



Planning,  
Industry &  
Environment

IRF20/5895

## Gateway determination report – PP-2020-4117

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Georges River LEP '21 Planning Proposal (310 dwellings)

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# 1 Introduction

## 1.1 Overview of planning proposal

The planning proposal is supported by the following reports and plans:

- Planning Proposal Report – LEP '21
- Appendix 1 – Amended LEP Instrument – Manor Houses and Terraces
- Appendix 2 – Proposed LEP Mapping
- Appendix 3 – State Environmental Planning Policies
- Appendix 4 – Ministerial Directions
- Letter to DPIE – Request for a Gateway determination – LEP '21
- Local Planning Panel Meeting Agenda – 29 October 2020
- Local Planning Panel Meeting Agenda – 29 October 2020 – Addendum Report
- Local Planning Panel Meeting Minutes – 29 October 2020
- Council Environment and Planning Committee Meeting Agenda – 9 November 2020
- Council Environment and Planning Committee Meeting Minutes – 9 November 2020
- Council Meeting Agenda – 23 November 2020
- Council Meeting Minutes – 23 November 2020
- Traffic Impact Assessment prepared by Transport and Traffic Planning Associated dated December 2020
- Land Use Safety Study prepared by Arriscar Risk Engineering – 23 December 2020

**Table 1 Planning proposal details**

LGA	LGA name
PPA	Georges River Council
NAME	Georges River LEP '21 Planning Proposal
NUMBER	PP-2020-4117
LEP TO BE AMENDED	the Hurstville Local Environmental Plan (LEP) 2012, the Kogarah LEP 2012 and/or the draft Georges River Comprehensive LEP (draft GRLEP) once notified
ADDRESS	Various – see site description below
DESCRIPTION	Various – see site description below
RECEIVED	11/12/2020
FILE NO.	IRF20/5895
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 Georges River LEP '21 Planning Proposal (the planning proposal) includes three distinct parts, being:

- Rezoning the Narwee Housing Investigation Area (HIA);
- medium density housing amendments to introduce 'manor house' and 'multi-dwelling housing (terraces)' as permitted with consent in the R3 Medium Density (R3) and R4 High Density (R4) residential zones with associated minimum lot size and lot width development standards; and
- Housekeeping mapping amendments at:
  - 199 Rocky Point Road, Ramsgate;
  - 33 Dora Street, Hurstville; and
  - 3-11 Hillcrest Avenue, Hurstville

The planning proposal seeks to amend the Hurstville LEP 2012, the Kogarah LEP 2012 and/or the draft Georges River Comprehensive LEP (draft GRLEP) once notified.

The planning proposal implements LEP amendments which are consistent with the draft GRLEP. On 10 March 2020, a Gateway determination was issued for the draft GRLEP, was publicly exhibited from 1 April to 31 May 2020 and subsequently endorsed by the Georges River Local Planning Panel (LPP) to be finalised.

The detailed site analysis for each of these three parts are discussed below:

### Narwee Housing Investigation Area

#### *The Site*

The Narwee Housing Investigation Area (HIA), comprises an area of approximately 6.5 hectares and includes approximately 109 existing dwellings (**Figure 1**).



