



IRF22/4501

Gateway determination report – PP-2022-4091

Green Square and Southern Areas Retail Review

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal (dated November 2022)
Draft Sydney Development Control Plan 2012 – Retail Review of Southern Sydney Amendment

Green Square and Southern Areas Retail Review (prepared by SGS Economics and Planning dated August 2022)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	City of Sydney
PPA	City of Sydney Council
NAME	Green Square and Southern Areas Retail Review
NUMBER	PP-2022-4091
LEP TO BE AMENDED	Sydney Local Environmental Plan 2012
DESCRIPTION	Applies to the entire LGA
RECEIVED	24/11/2022
FILE NO.	IRF22/4501
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Site description and surrounding area

The planning proposal applies to the Green Square and Southern Area of the LGA (City South Area). The City South Area is bordered by Cleveland Street in the north, Southern Cross Drive and the Eastern Distributor to the east, Gardeners Road to the south and Henderson Road and the railway line to the west. **Figure 1** shows the boundary of the City South Area, and the proposed Expanded Retail Area.

The City South Area is Australia's largest urban renewal area and is forecast to accommodate an additional 32,000 dwellings and 60,000 to 70,000 people by 2036.

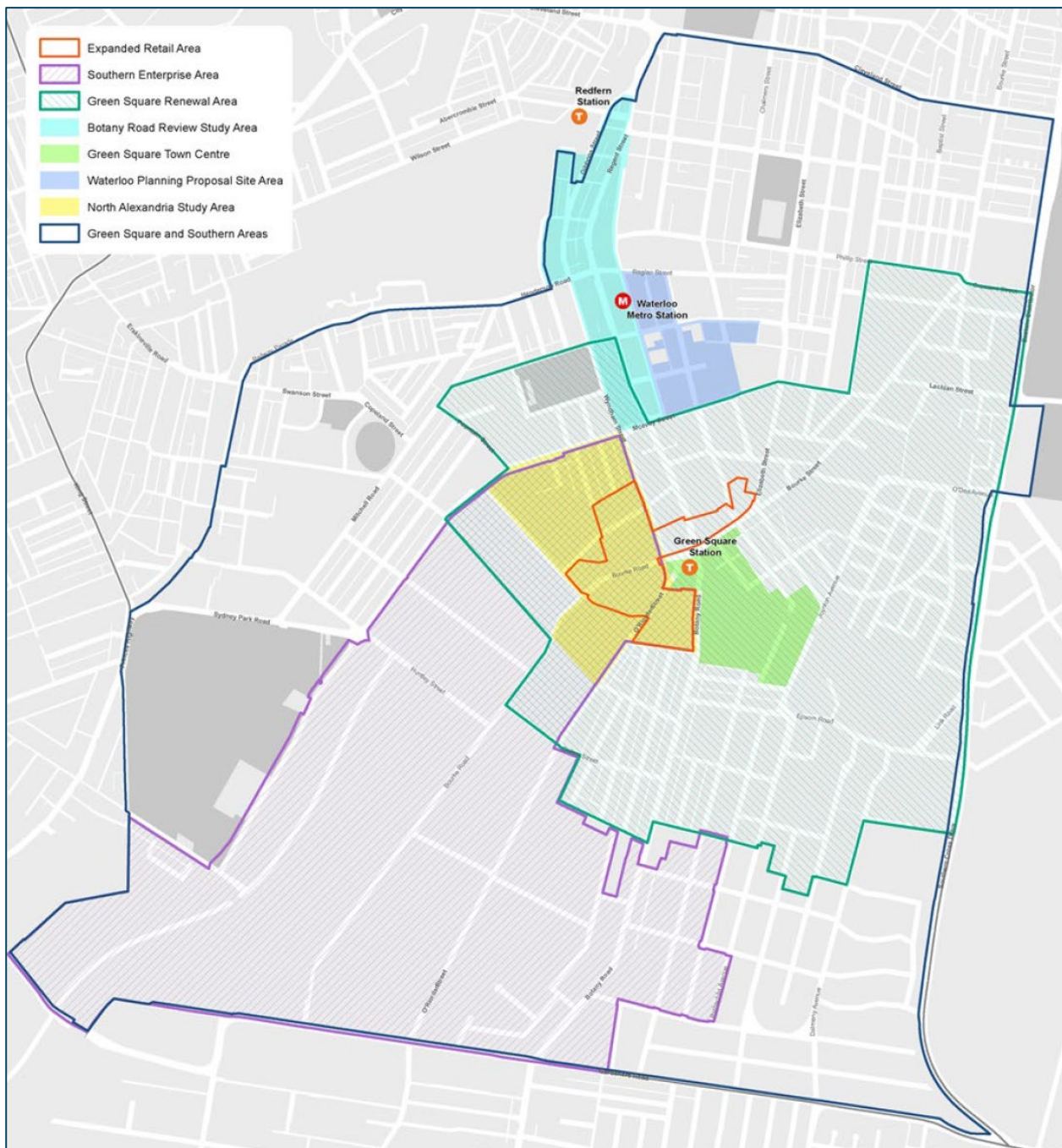


Figure 1: Green Square and Southern Area (City South Area) (Source: Council's Planning Proposal, November 2022)

Expanded Retail Area

The proposed Expanded Retail Area is bound by Bowden Street to the west, the future Green Square to Ashmore Connector (West) and Johnston Street to the south, Botany Road and Bourke Street to the east and Sheas Creek to the north. The area is approximately 140,000m² in area excluding internal roads and comprises on 49 lots. The planning proposal outlines most properties are in single ownership, with only two properties being strata subdivided. Council own two properties, being 34-54 Bourke Road which is operating as a Creative City Depot and 20 O'Riordan Street which is being redeveloped for the Green Square to Ashmore Connector (West). Four properties are owned by state agencies, namely Transport Asset Holding Entity of NSW and Fire and Rescue NSW.



Figure 2: Expanded Retail Area shown in red (Source: Council's Planning Proposal, November 2022)

The Green Square to Ashmore Connector (West) (**Figure 3**) will link O'Riordan Street to Bourke Street and is due to be completed in late 2023.



Figure 3: Green Square to Ashmore Connector (Source: Council's website, link: [here](#))

Part of the Expanded Retail Area is included within the North Alexandria Precinct (shown in **Figure 1**). The Enterprise Area Review planning proposal for North Alexandria (PP-2021-4808) was finalised on 5th October 2022, and the link to the planning portal can be found [here](#). These areas are generally zoned for predominantly employment uses. The area of the Expanded Retail Area

which do not fall within the North Alexandria Precinct are generally zoned for a mixed of uses including residential.

