping centre due to scale.	Agreed, Council do not support the expansion of the Orange Grove bulky goods node to 71,000sqm with an increased proportion of non-bulky goods floorspace as it would more than likely detrimentally impact upon the Liverpool city centre in terms of visitation which would undermine the associated investment in social and physical infrastructure.
		The Centres Hierarchy Review needs to provide clear direction.	The objective of the Hierarchy Study include; - To describe the existing take up and categorization of floorspace through land use survey - To stipulate trends in retail proposals and assess which centres could entertain future additional floorspace - To consider the likely population growth and spending patters to determine demand for future floorspace - Consider and provide feedback on submissions received during the initial stages of the review The findings of the Review is not the only basis in which Council consider Planning Proposals. Councils Strategic Planners also have to consider State Government policies and the objectives of the Liverpool LEP 2008 when determining the appropriate location for commercial development.

No	Site	Summary of Issues	Response
		The Hierarchy Review confirms floor space growth is evident however there is a fundamental shift where growth is supported outside the CBD.	Council reiterates that the city centre contains several important functions in addition to retailing, such as medical/health facilities, business premises, recreation and civic uses all of which contribute to the city centre as a destination. The following factors are believed to contribute to the allocation of floorspace outside of the city centre; - Continued suburbanisation of office space. - Emergence of large format retailers which require expansive site areas not readily available in city centres - The growth in the bulky goods retailing types - The emergence of the SWGC
		An outlet centre sells apparel, homewares, electrical goods and other retail otherwise found in traditional shopping centres. The policy approach by Council should be in line with the Metropolitan Plan and Sub-Regional strategy which is to support the development of Liverpool CBD.	Council has provided support on the basis that the retail outlet centre only sells this type of retail and a limited quantum of support 'food and drink premises'. The impacts of this retail offer at Orange Grove has been modeled and deemed acceptable a part of the consideration of LLEP 2008 Amendment No. 22 and the Hill PDA Cumulative Economics Impact Study July 2012).
		Average incomes in the Liverpool LGA remains below the Sydney average with the gap widening with growth at 4.6% as opposed to 5.4%.	Hill PDA have used historical data to calculate the retail expenditure per capita and extrapolated this data to determine retail floorspace demand over the short, medium and long term.
		Hill Pda real growth assumptions overstate the future trading performance of centres. Trading performance of key centres in the region including Liverpool, Macarthur Square, Bonnyrigg Plaza and Wetherill Park shows little or no turnover growth, averaging 0.3% real growth 2008-11.	The Review has incorporated a number of factors in determining future retailing conditions including the average expenditure per capita and growth in expenditure (being 1.3% per annum), the population growth of Liverpool, Fairfield and northern suburbs of Campbelltown in addition to general retailing trends.

No	Site	Summary of Issues	Response
		The growth of on-line retailing is forecasted to stay strong and has not been considered in any assessment of impact.	Australia lags behind other western countries in regards to the rate of internet retailing with a market share of 4% in 2009. The impact of this retailing trend has been considered by Hill PDA during the preparation of the Review with commentary provided in Attachment 2 of the Review. .
		Proposals considered under LLEP Amendment No 19 and 26 result in a cumulative impact of 6.5%, where adding all proposed developments including the retail outlet equals 12% reducing visitation to the CBD by 1-1.5 million visits thus undermining overall levels of activity for the CBD.	Hill PDA's Cumulative Economic Impacts Study (July 2012) calculated a decline of trade in the Liverpool city centre to the tune of $53m in 2016, which is 7.8% in terms of proportional impact. This rate of impact is considered to be "low to moderate" and within the normal competitive range. Despite the "low to moderate" adverse impact, the Liverpool City Centre will experience turnover growth over the 2012 to 2016 period due to increases in population and expenditure ie $605 million turnover in 2012 and an expected turnover of $625 million in 2016, an increase of 3.3% even after consideration of a Costco, retail outlet centre and retailing in B6 zoned land.
		The Centres Hierarchy Review does not consider the impacts of the Orange Grove proposal.	The Cumulative Economic Impacts Study by Hill PDA and LLEP 2008 Amendment provides an assessment of impact. The Review includes the Orange Grove proposal only as potential development.
10.	Orange Grove Road/Viscount Place Warwick Farm	The centre needs to adopt to changing market conditions and recognize its strategic importance in the hierarchy.	The site does not exhibit the characteristics of a town centre/B2 Local Zone site for the following reasons; Council has considered the landowners request to justify additional retail offer to support the bulky goods node via the rezoning of 20,000sqm of land to B6 Enterprise Corridor. Also, Councils has supported this justification when deciding to proceed with the retail outlet rezoning to Gateway Determination.

No	Site	Summary of Issues	Response
		The Centres Hierarchy Review states a 10% trade expenditure capture from Fairfield. This is underestimated for this site due to its accessibility to Fairfield residents. Specifically the outlet centre proposal would draw expenditure from the whole of the Liverpool Fairfield LGA, northern part of Campbelltown LGA and some of SWGC.	This is inaccurate. There are a multitude of consideration in terms of capture rates for instance it is envisage that 15% of Liverpool's residents expenditure is lost to centres outside the local government boundary. It must also be recognized that capture of retail spend from residents west of the M7 and Campbelltown and western parts of Fairfield will decline over time due to the opening of centres in the SWGC. Specifically Hill PDA has assumed that 35% of Fairfield's resident expenditure of bulky goods is spent within Liverpool. Council considers this as an appropriate proportion.
		Centres Hierarchy Review steps there is an 134,00sqm undersupply by 2031(existing shortfall 20,516sqm) with largest proportion attributed to supermarkets and DDS	The stated undersupply figures do not consider pipeline development such as development application for Aldi, the proposed Costco (which translates to approximately the turn over of full line supermarket and moderately performing discount department store) and Orange Grove retail outlet centre. In the event these development are not pursued, the stated undersupply are considered accurate.
		Review should examine specific characteristics of K-Mart and Aldi and lack of availability particularly in the Liverpool City Centre	The review responds to the specific submissions submitted by K-Mart and Aldi. In the event a Planning Proposal is entertained in the longer term, a specific analysis would be carried out considering accompanying economic reporting.
		The Centres Hierarchy Review provides for 3,000sqm for Orange Grove in the short term to accommodate a Dan Murphy's (1340sqm) and Aldi supermarket. Due to the limited size of the B6 zoned land, and the retail floorspace limit for premises within this zone, there is insufficient land zoned to facilitate an Aldi at Orange Grove centre.	Initially proponent applied for a B6 zone only for Dan Murphy- Council extended this by x to incorporate prate the food and drink premises and retail premises along Orange Grove road

No	Site	Summary of Issues	Response
		The review does not provision for co-location of a K-Mart and Aldi which would take up Fairfield demand	The Orange Grove bulky goods node has already entertained a change in retail offer with a number of food and drink outlets, entertainment facilities and rezoning of approximately 2 hectares of land to B6 Enterprise Corridor. Council does not consider an K-Mart and Aldi as appropriate development within the B5 zoned bulky goods node for the following reasons; - The site is approximately 1.5km from the Liverpool City centre, a Regional City which is the focus of significant investment in social and physical infrastructure. The introduction of a supermarket and department store etc would further impact a poor to moderately performing Liverpool city centre and potentially other centres within the Liverpool and Fairfield LGA. - The site does not have adequate access to public transport compared to other centres of comparable (and for that matter significantly smaller) scale centres compared to Orange Grove. - The site lacks pedestrian permeability due to physical and geographical boundaries of Orange Grove Road, Cabramatta Creek. Further, the B5 node is located on the periphery of the residential catchment reducing the 'walkability' to the site. - The site lacks an adequate local residential catchment (within an 800m radius) compared to other existing centres including Miller, Moorebank, Casula and Carnes Hill. - Local centres should provide for multi-purpose trips and are usually supported community facilities such as schools, libraries, community halls/meeting spaces etc.
		The Centres Hierarchy Review should give more consideration to Draft Activity centres Policy (May 2010) including the principles of letting the market determine the need for development.	Although the Activity Centres Policy is considered in assessing some individual proposals, it has not been publicly exhibited by the State Government. By contrast the Metropolitan Plan for Sydney 2036 has been endorsed and reiterates the previously adopted position that planning should focus on centres whilst allowing some out of centre development where justified.

No	Site	Summary of Issues	Response
		Orange Grove should become a 'stand alone centre' with a total of 67,000sqm of gross leasable floorspace. Approx 50% of the trade catchment area would lie outside the Liverpool LGA.	The proposed floorspace would render the Orange Grove site as the second largest centre in Liverpool outside of the Liverpool City centre. The proposal for an increase in general retail of that scale is not supported for the following reasons; - The site is approximately 1.5km from the Liverpool City centre, a Regional City which is the focus of significant investment in social and physical infrastructure. The introduction of an anchor retailer such as a large supermarket and department store etc would further impact a poor to moderately performing Liverpool city centre and potentially other centres within the Liverpool and Fairfield LGA. - The site does not have adequate access to public transport compared to other centres of comparable (and for that matter significantly smaller) scale centres compared to Orange Grove. - The site lacks pedestrian permeability due to physical and geographical boundaries of Orange Grove Road, Cabramatta Creek. Further, the B5 node is located on the periphery of the residential catchment reducing the 'walkability' to the site. - The site lacks an adequate local residential catchment (within an 800m radius) compared to other existing centres including Miller, Moorebank, Casula and Carnes Hill. - Local centres should provide for multi-purpose trips and are usually supported community facilities such as schools, libraries, community halls/meeting spaces etc.
		The Centres Hierarchy Review identified three potential retail development sites, none of which offer suitable developable land.	The interpretation of 'suitable' developable land can vary. Redevelopment within the Liverpool City centre, as with many major centres often require the amalgamation of lots, innovative building solutions or co-location with alternate development types. Council may entertain edge or out of centre locations for certain development, particularly small to mid sized retailers once the location and potential impacts have been specifically considered.
		The Orange Grove Road site is a preferred site as it allows accessible on-grade parking and flexible shopping hours.	Operating hours in the City Centre is subject to merit assessment. The hours approved can be quite extensive considering the lack of interface issues with residential development, particularly within the B3 Commercial Core land use zone.

No	Site	Summary of Issues	Response
		A K-Mart at Orange Grove would limit trade impact upon those located in the CBD (target and Big W).	Councils has indicated that in the medium to long term a change in the nature of the whole Orange Grove bulky goods and industrial precinct (40 hectares) could be entertained. This would however require a holistic assessment of future land uses, pedestrian connectivity, increased residential densities and integration with industrial uses. In the short to medium term, Hill PDA concluded that the provision of a K-Mart and ALDI would have some adverse impact upon the Liverpool City Centre. Council agrees with this conclusion, particularly when considering that the city centre is likely to be exposed to a 7.8% of $53 million reduction in trade due to pipeline development within B6 zoned land, Costco at Casual and retail outlet premises at Orange Grove Warwick Farm.
		Non CBD locations offer easy access and convenience and have less traffic congestion.	Non city centre commercial development can lead to lack of transport options for consumers and workers. It can also limit integration of uses and isolates business activity resulting in increased travel (usually by private vehicle). Out of centre development does not utilize existing infrastructure and public domain investment which can be considered an un-economic use of land.
		Aldi seeks to own sites rather than take up tenancy agreements and seek to co-locate with other similar tenants.	The gazetted Liverpool LEP 2008 Amendment No. 16 has significantly increased the potential for Aldi and other similar retailers to locate within land zoned B6 Enterprise Corridor, of which 2 hectares is provided along Orange Grove Road frontage. Further, such retailers continue to be permitted within the B1, B2, B3, B4 zones.
		Orange grove road does not provide for sufficient B6 zoned land for an Aldi. Once a Dan Murphy outlet is built, the 3,000sqm promoted supply on the site (D Murphy + Aldi) will not be met.	The total quantum of B6 zoned land at Orange Grove is 2 hectares and could potentially include an Aldi store with redevelopment. Alternatively Aldi is a permissible land use within the B1, B2, B3, and B4 land use zones. The 3,000sqm and many other assumptions have been made to guide the location of development. In the event the assumptions are not fully realised, a further review can be undertaken. It is for that reason that Council should continue to review their retail supply and demand every 8-10 year timeframe, or possibly at the 5 year mark if significant developer interest is shown or changes to the retail regime is experienced.

No	Site	Summary of Issues	Response
		The Review identifies an undersupply in DDS and supermarket floorspace both now and in 2031. The CBD is to take up a proportion of this floorspace however land within the CBD is not suitable to these types of retailers i.e. Kmart and Aldi.	Current undersupply on supermarket floorspace is deemed as 6,500sqm however it does not include pipeline develop such as Costco which would fulfill a large proportion of the demand that is the equivalent of a full line supermarket of approximately 4,000sqm.
		The review states that approximately 13,500sqm of retail floorspace is to be accommodated in the B6 zone by 2031. However the 1,600sqm restriction limits the ability of supermarkets and DDS stores to locate within the zones.	The assumption of the 13,500sqm supply is based on the current development rate of B6 land and is set over a timeframe over 30 years. Council supports the assumption and justifies the 1,600sqm restriction as larger tenancies should be located in centres. Providing unrestricted retail permissibility within the B6 zones is not consistent with the Centres planning approach in the Metropolitan Plan for Sydney.
		Council should develop a specific strategy to consider types of retail for which there is clear demand.	The Review provides a break down of retail types and a comparison of likely demand versus supply forecasts. The onus is on an applicant to assess their proposals against the findings of the Review.
		The Orange Grove centre has had a historic trend of vacancies at or about 15%.	Noted. The Review stipulates that there is current shortage of 2,500sqm of bulky goods floorspace however a significant growth in bulky goods demand (mainly attributed to new housing) will equate to a 48,888sqm undersupply of bulky goods floorspace in year 2031. A large proportion of the future bulky goods supply would likely be provided at Cross Roads Casula due to the proximity to the new release areas. However the stated undersupply does provide an insight into the positive forecast for bulky goods sector.
		The approval of Costco will have impacts upon the Orange Grove Centre. Council should allow a level playing field between the two centres by permitting a diversified retail offering at Orange Grove including supermarket and DDS.	Each specific proposal at the Cross Roads Homemaker centre and the B5 zoned node at Orange Grove Warwick Farm are subject to detailed consideration under each respective Planning Proposal (LLEP Amendment No. 22 and 26). The two respective sites have differing characteristics, particularly in terms of their proximity to the new release areas, access to the orbital ring road and proximity to centres such as the Liverpool City Centre etc.

No	Site	Summary of Issues	Response
		Allowing diversified retail and promoting the site as a stand alone centre would allow for ongoing viability, and cater for the undersupply of retail floorspace and draw increased expenditure from Fairfield LGA.	The site does not exhibit the attributes commensurate with a 'town' or B2 Local Centre, which is inevitably the outcome of permitting other retailing types including supermarket and discount department stores. Council has within the last 18 months considered the support of the bulky goods node through the rezoning of 20,000sqm of land along Orange Grove Road to B6 Enterprise Corridor. Council also justified proceeding with the assessment of a retail outlet premises on the basis it may improve the trading performance of the bulky goods node.

No	Site	Summary of Issues	Response
		The identification of Orange Grove as a stand alone centre would be consistent with the draft centres and Activity Centres Policy as it encourages a flexible planning system to allow centres to grow over time; the centre is already a stand alone centre in that it includes bulky goods, markets, liquor outlet fast food and proposed factory outlet. Strategic plans should ensure that the supply of land accommodates demand in new and existing activity centres such as Orange Grove. The Policy states that the market is best placed to determine the needs for shops and that business has a better understanding demand for goods and services.	Council does not endorse the creation of a new town centre due to the following factors; - The site is approximately 1.5km from the Liverpool City centre, a Regional City which is the focus of significant investment in social and physical infrastructure. The introduction of an anchor retailer such as a large supermarket and department store etc would further impact a poor to moderately performing Liverpool city centre and potentially other centres within the Liverpool and Fairfield LGA. - The site does not have adequate access to public transport compared to other centres of comparable (and for that matter significantly smaller) scale centres compared to Orange Grove. - The site lacks pedestrian permeability due to physical and geographical boundaries of Orange Grove Road, Cabramatta Creek. Further, the B5 node is located on the periphery of the residential catchment reducing the 'walkability' to the site. - The site lacks an adequate local residential catchment (800m radius) compared to other existing centres including Miller, Moorebank, Casula and Carnes Hill. - Local centres should provide for multi-purpose trips and are usually supported community facilities such as schools, libraries, community halls/meeting spaces etc. The market is best placed to bear the risk of commercial development. It is however still appropriate, that land use planning regulate the location and sets parameters for retail development. Land use planning does not seek to prohibit retail development based on insufficient demand, but rather it seeks to guide its location and density in order to ensure that retail is located appropriately encouraging consumers undertake multi-purpose trips. Further specific assessment of the Orange Grove site in the context of a retail outlet centre is provided within the Planning Proposal and associated report for LLEP 2008 Amendment No. 22.