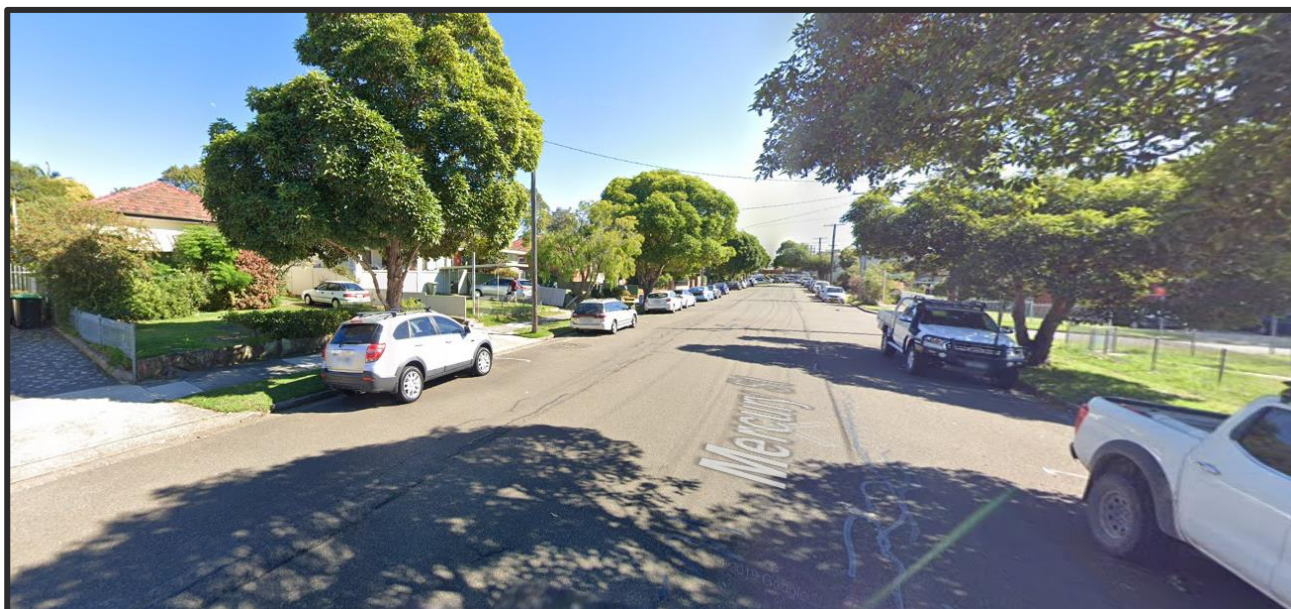
**Figure 1: The site highlighted red (source: Nearmaps)**



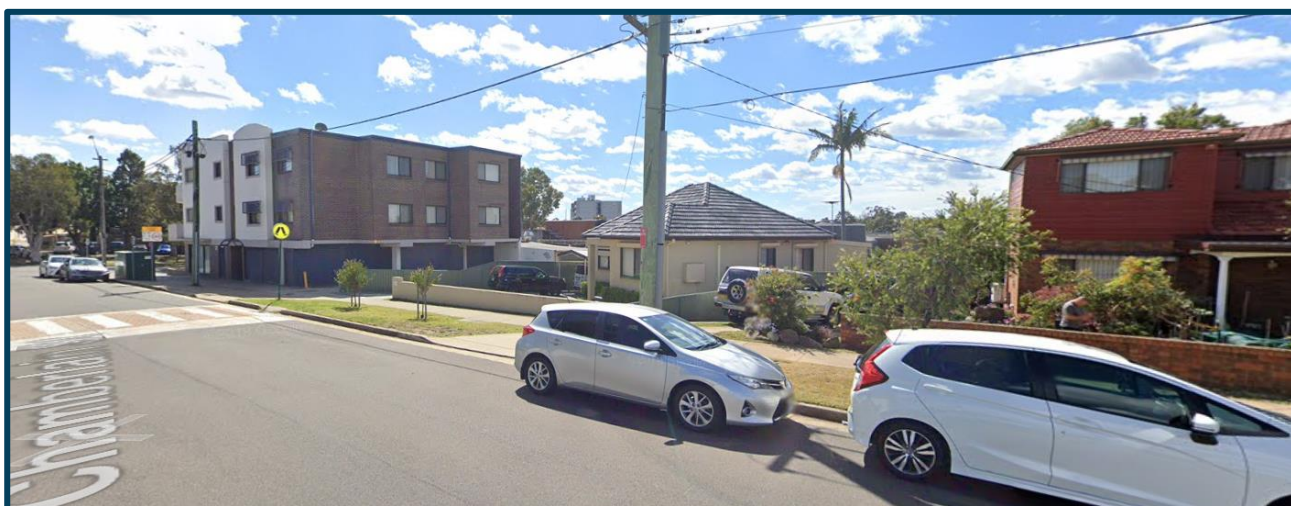
The Narwee HIA incorporates land to the south of the existing Narwee Village, east of Chamberlain Street, across Mercury Street and Berrillee Road towards Bryant Street.

The majority of the Narwee HIA is composed of single and two storey detached dwelling houses of varying ages, architectural styles (**Figure 2**). There is also some contemporary development that includes transition buildings adjacent to the Narwee Village (**Figure 3**).

The streets are generally capable of accommodating on street parking with unrestricted two-way vehicle movement.