Existing development within the Expanded Retail Area include warehouse buildings of 1-2 storeys and depot sites. Future development of the sites within the Expanded Retail Area include uses ranging between residential, office, retail, hospitality and entertainment venues.

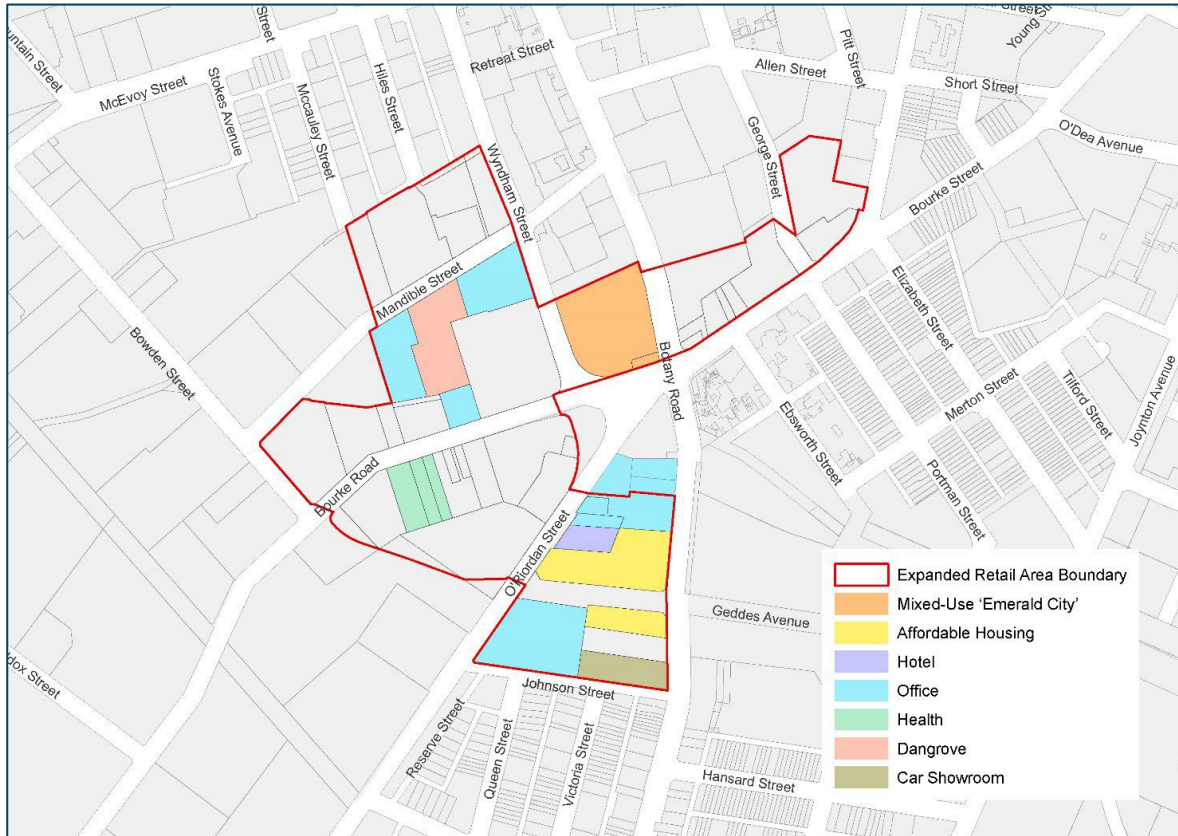


Figure 4 Recent, proposed and approved development within the proposed Expanded Retail Area (Source: Council's Planning Proposal, November 2022)

Figure 4 shows the various uses of sites (including buildings not yet constructed but have received recent development consent) within the proposed Expanded Retail Area.

In May 2022, the Mixed-Use 'Emerald City' development, at 284 Wyndham Street and 296-298 Botany Road, Alexandria was granted development consent (D/2021/319), and includes:

- two 20-storey residential towers above a 2-storey podium consisting of 4,656m² commercial floor space.
- 3,350m² full line supermarket, mini-major and a number of a smaller shops.
- 205 retail parking spaces.

Other key development sites include a proposed mixed-use commercial and medical centre building at 28-32 Bourke Road, Alexandria currently under assessment by the Department ([SSD-38600121](#)) and sites along the east-west connector road are being developed will provide 320 rental affordable housing dwellings.

Existing Planning Controls

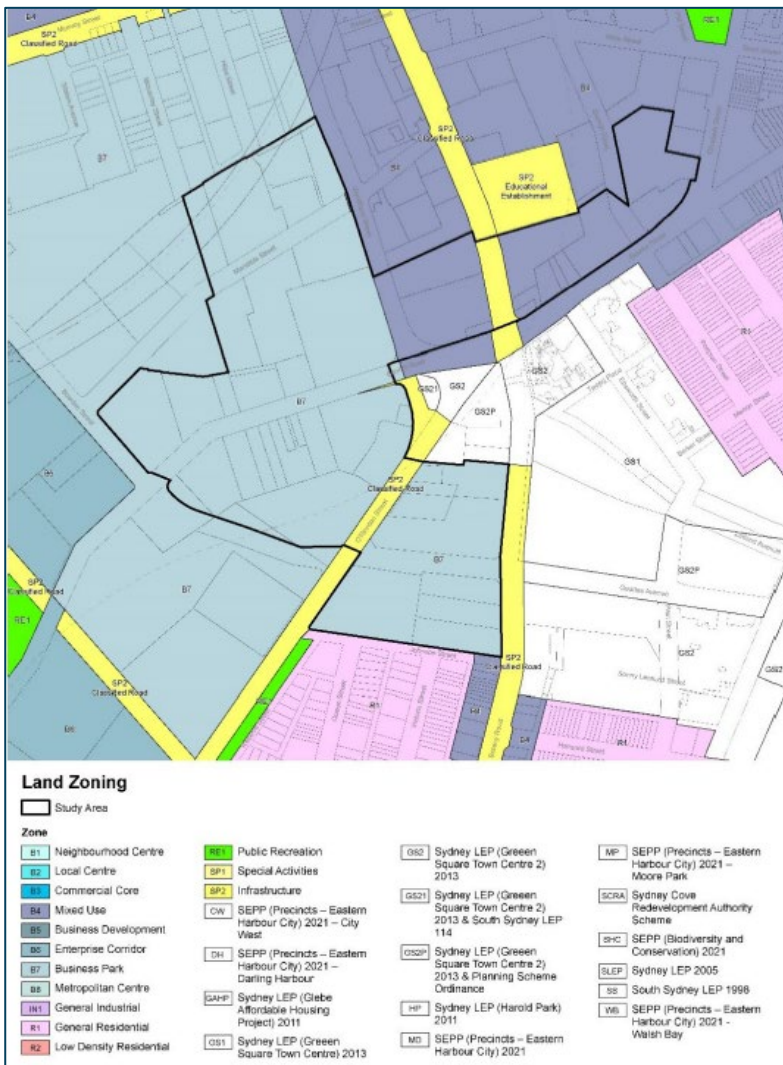


Figure 5: Current Land Zoning Map under the Sydney LEP 2012 with the proposed Expanded Retail Area shown in black (Source: Council's Planning Proposal, November 2022)

Land within the Expanded Retail Area is zoned B4 Mixed Use, B7 Business Park and SP2 Infrastructure (**Figure 5**).