No	Site	Summary of Issues	Response
11.	Orange Grove Road, Warwick Farm	Orange Grove bulky goods centre could not be described as a village centre as per sub-regional strategy.	The adopted Metropolitan Plan for Sydney 2036 correctly identifies the site as a bulky goods node. Note that the Sub-Regional strategy has not been finalised by the Department of Planning and Infrastructure.
		Orange Grove centre should grow and adapt to meet the competitive challenges including the development of the Cross Roads that includes a Costco development. Additional retail uses as per the Retail Hierarchy report should be provided.	The Review states that additional retail may be justified in the medium to longer term however such consideration should consider the impact upon the Liverpool City Centre. The Hierarchy Study did however perceive strong future demand for bulky goods retailing which is preferred considering the site characteristics. The strength and growth of the Cross Roads centre is not a valid planning consideration for allowing unrestricted retail at Orange Grove; the sites are located within different catchments and have different characteristics. Within the last 18 months Council has considered the support of the bulky goods node through the rezoning of 20,000 sqm of land along Orange Grove Road to B6 Enterprise Corridor. Further, Councils has considered the likely positive impacts of a retail outlet centre on the bulky goods retailing during the consideration of that proposal.
		Some trade area should be considered from the Western edge of the Bankstown LGA e.g. Georges Hall and Milperra.	Council is satisfied with the catchment areas and expenditure capture assumptions applied by Hill PDA.
		Assumptions have been made about capture rates are open to question; eg 35% of available bulky goods spending from Fairfield residents is captured in Liverpool however Fairfield has limited supply of this type of floorspace and so capture is likely to be substantially higher.	This proportion is deemed justified in that Fairfield residents have the option of bulky goods shopping in other adjoining local government areas and at their place of work.

No	Site	Summary of Issues	Response
		The Retail Hierarchy report assumes that capture rates will remain constant over time however as development in Liverpool occurs e.g. retail outlet centre, Costco and development within the Liverpool City centre. The capture rate is likely to require adjusting.	The Review has not assumed the support of the outlet centre and Costco proposals within the analysis. This is supported by Council as significant milestones in the assessment of the proposals are yet to occur. Further, the refusal of either of the proposal would not materially affect the modeling carried out as those developments were not assumed in the supply side of retailing forecasts. Capture rates used by Hill PDA are deemed appropriate at this point in time.
		Capture rates are not 'set in stone' rather, each project needs to be evaluated on its own merits.	In order to determine likely forecasted demand for retailing, a calculation of the number of residents and further, their likely expenditure needs to be carried out. As consumers shop outside of their local government areas, the calculation of likely dollar expenditure from adjoining areas has been included. Individual proposals submitted as Development Applications should specify any assumptions used relating to trade areas and capture rates for review.
		There is no proposal at present to incorporate an ALDI supermarket at the Orange Grove centre within the B6 zone or anywhere else on the site. The Hill PDA should be amended accordingly to remove the 3,000sqm potential of a Dan Murphy and Aldi	The Review has incorporated the potential for 3,000sqm of retail floorspace in this location. Submissions to this Hierarchy Review by JBA, Milestone Planning and MacroPlan Dimasi advocate for an Aldi within this site. Council does not support further erosion of the bulky goods node (particularly in addition to the retail outlet centre) and thus the likely location of a future mid-sized retailer such as Aldi would be within land zoned B6 Enterprise Corridor zone.
		Table 20 allocates future floorspace to various centres, however the rationale behind floorspace at these centre has not be provided.	Section 8 of the report stipulates the short, medium and long term potential for a number of centres and two of Councils bulky goods nodes. The assumptions are based on likely development scenarios informed by (inter alia) population and dwelling growth assumptions.
		The report indicates the capacity of additional retail at Orange Grove which suggests that if Harvey Norman move out, other retail can fill the vacancy. Additional retail should be provided to provide an incentive for Harvey Norman to remain on site.	Demand modeling suggests that the demand for bulky goods is strong moving forward and thus the retention of a bulky goods presence at the site is encouraged. Council has considered, amongst other things, the landowners desire to improve the trading conditions of the bulky goods node in providing initial support of the retail outlet centre and by rezoning large quantum of land to B6 Enterprise Corridor which allow for a Dan Murphy's retailer and allow for other mid-sized retailers to locate there.

No	Site	Summary of Issues	Response
		The report states a 6,500sqm supermarket and 8,071 DDS undersupply in the short term. On this basis there is 15-16,00sqm of available space that can be added to Orange Grove. The undersupply increases by 32,392 sqm to year 2016.	The expected delivery of a Costco, additional (mid-sized) retail in the B6 Enterprise Corridor and large district level town centre in Edmondson Park would likely fulfill the majority, if not all the stated 'undersupply' of supermarket floorspace. Hill PDA concludes that a Coscto is considered to fulfill the supermarket undersupply to the tune of approximately of 4,000sqm. Due to population growth and current retailing offer, Hill PDA predicts the need for supermarket floorspace in the short term at Holsworthy and in the medium term in Green Valley/Miller.
		The term 'Specialised centre' does not represent Orange Grove, rather should be termed as a 'stand alone centre'. The site should be zoned B2 local centre with a 35,000sqm cap for non-bulky goods retail development onto the site.	The Metropolitan Plan for Sydney refers the site for bulky goods retailing. The site does not provide the attributes of a B2 Local Centre as has been applied in the Liverpool LGA to date due to the following reasons; - The site does not have adequate access to public transport compared to other large B2 Local Centres within Liverpool. Many of the services along Orange Grove Road service the Liverpool City centre and not service the collector roads throughout local neighbourhoods. - The site lacks pedestrian permeability due to Orange Grove Road, Cabramatta Creek and local road layout, an important attribute for local centres. - The residential density within 800metres of the site is significantly less than the other larger B2 Local Centres. - Large local centres should provide for multi-purpose trips and are usually supported community facilities such as schools, libraries, community halls/meeting spaces etc.
		The B6 Enterprise corridor zone should be retained.	Council endorsed the rezoning of approximately 20,000 sqm metres of land from B5 to B6 Enterprise Corridor to allow for an expanded offer of retail along the Orange Grove frontage.

LIVERPOOL CITY COUNCIL

CITY PLANNING REPORTS

ORDINARY MEETING **28/11/2012**

ITEM NO:	**PLAN 02**	**FILE NO:**	**RZ-7/2011**
SUBJECT:	**DRAFT AMENDMENT NO. 22 TO LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 - BRAND OUTLET PREMISES AT 5 VISCOUNT PLACE, WARWICK FARM**		

Planning Proposal

Liverpool Local Environmental Plan 2008
Draft Amendment No. 22 – Orange Grove Road

November, 2012

Post Exhibition Version

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Background

In May 2011, Council received an application to amend the Liverpool Local Environmental Plan 2008 (LLEP 2008) to facilitate the reuse of an existing 'weekend market' building for a retail outlet centre. The subject site forms part of the commercial hub known as the Orange Grove Mega Centre complex located at the intersection of Viscount Place and Orange Grove Road.

It is anticipated that the existing single storey building would be converted to 63 discount outlets for the sale of clothing, electrical goods, homewares and the like. It would also include a food offering which is currently permitted within the B5 Business development zone. Subject to development approval, the site would likely trade from 10.00am to 6.00pm 7 days per week; this is consistent with the trading hours of the adjoining mega centre.

Access to the site will continue to rely upon the signalised intersection of Viscount Place and Orange Grove Road. Car parking will be provided within the existing on-site car parking, the existing on road car parking and the provision of any necessary additional car parking to the rear of the site.

It should be noted that a separate Planning Proposal (RZ-6/2011) for land immediately to the west of the subject land known as 18 Orange Grove Road (Lot 11 DP 833648) was recently gazetted. The site was rezoned from B5 Business Development to B6 Enterprise Corridor. As part of this rezoning, Clause 7.23 of Liverpool Local Environmental Plan 2008 was amended to increase the maximum gross floor area of the retail development in the B6 Enterprise Corridor Zone from 1,000m2 to 1,600m2.

Site Identification

The area that is the subject of this Planning Proposal is shown in Figure 1 and 2 of this Planning Proposal.

The site is located at the intersection of Viscount Place and Orange Grove Road. The site is part of a larger complex comprising the Liverpool Mega Centre bulky goods retail centre and associated development including a range of fast food offerings.

To the south of the site is land zoned IN1 General Industrial which accommodates a range of manufacturing uses and general service based businesses.

To the east of the site is local open space including Dwyer Oval. To the immediate west of the site is the former Cumberland Grove golf club and Cabramatta Golf Club.

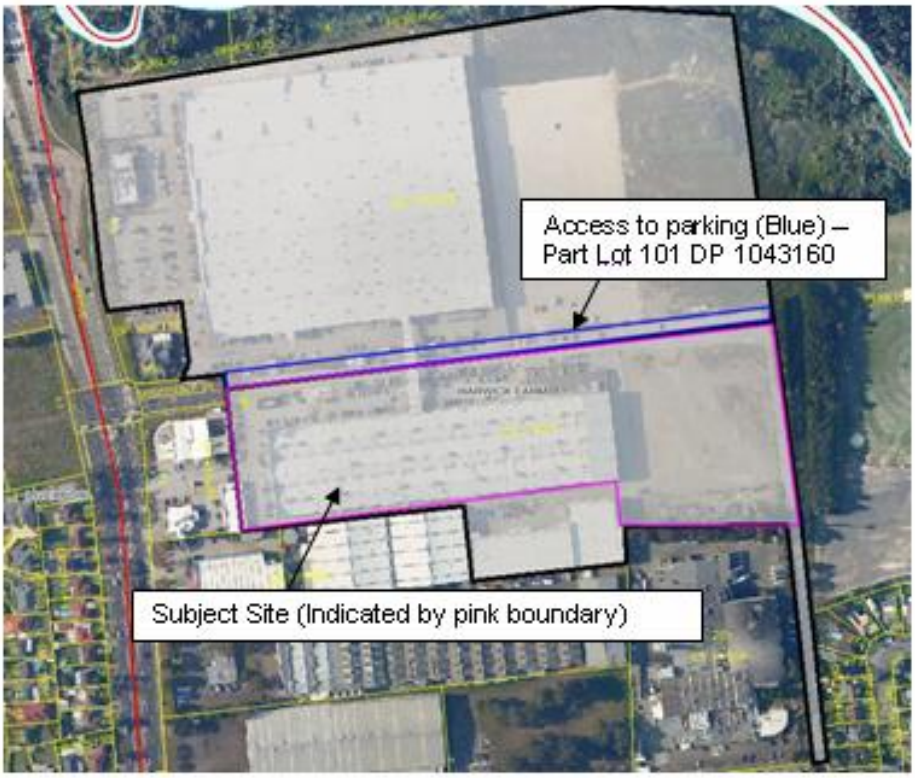

Figure 1: Aerial showing the site subject of the Planning Proposal (indicated with pink boundary) and land needed to access parking (indicated in blue).

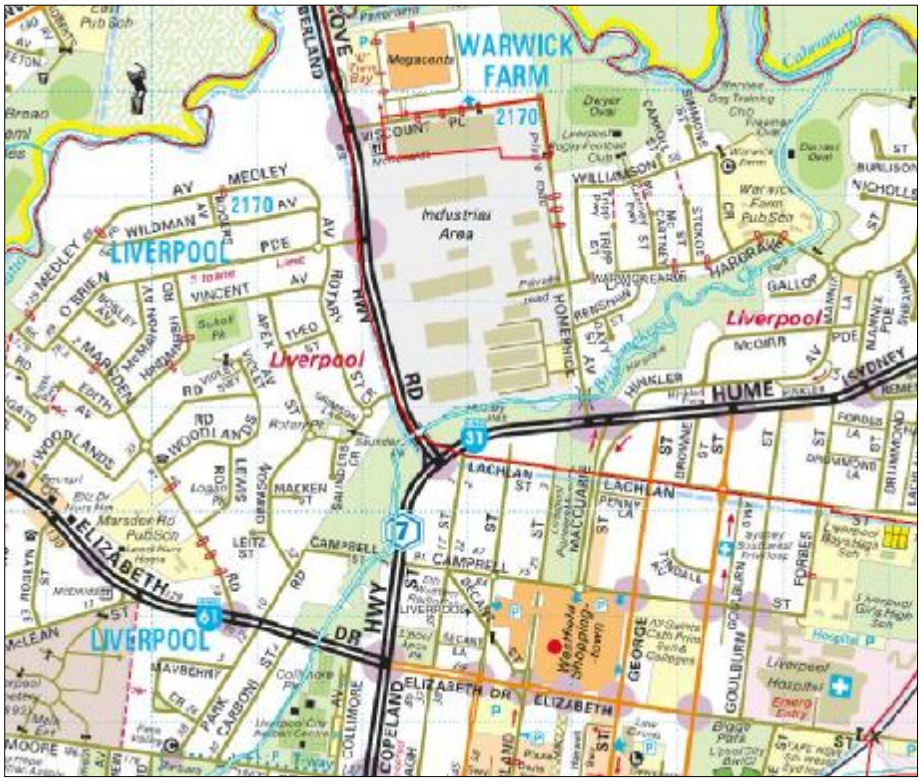

Figure 2: Map showing location of the subject site and surrounding land uses (indicated with red boundary).

Site History

In September 2001, Gazcorp received development consent for a warehouse clearance outlet. One year later the Designer Outlets Centre was opened; the building was tenanted by approximately 63 tenancies from which a range of merchandise was sold, including clothing, kitchenware, manchester and jewellery, as well as food outlets.

In December 2003, the legality of the centre's development consent in the Land and Environment Court was challenged on the basis that a warehouse retail outlet could not operate on land zoned for industrial purposes. The Court upheld the challenge in January 2004 and ordered the centre to close.

In an attempt to keep the centre open, Council sought to amend the *Liverpool Local Environmental Plan 1997*(Amendment No.92) to introduce a new definition for "outlet centre" and retrospectively rezone the subject site. This application was refused by the Minister assisting the Minister for Infrastructure and Planning, the Hon Diane Beamer, MP, and the Centre closed on 25 August 2004.

In December 2008, Council approved a Development Application on the site for the existing building to be used for the purposes of "weekend markets" and this use is still in operation today. It should be noted that Schedule 1 of LLEP 2008 permits weekend markets in the B5 Business Development zone at Warwick Farm; it is proposed that this clause be removed from the LEP and replaced with an additional use on the subject site for "retail premises".

Part 1 – Objectives

This Planning Proposal has been prepared to facilitate the reuse of the existing weekend market building as a brand outlet premises. Such a use would be defined as a "shop" under the LEP which is prohibited in the B5 Business Development zone which applies to the land.

Part 2 - Explanation of provisions

DOPI has advised that it will allow Council to be exempt from the relevant Codes and use all available mechanisms to meet its reasonable desired outcomes.

It is anticipated that this Planning Proposal for the site would amend Liverpool LEP 2008 by adding an additional use of 'shop' on the subject site and limiting the gross floor area of a retail premises to 19,000sqm and by limiting the gross floor area of any single tenancy to 1,200sqm. It is also anticipated that the instrument will state the objectives to (1) allow the development of a brand outlet premises and (2) to limit the sale of grocery items on the subject site.