**Figure 2: Street view of existing development along Mercury Street (source: Google Streetview)**



**Figure 3: Street view of transitional development along Chamberlain Street (source: Google Streetview)**

### *Surrounding Area*

The Narwee HIA adjoins the Narwee Village to the north, which includes various commercial land uses (**Figure 4**). The other land immediately surrounding the site includes surrounding land to the single and two storey detached dwelling houses typical of that found within the Narwee HIA.

Rasdall Park (**Figure 5**) to the north east and Narwee Park (**Figure 6**) to the south west also adjoin the Narwee HIA.





Figure 4: Street view of Narwee Village from Broadarrow Road (source: Google Streetview)



Figure 5: Rasdall Park (source: Google Streetview)



Figure 6: Narwee Park (source: Google Streetview)

The Narwee HIA is located approximately:

- 150m south of Narwee Station;
- 700m south of the M5 Motorway;
- 2.8km north-west of Hurstville Strategic Centre;
- 4km south east of Bankstown Strategic Centre;
- 40mins on the T8 Airport and South Line from Sydney CBD;
- 80m south of Narwee Public School;
- adjoins Rasdall Park (to the east) and Narwee Park (to the west);
- 1.6km east Riverwood Library;
- 1.5km east the Riverwood local centre; and
- 1.5km south of Roselands Shopping Centre.

The Narwee HIA is also located near the boundary of the Canterbury Bankstown LGA. Consequently, a condition has been included in the Gateway to consult with this Council during community consultation.

### Medium Density Housing Amendments

The proposed medium density housing amendments under this planning proposal apply to the existing R3 and R4 zoned land under the Hurstville LEP 2012 and Kogarah LEP 2012, or if notified, the draft GRLEP.

These medium density housing amendments seek to introduce 'manor house' and 'multi-dwelling housing (terraces)' as permitted with consent in the R3 Medium Density (R3) and R4 High Density (R4) residential zones with associated minimum lot size and lot width development standards

There are 2,816 lots currently zoned R3 and R4 in the Georges River LGA, being:

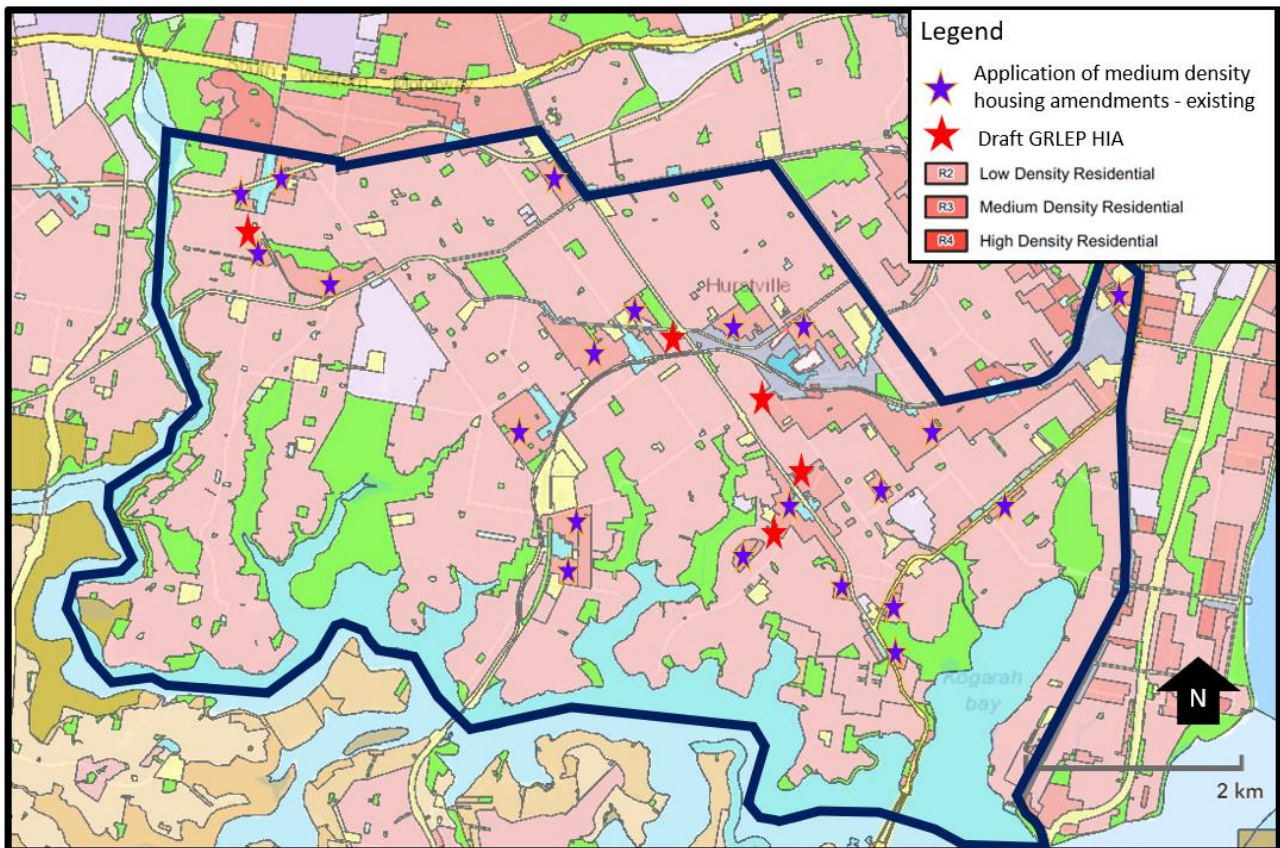
- 1,103 R3 lots under Hurstville LEP 2012;
- 1,559 R3 lots under Kogarah LEP 2012;
- 154 R4 lots under Kogarah LEP 2012; and
- No lots are zoned R4 under the Hurstville LEP 2012.