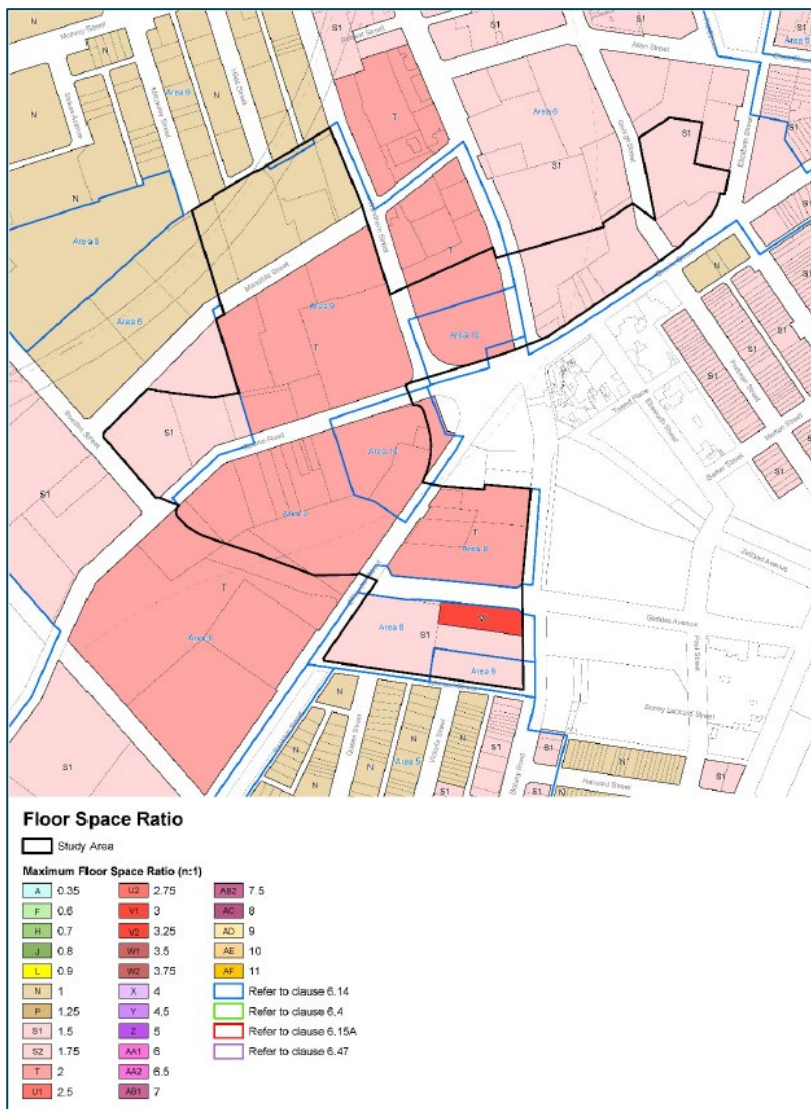


Figure 6: Current Floor Space Ratio Map under Sydney LEP 2012 with the proposed Expanded Retail Area shown in black (Source: Council's Planning Proposal, November 2022)

The Floor Space Ratio (FSR) for land within the Expanded Retail Area ranges from 1.1 to 3:1 (Figure 6).

In addition, Clause 6.14 of the Sydney LEP 2012 allows for a building to be eligible for additional floor space if community infrastructure is provided at Green Square. The following additional floor space is outlined for each Area as follows:

- Area 5 – 0.25:1
- Area 6 – 0.5:1
- Area 7 – 0.75:1
- Area 8 – 1:1
- Area 9 – 1.5:1
- Area 10 – 2.2:1

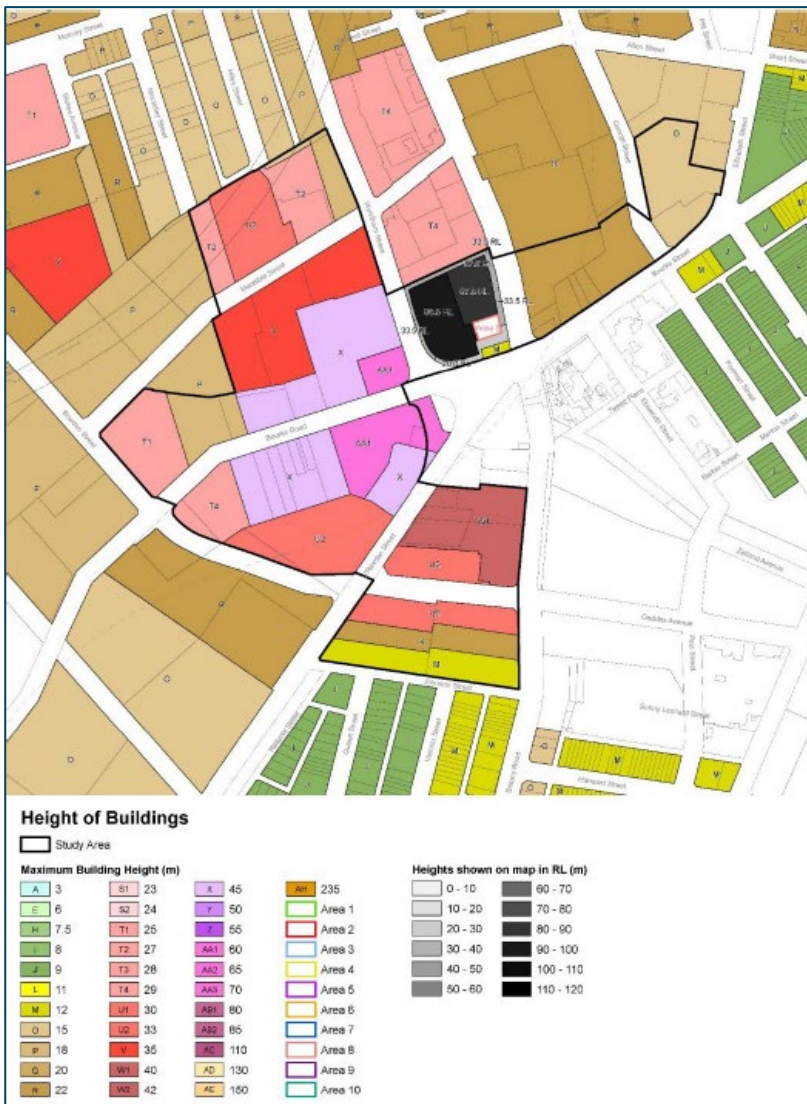


Figure 7: Current Height of Buildings Map under Sydney LEP 2012 with the proposed Expanded Retail Area shown in black (Source: Council's Planning Proposal, November 2022)

The maximum building heights within the Expanded Retail Area ranging from 12 metres (m) to 98.5 m RL (**Figure 7**).