Table 1 – Proposed Amendments to Liverpool Local Environmental Plan 2008

Proposed change to LLEP 2008	Justification
Add a local provision in Schedule 1 (Additional Permitted Uses) with the stated objectives to (1) allow the development of a brand outlet premises and (2) to limit the sale of grocery items on the subject site.	Stating the objective within the LEP will provide an additional layer of certainty about what is intended for the site (i.e. a retail outlet centre).
Make permissible "shop"	A 'shop' in LLEP 2008 means "premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises". This definition is more restricted that "retail premises" which was previously proposed. It is noted that "shops" does include the sale of grocery items which should be limited on the subject site. The limitation needs to draw from the identified market demand and avoid negative impacts forecast by the Hill PDA retailing reporting (i.e. no supermarket or discount department store retailing).
Limit the area of retail premises on the subject site to 19,000sqm (i.e. the total floor area of the existing building including the area of the basement).	Limiting the floor area will restrict excessive development and allow Council to forecast predicted impact on commercial centres, traffic generation, parking demand etc.
Limit the size of any single tenancy to 1,200sqm.	One of the major characteristics of an outlet centre is the absence of an anchor retailer. The 1,200sqm. tenancy limitation seeks to prevent large anchor tenants e.g. department stores and full line supermarkets from operating from the premises as these uses are encouraged to locate in centres. Further, this restriction is in line with Hill PDA's recommendation. The control is needed to ensure economic impacts are reasonable and consistent with reporting.

A Development Application is required for each premise.	**This will ensure that Council can continue to control the scale of retailing on the site. Any Development Application would be subject to assessment of economic impact.**

It should be noted that Schedule 1 of LLEP 2008 permits weekend markets in the B5 Business Development zone at Warwick Farm; it is proposed that this clause be removed from the LEP.

No mapping amendments will be required as no alterations are proposed or required to the zoning, floor space ratio, height of buildings or minimum lot sizes.

Following discussions with the Department of Planning and Infrastructure regional branch, it is proposed that the planning instrument include provisions that alter the effect of Part 2, Subdivision 10A - Change of use of premises, of SEPP exempt and complying development Exempt Development Codes. This provision should introduce a maximum size of tenancy (1,200sqm) that can seek change of use utilising these provisions.

In the same manner part 5, Subdivision 2 should be altered to ensure that tenancies cannot be altered via use of schedule 3 - Complying Development codes to create tenancies of larger than 1,200sqm.

Part 3 - Justification

A. Need for the planning proposal

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

This Planning Proposal is not a result of any strategic study or report. The proposal is in response to an identified development opportunity on the site.

This Planning Proposal is supported by an Economic Impact Assessment (EIA) by Leyshon Consulting. Further to this, Council commissioned a peer review of the EIA which found that there is capacity to support the proposed development.

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

It is considered that this Planning Proposal is the best and only way of achieving the outcomes. As such council is proposing to utilise the shop definition.

Council has considered various alternative ways to facilitate the proposal, including rezoning the subject site to B6 Enterprise Corridor or attempting to define “retail outlet centre” in the LEP. However, there is no definition for "outlet retailing" in the Standard Instrument Local Environmental Plan for New South Wales where such retailing is not associated with manufacturing on the same site. Past attempts by various authorities to develop an appropriate definition for outlet retailing have been fraught with difficulty. This principally arises from the fact that most definitions attempt to describe the type of goods sold by outlets (i.e. discount goods). If Council were to propose a new definition for "outlet retailing" this would have the potential to become an on-going litigation and enforcement matter when the type of goods being sold does not reflect the permitted land use definition.

3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?

The net community benefit will outweigh the cost of implementing and administering the planning proposal. Please refer to Attachment 1 for a detailed Net Community Benefit Test.

B. Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

This Planning Proposal is considered consistent with the objectives and actions contained within the Metropolitan Strategy and South West Subregional Strategy. This is discussed in Attachment 2.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

This Planning Proposal is considered consistent with the objectives and strategies in Council's Strategic Plan. This is discussed in Attachment 2.

6. Is the planning proposal consistent with the applicable state environmental planning policies?

SEPP Title	Consistency	Comment
1. Development Standards	Yes	This SEPP does not apply
4. Development Without Consent and Miscellaneous Exempt and Complying Development	Yes	This SEPP does not apply
6. Number of Storeys in a Building	Yes	This SEPP is not relevant as no storey control is contained within LLEP 2008
22. Shops and Commercial Premises	Yes	This SEPP is gradually being superseded by the SEPP for Exempt and Complying Development Codes.
32. Urban Consolidation (Redevelopment of Urban Land)	Yes	The Planning Proposal does not conflict with this SEPP
55. Remediation of Land	Yes	The site is utilised for bulky goods retailing and related purposes. The retail use of the land does not alter the sensitivity of the proposed land uses relative to potential contamination. Further the site has been developed since the implementation of SEPP 55 and the potential contamination of the site has

SEPP Title	Consistency	Comment
		been addressed.
64. Advertising and Signage	Yes	This SEPP is relevant to specific development that is permitted currently and would become permitted under the Planning Proposal. Future development would need to comply with these provisions.
SEPP (Infrastructure) 2007	Yes	This SEPP is relevant to particular development categories. This Planning Proposal does not derogate or alter the application of the SEPP to future development.
SEPP (Temporary Structures and Places of Public Entertainment) 2007	Yes	This SEPP is unlikely to apply to the forms of development that will become permissible under the Planning Proposal.
SEPP (Exempt and Complying Development Codes) 2008	Yes	This planning proposal seeks to modify the provisions of the SEPP to ensure that tenancies larger that 1,200sqm cannot be created through the application of either the exempt or complying provisions of the SEPP. This control is needed to ensure that economic impacts are reasonable and in line with reporting.
SEPP (Affordable Rental Housing) 2009	Yes	This SEPP is relevant to particular development categories. This Planning Proposal does not derogate or alter the application of the SEPP to future development.
Sydney Regional Environmental Plan (Sydney Harbour Catchment)	NA	
Draft SEPP (Competition) 2010	Yes	The Planning Proposal does not conflict with this SEPP which proposes to promote economic growth and remove anti competitive barriers.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following s.177 directions apply to this Planning Proposal:

S.117 Direction Title	Consistency	Comment
1.0 Employment and Resources		
1.1 Business and Industrial Zones		
(a) Gives effect to the objectives of the direction.	Yes	The Planning Proposal does not reduce the availability of employment generating lands. The proposal seeks to broaden the range of employment generating uses by facilitating a retail outlet centre.
(b) Retain the areas and locations of existing businesses and industrial zones.	Yes	The site is part of a larger holding of land zoned B5 Business Development. The site includes a parcel of zoned but vacant land of approximately 5.0ha that could accommodate the expansion of the MegaCenta in the future if appropriate and necessary. The demand for expansion of bulky goods retailing is not imminent given the historic vacancy rate in the MegaCenta of 35% and the pursuit of planning proposals at Warwick Farm to rezone land to B5 Business Development that could also accommodate bulky goods retailing.
(c) Not reduce the total potential floor space area for employment uses and related public services in business zones.	Yes	The Planning Proposal does not reduce the availability of employment generating lands.
(d) Not reduce the total potential floor space area for industrial uses in industrial zones.	Yes	The land is zoned B5 Business Development. The Planning Proposal does not reduce the total potential for industrial uses in industrial zones.
(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.	Yes	The land is zoned B5 Business Development and no new employment areas are proposed. The proponent seeks an additional use of retail premises on the site. The demand for expansion of bulky goods retailing is not imminent given the historic vacancy rate in the MegaCenta of 35% and the pursuit of planning proposals at Warwick Farm to rezone land to B5 Business Development that could also accommodate bulky goods retailing.

S.117 Direction Title	Consistency	Comment
2.0 Environment and Heritage		
2.1 Environment Protection Zones	Yes	The Planning Proposal does not propose the introduction of any environmental protection zones or heritage zones. There are no site features that warrant consideration of the application of these zones.
2.3 Heritage Conservation	Yes	There are no matters of heritage significance required to be considered for the site.
3.0 Housing, Infrastructure and Urban Development		
3.4 Integrating Land Use and Transport	Yes	The Planning Proposal is considered to be consistent with this Direction through: • The provision of employment opportunities in a location serviced by existing public transport facilities (i.e. a bus service). • Providing an opportunity for employment generating uses supporting business and employment growth in an existing serviced location. • Supporting the efficient and viable operation of existing public transport services.
4.0 Hazard and Risk		
4.3 Flood Prone Land	Yes	The Planning Proposal will be consistent with this Ministerial Direction. Part of the site is considered flood prone. The proposed land use is not sensitive and as demonstrated by existing development scope is available to accommodate development with sufficient flood protection and mitigation.
6.0 Local Plan Making		
6.1 Approval and Referral Requirements	Yes	The Planning Proposal is consistent with this Ministerial Direction.
6.2 Reserving Land for Public Purposes	Yes	The Planning Proposal is consistent with this Ministerial Direction.
6.3 Site Specific Provisions	Yes	The Planning Proposal is consistent with this Ministerial Direction.
7.0 Metropolitan Plan Making		
7.1 Implementation of the `Metropolitan Strategy	Yes	This draft South West Subregional Strategy identifies the Orange Grove Road area as being a bulky goods cluster. In this regard the Strategy states that consideration could be given to expanding the bulky goods retail offer in this location whilst limiting expansion in other locations. As we have seen, retail outlet centre uses

S.117 Direction Title	Consistency	Comment
		generally do not comprise of bulky goods and therefore the proposed development does not make a positive contribution to the Strategy. However, it is considered that the development will assist in protecting the viability of the existing bulky goods retail stores at the Orange Grove Road Mega Centre via the increased number of consumers expected to visit the site during the operation of a retail outlet centre. Further, the customer visitation and consumer behaviour is comparable to and consistent with bulky goods destinations. A detailed Sequential Test has been undertaken that identifies that feasible locations are not available in a range of nearby existing centres. If the concept were to be pursued in the alternative locations considered in Appendix 3, a loss of employment generating land or recreation lands may result. The consideration of the subject site as an out of centre location is considered to be consistent with the strategy as it: • Will be a feasible location to accommodate future demand; • Will increase employment generating activities on land that is currently underutilised. • Provide for business opportunity currently in a location that is serviced by infrastructure.

C. Environmental, social and economic impact

8. 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 site is an existing highly modified site with no existing vegetation or potential habitat.

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

There are no other likely environmental effects as a result of the Planning Proposal.

10. How has the planning proposal adequately addressed any social and economic effects?

The proposal is supported by an Economic Impact Assessment (EIA) prepared by Leyshon Consulting. The report assesses the viability of the proposal and the impacts upon the existing regional retail hierarchy.

The EIA undertakes an analysis of population and expenditure growth within the South West Subregion (Liverpool, Campbelltown and Wollondilly LGAs) in addition to Fairfield LGA. It uses this as a basis for undertaking assessment of retail demand over the 2006 to 2021 period. The assessment has been undertaken on a "worst case" basis whereby the retail impact has been assessed as though the future retail floor space is utilised as a combination of more traditional retail space combined with outlet centre floor space. Further the EIA assessed trade impacts of 25,000sqm of floor space rather than 19,000sqm (GFA) which is to be capped through an LEP provision.

The EIA determined that it is unlikely the proposed retail outlet centre would have a significant detrimental impact upon the viability of any existing shopping centre or upon the retail hierarchy within the Liverpool LGA or adjacent LGAs. Furthermore, the EIA states that additional floor space up to a NLA of 25,000sqm would account for no more than 5% of the total available retail spending within the LGA in 2011.

As part of Council's economic assessment for this proposal, a peer review of the subject EIA was undertaken by an independent and reputable economic consultancy. In their assessment, the consultant noted that the catchment area utilised in the EIA was too large and stated that the Campbelltown, Camden and Wollondilly LGAs should be viewed as a Secondary Trade Area; this is primarily due to the presence of existing 11,000sqm outlet centre in Queen Street, Campbelltown.

The consultant has provided alternative modelling which concludes that there is some capacity to support the proposed development as a result of expenditure growth in the Primary Trade Area (PTA) alone. The assessment also noted that there will be some diversion of trade away from Liverpool City Centre and other defined centres. In their assessment, three scenarios were assessed and the maximum impact on the Liverpool City Centre is 9% shift in trade turnover which would likely be reversed within 5 years. This is due to an expected population increase and subsequent increase in retail expenditure.

The consultant also concluded that such a development may provide some offset in loss of trade through the potential to draw consumers from a wide area attracting residents who would not otherwise visit the Liverpool Local Government Area for retail shopping.

Based on both Leyshon's Economic Impact Assessment submitted with the proposal and the subsequent peer review, it has been determined that the immediate impact on Liverpool City Centre will be just below 10% loss in trade. The impacts on all other centres do not exceed 5% loss in turnover and are therefore not considered significant.

There are no universal measures of significance of impact. There are references in various consultancy reports and statements in the Land and Environment Court which suggest than a loss of trade below 5% is considered insignificant, 5% to 10% is low to moderate, 10% to 15% is moderate to high and above 15% is a strong or significant impact.[1]

[1] HillPDA (2011) Peer Review: Economic Impact Assessment – Weekend Markets Site, Orange Grove, Warwick Farm p.11.

D. State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

The draft amendment does not warrant changes to the delivery of public infrastructure.

12. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

In accordance with the Gateway Determination, Council has consulted with the following public authorities

- Adjoining Local Government Areas;
- Roads and Maritime Services; and
- Fire and Rescue NSW

Each public authority was provided with a copy of the planning proposal and the relevant supporting material. Each public authority was given 21 days to comment on the proposal, or indicate they will need additional time to comment on this proposal.

The outcomes of the public authority consultation are discussed in *Attachment 4* of this Planning Proposal.

Part 4 - Community Consultation

This Planning Proposal (Exhibition Version) and Development Application (DA-920/2012) were concurrently publicly exhibited between 11 July 2012 and 8 August 2012. During this time, Council received 21 submissions in total including:

- 8 submissions objecting to the Planning Proposal/DA;
- 11 submissions supporting the Planning Proposal/DA (including a petition organised by the applicant); and
- 2 submissions confirming their non-objection.

The issues raised have been addressed in Attachment 5. Issues include (but are not limited to):

- Concerns that the planning mechanism could possibly provide for inappropriate higher-level retail uses;
- Concerns about ad-hoc planning decisions made for the Liverpool LGA;
- Concerns about the impact the proposed development on the Liverpool CBD and other defined centres;
- Concern that the proposed development will dilute the existing bulky goods node; and
- Concern that the proposed development is inconsistent with planning policy.

Attachment 1 – Net Community Benefit Test

Evaluation Criteria	Consideration	Consistent
Will the LEP be compatible with agreed State and regional strategic direction for development in the area?	Yes. The site is located within the catchment of the Regional City of Liverpool and within an existing Specialised Centre identified in Liverpool City Council's "Liverpool Business Centre and Corridors Strategy" The Planning Proposal facilitates the seven day a week use of existing land zoned for business which is to be utilised for employment generating purposes.	Yes
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Yes. The site is located within the catchment of the Regional City of Liverpool. The site forms part of the Orange Grove Employment Lands as identified in the South West Subregion Draft Subregional Strategy. The 2km walking catchment of the regional City of Liverpool is confirmed in the Metropolitan Plan for Sydney 2036.	Yes
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	No. This amendment will not create a precedent for other LEP amendments as it is administered as an additional use for this site only. The Planning Proposal seeks to facilitate alternate uses for an existing building. The proposed use of the site as retail outlets is considered to be a complementary use to the existing adjoining bulky goods retail centre. The precinct zoned B5 is considered an activity centre as it incorporates a mixture of retail and business uses.	Yes
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes. A Planning proposal for the adjoining land fronting Orange Grove Road is currently being considered by Council. The impacts of this proposal as well as the subject proposal have been considered in the Economic Impact Assessment and Traffic Impact Assessments undertaken. The assessments have concluded that no significant impacts will arise to the retail hierarchy of Liverpool or upon the viability of the Liverpool centre, particularly past the initial 5 year period. The traffic assessment has concluded that sufficient transport capacity and car parking accommodation is available to support the development that would be facilitated by both the Planning Proposals (i.e. LLEP 2008 Amendment No. 19 and 22).	Yes
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Yes. The Planning Proposal will facilitate the creation of full-time employment generating opportunities compared to the current use of the building which is limited to Saturdays and Sundays only. The Planning Proposal will not result in the loss of existing Employment generating lands, rather it will provide for an alternative retailing type within an existing business node.	Yes

Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	No. The Planning Proposal will have not impact upon the supply of housing or land zoned for housing provision.	Yes
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	Yes The site is serviced by all necessary public infrastructure to accommodate the proposed use and will not require any augmentation to these existing facilities. The site is serviced by existing public bus routes as detailed within the planning proposal documentation. The locality is also served by on road and off-road cycle paths that connect the site to Liverpool City Centre, Warwick Farm rail station and ultimately Parramatta.	Yes
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	No The Planning proposal broadens the range of permitted uses to include retail premises. Existing suppliers may only need to marginally alter their travel patterns. Customers may be drawn from a wide region; however the site's proximity to the City Centre and location within the B5 node may result in multi-purpose trips once in Liverpool. The proposal does not inhibit the site's objective of providing employment opportunities. Co-location of uses has the potential to minimise over all trip generation as discussed in the traffic impact assessment lodged with the proposal.	Yes
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	The site and locality benefits from significant infrastructure investment that is proposed to be utilised on a seven days a week basis instead of the current limited weekend only usage. The existing services and facilities can readily accommodate the expected demand from the proposed use.	Yes
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	No. The land does not contain any environmental constraints and the potential for flood inundation has been addressed in the past development and use of the site.	Yes
Will the LEP be compatible/complimentary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	Yes. The adjoining land fronting Orange Grove Road is proposed to be rezoned to B6 Enterprise Corridor (LLEP 2008 Amendment No 19). The subject land and adjoining land to the north will remain zoned B5 Business Development. The proposed development will have no significant impacts upon the amenity of the surrounding operators and will not alter the public domain.	Yes

Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	Yes. The locality is a “Specialised Centre” under the “Liverpool Business Centre and Corridors Strategy”. The proposal seeks to facilitate specialised retail development for retail outlet centres that complement the operation and function of the adjoining bulky goods retail outlet. The proposal supports employment growth opportunities and has been assessed to have an acceptable impact upon the viability of other centres in the Liverpool area.	Yes
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	The location is part of an existing specialised activity centre that is well served by infrastructure and transport needs. The Planning proposal and limitations have been proposed to specifically avoid the site evolving into a town centre, such as the restriction on the size of individual tenancies to avoid the development of uses such as full line supermarkets, department stores and discount department stores. Further, the underlying B5 Business Development zone is being retained in case the retail outlet centre is not viable. Council is currently undertaking a review of Liverpool’s retail hierarchy including the future role of the B5 and adjoining industrially zoned land along Orange Grove Road.	Yes
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The land is employment generating land that is effectively underutilised due to the limited weekend usage. Proceeding with the Planning proposal now would facilitate the full time employment generating uses within existing structures that are currently serviced. The Planning Proposal therefore has the potential to deliver economic benefits without any need for further public investment in infrastructure. The proposal promotes further ‘employment land’ and associated economic benefits as per the South West Subregion Draft Subregional strategy. The implications of not proceeding with proposal is that the delivery of these economic benefits and investment are not realised in the medium term and the underlying objectives of the designation of the site as employment generating land are not being realised. Further, the benefits of competition promoted when various State government policies will not be realised in the short term.	Yes

Attachment 2 – Planning Policy Context

Source	Policy / Strategy	Overview	Comment
Liverpool City Council	**Liverpool Business Centres and Corridors Strategy**	This strategy responds to the findings of a retail hierarchy study prepared by Leyshon Consulting. The strategy guides the identification of Business Centres and Corridor zones and controls their future function. The strategy identifies the subject site at Orange Grove as an existing bulky goods cluster with an expansion capacity of Bulky Goods retailing at Orange Grove of approximately 67,000sqm . The Strategy's background document recorded a demand of 145,000sqm of retail floor space (not including the South West sector) to year 2031. The strategy recommends that Council adopts a policy of reinforcing existing bulky goods retail nodes within the LGA rather than creating new locations within the City.	The Liverpool City Centres Hierarchy Review, which informed the Strategy, did not specifically consider the provision of an outlet centre anywhere within the LGA over the 2006 to 2031 period. In turn, Council has commissioned an independent assessment of this proposal to determine the impact that broadening the retail uses permitted on the site would have on the existing retail centres in Liverpool. Based on Leyshon's Economic Impact Assessment submitted with the proposal and the subsequent peer review, it has been determined that the immediate impact on Liverpool City Centre will be just below 10% loss in trade. The impacts on all other centres do not exceed 5% loss in turnover and are therefore not considered significant. There are no universal measures of significance of impact. There are references in various consultancy reports and statements in the Land and Environment Court which suggest than a loss of trade below 5% is considered insignificant, 5% to 10% is low to moderate, 10% to 15% is moderate to high and above 15% is a strong or significant impact.[2] All centres in the retail hierarchy are expected to continue to experience an increase in retail expenditure, offsetting the outlets trade impact by 2015. The predicted growth expenditure is principally due to the significant expected population growth with the Liverpool LGA. In order to facilitate demand for bulky goods retailing, the underlying zoning is to be retained as B5 Business Development. In the event that a retail outlet centre is not pursued, the B5 zone will facilitate any demand

[2] HillPDA (2011) Peer Review: Economic Impact Assessment – Weekend Markets Site, Orange Grove, Warwick Farm p.11.

Source	Policy / Strategy	Overview	Comment
			for bulky goods retailing on the site.
	'Growing Liverpool 2021'	Growing Liverpool 2021, the Community Strategic Plan for the City of Liverpool identifies the community's key objectives for the area over a 10 year period. The key strategies within the plan that are most relevant to this proposal are: 1.3 – Further develop commercial centres that accommodate a variety of employment opportunities.	The proposal is supported by a strong economic assessment that has found that, although it is likely that there will be some diversion of trade away from the Liverpool City Centre and other defined centres, there is still capacity to support the proposed development because of the expected population increase in South Western Sydney. The loss of trade in the City Centre is expected to be fully offset by an increase in retail growth within 4 to 5 years. The proposal will increase vitalisation to the bulky goods node at Orange Grove Road. Although the proposal is not located in a centre, it is an existing commercial activity hub with reasonable access to bus services and direct access to the arterial road network.
		1.5 – Encourage commercial and retail development in the City Centre, including the southern part of the city.	The proposal seeks to utilise an existing building. The City Centre does not posses an existing structure of this scale available for use as an outlet centre. Although the Liverpool City Centre would be considered as an ideal location for a retail outlet centre, the reality is that a retail development of such scale would require site amalgamation which would limit the viability of such a use. Further the required parking spaces would render an outlet centre as a difficult development type(refer to Sequential test for a full assessment).

Source	Policy / Strategy	Overview	Comment	
		2.8 – Encourage the revitalisation of local retail centres.	The proposal will increase vitalisation to the bulky goods node at Orange Grove Road. Although the proposal is not located in a centre, it is an existing commercial/activity hub with reasonable access to bus services and arterial road network. The trade impact on local retail centres is minimal (-5%).	
		10.2 – Facilitate economic development	The proposed outlet centre has the potential to require in excess of 400 full-time employees. The employment opportunities far exceed those available in the current use of the site, being 'weekend markets' retail type	
	Liverpool Local Environmental Plan 2008	The objectives of the B5 zone are as follows:	**Consistency**	**Justification/Comment**
		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.	Partially consistent	The proposed development is partially consistent with this objective as it proposes retail and not bulky goods and warehouse uses. The proposal has the ability to impact on centres, however the impact is not considered significant in terms of loss of trade.
		To maintain the economic strength of centres by limiting the retailing of food and clothing.	Not consistent	The inconsistency is justified on the basis that the detailed economic study outlines that all centres in the retail hierarchy are expected to continue to experience an increase in retail expenditure and that the losses in trade associated within the Planning Proposal would be offset by 2016. The predicted growth in retail expenditure is principally due to the population growth within the Liverpool LGA and subsequent increased retail expenditure in the catchment.

Source	Policy / Strategy	Overview	Comment	
				The economic review also states that the proposal will attract shoppers from a large catchment area and the City Centre may benefit from multi-purpose visit from consumers that otherwise would not visit Liverpool.
		To provide for a larger regionally significant business development centre in a location that is highly accessible to the region.	Consistent	The development is proposed to locate on Orange Grove Road (Cumberland Highway), an arterial road which is the main road access from into the north of Liverpool. The development is expected to have a positive economic impact for the Orange Grove bulky goods centre and the Liverpool local government area generally.
		To ensure a reasonable concentration of business activity.	Consistent	The development will add to the reasonable concentration of business activities on the site. It is preferred that outlet retailing is located in a bulky goods node compared to a greenfield site or Industrial precinct due to the comparative behaviour of bulky goods and retail outlet shoppers (i.e. infrequent trips, high car dependency and the advantages of clustering business activities).

Source	Policy / Strategy	Overview	Comment
Department of Planning & Infrastructure	**Draft Activity Centres Policy (2009)**	This document was prepared in 2009 is not considered to be official government policy. The draft policy focuses upon the following: • The need to reinforce the importance of centres and clustering business activities; • the need to ensure the planning system is flexible, allows centres to grow and new centres to form; • centres should have a mix of retail types; and • the market is best placed to determine need whilst regulating scale and location.	It is noted that the proposed development is not located in a traditional town centre, the development is a response to market-led demand and would generally aid competition in the retail sector. Although the proposal is not located within a core retail centre, it seeks additional retail uses in an existing activity centre which includes bulky goods retailing and business premises. Further the site is located in proximity to a large residential catchment and along major arterial road. Due to the scale of the proposal, it would be difficult to locate such a development in a core retailing centre. Orange Grove Road is not an outright retail centre but is considered an 'activity' centre allowing a range of commercial uses. Overall patronage is expected to increase with the commencement of the outlet centre. It is also important to note that the subject building is not currently utilised for bulky goods retailing and as such, the proposal does not decrease the amount of bulky goods retailing currently occurring in the precinct. The underlying zoning will allow for part or all of the building to be used for bulky goods retailing in the future (if desired) without the need for further rezoning.
Draft Competition SEPP (July 2010)		The proposed state-wide planning policy removes artificial barriers on competition between retail businesses.	The proposed development is consistent with the draft Competition SEPP as it allows competition between retailers to exist and leaves it to the market to decide upon the viability of retail types.
Draft South West Subregional Strategy (2007)		This draft Strategy identifies the Orange Grove Road area as being a bulky goods cluster. In this regard the Strategy states that consideration could be given to expanding the bulky goods retail offer in this location whilst limiting expansion in other locations.	As we have seen, outlet centre uses do not comprise bulky goods uses and therefore the proposed development does not make a positive contribution to the Strategy. However, it is considered that the development will assist in protecting the viability of the existing bulky goods retail stores at the Orange Grove Road Mega Centre.

Attachment 3 – Sequential Test

The Draft Centres Policy (March 2011) includes a Sequential Test to assist in considering rezoning proposals for edge and out of centre locations. The locations that have been considered are those alternate sites identified in the Council report considered at the meeting of Liverpool Council held 29 August 2011.

The proposal for the Weekend Markets site represents a market opportunity for the re-use of an existing building to accommodate a retail outlet centre. The concept is to provide this offering in a synergistic relationship with the adjacent Bulky Goods MegaCenta and to utilise existing infrastructure. The proposal does not seek to alter the underlying B5 Business development zone under Liverpool LEP 2008, but to provide for an additional use on the site.

To assist in the consideration of the proposal, a Sequential Test has been undertaken and detailed below:

Site Assessment

The Sequential Test includes the following three considerations:

1) Demonstrate that there are no suitable sites within an existing or planned new centre that can satisfy the demand to be accommodated.

2) Demonstrate that there are no suitable sites in an edge of centre location that can satisfy the demand to be accommodated; and

3) An out of centre site that can satisfy the demand to be accommodated may be considered if the site meets the Site Suitability Criteria contained with the Draft Centres Policy (March 2011).

The Orange Grove Weekend Market site is located within existing Employment lands as identified in the in the Metropolitan Plan for Sydney 2036. The site can also be described as an edge of centre location given its relative proximity of the site to the Regional Centre of Liverpool. A range of existing centres have been reviewed in an effort to identify a site upon which a 15,000 – 19,000sqm building and associated car parking could be accommodated.

The sequential test accesses the suitability of such development at the following centres:

- Bankstown
- Cabramatta
- Carnes Hill
- Cross Roads Casula
- Leppington
- Liverpool City Centre

The Edge of Centre locations in the assessment are:

- The El Toro Industrial estate

- Former Liverpool swimming pool site corner Memorial Drive and Hume Highway; and
- Moorebank

The suitability of these alternate locations to accommodate the proposed retail outlet centre has been considered against the Site Suitability Criteria from the Draft Centres Policy (March 2011).

Bankstown

The Bankstown City Centre is located approximately 15km east of the subject site. The centre is identified as a Major Centre under the Metropolitan Plan for Sydney 2036 and is served by Bankstown Railway Station to the south of the centre.

To accommodate a site of 5.0ha (as per proposal) in the Bankstown centre would require significant site amalgamation. The site currently existing of the appropriate size is currently developed as a large shopping complex (Centro Bankstown).

No readily available feasible sites were identified.

Figure 1: Bankstown City Centre

Site suitability criteria	Consideration
Strategy Consistent	Bankstown is a Major Centre under the Metropolitan Plan for Sydney 2036 and the draft Subregional Strategy and would therefore be a consistent location.
Infrastructure	No detailed assessment has been undertaken; however traffic management would be likely to be a significant matter to be resolved.
Access considerations	Good public transport to Bankstown is available and pedestrian access could be accommodated.
Urban Design considerations	Conflicts with the large format retail and large customer car parking demand requirements could present challenges to integrating the proposal into the Bankstown Centre.
Competing land issues	The proposal would displace existing uses through the need to amalgamate sites. The amalgamation of sites would likely render the proposal as financially unviable considering the proposal does not represent the highest and best use of town centre land.
Proximity to labour markets	High accessibility to labour markets is available.
Environmental considerations	No apparent concerns arise that have been considered in detail.
Public benefit considerations	The public benefits experience from the introduction of the proposal would in part be off-set by the displacement of current uses through the need to amalgamate sites. The difficulties of introducing large format retail into a generally denser CBD centre may result in a poorer urban design outcome for the centre. E.g. limit pedestrian links, potential traffic congestion etc.

Table 1: Bankstown assessment

Cabramatta

The Cabramatta town centre is located approximately 3.0km north east of the subject site. The centre is identified as a Potential Major Centre under the West Central Subregion Draft Subregional Strategy. The centre is served by Cabramatta Railway Station located to the east of the centre. Existing development comprises traditional high street retail buildings to John Street surrounded by mid-sized retail/commercial complexes.

The proposed floor area of 19,000sqm and associated parking would require significant site amalgamation due to the significant land fragmentation.

Figure 2: Cabramatta CBD

Site suitability criteria	Consideration
Strategy Consistent	Cabramatta is a Potential Major Centre under the draft Subregional Strategy and would therefore be a consistent location.
Infrastructure	No detailed assessment has been undertaken; however traffic management would be likely to be a significant matter to be resolved.
Access considerations	Good public transport to Cabramatta is available and pedestrian access could be accommodated.
Urban Design considerations	Conflicts with the large format retail and large customer car parking demand requirements could present challenges to integrating the proposal into a location that retains a high shopping street focus to John Street.
Competing land issues	The proposal would displace existing uses through the need to amalgamate sites. The amalgamation is however likely to make the proposal unviable in a location that has high land ownership fragmentation, some of which incorporate higher density development compared with a retail outlet centre.
Proximity to labour markets	High accessibility to labour markets is available.
Environmental considerations	No apparent environmental concerns arise that have been considered in detail.
Public benefit considerations	The public benefits experience from the introduction of the proposal would in part be off-set by the displacement of current uses through the need to amalgamate sites. The difficulties of introducing large format retail into a generally denser shopping street location may result in a poorer urban design outcome for the centre.

Table 2: Cabramatta assessment

Carnes Hill

Carnes Hill is located approximately 10.0km south west of the subject site. The centre is identified as a Town Centre under the South West Subregion Draft Subregional Strategy. The centre is served by public bus transport along Cowpasture Road. Existing development comprises stand alone shopping mall anchored by a supermarket with at grade car parking. The accommodation of 19,000sqm in the Carnes Hill centre would require either displacement of the current retail development or expansion of commercially zoned land to accommodate the proposed use.

Figure 3: Carnes Hill Town Centre

Site suitability criteria	Consideration
Strategy Consistent	Carnes Hill is identified as a Town Centre under the draft Subregional Strategy The required level of expansion may result in the creation of the centre as a higher order centre than the current planning framework envisages.
Infrastructure	No detailed assessment has been undertaken; however traffic management would be likely to be a significant matter to be resolved given the distance of the site from rail.
Access considerations	Public transport via bus is available and pedestrian access could be accommodated.
Urban Design considerations	The pattern of current development could accommodate the proposed large format retail proposed.
Competing land issues	The proposal would require the displacement of existing uses and or require a significant expansion to land zoned for commercial/business. The potential expansion to the north is limited by tributary of Cabramatta Creek and is likely to represent constraints from flooding and flood management. Expansion to the east and south is limited by developing residential areas.
Proximity to labour markets	Accessibility to labour markets is available however the access is constrained due to the limited public transport availability.
Environmental considerations	Flooding and flood management is likely to be a constraint if the employment lands were to be expanded to the north of the site. This land to the north is currently zoned for public recreation purposes and is the subject of future community uses.
Public benefit considerations	The public benefits of this location would be likely to be limited given the loss of land zoned for public recreation purposes, and the cost of reconfiguring the existing centre.