The draft GRLEP proposes to rezone five HIA to R3 and R4 where the proposed medium density housing amendments will also apply. These five HIA are as follows:

- Hillcrest Avenue, Hurstville – R2 to R4;
- Apsley Estate, Penshurst – R2 to R3;
- North and West of Peakhurst Park, Peakhurst – R2 to R3;
- Culwulla Street, South Hurstville – R2 to R3; and
- Greenacre Road, South Hurstville – R2 to R3.

Including the proposed rezoning of the Narwee HIA, there could be 669 R3 lots and 2,514 R4 lots in the Georges River LGA if the draft GRLEP is finalised. This totals 3,183 lots, which is indicatively identified in **Figure 7** below.





**Figure 7: Applicable of the proposed medium density housing amendments, with the Georges River LGA highlighted in black (source: NSW Planning Portal)**

#### Housekeeping Amendments

##### *Site Analysis of 199 Rocky Point Road, Ramsgate*

199 Rocky Point Road is located within the Ramsgate Local Centre. The site is surrounded by buildings ranging in height up to 4 storeys, with uses including commercial, retail and residential.

The site composes a single storey building being used for retail purposes, with vehicular access attained off Rocky Point Road (**Figures 8 and 9**).



Figure 8: 199 Rocky Point Road, Ramsgate highlighted red (source: Nearmaps)