There are two local heritage listed items within the Expanded Retail Area (**Figure 8**):

- The Expanded Retail Area is adjacent to three heritage conservation areas:

- NSW Department of Planning and Environment | 8

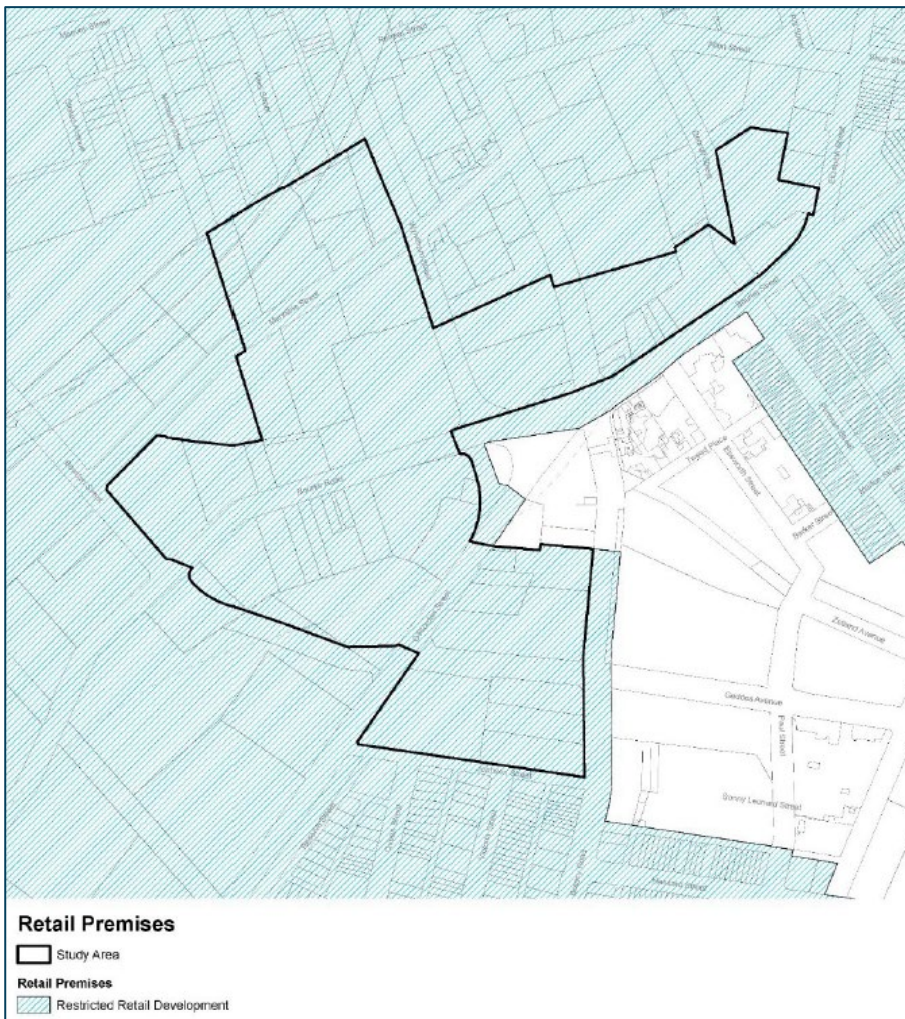


Figure 9: Current Special Character Areas Map – Retail Premises Map under Sydney LEP 2012 with the proposed Expanded Retail Area shown in black (Source: Council's Planning Proposal, November 2022)

Clause 7.23 of the Sydney LEP 2012 applies to land identified as Restricted Retail Development on the Special Character Areas Map – Retail Premises Map (**Figure 9**). Development on the land identified is restricted to no more than 1,000m² of Gross Floor Area (GFA) for the purposes of retail uses.

Clause 7.7(2) of the Sydney LEP 2012 outlines the maximum number of car parking spaces for a building used for retail premises under 2,000m² (**Figure 10**) as follows:

- Clause 7.7(1) of the Sydney LEP 2012 specifies the parking rates outlined in Clause 7.7(2) does not apply to a building with more 2,000m² of GFA used for the purposes of retail premises.

1.3 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal. The intent of the planning proposal is to amend the planning controls to enable opportunities to meet the demand of retail floor space within the southern part of the LGA.

The objectives of the planning proposal are to:

- facilitate capacity for large format retail floor space adjacent to Green Square Town Centre to meet projected demand to 2041.
- support the Town Centre as the primary retail, commercial and community centre in the Green Square and Southern Areas of the LGA.
- manage traffic generation resulting from large retail development.
- activate the public domain within the proposed Expanded Retail Area.

The objectives of this planning proposal are clear and adequate.

1.4 Explanation of provisions

The planning proposal seeks to amend the Sydney LEP 2012 and comprises of three components.

Removal of restriction on size of retail premises

Clause 7.23 of the Sydney LEP 2012 applies to land identified as Restricted Retail Development on the Retail Premises Map, and outlines development consent must not be granted to development for the purposes of shops and markets with a GFA greater than 1,000m².

The planning proposal seeks to amend the Special Character Areas Map – Retail Premises Map to remove the restriction on retail from identified sites and to identify the ‘Expanded Retail Area’ (Figure 11).

Additional provisions for retail development within the Expanded Retail Area

The planning proposal seeks to insert a new clause to Part 7 Division 4 Miscellaneous Provisions of the Sydney LEP 2012 to apply to the proposed Expanded Retail Area. The clause seeks to:

- include an objective to *“ensure retail promotes the economic strength of Green Square Town Centre by limiting the development of private shopping centres and malls and ensuring retail activates the public domain”*.
- ensure retail premises are only located on ground floor.
- ensure retail premises have a frontage to a public place and are primarily accessed by the public directly from a public place, unless it is for the purposes of ‘food and drink premises’. If retail premises do not have a frontage, development consent may be granted if the development contributes to the activation of a public place and does not constitute or contribute to a private shopping centre or arcade or malls.
- ensure retail development contributes to the activation of a public place and does not constitute or contribute to a private shopping centre or arcade or malls.