Table 3: Carnes Hill Assessment

Casula Mall

Casula Mall is located approximately 6.0km to the south of the subject site. The site is a stand-alone shopping centre that is identified as a Town Centre under the South West Subregion Draft Subregional Strategy. The opportunity for expansion is highly constrained by existing public and developed residential areas.

The centre is not located on an arterial road and therefore likely to create neighbourhood traffic issues.

The establishment of the outlet centre on the site would effectively require the displacement of current land uses, which is considered unlikely and unfeasible.

Figure 4: Casula Mall

Site suitability criteria	Consideration
Strategy Consistent	Casula Mall is identified as a Town Centre under the draft Subregional Strategy and therefore is not categorised as a location suitable for major destination retailing.
Infrastructure	No detailed assessment has been undertaken; however traffic management would be likely to be a significant matter to be resolved given the lack of rail public transport options and the circuitous route to the arterial road network.
Access considerations	Public transport via bus is available and pedestrian access could be accommodated.
Urban Design considerations	The pattern of current development could accommodate the proposed large format retail proposed, but would necessitate the displacement of the current uses in order to accommodate the required land area due to the absence of expansion opportunities.
Competing land issues	The displacement of current land uses would be required.
Proximity to labour markets	Access to the employee market is limited by the lack of public transport options.
Environmental considerations	No apparent concerns arise that have been considered in detail.
Public benefit considerations	No apparent potential public benefits. Any expansion of the centre would result in a negative public benefit thorough the potential loss of open space and impact on neighbourhood collector roads.

Table 4: Casula Assessment

Leppington

Leppington is approximately 14.5km south west of the subject site and is a Planned Major Centre located within the South West Growth Centre. The proposed centre is within the Leppington precinct that is yet to be serviced for urban development. The timeframe for development is therefore not expected to be in the short term and therefore not appropriate.

Figure 5: Leppington Planned Major Centre

Site suitability criteria	Consideration
Strategy Consistent	Leppington is a Planned Major Centre under the draft Subregional Strategy and the Growth Centres Structure Plan and would therefore be a consistent location for the proposal if the land was zoned and available for development.
Infrastructure	Currently not available but will be provided as part of the precinct development process.
Access considerations	The centre is planned to be serviced by the South West Rail Link and public transport in the form of buses will be planned for in the precinct release process.
Urban Design considerations	These could be accommodated; however the preferred location of large format retailing has not yet been certified.
Competing land issues	The land is planned for retail and employment generating uses.
Proximity to labour markets	Currently poor, but if the rail link is delivered will be significantly improved. In any case, the necessary residential catchment will not likely eventuate for quite some time.
Environmental considerations	No detailed assessment at this stage but preliminary investigation through the structure plan development phase has identified that the land will be suitable for development in the future.
Public benefit considerations	No specific potential public benefit has been identified and would be difficult to identify due to the longer term nature of release areas.

Table 5: Leppington Assessment

Liverpool CBD

The central Liverpool CBD is 1.5km to the south of the subject site and is identified as a Regional Centre under the Metropolitan Plan for Sydney 2036. The north of the centre is dominated by the Liverpool Westfield complex with a variety of retail and commercial spaces accommodated in the traditional grid pattern layout of the centre. The land holdings generally consist of a mixture of smaller holdings up to 500sqm in area interspersed with larger holdings that have been created as a result of site amalgamations. These larger holdings are generally between 3000 - 5000sqm in area.

With this pattern of subdivision, significant amalgamations would be required to provide a development site of sufficient area to accommodate the larger format retail concept proposed. There are no apparent opportunities to feasibly accommodate the proposal within the City Centre on land currently zoned to permit the use.

An alternative approach to potential development sites for the proposal includes the consideration of Council owned car parks within the CBD area. There are two at grade Council owned car parks with areas of approximately 6,800sqm and 3,300sqm in area. These car parks have been acquired and developed by Council over a significant period of time via land dedication and acquisition via Section 94 Development Contributions.

These sites are too small to facilitate the proposed development. To accommodate the required floor space and car parking on these sites would necessitate the construction of 4-5 levels of retail space and several levels of basement car parking. This is a very expensive form of construction, particularly for a low margin stock clearance operation. These construction costs are compounded by the need to provide additional public car parking accommodating the current quantum of public car park provision.

The lack of readily available sites in the City Centre and the unfeasibility of undeveloped sites such as Council's car parks make the Liverpool CBD an unfeasible option for the proposal.

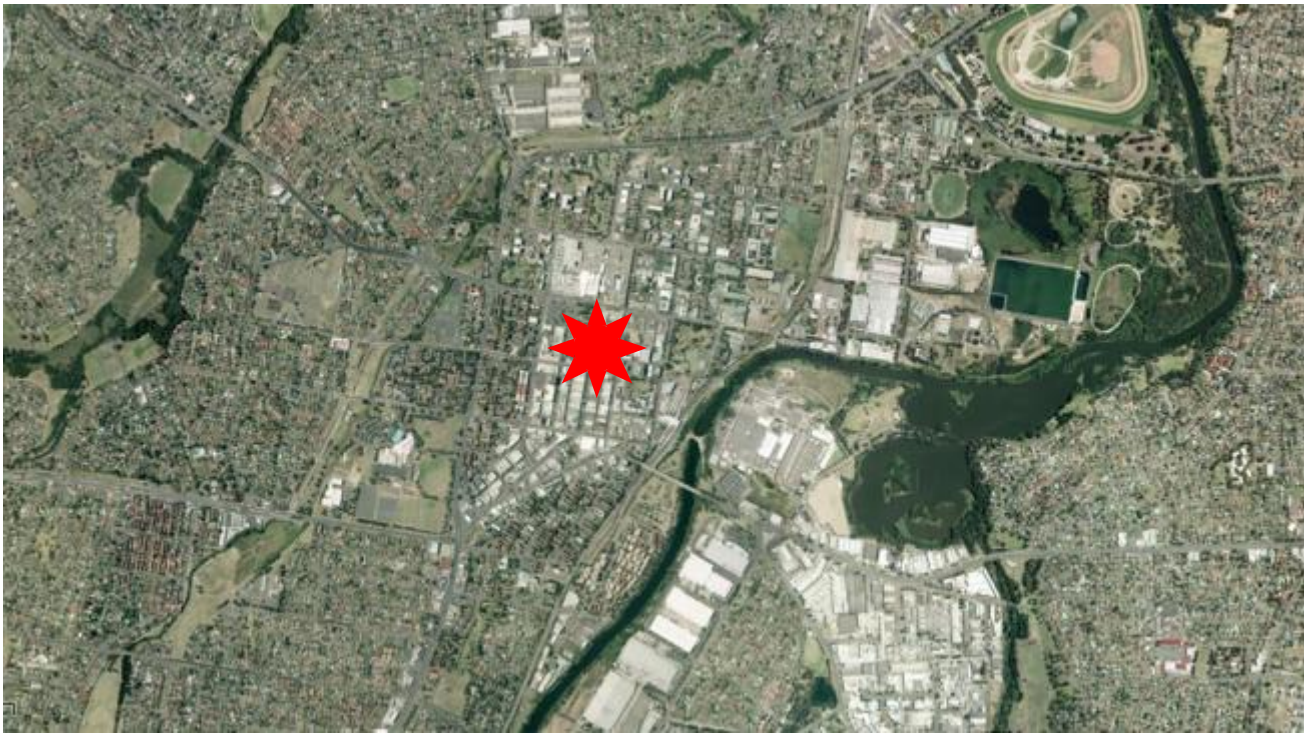

Figure 6: Liverpool CBD

Site suitability criteria	Consideration
Strategy Consistent	The Liverpool City Centre would be consistent with the Metropolitan Plan for Sydney 2036, the draft Subregional Strategy and Council's Business centre and Corridors Strategy.
Infrastructure	No detailed assessment has been undertaken; however traffic management would be likely to be a significant matter to be resolved. Utility services would potentially require augmentation.
Access considerations	Good public transport accessibility is available.
Urban Design considerations	The insertion of the large format retail concept into a relatively fine grained location could be problematic and would be unsuitable for the intended method of retailing.
Competing land issues	Land uses would be competing on an economic feasibility basis. The proposal by nature of the retail model and the expense of providing the required retail volume is unlikely to be an economically feasible option. Considering the significant development potential under the planning controls, a retail outlet centre would not represent the highest and best use.
Proximity to labour markets	The city centre enjoys high accessibility to employment markets.

Site suitability criteria	Consideration
Environmental considerations	No detailed assessment has been undertaken; however there are no apparent issues that would preclude the proposal from the CBD location.
Public benefit considerations	If a feasible site were able to be amalgamated there could be public benefits subject to resolution of urban design integration requirements.

Table 6: Liverpool CBD Assessment

Crossroads

Detailed consideration of the Crossroads site has not been pursued as a significant area of the land zoned B5 Business Development is the subject of a current Gateway Determination to facilitate the development of the site for a Costco.

The establishment of a retail outlet at this location would necessitate a rezoning of land currently zoned IN3 Heavy Industrial.

Moorebank

Moorebank is an edge of centre location that is approximately 4km southeast of the subject site. The edge location precinct is located to the east of the Georges River, opposite the Liverpool City Centre.

The precinct comprises range of relatively large holdings zoned IN1 General Industrial and IN2 Light Industrial.

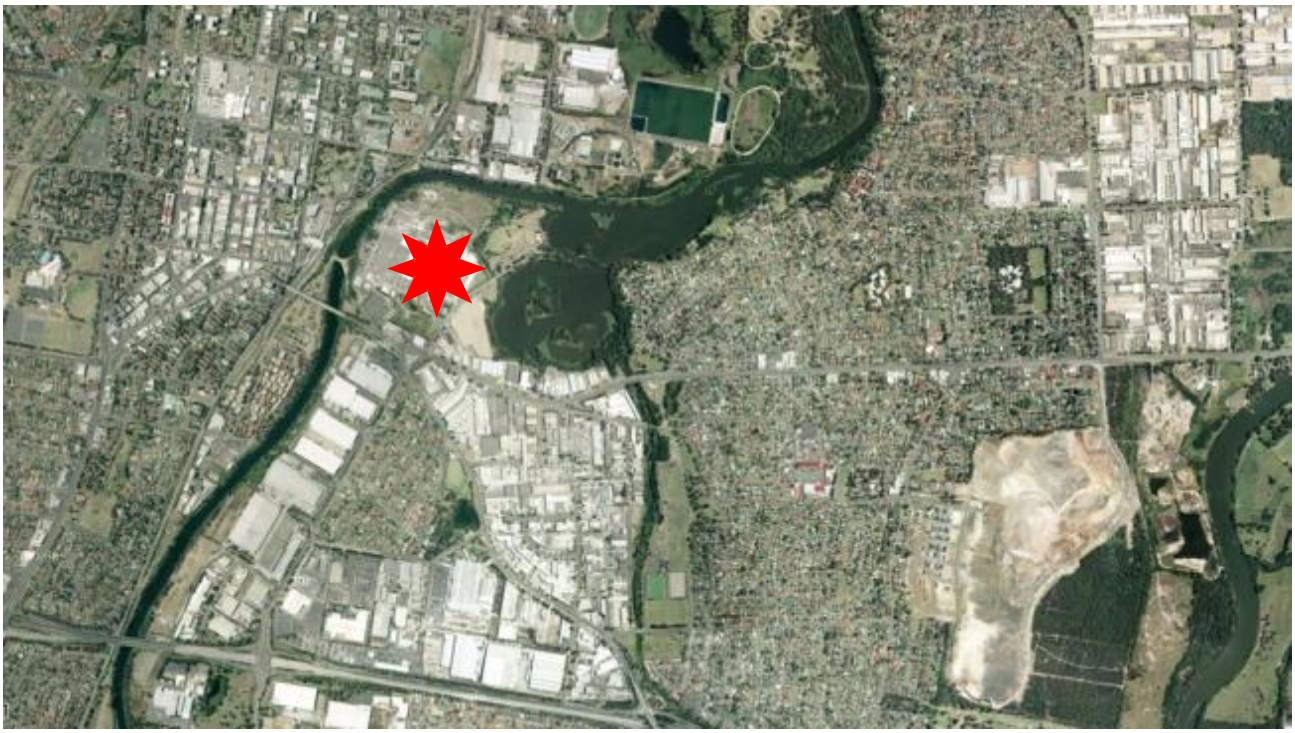

Figure 7: Moorebank Industrial precinct

Site suitability criteria	Consideration
Strategy Consistent	Geographically the area is an Edge of Centre Location; however there is a significant barrier to integration formed by the Georges River. The area is identified as employment lands for industrial purposes and any rezoning to permit retail activity would be contrary to the Metropolitan Plan for Sydney 2036 as it would result in the loss of land zoned for industrial purposes.
Infrastructure	Utility infrastructure is likely to be available or could be augmented. Traffic impacts arising from the increased light vehicle traffic would be an issue that would require resolution and would be made more difficult by the limited existing connectivity.
Access considerations	Public transport access is poor. Pedestrian access may be accommodated.
Urban Design considerations	The locality is an industrial precinct into which the large format building could be integrated.
Competing land issues	Any rezoning would necessitate the loss of land zoned for industrial purposes.
Proximity to labour markets	Relatively poor due to the limited access to public transport options to the locality.
Environmental considerations	Likely to require flood management considerations and confirmation of the suitability of the area having regard to potential land contamination.
Public benefit considerations	Limited unless direct pedestrian link is established from Liverpool railway station.

Table 7: Moorebank Assessment

El Toro Industrial estate

The El Toro Industrial estate is located to the immediate south of the subject site and is zoned IN 1 General Industrial. The precinct would be considered as an edge of centre location. These industrial units in this complex are largely strata titled complexes representing a significant barrier to the amalgamation of sites large enough to accommodate the proposed retail outlet.

Figure 8: El Toro Industrial Estate

Site suitability criteria	Consideration
Strategy Consistent	The site is an edge of centre location and is therefore consistent with the Metropolitan Plan for Sydney 2036 as an option to consider. The conflict with the Strategy arises from the area being identified as employment lands for industrial purposes. Any rezoning to permit retail activity would be contrary to the Metropolitan Plan for Sydney 2036.
Infrastructure	Infrastructure could be augmented, however additional traffic management measures would be required to be provided to facilitate access into and out of the location.
Access considerations	Access is available via bus public transport along Orange Grove Road and the Hume Highway public. Pedestrian accessibility could be accommodated
Urban Design considerations	The large format retail could be integrated into the existing development forms and management of impacts to residential lands to the west could be addressed.
Competing land issues	The use of this land would require displacement of land zoned for industrial purposes. The displacement of existing use would affect the feasibility of the location as an option.
Proximity to labour markets	Good given the proximity to the Regional Centre of Liverpool.
Environmental considerations	Minimal expected however confirmation of the suitability relative to land contamination may be required.
Public benefit considerations	The displacement of industrial employment lands would need to be considered in the context of the employment opportunities that would arise. In this context a neutral public benefit is likely to accrue.

Table 8: El Toro Assessment

Former Liverpool swimming pool site

The former Liverpool swimming pool site is located at the intersection of Memorial Drive and the Hume Highway. The site adjoins the Whitlam Leisure Centre. The site is located 2.0km south of the subject site.

The land is an edge of centre location but separated from the Liverpool CBD by residential development to the north and east. To the south and west of the location are community uses in the form of open space and recreation facilities.

Site suitability criteria	Consideration
Strategy Consistent	The site is an edge of centre location and is therefore consistent with the Metropolitan Plan for Sydney 2036 as an option to consider.
Infrastructure	Infrastructure would require augmentation and traffic management would need to be considered.
Access considerations	Public transport via bus is available adjacent to the site and pedestrian access could be readily accommodated.
Urban Design considerations	Integrating with the City Centre and surrounding recreation would be a significant consideration.
Competing land issues	The use would require rezoning and would displace recreation lands due to the land take requirements of the proposal.