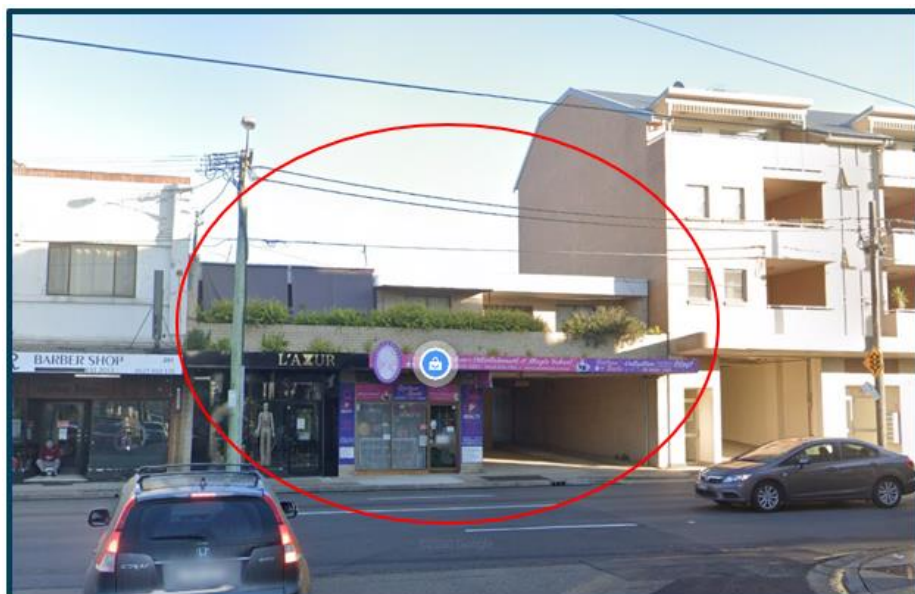


Figure 9: 199 Rocky Point Road, Ramsgate highlighted red (source: Google Streetview)

#### Site Analysis of 33 Dora Street, Hurstville

33 Dora Street is located at the edge of Hurstville Centre adjoining Waratah Private Hospital. The site contains a semi-detached Victorian terrace which forms part of a group heritage listing for a row of Victorian Terraces at 33-47 Dora St, Hurstville (**Figures 10 and 11**).





Figure 10: 33 Dora Street highlighted in red (source: Nearmaps)

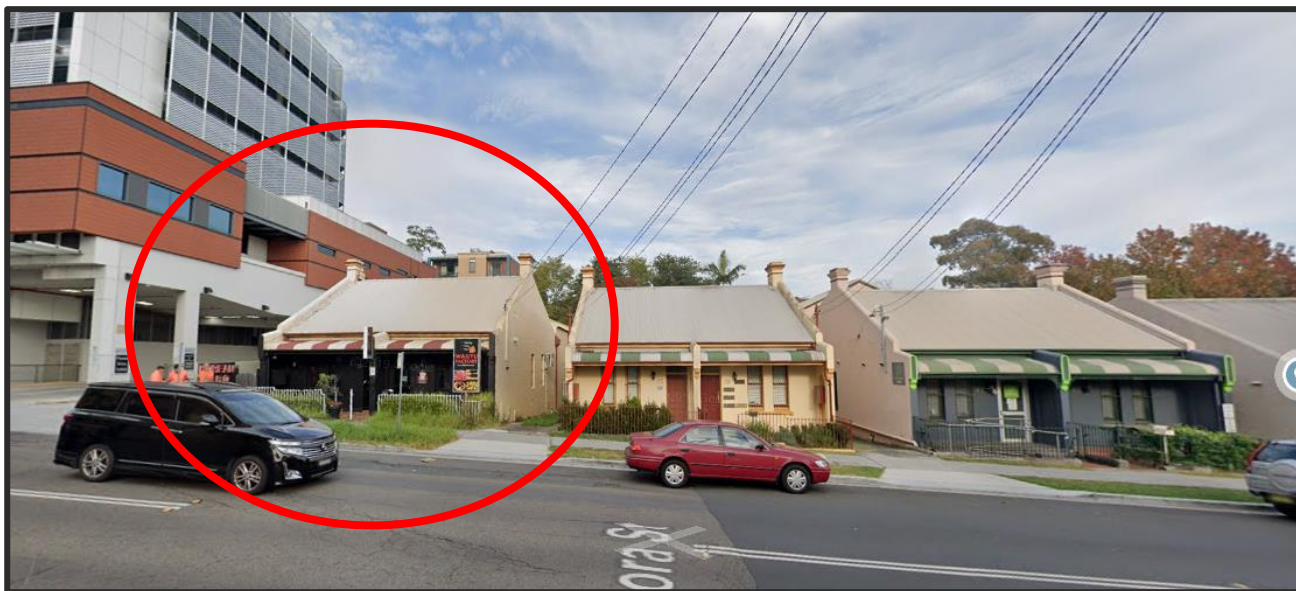


Figure 11: 33 Dora Street highlighted in red (source: Google Streetview)

#### Site Analysis of 3-11 Hillcrest Avenue, Hurstville

3-11 Hillcrest Avenue is one of five HIA proposed to be upzoned by the draft GRLEP. This site is located at the interface between the Hurstville City Centre and the adjoining R2 and R4 zones. The O'Brien's Estate Heritage Conservation Area (HCA) is located at the rear of this site (**Figures 12 and 13**).