Within the proposed new clause for the Expanded Retail Area, ‘public place’ is to be defined as it is in the *Local Government Act 1993*.

The planning proposal states the proposed provisions seek to deter ‘inward’ facing retail, such as shopping centres or malls that could potentially compete with the Green Square Town Centre and other planned centres, would not activate the public domain, and may result in additional traffic generation.

Removal of car parking provisions

The planning proposal seeks to delete clause 7.7(1) to ensure all retail premises across the broader City of Sydney LGA are subject to the car parking provisions within Clause 7.7(2).

Clause 7.7(1) of the Sydney LEP 2012 states the maximum number of car parking spaces for a building used for the purposes of retail premises does not apply to buildings which have more than 2,000m² of retail premises. The planning proposal states the effect of removing clause 7.7(1) will result in the rates outlined within clause 7.7(2) will apply to all retail premises within the LGA.

The planning proposal does not seek to amend the zoning, maximum building height or FSR controls within the Sydney LEP 2012.

While the planning proposal contains an explanation of provisions that explains how the objectives of the proposal will be achieved, the Department has imposed a condition to remove any draft clauses from the planning proposal and place into an appendix as example clauses. In addition, the planning proposal is required to be refined to include a plain English explanation of the proposed provisions.

Draft Sydney Development Control Plan 2012 Amendments

The planning proposal is accompanied by an amendment to the Sydney Development Control Plan 2012 (Sydney DCP 2012).

The Sydney DCP 2012 amendment provides new provisions for retail greater than 2,000m² of consolidated floor space and retail within the Expanded Retail Area.

The Department has imposed a Gateway condition requiring Council to exhibit the Sydney DCP 2012 Amendment concurrently with the planning proposal.

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Special Character Areas – Retail Premises Map Sheets 11, 17 and 18 of the Sydney LEP 2012, which are suitable for community consultation (**Figure 11**).

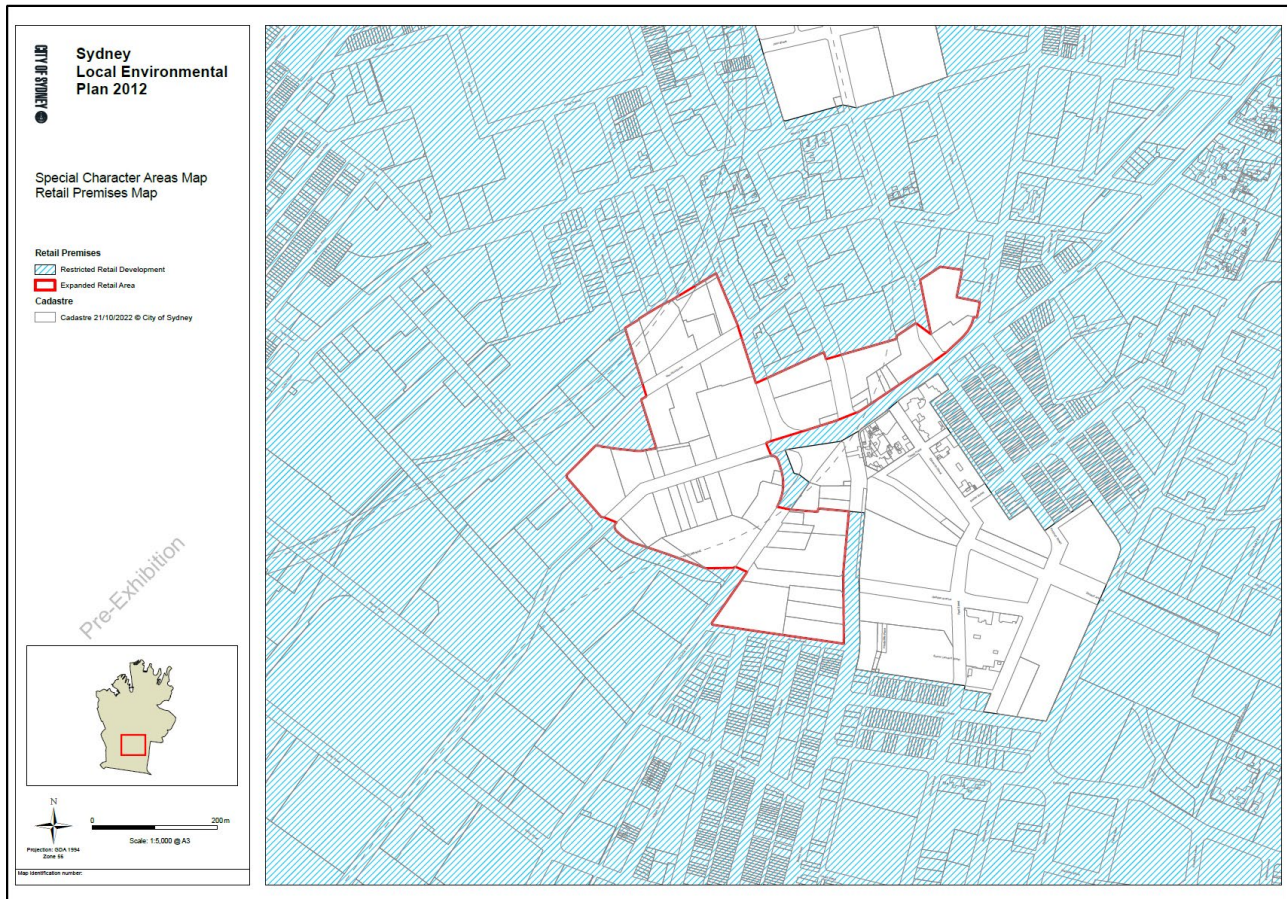


Figure 11: Proposed Special Character Areas Map – Retail Premises Map (Source: Council's planning proposal, November 2022)

1.6 Background

In 2008, Council prepared the Green Square and Southern Areas Retail Study (2008 Study) which established future demand for retail within the City South Area and recommend strategies to ensure the demand could be met. The 2008 Study outlined the need for a hierarchy of retail centres and emphasised the Green Square Town Centre as being the major centre within the hierarchy (**Figure 12**).