Site suitability criteria	Consideration
Proximity to labour markets	Relatively good given the proximity to the Regional Centre of Liverpool.
Environmental considerations	No apparent concerns arise that have been considered in detail.
Public benefit considerations	Likely to be negative given the loss of recreation lands and public parking currently situated at the site.

Table 9: Liverpool CBD assessment

Location Characteristics

In addition to the Sequential Test and consideration of the Site Suitability Criteria, information was sought regarding the locational characteristics of the proposal to demonstrate the suitability of the Planning Proposal. The suitability of the site for the proposed use is detailed in the following section.

The retail outlet is a low margin stock clearance concept that requires 14,000 – 20,000sqm of space with access to good car parking. The sites require high levels of exposure preferably on a highway location with the ability to service a large catchment.

The subject site provides these requirements through the proposed re-use of the existing buildings and car parking on the site. The Sequential Test has demonstrated that there are no opportunities to use existing buildings in the Liverpool CBD for this purpose and that there are limited sites that could be considered to accommodate the development. To amalgamate an appropriately sized site within the Liverpool CBD would be difficult due to the high fragmentation of land ownership and current subdivision pattern.

The Orange Grove Road site is an existing activity centre that contains a number of current uses including bulky goods retailing, food outlets and a gym. The proposed retail outlet expands upon this current range of activities and will allow multi-purpose trips to be undertaken in a single visit. The proposed retail outlet is a complementary use to the existing bulky goods retailing and will assist in maintaining the viability of this use through the provision of an additional attractor to the centre.

As previously detailed, the Orange Grove site is an existing activity centre and is an edge of centre location relative the Liverpool major centre. The site is within 2.0km of the City Centre and serviced by public transport routes. The proposed retail outlet and the existing bulky goods retailing has the opportunity to support the City Centre by drawing customers from a broad retail catchment. Some of these customers are likely to also access the CBD on these visits.

The site is also strategically well located between the Liverpool and Fairfield Council areas allowing the site to service these large population centres in a location with highway exposure (Cumberland Highway).

The site is large and readily accommodates the proposal in a manner that has no impacts upon the amenity of sensitive land uses. In this instance the subject site backs onto creek lands, open space and industrial land uses.

Retail Impacts

The retail impact assessment undertaken in support of the proposal and the peer review commissioned by Council conclude that the retail impacts upon the Liverpool CBD will be below 10%. The peer review assessment concludes that the perceived retail impact does not threaten the economic sustainability of the Westfield shopping complex.

The economic assessments also concluded that the forecast in the growth of the population and real growth in retail spending will compensate for any short term trade reduction.

The proposed limitation on total floor space and the limitation on the maximum size of any individual retail tenancy is aimed to limit the trade impact and reduce the attractiveness of large anchor tenancies e.g. supermarkets from locating on the subject site.

The concept for the site is the establishment of a symbiotic relationship between the proposed retail outlet and the existing bulky goods retailing complex that utilises existing buildings and infrastructure. The proposal to utilise existing buildings and infrastructure in an existing centre that is also in an edge of centre location (relative to the Liverpool CBD) is consistent with the Draft Centre policy in guiding uses to edge of centre locations when in centre locations are not available or not viable alternatives.

Suitability of the Orange Grove Road site

The preceding assessment has demonstrated that the Orange Grove Road site is a feasible and practical location for the proposed retail outlets centre. The assessment has demonstrated that there are limited feasible and practical within the Liverpool City Centre for the proposal.

Further, the Orange Grove site fronts the Cumberland Highway and in just north of the Hume Highway and provides a large volume of car parking in close proximity to the centre.

The amalgamation of sites in the centre to create a 5.0ha holding from existing lot sizes between 500sqm and 5000sqm would necessitate the consolidation of several properties. Similarly, the construction of a multi level retail outlet centre is considered unviable and not the land's highest and best use considering the FSR and height controls that apply. The Orange Grove Road site is an existing large holding that already has the required building, car parking and utility infrastructure in place.

The expansion of existing centres considered in the Sequential Test identifies that adverse impacts would arise through the displacement of existing retail services or community and recreation lands.

Attachment 4 – Response to Public Authority Consultation

Public Authority	Submission Status	Issue/Statement	Comment
RMS	**Not received**	**-**	**-**
Fire & Rescue NSW	**Not received**	**-**	**-**
Penrith Council	Received – No Objection	N/A	N/A
Campbelltown Council	Received – No Objection	N/A	N/A
Camden Council	**Not received**	**-**	**-**
Bankstown Council	**Not received**	**-**	**-**
Sutherland Council	Received – No Objection	N/A	N/A
Wollondilly Council	**Not received**	**-**	**-**
Fairfield City Council	Received – Objection	General retail environment is not experiencing growth. The reliance on models that use historical retail spend per capita data to forecast future growth is problematic and may not be an accurate reflection of the proposals current impact.	The Hill PDA peer review reinforces current and future spend. The trade area of the proposed outlet centre is experiencing population growth and retailing spending in Liverpool and Fairfield is expected to increase due to population pressures.
		Fairfield Council does not consider declines in retail turnover in Fairfield City Centres between 2 and 4.8% by 2015 to be insignificant in the current environment.	Hill PDA's Peer review confirms that there are no universal measures of significance of impact. There are references in various consultancy reports and statements in the Land and

Public Authority	Submission Status	Issue/Statement	Comment
			Environment Court which suggest than a loss of trade below 5% is considered insignificant, 5% to 10% is low to moderate, 10% to 15% is moderate to high and above 15% is a strong or significant impact.
		Cumulative impacts of Amendment 19 and 22, together with the existing Mega Centre, at maximum potential floor space have not been modelled.	Appropriate economic modelling has been undertaken for the proposed development.
		The potential use of SEPP (Exempt and Complying Development Codes) 2008 have not been modelled.	Council has received advice from Department of Planning and Infrastructure that enables the planning proposal to amend the Exempt and Complying SEPP to limit a change of use to tenancies less than the 1,200sqm
		There is a degree of uncertainty to the proposal and there is variability of its likely impact depending on which scenario is modelled.	Appropriate economic modelling has been undertaken which demonstrates a worst case scenario. It is considered that the proposed development is one of low economic impact.
		The Planning Proposal conflicts with actions A2.1, B1.2, and E2.1 contained with Metropolitan Plan for Sydney 2036, and is therefore inconsistent with the Ministers Section 117 Directive 7.1 which required Planning Proposals to implement the Metropolitan Plan.	The proposed outlet centre use does not comprise bulky goods uses and therefore the proposed development does not make a positive contribution to the Metropolitan Plan. However, it is considered that the development will assist in protecting the viability of the existing bulky goods retail stores at the Orange Grove Road Mega Centre and will assist in the economic

Public Authority	Submission Status	Issue/Statement	Comment
			development of the Liverpool Local Government area.
		The Planning Proposal is in conflict with the South West Subregional Strategy (2007) as demand and supply assessments for new commercial centres have not been undertaken and the strategy nominates the site for bulky goods retailing.	Outlet centre uses do not comprise bulky goods uses and therefore the proposed development does not make a positive contribution to the Strategy. However, it is considered that the development will assist in protecting the viability of the existing bulky goods retail stores at the Orange Grove Road Mega Centre.
		The proposal is contrary to the Liverpool City Centres Hierarchy Review (2006) which designated the site for bulky goods retailing.	The Liverpool City Centre Hierarchy Review did not specifically consider the provision of an outlet centre anywhere within the LGA over the 2006 to 2031 period. In turn, Council commissioned an independent assessment of this proposal to determine the impact that broadening the retail uses permitted on the site would have on the existing retail centres in Liverpool. In order to facilitate demand for bulky goods retailing, the underlying zoning is to be retained as B5 Business Development. 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.
		There are inconsistencies within the Planning Proposal and documentation supplied	Council agrees there are some inconsistencies within the documentation.

Public Authority	Submission Status	Issue/Statement	Comment
		concerning the manner in which the proposed floor space limit is described and request that gross floor space be used as the descriptor for floor space.	It is confirmed that Council is seeking to limit the gross floor area of retail premises on the subject site to 19,000sqm (i.e. the total floor area of the existing building including the area of the basement) and to limit the gross floor area of tenancies to 1,200sqm.
		Liverpool City Council should consider the impact of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, on the ability to control single tenancies to the proposed 1200 square metre and the resultant impacts on retail expenditure modelling if this limit cannot be enforced.	Council has received advice from Department of Planning and Infrastructure that enables the planning proposal to amend the Exempt and Complying SEPP to limit a change of use to tenancies less than the 1,200sqm
		Concerns over the ability for Liverpool City Council to limit the use of the site to Direct Factory Outlet units within the limitations set by the Standard LEP template, given that Retail Premises allows a range of other retail uses do not fit the DFO format.	It is possible for Council to propose a new definition for “outlet retailing”, however past attempts by various planning authorities to develop an appropriate definition have fraught with difficulty as most definitions attempt to describe the type of goods sold by outlets i.e. discounted goods, last seasons stock etc. Furthermore, facilitating the proposal with a use-specific definition has the potential to become an on-going litigation and enforcement problem if the type of goods being sold does not reflect the specific permitted land use definition. Council is satisfied that the size of tenancies can be limited to 1,200sqm, hence preventing large

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			anchor tenants e.g. department stores and full line supermarkets from operating from the premises.
		Fairfield Council received advice from Norling Consulting which considered the economic impact of Liverpool Planning Amendments 19 and 22 as well as the additional impact of the COSTCO and Liverpool Council's Administration Centre site proposal.	This has been addressed by the Liverpool Cumulative Economic Impacts Study
Cabramatta Chamber of Commerce & Industry	Received – Objection	Increased Traffic	A Traffic and Parking Assessment has been undertaken by Dobinson and Associates. In regard to traffic generation and the capacity of the network to accommodate the traffic, the assessment has concluded that the peak demand can be accommodated by the network.
		The land is flood prone. Buildings within this area should be above the peak flood height that happens in this corridor along Cabramatta Creek.	Noted. The proposed retail use will likely be contained within the existing building. Any future buildings will be subject to a Development Application.

Attachment 5 – Response to Community Consultation

Submission No.	Issues Raised	Comment
1	The Planning Proposal is contrary to the B5 Business Development zone objective to maintain the economic strength of centres by limiting the retailing of food and clothing.	The proposal does not directly limit retailing of food and clothing; however it does limit the retail floor space and the size of individual tenancies and the size of the shopping complex. The proposal could be deemed acceptable in the B5 Business Development zone on the basis that all centres in the retail hierarchy are expected to continue to experience an increase in retail expenditure captured to 2015 despite the opening of an outlet centre on the weekend markets site. The predicted growth in retail expenditure is principally due to the significant population growth within Liverpool LGA and subsequent increased retail expenditure in the catchment. The economic strength of centres is compromised to an acceptable level. Further, the customer behaviour of DFO shoppers is infrequent which is compatible with bulky goods destinations (i.e. B5 zone).
	The Planning Proposal is inconsistent with the Metropolitan Plan for Sydney 2036. In particular, it is inconsistent with objective B1 of the Growing and Renewing Urban Centres Strategic Direction chapter of the Metropolitan Plan which is to focus activity in accessible centres.	The Metropolitan Strategy supports the location of commercial development in the central part of existing centres, avoiding pressure for such development in inappropriate out of centre locations. It is noted that the proposed development is not located in a traditional centre. However, the Strategy states that retailing which requires large floor areas cannot always be readily accommodated in existing centres (e.g. Bulky Goods). The Strategy notes that the *B5 Business*

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		Development Zone is generally an appropriate zone in which to cluster this kind of development. It should be noted that the Strategy is silent about "retail outlet centres". Notwithstanding this, retail outlet centres do require large floor areas and therefore according with the Metropolitan Plan can be located in B5 zones.
	The clustering of bulky goods retailing supports the economic viability of these retailers, however due to their nature are generally not in direct competition with standard retailing in centres. The inclusion of "retail premises" as an additional permitted use at the subject site that is in a B5 zone, could act as a powerful precedent in NSW, effectively permitting direct competition of bulky goods clusters with regional and town centres, thus providing the ability for the owners of these B5 zoned clusters to essentially create new centres directly competing with retailers in traditional centres. This is contrary to the objectives and intentions of the B5 zone and the Metropolitan Plan.	The development is a response to market-led demand and would generally aid competition in the retail sector. The use is in support of the existing bulky goods node and a retail outlet centre is not considered to be an incompatible use to bulky goods retailing. The use is considered to be a regional level attraction that draws from a large catchment. The model is similar to that at Homebush, but will accommodate the South Western Sydney market.
	The Draft South West Subregional Strategy identifies the Orange Grove Road precinct as a bulky goods cluster. It is strategically situated providing a location for activities that support but do not compete with Liverpool Regional City uses.	It is considered that the development will assist in protecting the viability of the existing bulky goods retail stores at the Orange Grove Mega Centre due to increased customer visits. Further, the mechanism of permitting the use through Schedule 1 amendment also retains the possibility of some bulky goods retailing which allows a capped amount of retail. The Hill PDA reporting establishes that the impact of this proposal on the Liverpool City Centre is less than 10%, which is considered to be low-moderate impact.
	The draft Activity Centres Policy 2009 states that factory outlets which operate as retailers are classified as 'shops' under the Standard LEP Template definitions and should be accommodated in zones B2-B4.	The draft document was prepared in 2009 and is not considered to be official government policy. It is noted that the proposed development is not located in a traditional centre, but in a bulky goods/highway retail cluster the development is a response to market-led

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		demand and would generally aid competition in the retail sector. Due to the scale of the development, it would be difficult to locate such a development in an existing centre zoned B2 – B4. The Metropolitan Strategy for Sydney 2036 (which is official government policy) states that retailing which requires large floor areas cannot always be readily accommodated in existing centres and that the B5 zone is an appropriate zone in which to cluster this kind of development.
	The notion as argued in the Planning Proposal that the size of the proposed development would be difficult to locate in a core retailing centre is misleading. Rather, the large size of the proposed development at 19,000sqm with shops restricted in size to a maximum of 1,200sqm is precisely the type of retail existing centres such as Liverpool, Cabramatta, Fairfield and Stockland Wetherill Park are designed and encouraged to accommodate.	The suggestion that individual shops could (and should) be encouraged into existing centres is a valid one. However, what is being proposed is a retail outlet centre. Outlet centres are a relatively new retail format that has been arguably seen as a niche form of retailing because the items are typically sold at a discount price. Customers at outlet centres have similar behaviour to customers at bulky goods retail outlets in the way that they usually undertake infrequent trips compared to core retail premises which sell 'day to day' and convenience goods. A key characteristic of outlet centres is the absence of a large anchor tenant (e.g. supermarkets and department stores). In this regard, Council will be working with DOPI to ensure the planning mechanism limits the type of retailing on the subject site.
	There are significant discrepancies within the various economic modelling in respect to the Stockland Wetherill Park centre.	The Peer review and Cumulative Impact Study was completed by Hill PDA, Council's independent consultants. The figures stated in the Hill PDA report are considered reliable. With regard to the impact of this proposal, the report suggests the impact on Stockland

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		Wetherill Park centre is considered acceptable.
	It is considered that the economic impacts need to be considered in the context of the draft Competition SEPP in terms of the potential for existing centres to continue to provide a equivalent range of services and facilities. Clause 9 of the draft SEPP requires the consent authority to consider the 'overall adverse impact on the extent and adequacy of local community services and facilities' as part of any assessment in relation to new and expanded retail facilities. Such an assessment would be appropriately undertaken as part of the planning proposal.	Clause 9 of the draft Competition SEPP relates to development assessment, not planning proposals. The planning proposal has been the subject of vigorous economic assessment and analysis which has demonstrated that the proposal will have low-moderate economic impact on the Liverpool CBD and other nearby centres.
	There are concerns that while the 1,200m2 tenancy restrictions may prevent retail stores such as full line supermarkets and department stores, the restriction will still allow for shops which are generically referred to as mini majors (e.g. Best and Less, Rebel Sport, JB HiFi etc). The provision of such outlets within centres such as Stockland Wetherill Park adds to the vibrancy of the centre. The capacity of the proposed development to accommodate such facilities should be reconsidered.	The planning mechanism has yet to be finalised with DOPI. However it should be noted that there is an intention to limit supermarkets, discount department stores and mini-major retailing on the subject site.
	There appears to be some confusion as to exactly what floor space the outlet centre is proposed to occupy. It appears that a robust assessment of a centre comprising 19,000m2 of floor space has not been considered.	Leyshon's EIA considers a worst case scenario. What is proposed is 19,000sqm (GFA) of outlet centre floor space. Council's independent assessment considers 19,000sqm to be acceptable.
	There is a discrepancy over the estimated turnover (in terms of $/m2) of the ALDI store and Dan Murphys liquor outlet to be developed on the B6 zoned land. The potential turnovers have been understated in which case the potential cumulative impact is likely to be greater than that estimated.	In addition to the applicants economic reporting, a Cumulative Economic Impact Study was completed by Hill PDA, Council's independent consultants. The figures stated in the Hill PDA report are considered reliable and establish a low-moderate impact on Liverpool City Centre and other nearby centres.
	The sequential test should consider all of Fairfield's centres given that the Fairfield LGA constitutes part of the primary trade area for the proposed development.	The centres assessed meet the developer's locational requirements to be within proximity of a regional city. This is considered reasonable given that alternate locations