Figure 12: 3-11 Hillcrest Street highlighted in red (source: Nearmaps)

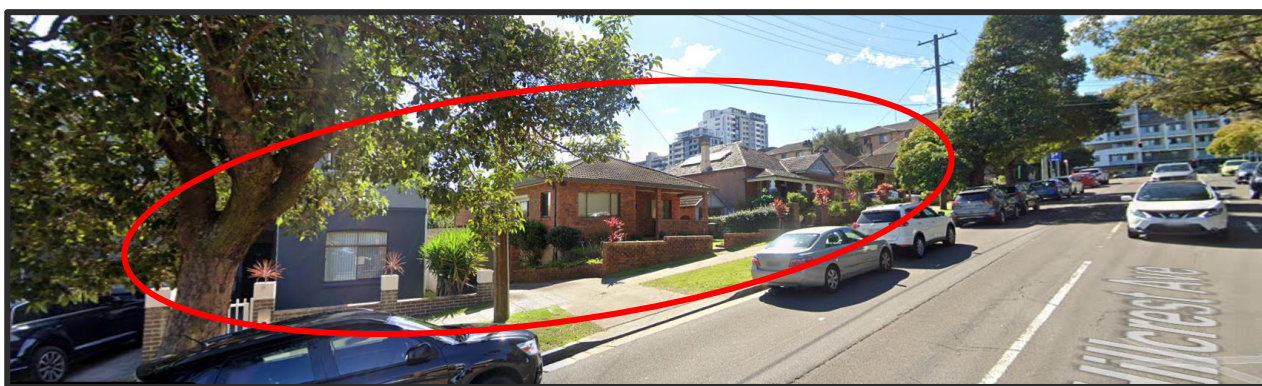


Figure 13: 3-11 Hillcrest Street highlighted in red (source: Google Streetview)

## 2 Proposal

### 2.1 Objectives or intended outcomes

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Provide for additional housing choice and capacity;
- Contribute towards the housing targets imposed by the State Government; and
- Resolve a number of considerations from the Georges River LEP 2020.

The objectives of this planning proposal are clear and adequate.

### *The planning proposal and Accelerated LEP Review Program*

The planning proposal has been prepared in response to the approval by the Minister of Planning and Public Spaces (the Minister) for an extension to the Accelerated LEP Review Program (the Program). This program required the nominated councils, including Georges River, to update their LEPs to give effect to their Local Strategic Planning Statement (LSPS) within a 2-year timeframe. The program required the planning proposal be prepared, publicly exhibited and re-submitted to the Department for finalisation by 30 June 2020. To assist with the delivery of this program, including investigations to form a contemporary evidence base, \$2.5 million in funding was provided to each council.

Though Council met this deadline, an extension was granted by the Minister to spend any unused funding from this program for further strategic and master planning work which aligned with Council's LSPS. However, this was subject to the preparation of a planning proposal to address the shortage of housing supply as compared to the GSC's 6-10-year housing targets and the current housing pipeline of supply and completions.

This planning proposal has been prepared in response to the Minister's advice.

## 2.2 Explanation of provisions

The planning proposal seeks to amend the Hurstville LEP 2012, the Kogarah LEP 2012 and/or the draft Georges River Comprehensive LEP (draft GRLEP) once notified. The Hurstville LEP 2012 and Kogarah LEP 2012 are known as the Legacy LEPs. Collectively, the Hurstville LEP 2012, Kogarah LEP 2012 and draft GRLEP are referred to as Council's LEPs. As discussed previously, the planning proposal includes three distinct LEP amendments, being:

- The Narwee Housing Investigation Area – refer to **Table 1** for proposed LEP amendments;
- Medium density housing amendments to Council's LEPs, being to:
  - introduce 'manor house' and 'multi-dwelling housing (terraces)', as defined in SEPP (Exempt and Complying Development Codes) 2008 (the Codes SEPP);
  - introduce 'manor house' and 'multi-dwelling housing (terraces)' as permitted land uses into the R3 & R4 zones across the LGA;
  - introduce a minimum lot size of 800sq.m and a minimum lot width of 18m for 'manor house'; and
  - introduce a minimum lot size of 800sq.m and a minimum lot width of 21m for 'multi-dwelling housing (terraces)'.
- Housekeeping amendments at 199 Rocky Point Road, Ramsgate; 33 Dora Street, Hurstville; and 3-11 Hillcrest Avenue, Hurstville – refer to **Table 2** for proposed LEP amendments.