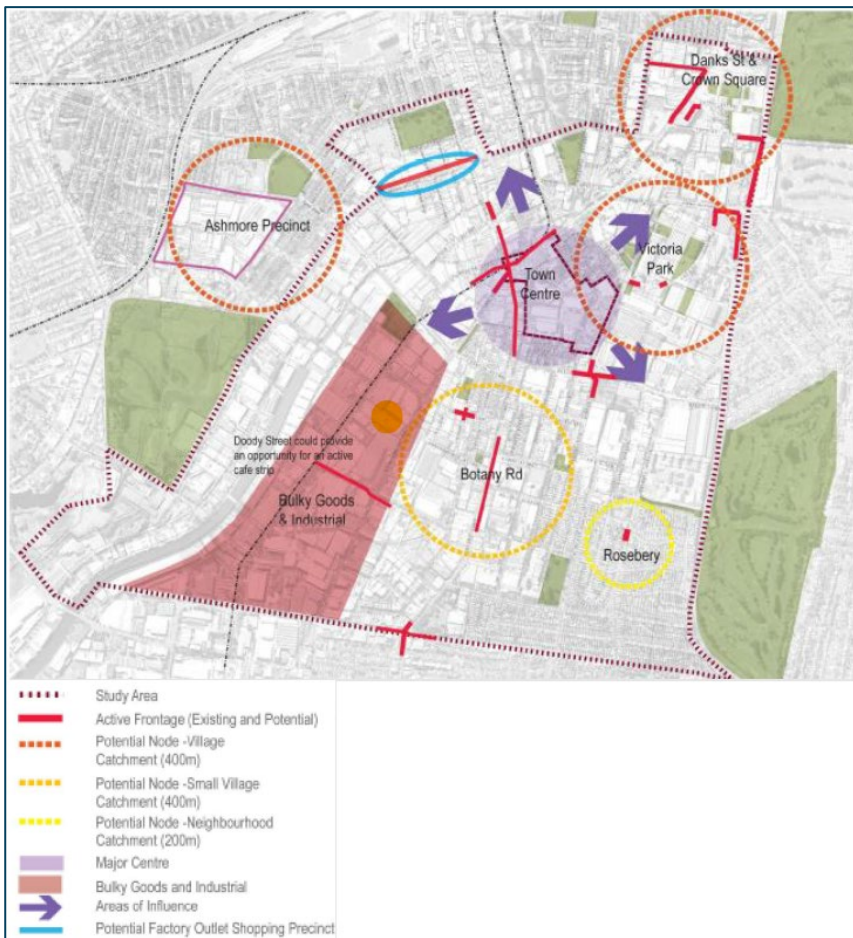


Figure 12: Retail Hierarchy – Green Square and Southern Areas Retail Study 2008 (Source: Green Square and Southern Areas Retail Review, SGS Economics and Planning, August 2022)

In 2010, a research paper Minor Retail Development in Green Square and the Southern Areas was prepared by SGS Economics and Planning (2010 Study). The 2010 Study supported the 2008 Study and recommended retail premises greater than 1000m² be limited to designated centres to prevent retail demand being drawn away from the Green Square Town Centre.

In 2012, Council introduced planning controls for a hierarchy of centres with the Green Square Town Centre established as the primary commercial, retail and civic centre. These controls were informed by the 2008 and 2010 studies. Clause 7.23 within the Sydney LEP 2012 imposes a restriction on the size of retail tenancies located outside the major centres. Council outline this is to ensure that major retail, specifically supermarkets, continue to locate in higher order centres.

Green Square and Southern Areas Retail Review

In 2021, Council commissioned the Green Square and Southern Areas Retail Review (the Review) which seeks to inform the land use controls for the centres of Southern Sydney. The Review was prepared by SGS Economics and Planning and completed in August 2022.

The Review builds on the 2008 and 2010 studies and notes the current planning controls align with the findings of these studies. The Review outlines major community development and both market-led and government-led retail development has occurred since previous studies were conducted, and it is necessary for Council to review the previous studies and determine if the planning controls need to change.

The Review recommended options be investigated to remove the retail tenancy cap for sites immediately adjacent to the Green Square Town Centre. The Review outlined it will unlock additional capacity for retail floorspace to address the existing and forecast supply gap while

ensuring the Green Square Town Centre will meet its role as the major centre within the retail hierarchy.

The Review found there is an under-provision and capacity constraint in the Green Square Town Centre, and additional retail floor space should be provided in the immediate vicinity of the centre. The Review outlines 15,000m² of gross leasable area should be provided above what is already proposed to be delivered by 2041. The Review outlines this could be achieved by providing the retail floor space immediately west of the Green Square Town Centre.

The Department has imposed a Gateway condition requiring Council to exhibit the Review concurrently with the planning proposal.

2 Need for the planning proposal

The planning proposal has been informed by the Green Square and Southern Areas Retail Review, prepared by SGS Economics and Planning dated August 2022.

The planning proposal will continue to give effect to the Greater Sydney Region Plan, Eastern City District Plan, the City of Sydney Local Strategic Planning Statement (City Plan 2036) Sustainable Sydney 2030-2050 'Continuing the Vision' (see **Section 3** of this report).

The planning proposal is one mechanism of achieving the objectives and intended outcomes. The proposed LEP amendments described in this planning proposal will be supported by an amendment to the Sydney DCP 2012.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 7: Communities are healthy, resilient and socially connected.	The proposal is consistent with this objective as it will enable greater retail floor space within close proximity to the Green Square Town Centre, and prioritise opportunities for people to walk, cycle and use public transport.
Objective 15: The Eastern, GPOP and Western Economic Corridors are better connected and more competitive	The proposal is consistent with this objective as it will contribute to the primacy of Green Square Town Centre and strengthen the economic activity by providing further retail floor space.
Objective 22: Investment and business activity in centres.	The proposal is consistent with this objective as it contributes to the target of 5 million square metres of additional retail floor space needed across Greater Sydney over the next 20 years.