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		could be considered less viable.
	The statement in the Planning Proposal that "the impacts on all other centres do not exceed 5% loss in turnover…and therefore not considered significant" is dismissive and potentially incorrect.	The Hill PDA Peer review of the EIA noted that there are no universal measures of significance of impact. There are references in various consultancy reports and statements in the Land and Environment Court which suggest than a loss of trade below 5% is considered insignificant, 5% to 10% is low to moderate, 10% to 15% is moderate to high and above 15% is a strong or significant impact. The model shows that the immediate impact on Liverpool CBD will be below 10% loss in trade and therefore deemed to be of low to moderate impact.
2	Concern expressed over ad-hoc planning decisions in the Liverpool LGA, having regard to a number of retail rezoning proposals. Strategic Planning, as reflected in land use zoning, should not be subject to constant pressures to reinvent itself in response to landowners or developers seeking to take advantage of lower land prices.	Spot rezonings are often necessary to ensure that Council listens to the market and does not provide an over supply of commercial floor space. Further, spot rezonings offer an opportunity to facilitate development opportunities and promote economic growth.
	'Retail factory outlets' should be treated like normal retailing outlets, unless they are genuinely ancillary to on-site manufacturing. Other forms of 'factory outlets', such as the one proposed at Orange Grove, are simply shops seeking low rents, and is an undesirable and inappropriate use in the B5 Business Development zone.	The Planning Proposal seeks to facilitate the development of an "outlet centre". Outlet centres are a relatively new retail format that focus on the provision of clothing, footwear, household goods and other non-bulky items; it has been arguably seen as a niche form of retailing because the items are historically sold at a discount price. Customers at outlet centres have similar behaviour to customers at bulky goods retail outlets in the way that they usually undertake infrequent trips compared to core retail premises which sell 'day to day' and convenience goods. A key characteristic of outlet centres is the absence of a large anchor tenant (e.g. supermarkets and department

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		stores). In this regard, the size of individual tenancies will be restricted to 1200sqm to restrict supermarkets and department stores. It is recommended that Council writes to DOPI to gain a clearer policy direction in relation to outlet centre retailing in NSW. Council will also be working closely with DOPI to formalise an appropriate planning mechanism.
	Despite the 1200sqm maximum tenancy size, which prevents full line supermarkets or a department store, the planning proposal enables the development of a 19,000sqm (sub-regional scale) shopping centre, which could conceivably comprise of smaller supermarkets, mini-major retailers (e.g. Rebel Sport, JB Hi Fi, large liquor retailer etc) as well as food court and specialty shops.	The planning mechanism has yet to be finalised with DOPI. However it should be noted that there is an intention to limit supermarkets, discount department stores and mini-major retailing on the subject site.
	Out of Centre retail development is inappropriate and should not be supported. Further, the proposal is inconsistent with the Metropolitan Plan 2036, draft South West Sydney Sub-Regional Strategy, and the provisions of the Liverpool LEP.	It is acknowledged that there is some inconsistencies with State Government policy direction, much of which is draft. Outlet retail formats are similar in customer attraction to bulky goods and can appropriately be co-located with bulky goods retailers, as they require similar infrastructure and are considered compatible. It is recommended that Council write to DOPI to gain a clearer policy response to outlet centre retailing in NSW.
	The proposal is diluting an exiting bulky goods node, which will inevitably result in pressure for bulky goods retailing to occur in other suburbs in the future to meet demand.	The existing use on the site is a weekend market. In order to facilitate demand for bulky goods retailing, the underlying zone is to be retained as B5 Business Development. 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. This use is considered likely to invigorate the bulky goods destination.
	The proposal is substantially inconsistent with the objectives of the B5	The proposal does not directly limit retailing of food and

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	zone under Liverpool LEP 2008.	clothing; however it does limit the retail floor space and the size of individual tenancies. The proposal could be deemed acceptable in the B5 Business Development zone on the basis that all centres in the retail hierarchy are expected to continue to experience an increase in retail expenditure captured to 2015 despite the opening of an outlet centre on the weekend markets site. The predicted growth in retail expenditure is principally due to the significant population growth within Liverpool LGA and subsequent increased retail expenditure in the catchment. The economic strength of centres is compromised to an acceptable level.
	There are implications for precedent and the potential for pressure on Liverpool and other South West subregional Councils for further ad hoc rezonings.	Spot rezonings are often necessary to ensure that Council listens to the market and does not provide an over supply of commercial floor space. Further, spot rezonings offer an opportunity to facilitate development opportunities and promote economic growth. Each Council will need to assess the merits of the proposal and ensure appropriateness in the local, regional and state context. Inappropriate developments will not be supported on their own merits. As such ad-hoc decisions are avoided by appropriate consideration of factors.
3	In support of the proposed development as it will increase local employment and provide greater retail options.	Noted.
4	The proposal is seeking to create a new activity centre by stealth and one which is not identified in any strategic studies or plans.	The proposal is for a retail outlet centre and this use will be facilitated by an appropriate planning mechanism. Such a use would not transform the site into a new activity centre, but rather support existing bulky goods retailing. It should be noted that there has been a submission to the

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		Retail Hierarchy Review to locate higher level retail uses at the Orange Grove Mega Centre site (relating to a possible ALDI and Kmart on the site). In this regard, Hill PDA suggests that provision of retail floorspace of this nature would likely have an adverse impact upon the Liverpool City Centre. In this regard, higher level retail uses are not proposed under this LEP Amendment and should not be supported due to unacceptable economic impacts.
	The proposal is not consistent with the objectives of the B5 zone.	The proposal does not directly limit retailing of food and clothing; however it does limit the retail floor space and the size of individual tenancies. The proposal could be deemed acceptable in the B5 Business Development zone on the basis that all centres in the retail hierarchy are expected to continue to experience an increase in retail expenditure captured to 2015 despite the opening of an outlet centre on the weekend markets site. The predicted growth in retail expenditure is principally due to the significant population growth within Liverpool LGA and subsequent increased retail expenditure in the catchment. The economic strength of centres is compromised to an acceptable level.
5	In support of the proposed development as it will likely increase local employment opportunities, provide greater retail options, and boost economic development.	Noted.
6	Supports the proposal as it will improve employment opportunities.	Noted.
7	Objects to the proposal as it will remove the weekend market which is an ideal use for the Liverpool area.	Noted. Council cannot force an ongoing development. The use of the land is up to the developer in accordance with permissibility and conditions of consent on a site.

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	Objects to the proposal as there are many existing shopping centres and the proposal will have high economic impacts on these centres.	Appropriate economic modelling has been undertaken which demonstrates a worst case scenario. It is considered that the proposed development is one of low to moderate economic impact on the Liverpool CBD and other nearby centres.
8	Raises no objection to the change of usage from markets to retail, but requests that the development include facilities for bicycle access and parking to the shops.	Noted. Bicycle access and parking can be dealt with as part of a Development Application.
9	Supports the proposal as it provides an opportunity for residents to spend locally and for local jobs to be created.	Noted.
10	Supports the proposal as it will likely increase competition, improve accessibility to bulky goods and retail outlet retailing, encourage employment opportunities and will attract shoppers from adjoining areas.	Noted.
11	The Planning Proposal is inconsistent with the draft Centres Policy because Orange Grove Road is not a centre in the traditional sense and does not have good access to public transport. Allowing a new centre to form in such proximity to a Regional City Centre would simply fragment activity to the detriment of the established centre. There is no overriding need for the proposed development as evidenced by the high trading impacts on other centres.	It is noted that the proposed development is not located in a centre; the development is a response to market-led demand and would generally aid competition in the retail sector. Although the proposal is not located within a core retail centre, it seeks additional retail uses in an existing (bulky goods) activity hub and within an established centre. It is noted that the draft Centres Policy is not considered to be official government policy. It is recommended that Council writes to DOPI requesting clearer policy direction in relation to outlet centre retailing in NSW.
	The Draft Centres Policy is unambiguous. Brand outlet centres are simply shops and should locate in B2 Neighbourhood Centre, B3 Commercial Core or B4 Mixed Use Zones.	The document was prepared in 2009 and is not considered to be official government policy. It is noted that the proposed development is not located in a centre; the development is a response to market-led demand and would generally aid competition in the retail

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		sector. Due to the scale of the development, it would be difficult to locate such a development in an existing centre zoned B2 – B4. The Metropolitan Plan for Sydney 2036 (which is official government policy) states that retailing which requires large floor areas cannot always be readily accommodated in existing centres and that the B5 zone is an appropriate zone in which to cluster this kind of development. It is recommended that Council writes to DOPI requesting clearer policy direction in relation to outlet centre retailing in NSW.
	Brand outlet centres are simply another form of shopping centre, albeit ones with a much lower standard of finish, presentation and fit-out than most traditional shopping centres (and hence lower development costs). To all intents brand outlet retailing is general retailing under another name. There is no operational requirement for brand outlet centres to be located outside of existing centres.	Outlet centres are a relatively new retail format that focus on the provision of clothing, footwear, household goods and other non-bulky items; it has been arguably seen as a niche form of retailing because the items are historically sold at a discount price. Customers of outlet centres have a similar behaviour to customers of Bulky Goods retail outlets in the way that they usually undertake infrequent trips compared to core retail premises. A key characteristic of outlet centres in the absence of a large anchor tenant (e.g. supermarkets and department stores). These uses will be limited in the planning mechanism. There is considerable debate over where outlet centres should locate. On the one hand, State Government policy states that they should be defined and considered as general retail premises and should be located in declining centres or enterprise corridors where they can play a role

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		in their revitalisation. On the other hand, some argue that it is difficult to amalgamate a site large enough to build an effective outlet centre. Furthermore, it is also argued that locating in a CBD where rents are high would make outlet-style retailing unviable. It is recommended that Council writes to DOPI requesting clearer policy direction in relation to outlet centre retailing in NSW.
	The Planning Proposal is also contrary to the findings and recommendations of the NSW Government review of competition through the planning system and the draft competition SEPP 2010. The distortion of planning controls is anti-competitive in so far as it prejudices established retail centre operators.	The proposed development is a response to market-led demand and would generally aid competition in the retail sector. It is noted that the draft competition SEPP 2010 relates primarily to development assessment and overall promotes competition. There is considerable debate over where outlet centres should locate. On the one hand, State Government policy states that they should be defined and considered as general retail premises and should be located in declining centres or enterprise corridors where they can play a role in their revitalisation. On the other hand, some argue that it is difficult to amalgamate a site large enough to build an effective outlet centre. Furthermore, it is also argued that locating in a CBD where rents are high would make outlet-style retailing unviable. It is recommended that Council writes to DOPI requesting clearer policy direction in relation to outlet centre retailing in NSW.
	There is no mechanism in the proposed planning controls (or indeed the standards LEP template) to distinguish between retail premises, supermarkets or retail outlets. The proposed planning controls would therefore permit the development of a suite of usual “town centre” uses which would further impact on existing centres within the	What is being proposed is a retail outlet centre. A key characteristic is the absence of a larger anchor tenant such as a supermarket. Council has received advice from DOPI that the Department will seek advice on the best way to draft

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	Liverpool CBD. The floor space cap is, according to the Hill PDA 'Cumulative Economic Impacts Study', insufficient to control the nature of retail development at Orange Grove. Recommendations in the Hill PDA report are absent from Council's Proposal.	clauses consistent with the Standard Instrument Order. It is recommended that Council forwards the Planning Proposal to the regional branch of the Department of Planning and Infrastructure for Parliamentary Counsel consideration and requests that the wording of the amendments confirmed with Council prior to being made.
	The proposal will have an adverse impact on the extent and adequacy of facilities and services available to the local community.	It is unlikely that the proposal will have detrimental impacts on the extent and adequacies and services available to the local community. The addition of a DFO to local retailing increases choice and competition for local consumers.
	The proposal is inconsistent with the Liverpool Business Centres and Corridors Strategy as none of the recommended strategies included the change of the Orange Grove Road precinct to a retail centre.	The Liverpool City Centres Hierarchy Review, developed in 2006, which informed the Strategy, did not specifically consider the provision of an outlet centre anywhere within the LGA over the 2006 to 2031 period. The Hill PDA draft retail hierarchy review supports a specialist centre at this site. The proposed development is a response to market-led demand and would generally aid competition in the retail sector. When economic assessments were carried out, the use and its impacts were considered reasonable.
	A loss of trade and redirection of retail development to Orange Grove will significantly reduce the capacity of the CBD to attract investment, evolve and develop.	The model shows that the immediate impact on Liverpool CBD will be below 10% loss in trade which is deemed to be of low to moderate impact. Despite the reduction, the reporting shows that in all three of the scenarios modelled by Hill PDA Liverpool CBD, and indeed all the centres in the surrounding retail hierarchy, would continue to experience an increase in retail expenditure captured to 2015 despite the opening of an outlet centre on the weekend market site.

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		It is unlikely that this will significantly reduce the capacity of the CBD to attract investment and to evolve and develop.
	The potential impact of the proposed 19,000sqm factory outlet on Orange Grove must not be considered in isolation. It should also be considered based on the submissions to the Liverpool Retail Centres Hierarchy Review by Hill PDA which calls to elevate Orange Grove to the status of a standalone centre to total a substantial 71,000sqm of retail floorspace including an ALDI, a Dan Murphy's and a Kmart. Such a high provision of retail in such close proximity to the Liverpool CBD will have a detrimental impact on the retail hierarchy of the LGA. The proposed Orange Grove retail expansion may result in a structural change, reduce the relevance of the Liverpool CBD as a shopping destination and shift the focus of the core retailing in the region from the Liverpool CBD to Orange Grove.	It should be noted that there has been a submission to the Retail Hierarchy Review to locate higher level retail uses at the Orange Grove Mega Centre site (relating to a possible ALDI and Kmart on the site). In this regard, Hill PDA suggests that provision of retail floorspace of this nature would likely have an adverse impact upon the Liverpool City Centre. In this regard, higher level retail uses are not proposed under this LEP Amendment and should not be supported due to unacceptable economic impacts.
	There is a lack of clear strategy. There is a fundamental shift in approach whereby the growth is supported outside of the CBD, which under the current local and state planning and retail strategy is the primary emphasis. Further, there is no clear analysis to support this substantial change in emphasis.	It is recommended that Council writes to DOPI requesting clearer policy direction in relation to outlet centre retailing in NSW. The economic modelling shows that the immediate impact on Liverpool CBD will be below 10% loss in trade which is deemed to be of low to moderate impact. Despite the reduction, the reporting shows that in all three of the scenarios modelled by Hill PDA Liverpool CBD, and indeed all the centres in the surrounding retail hierarchy, would continue to experience an increase in retail expenditure captured to 2015 despite the opening of an outlet centre on the weekend market site. It is unlikely that this will significantly reduce the capacity of the CBD to attract investment and to evolve and develop.