**Table 1 Current and Proposed controls – Narwee Housing Investigation Area**

Control	Current – Hurstville LEP 2012	Proposed
Zone	R2 Low Density Residential and SP2 Infrastructure	R3 and R4 zones
Maximum height of the building	9m	R3: 9m (no change) R4: 13m

Maximum floor space ratio	0.6:1	R3: 0.7:1 R4: 1:1
Minimum subdivision lot size	450sq.m.	R3: 800sq.m. R4: 1000sq.m.
Number of dwellings	n/a	310 dwellings

**Table 2 Current and Proposed controls – Housekeeping Amendments**

Control	The Site	Current (Relevant LEP)	Proposed
Zoning	199 Rocky Point Road, Ramsgate	part B2 Local Centre and part R4 (Kogarah LEP 2012)	no change
	33 Dora Street, Hurstville	B4 Mixed Use (Hurstville LEP 2012)	no change
	3-11 Hillcrest Avenue, Hurstville	R4 (draft GRLEP)	no change
Maximum height of the building	199 Rocky Point Road, Ramsgate	21m (Kogarah LEP 2012)	part 15m and part 21m
	33 Dora Street, Hurstville	30m (Hurstville LEP 2012)	15m
	3-11 Hillcrest Avenue, Hurstville	12m (draft GRLEP)	13m
Floor space ratio	199 Rocky Point Road, Ramsgate	2.5:1	part 1.5:1 and part 2.5:1
	33 Dora Street, Hurstville	3:1 (Hurstville LEP 2012)	no change
	3-11 Hillcrest Avenue, Hurstville	1.1 (draft GRLEP)	no change

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. Though referenced elsewhere, the explanation of provisions only identifies the amendment of the draft GRLEP and not the existing Hurstville LEP 2012 or Kogarah LEP 2012. The Gateway determination has been conditioned to update the explanation of provisions to identify the existing as well as the proposed of Council's LEPs accordingly.

However, Section 4.1 of this report requires the explanation of provisions be updated to address the recommendations of the Narwee Housing Investigation Area Risk Assessment prepared by Arriscar and dated 23 December 2020.



Similarly, as discussed in Section 4.5.1 of this report, the planning proposal contains provisions inconsistent with the Codes SEPP and Standard Instrument—Principal Local Environmental Plan (Standard Instrument).

Nonetheless, once the planning proposal is updated in accordance with the conditions discussed above and in Sections 4.1 and Section 4.5.1, the explanation of provisions will be adequate for community consultation.

#### Consistency with the draft GRLEP

The draft GRLEP is currently being finalised by the Department following community consultation. Should this plan be finalised, it will replace the three existing LEPs that apply in the LGA. In light of this current status, it is considered necessary to understand the planning proposal's consistency with the draft GRLEP.

The Department's analysis has found the proposed LEP amendments to be consistent with the draft GRLEP, which is discussed in further detail below:

#### *Narwee HIA*

The proposed rezoning of the Narwee HIA is consistent with the provisions under the draft GRLEP, because:

- the proposed development standards for the R3 and R4 zone correspond with those proposed for similar built form outcomes under the draft GRLEP;
- no site specific provisions apply to the identified Narwee HIA under the draft GRLEP; and
- the relevant provisions of the draft GRLEP apply consistently to all other proposed R3 and R4.

It is also intended that the rezoning implement land uses consistent with the R3 and R4 zones proposed under the draft GRLEP into Council's LEPs as equivalent.

#### *Medium Density Housing Amendments*

The proposed medium density housing amendments under this planning proposal are consistent with similar provisions under the draft GRLEP, because:

- the introduction of minimum lot sizes and minimum lot widths for 'manor house' and 'multi dwelling housing (terraces)' is consistent with the proposed provisions of similar land uses under the draft GRLEP, being:
  - 'attached dwellings' – a minimum 800sq.m lot size with a minimum 21m lot width; and
  - 'multi dwelling housing' – a minimum 800sq.m lot size with a minimum 18m lot width; and
- the application of lot widths corresponds with similar built form outcomes in the draft GRLEP, being:
  - 21m for development that typically addresses a road; and
  - 18m where it typically does not.