3.2 District Plan

The site is within the Eastern City District and the Greater Sydney Commission released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage.	<p>The proposal is consistent with this priority and will deliver Action 21 of the Eastern City District Plan:</p> <p><i>Use place-based planning to support the role of centres as a focus for connected neighbourhoods.</i></p> <p>The proposal will enable additional retail development to be accommodated within close proximity to the Green Square Town Centre.</p>
Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres.	<p>The proposal is consistent with this priority and will deliver Action 49 of the Eastern City District Plan:</p> <p><i>Strengthen Green Square-Mascot through approaches that:</i></p> <p><i>a. protect capacity for job targets and a diverse mix of uses to strength and reinforce the economic role of the centre.</i></p> <p>The proposal will facilitate further retail development within close proximity to the Green Square Town Centre, encouraging further investment and promoting employment growth. In addition, the proposal will contribute to the 2036 higher jobs target of 80,000 for the Green Square-Mascot centre.</p>
Planning Priority E12: Retaining and managing industrial and urban services land.	<p>The proposal is consistent with this priority and will deliver Action 51 of the Eastern City District Plan:</p> <p><i>Retain and manage industrial and urban services land, in line with the Principles for managing industrial and urban services land in the Eastern City District by safeguarding all industrial zoned land from conversion to residential development, including conversion to mixed use zones. In updating local environmental plans, councils are to conduct a strategic review of industrial land.</i></p> <p>The proposal retains and manages industrial land from competing pressures, particularly residential and mixed-use zones.</p>
Planning Priority E20: Adapting to the impacts of urban and natural hazards and climate change	<p>The proposal is consistent with this priority and will deliver Action 75 of the Eastern City District Plan:</p> <p><i>Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards.</i></p> <p>The proposal contains provisions which apply to flood planning areas, however zoning, height of buildings and FSR controls are not proposed to be amended.</p>

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
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Local Strategic Planning Statement	<p>Council's Local Strategic Planning Statement (LSPS) was adopted in February 2020 and sets out the land use planning context, 20-year vision and planning priorities for the City of Sydney.</p> <p>The planning proposal supports the following planning priorities within the LSPS:</p> <ul style="list-style-type: none"> • Priority L1 – Movement for walkable neighbourhoods and a connected City. • Priority L2 – Creating great places • Priority S3 – Increasing resilience of people and infrastructure against natural and urban hazards.
Sustainable Sydney 2030-2050 'Continuing the Vision'	<p>Sustainable Sydney 2030-2050 'Continuing the Vision' renews the communities' vision for the sustainable development of the city to 2050. It contains 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress.</p> <p>The planning proposal will help to deliver on the following directions:</p> <ul style="list-style-type: none"> • Direction 5 – A city for walking, cycling and public transport. • Direction 9 – A transformed and innovative economy.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>The planning proposal is consistent with this direction as it gives effect to the Greater Sydney Regional Plan and Eastern City District Plan.</p>
1.3 Approval and Referral Requirements	Consistent	<p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>The planning proposal does not include any provisions which require concurrence, consultation or referral of DA's to a Minister or public authority.</p>
3.2 Heritage Conservation	Consistent	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The planning proposal is consistent with this direction as it does not remove or alter any existing heritage items.</p> <p>Any future development applications (DA) will consider any heritage impacts.</p>

4.1 Flooding	Consistent	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land. <p>The planning proposal contains provisions which apply to flood planning areas. The proposal does not seek to amend the zoning, maximum building heights and FSR controls.</p> <p>Council contends the planning proposal is in accordance with the Alexandra Canal Floodplain Risk Management Study and Plan.</p> <p>Flooding impacts will be considered in the assessment of future Development Applications (DA). Notwithstanding, the Department has imposed a condition requiring Council consult with the NSW Environment and Heritage (EHG) during public exhibition.</p>
4.4 Remediation of Contaminated Land	Consistent	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>The planning proposal is consistent with this direction as it does not seek to amend the zoning, maximum building heights and FSR controls.</p>
4.5 Acid Sulfate Soils	Consistent	<p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>The planning proposal is consistent with this direction as it does not seek to amend the zoning, maximum building heights and FSR controls and will not result in the intensification of land uses. Future DA's which are mapped as any class of Acid Sulfate Soils will require investigation and mitigation measures to minimise impacts.</p>

5.1 Integrating Land Use and Transport	Consistent	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> a) improving access to housing, jobs and services by walking, cycling and public transport, and b) increasing the choice of available transport and reducing dependence on cars, and c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and d) supporting the efficient and viable operation of public transport services, and e) providing for the efficient movement of freight. <p>The proposed amendments will alter the car parking rates for retail development over 2,000m² across the entire LGA. The Department holds concerns regarding the lack of justification and absence of the quantifiable impacts of the proposed changes and has imposed a condition accordingly. This is further discussed in Section 4.1 of this report.</p>
5.3 Development Near Regulated Airports and Defence Airfields	Consistent	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) ensure the effective and safe operation of regulated airports and defence airfields; b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. <p>The planning proposal does not seek to increase the maximum height of buildings.</p> <p>Notwithstanding, the Department has required the relevant agencies to be consulted during public exhibition, including Airservices Australia and Civil Aviation Safety Authority.</p>
7.1 Business and Industrial Zones	Consistent	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) encourage employment growth in suitable locations, b) protect employment land in business and industrial zones, and c) support the viability of identified centres <p>The Department notes the planning proposal does not seek to amend the zoning, maximum building heights and FSR controls.</p>

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below. The Department has included a condition requiring the planning proposal be updated to include an assessment against the relevant SEPPs.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Biodiversity and Conservation) 2021	Consistent	The planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent	The planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent	The planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.
SEPP (Housing) 2021	Consistent	The planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.
SEPP (Industry and Employment) 2021	Consistent	The planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.
SEPP (Planning Systems) 2021	Consistent	The planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.
SEPP (Precincts – Eastern Harbour City) 2021	Consistent	The planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.
SEPP (Resilience and Hazards) 2021	Consistent	The planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.
SEPP (Resources and Energy) 2021	Consistent	The planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.
SEPP (Sustainable Buildings) 2022	Consistent	The planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.
SEPP (Transport and Infrastructure) 2021	Consistent	The planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Removal of restriction on Retail Premises	<p>The planning proposal seeks to amend the Retail Premises Map to identify the proposed Expanded Retail Area in order to disapply Clause 7.23(3), which specifies development consent cannot be issued for retail development with a GFA greater than 1,000m².</p> <p>The Review identifies a shortfall in retail demand to 2041, and recommended options be investigated to remove the restriction on retail premises on sites located within the vicinity of the Green Square Town Centre. The Review has led to the creation of the Expanded Retail Area. Council outlines the Expanded Retail Area is the most appropriate location to remove the restriction on retail as it is close to the Green Square Town Centre, and serviced by existing public transport and key community infrastructure such as public plazas, schools, community centres and public recreation facilities.</p> <p>The removal of the restriction will create an additional capacity of 15,000m² of gross leasable area for retail development, as well as creating opportunities for supermarkets to locate in the area. Council contends supermarkets create opportunities for other retail (small format) that prefer to co-locate with anchor retail such as supermarkets.</p> <p>The Department supports the removal of the restriction on retail development and creation of the Expanded Retail Area. The establishment of the Expanded Retail Area aligns with the recommendations of the Review and will contribute to supporting the primacy of the Green Square Town Centre.</p>
Public Domain	<p>The planning proposal seeks to promote activation of the public domain within the Expanded Retail Area by providing provisions within the Sydney LEP 2012. The provisions intends to restrict the development of private shopping centres and ensure any retail premises within the Expanded Retail Area are located on ground floor and activate the public domain.</p> <p>While the Department supports and agrees with the intent of these provisions, the drafting of these provisions will be subject to further consideration and assessment during finalisation. The detailed nature of these provisions may be more appropriately located within a DCP rather than an LEP. The Department has imposed a condition requiring Council to provide further justification how these provisions will operate and whether they would be better located in a DCP as opposed the LEP.</p>