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	The vacancy rates in Liverpool CBD and other centres suggest an overprovision of retail floor space rather than the undersupply noted in the Hill PDA reporting.	Despite the current vacancy rates in the Liverpool CBD, the reporting indicates that there is an undersupply of retail floor space. This is due, in part, to an expected population increase and demand for retail floor space.
	The supporting documentation to the Planning Proposal is inadequate and skews the figures to unrealistically support the contentions of the proposed LEP amendment.	The planning proposal has been the subject of vigorous planning assessment and economic analysis. Council has undertaken independent cumulative impact analysis which has demonstrated that the proposal will have low-moderate economic impact on the Liverpool CBD and other nearby centres.
	There is little stopping the inclusion of supermarkets and discount department store in Orange Grove in terms of permissibility. Should this occur, as mooted, then this will preclude the addition of a discount department store and likely delay the entry of another supermarket in the Liverpool CBD by about 10 years. Without new anchors it will be difficult to support new speciality shops and fill existing vacancies.	Council has received advice from DOPI that the Department will seek advice on the best way to draft clauses consistent with the Standard Instrument Order. It is recommended that Council forwards the Planning Proposal to the regional branch of the Department of Planning and Infrastructure for Parliamentary Counsel consideration and requests that the wording of the amendments confirmed with Council prior to being made.
	The trading impacts of the proposed retail developments on the Liverpool CBD are of a sufficient size and significance to threaten the viability of retailers in the CBD. Given the current state of retailing in the Liverpool CBD and the market generally, a 15% impact would not be manageable without adverse consequences.	The planning proposal has been the subject of vigorous economic assessment and analysis. Council has undertaken independent cumulative impact analysis which has demonstrated that the proposal will have low-moderate economic impact on the Liverpool CBD and other nearby centres.
	The sequential test undertaken in Council's Planning Proposal is superficial and misleading. The sequential Test is flawed in that it seeks to identify sites "upon which a 15,000 – 19,000sqm. building and associated car parking could be accommodated". What the test does not investigate is the capacity for these locations to accommodate the quantum and mix of the proposed uses individually	The purpose of the planning proposal is to facilitate the development of an outlet centre which is arguably a niche form of retailing with similar characteristics to bulky goods retailing. In this regard, it is considered appropriate for the sequential test to identify sites where a 15,000 – 19,000sqm building and associated car parking could be

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	within the Centres.	accommodated. It is recommended that Council writes to DOPI requesting clearer policy direction in relation to outlet centre retailing in NSW.
	In terms of the 'public interest' this rezoning for retail premises will result in a considerable uplift in the value of the land at Orange Grove. This uplift in development potential will be achieved, ostensibly, in the absence of significant Section 94 develop contributions. The value creation at the Orange Grove site should be off-set through improvements in the Liverpool CBD, which recognise the documented impacts to the centre through some form of community benefit. In this regard, a Voluntary Planning Agreement should be considered.	There is no direct nexus between the proposed development and improvements to the Liverpool CBD.
	Before the proposal proceeds, there needs to consideration of Census 2012 data for population growth, retail spend and affluence detailed in Hill PDA peer reports and calibration of analysis where appropriate.	The Planning Proposal has been under assessment since May 2011. It could be considered unreasonable to delay the process in order to update technical reports in response to the 2012 Census data, particularly considering that census data does not predict growth.
	Before the proposal proceeds, there should be an independent and full analysis of the proposal of the Net Community Benefit Test and Consequential Impacts on the Liverpool CBD.	It is considered that an adequate Net Community Benefit Test has been carried out and impacts on the Liverpool CBD have been carefully considered.
12	Liverpool Cumulative Economic Impact Study, prepared by Hill PDA in July 2012 did not model the impact of the Orange Grove Road site to provide traditional retail specialties.	The study models the economic impact of a brand outlet premises which is what is intended for the subject site. DOPI has indicated that they will be drafting clauses consistent with the SI Order that meets Council's objective to facilitate the development of a brand outlet premises on the subject site.
	Liverpool Cumulative Economic Impact Study, prepared by Hill PDA in July 2012 did not model the proposed and approved additions to the Fairfield retail network (Bonnyrigg and Stocklands at Prairiewood).	It is noted that the cumulative impact on nearby centres is low to moderate and that impact is reduced as the distance is increased. As such, impacts are acceptable.
	The 17.8% growth assumptions used for Fairfield Centres were based	The Cumulative Economic Impact Study was completed

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	on the expansion of Stocklands and Bonnyrigg and therefore this is masking the potential impacts that may occur other Fairfield Centres.	by Hill PDA, Council's independent consultants. The figures stated in the Hill PDA report are considered reliable.
	The size and turnover attributed to the Fairfield centre may be inflated and this may result in an impact of more than negative -2.8%.	-2.8% is an insignificant impact. The reporting establishes that anything below 5% is insignificant. The Cumulative Economic Impact Study was completed by Hill PDA, Council's independent consultants. The figures stated in the Hill PDA report are considered reliable. It is noted that despite the impact, the centres are all likely to increase in retail expenditure captured to 2015.
	The strategy recommended by Hill PDA, to prevent traditional retail facilities establishing within Orange Grove factory outlet development, by limiting lettable floor space to be used for sale of food and related goods, would not prevent the centre from providing a substantial amount of floor space to traditional retail specialty stores.	Council has received advice from DOPI that the Department will seek advice on the best way to draft clauses consistent with the Standard Instrument Order. It is recommended that Council forwards the Planning Proposal to the regional branch of the Department of Planning and Infrastructure for Parliamentary Counsel consideration and requests that the wording of the amendments confirmed with Council prior to being made.
	The EIA prepared by Leyshon Consulting in April 2012 is flawed as the study did not assess the cumulative impacts of the other Liverpool Amendments 19 and 26 nor the approved Fairfield retail extensions. The study also did not estimate the likely impacts that would occur should the centre in full or in part provide traditional specialty retail stores.	Council acknowledges the need for a cumulative impact report that addresses the combined impact of the crossroads, B6 zone change and this proposal. Council engaged an independent analysis. The Hill PDA Peer Review and Cumulative Impact Study addresses the issues in the Leyshon Consulting report.
13	The Proposal will permit the Orange Grove complex to have a combined retail space equivalent to 50% of the retail space within Liverpool CBD *(Urbis, 2012).* The proposal will reduce retail turnover in the Liverpool CBD by an expected $36.7m or 5.5% *(Urbis 2012).*	The Hill PDA cumulative impact assessment has assessed the impacts of Amendment 19 which was recently gazetted, the Crossroads Costco proposal and this proposal. This found the total impact on Liverpool to be 7.8% at 2016, which was considered to be "low to

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		moderate" and "within the normal competitive range". Further, the report states that despite the low to moderate adverse impacts identified on Liverpool and Casula, these centres will experience growth of 3.3% and 2.1% respectively over the 2012 to 2016 period.
	The 'Cumulative Impacts Study' commissioned by Liverpool City Council (Hill PDA, July 2012) to assess the combination of all retail applications currently being considered by the Council was not a comprehensive study as it failed to consider impacts arising from developments at Bonnyrigg Plaza and Wetherill Park shopping centres which will result in an estimated further negative impact of $20m on Liverpool CBD retail expenditure (Urbis, 2012). The real "Cumulative Impacts" of Costco, Orange Grove and other proposals in the region are in the order of $80.2m or a 12% decline in CBD turnover. Orange Grove alone accounts for 46% of this impact.	The cumulative study has adequately cindered the impacts on centres outside of the Liverpool LGA. It is noted that the Bonnyrigg development is proposed inline with substantial redevelopment of the Bonnyrigg suburb including the introduction of substantial doubling of dwellings in the area. With regard to the impact of investment of the Wetherill Park Prairewood Centre, it is noted the relative distance of this centre to the site (approximately 9km). Further, the Hill PDA reporting takes into account the two DA consents that relate to additional floor space at this centre.
	Liverpool CBD already has one of the largest concentrations of retail space in the south west region (Urbis 2012) and is over supplied. Liverpool CBD currently has 5000sqm of retail shop front vacancy (Urbis 2012) which is extremely high by comparative benchmarks.	Despite the current vacancy rates in the Liverpool CBD, the reporting indicates that there is an undersupply of retail floor space. This is due, in part, to an expected population increase and demand for retail floor space.
	There has been little or no retail expenditure growth in existing key centres in the region including Liverpool Westfield, Macarthur Square, Bonnyrigg Plaza and Stockland Wetherill Park, which have averaged growth of 0.3% per annum in real terms over the 2008-2011 period *(Urbis 2012).* If the depth of the retail market is so vast so as to need in excess of an additional 32,000sqm of retail space (being the combined area of	As outlined in the Hill PDA reporting, retail spending growth in Australia has been sluggish over the past four years. This however is not reflective of the long term trend which has grown at nearly 1.5% over the 1986-2010 period.

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	the Costco and Orange Grove proposals alone) these centres would surely have been "over trading" rather than underperforming.	
	Unintended consequences arising from an approval may create a non-level playing field and be viewed as "Anti-Competitive" as it is more expensive to develop and maintain an asset within the Liverpool CBD than outside of it.	It is noted that the amendment does not seek to allow the full range of unrestricted retailing as is permissible in normal centres. The development is a response to market-led demand and would generally aid competition in the retail sector.
	Non-CBD developments are not levied to the same extent as CBD development in the form of s94 and s94AA contributions thereby providing minimal financial benefit to the community and its infrastructure. If the Orange Grove proposal is approved, at the very least, the same levies should be applied on the replacement value of the building and its required parking not just on costs to reconfigure the internals of the building to provide for a DFO.	There is no nexus between the proposed development and improvements to the Liverpool CBD. Evaluation of infrastructure can be carried out at the DA stage to ensure traffic and drainage infrastructure are appropriately provided for.
	Liverpool CBD developments are charged higher and disproportionate Council rates than 'out of CBD' developments. If approved, the Orange Grove complex should be required to pay the equivalent rate as levied against the Westfield Liverpool shopping centre as the DFO will be selling substantially the same goods. It would not be appropriate for one retail complex to be treated differently to another retail complex.	Rates are based upon land valuations as established by the NSW Valuer General.
	Out of CBD' developments do not have to abide by the strict design requirements of the Council which would otherwise apply to those wishing to develop within the CBD precinct. At the very least compliance with such design requirements should be required.	The assessment of any development application for the site will be in accordance with the development controls applicable to that locality.
	Larger retailers including supermarkets like to situated 'Out of CBD' to take advantage of a captive market where no 'comparison shopping' can occur (i.e. isolate the customer).	This proposal does not support the establishment of supermarkets on this site.

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	Larger format retailers, supermarkets and developers prefer to develop 'Out of CBD' as the costs to develop land (land, Council & State infrastructure charges, design codes) and ongoing operating costs (Council rates, land tax and levies) are significantly lower. This creates a non-level playing field whilst directly competing with CBD retailers. Investment will be driven away from the Liverpool CBD because of the non-level playing field, including investment at Westfield Liverpool.	This proposal seeks to establish a specialised outlet retail destination only. It does not support unlimited retailing as would be applied to a centre location. The use is likely to increase competition which is supported by the Competition SEPP. Finally, the economic impact has been assessed to be low to moderate impact on the Liverpool City Centre.
	There is questionable long-term community benefit.	The long term community benefit has been carefully considered in the Planning Proposal. The use would provide for increased competition as well as providing for over 400 local jobs.
	Leyshons Economic Impact Assessment has several key shortfalls in that it did not consider: - cumulative impacts; - The effect of a diversion of retail activity from the Liverpool CBD on its capacity to achieve the strategic objectives for a regional city within the Sydney Metropolitan Strategy; - Whether there is a need or demand for an outlet centre; and - Online retail.	The shortfalls of Leyshon's Economic Impact Assessment were addressed in the Hill PDA Peer Review and subsequent Cumulative Impact Study. These impacts have therefore been adequately assessed by Council's independent economic consultants.
	If the outlet centre does fail, the owners will likely seek to overturn the 1,200 tenancy restriction and create a new regional shopping centre further detracting and dislocating the CBD.	Hill PDA have established that while DFO style development can be supported, a full range of retailing is not appropriate at the site due to significant impacts. Such a proposal would be subject to extensive planning and economic assessment and could not be supported given the current economic modelling.
	As fragmented 'Out of CBD' hubs develop, the vitality of the Liverpool CBD will be further diminished and it will loose its significance to the community.	The economic reporting indicates that the immediate impact on Liverpool CBD will be below 10% loss in trade and therefore deemed to be of low to moderate impact. It

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		is unlikely that this will significantly reduce the capacity of the CBD to attract investment and to evolve and development. Further, it is unlikely that the proposed development will result in the Liverpool CBD loosing significance to the community.
	The proposal will likely cause the shallowing of the retail mix in the CBD and cause the closure of retail shops, increased vacancy rates and contracting employment. It will: Contribute to the conversion of retail premises to lower value uses. Reduce vibrancy, amenity and activity in the eroding the role of the Community Epicentre of Liverpool. Reduction in complementary activity throughout the town centre and lower public usage (further hindering retailing in the CBD).	Appropriate economic modelling has been undertaken which demonstrates a worst case scenario. It is considered that the proposed development is one of low to moderate economic impact on the Liverpool CBD. The modelling does not support this statement.
	Investment in the Liverpool CBD should be driven by Policy incentives to be in the CBD not out of it. Policy incentives could include density and height bonuses upon the amalgamation of titles; lowering the costs to develop and maintain an asset in the CBD; and grow the Liverpool CBD area so that new development areas and commercial properties are co-located with the CBD.	Council agrees that the Liverpool CBD should be driven by policy incentives to be in the CBD. In fact, the existing Liverpool Local Environmental Plan 2008 provides generous incentives for development in the CBD (including incentives relating to FSR and height) for consolidation of parcels. This is supported by expenditure of Town Improvement Fund and capital funds to improve the vibrancy of the CBD.
14	Supports the proposal as it will improve the viability of the existing bulky goods Mega Centre.	Noted.
15	Supports the proposal as it will improve the viability of the existing bulky goods Mega Centre.	Noted.
16	Petition of 3,500 signatures collected by the applicant in support of the proposal.	Noted.

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17	Supports the proposal and it will improve the retail offering in Liverpool and provide local jobs.	Noted.
18	Objects the proposal on the basis of increased traffic.	A Traffic and Parking Assessment has been undertaken by Dobinson and Associates. In regard to traffic generation and the capacity of the network to accommodate the traffic, the assessment has concluded that the peak demand can be accommodated by the network.
	Notes that the site is subject to flooding.	Noted. The proposed retail use will likely be contained within the existing building. Any future buildings will be subject to a Development Application, at which stage detailed assessment of flooding will be undertaken in accordance with the Liverpool DCP.
	Suggests that the site be rezoned to light industrial to increase manufacturing within the area.	The site is currently zoned B5 Business Development and this zone is to be retained. The Metropolitan Strategy states that retailing which requires large floor areas cannot always be readily accommodated in existing centres and notes that the B5 Business Development Zone is generally an appropriate zone in which to cluster this kind of development. There is adequate industrial zoned lands within the LGA that can be developed to establish manufacturing related uses.
19	Supports the proposal as it will help local businesses.	Noted.
20	Letter of support.	Noted.
21	No objection.	Noted.

LIVERPOOL CITY COUNCIL

CITY PLANNING REPORTS

ORDINARY MEETING **28/11/2012**

ITEM NO:	**PLAN 03**	**FILE NO:**	**RZ-1/2012**
SUBJECT:	**DRAFT AMENDMENT NO. 26 TO LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 - PUBLIC EXHIBITION OUTCOMES**		

Liverpool City Council

Planning Proposal

Liverpool Local Environmental Plan 2008 Amendment No. 26 - Additional Permitted Uses on Part of Lot 200 DP 1090110 Beech Road, Casula (Corner of Beech Road and Parkers Farm Place)

October 2012

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Background

This planning proposal seeks to permit a 13,000 sqm Costco retail premises on Part of Lot 200 DP 1090110 Beech Road Casula.

The site is currently zoned B5 Business Development which does not permit range of uses proposed in the Costco proposal. Costco stores typically operate from traditional purpose built retail warehouse buildings. These generally comprise of large retail floor plates. The Costco Warehouse model also generally comprises a number of ancillary uses/ services within its premises.

These comprise:

- Small cafe - this is referred to as a 'food court' within the Costco model, however it generally involves an indoor seating area and sells a small range of convenience fast food, i.e. pizza, hot dogs, salads and cold beverages for consumption on the premises.
- Tyre Centre - this comprises a drive-in tyre fitting and balancing facility;
- Optometrists - this involves the provision of a reception kiosk and examination rooms;
- Photo processing;
- Hearing facility, hearing aid service/sales; and
- Service Station

It is therefore proposed that an amendment to Schedule 1 to permit retail, business premises, vehicle repair station and service station on the site is the appropriate mechanism to permit the proposal.

The site has a road frontage to both Beech Road and Parkers Farm Place, and vehicular access would be provided from these two frontages. The primary access will be located on Parkers Farm Place which would be located approximately 180m from the Beech Road roundabout. Car parking will be provided on site (with almost 700 car spaces proposed).