Parking	<p>The planning proposal seeks to delete Clause 7.7(1) of the Sydney LEP 2012 which will ensure the parking rates outlined within Clause 7.7(2) will apply to all retail development across the LGA. The intent of the planning proposal is reduce car parking rates for larger format retail development as the number of car parking spaces for retail development with GFA over 2,000m² are established by a site-specific parking study.</p> <p>Council contends the absence of a cap on parking spaces creates uncertainty around traffic generation on larger scale retail development.</p> <p>The Department notes the intent of the planning proposal to reduce traffic generation and agrees with the intent of reducing car parking spaces. However there are concerns regarding the lack of justification for removal of Clause 7.7(1). The planning proposal does not quantify the extent of the impacts across the LGA and provides no evidence or data to support how enabling the parking rates outlined in Clause 7.7(2) will reduce in less spaces than a site-specific study.</p> <p>A condition has been imposed requiring the planning proposal be updated prior to public exhibition to provide further justification for the changes to parking rates and quantify the extent of the impact across the LGA. In addition, a condition has been imposed requiring Council to reconsider the title of the planning proposal, noting the proposed amendments to car parking affect the entire LGA. Consultation with Transport for NSW will be required to be undertaken during public exhibition.</p>
Heritage	<p>The proposed Expanded Retail Area contains two heritage items within the boundary. Five local heritage items and three heritage conservation areas are located within the vicinity of the boundary.</p> <p>The Department considers the impacts to be acceptable, as there are no physical works proposed and future DA's will consider heritage items during assessment.</p>

4.2 Social and economic

The Review identified a shortage in retail floor space within the City South Area, with the greatest under-provision forecasted to be in hospitality and services, supermarkets and other food retail. The Review noted the largest supermarket under-provision emerges in the Waterloo, Green Square and North Alexandria retail clusters. The Review recommended an additional 15,000m² of retail floor space should be provided in the immediate vicinity of the Green Square Town Centre to meet retail demand.

The proposed amendments will enable the opportunity for an additional 15,000m² of retail floor space to be realised in close proximity to the Green Square Town Centre, which will generate significant economic impacts. The Review outlined the City South Area will generate more than \$1.4 billion in retail expenditure by 2041, of which more than \$462 million being supermarkets. The proposed amendments will also enable opportunities for full-line supermarkets to locate within the vicinity of the Green Square Town Centre.

The Department considers the planning proposal will support the primacy of the Green Square Town Centre and enable economic growth within the proximity of established public transport infrastructure.

4.3 Infrastructure

Council identifies that the planning proposal does not increase the density of development in the area, and local infrastructure will be delivered in accordance with the City of Sydney Development

Contributions Plan 2015, applicable Sydney LEP 2012 provisions and Council's long term capital works program.

The Department considers the infrastructure impacts to be acceptable.

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 working days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- Transport for NSW
- Transport Asset Holding Entity of NSW
- NSW Environment and Heritage (EHG)
- Fire and Rescue NSW
- Airservices Australia
- Sydney Airport
- Civil Aviation Safety Authority

6 Timeframe

The planning proposal provides a timeframe of September 2023 for the LEP to be made

The Department has included a condition requiring the LEP to be made on or before 6 November 2023. This is consistent with the timeframes outlined in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021). It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as the local plan-making authority.

Local plan-making authority is not recommended for Council due to the complexities of the planning proposal and the conditions required to be imposed.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- it is consistent with the relevant Section 9.1 Directions.
- it is consistent with the relevant planning priorities of the Eastern City District Plan and relevant SEPPs.

- it is consistent with the relevant local strategies including Council's Local Strategic Planning Statement, Sustainable Sydney 2030-2050 'Continuing the Vision' and Green Square and Southern Areas Retail Review.
- it will provide opportunities for large format retail development to locate adjacent to the Green Square Town Centre.
- it will unlock retail floor space to meet the projected demand to 2041.
- it will strengthen the primacy of the Green Square Town Centre whilst not detracting from its role as a main centre within the Green Square and Southern Areas.

As discussed in the previous sections 4 and 5, the proposal must be updated to:

- provide justification for the removal of Clause 7.7(1) of the Sydney LEP 2012.
- relocate provisions relating to activation of public from the planning proposal to the Development Control Plan.
- include employment number expected to be generated from the proposed amendments.
- remove any draft clauses and include as an appendix providing example clauses.
- provide a clear plain English explanation of the proposed provisions.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to public exhibition to:
 - provide further justification for the removal of Clause 7.7(1) of the Sydney LEP 2012 and evidence for its impact across the LGA. This is to include updates to the title and description of the planning proposal to clearly identify that parts of the planning proposal apply to the broader City of Sydney LGA.
 - provide further justification for including provisions within the planning proposal relating to activation of public domain as opposed to the Development Control Plan.
 - include employment numbers expected to be generated from the proposed amendments.
 - remove any draft clauses from the planning proposal and include as an appendix providing example clauses. Refine the planning proposal to include a clear plain English explanation of the proposed provisions.
2. Prior to community consultation, the planning proposal is to be revised to address condition 1 and forwarded to the Department for review and approval.
3. Consultation is required with the following public authorities:
 - Transport for NSW
 - Transport Asset Holding Entity of New South Wales
 - NSW Environment and Heritage (EHG)
 - Fire and Rescue NSW
 - Airservices Australia
 - Sydney Airport
 - Civil Aviation Safety Authority
4. The planning proposal should be made available for community consultation for a minimum of 20 days as identified in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

5. Council is to exhibit the associated draft amendment to Sydney Development Control Plan 2012 and Green Square & Southern Areas Retail Review, prepared by SGS Economics & Planning dated August 2022, concurrently with the planning proposal.
6. Exhibition should commence within 50 days following the date of the gateway determination as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
7. The LEP should be completed on or before 6 November 2023.
8. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



2/2/23

 (Signature)

 (Date)

Adrian Melo

Manager, Metro East & South (City)



3/02/2023

 (Signature)

 (Date)

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