#### *33 Dora Street, Hurstville*

This planning proposal seeks to resolve an existing mapping error in the Hurstville LEP 2012 that has been carried over into the draft GRLEP. The mapping anomaly incorrectly identifies the existing heritage item (I119 of Hurstville LEP 2012) as having a height of building of 30m rather than the corresponding 15m of other heritage items at 35-49 Dora Street.

The height was corrected from 30m to 15m and included in the exhibited version of the draft GRLEP planning proposal. However, post-exhibition the Georges River Local Planning Panel

resolved that the existing height for 33 Dora Street be re-instated to 30 metres because of concerns that the mapping change was not explicitly identified in the exhibited planning proposal.

This amendment is consistent with the draft GRLEP as this mapping anomaly was originally proposed to be resolved under that planning proposal.

#### *199 Rocky Point Road, Ramsgate*

This planning proposal seeks to resolve an existing mapping error in the Kogarah LEP 2012 that has been carried over into the draft GRLEP.

This mapping anomaly was identified during the preparation of LEP 2020. The mapping anomaly incorrectly retains a single FSR and height of building across the site rather than being split to correspond with the remainder of the street block.

However, post-exhibition the Panel resolved that the existing height and FSR for 199 Rocky Point Road be re-instated because of concerns that the mapping change was not explicitly identified in the exhibited planning proposal.

This amendment is consistent with the draft GRLEP as this mapping anomaly was originally proposed to be resolved under that planning proposal.

#### *3-11 Hillcrest Avenue, Hurstville*

The increase in the building height from 12m to 13m is consistent with the relevant LEP amendments proposed under the draft GRLEP as it ensures a consistent approach is applied to all new R4 zones.

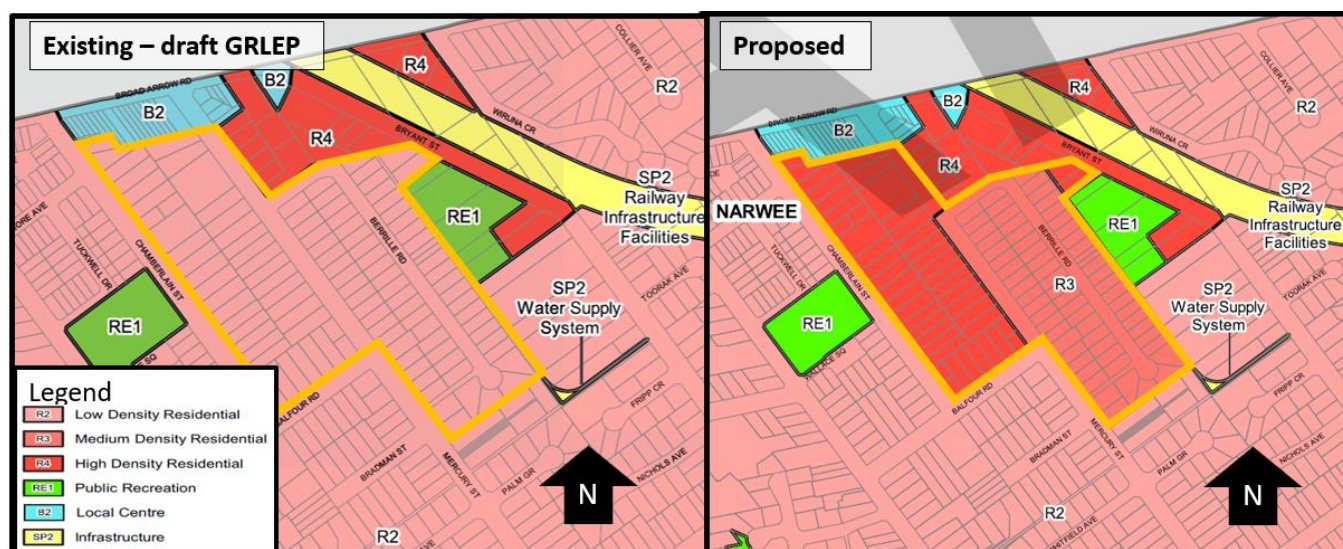
## 2.3 Mapping

The planning proposal includes LEP mapping amendments that change the zoning, height of buildings, FSR and minimum lot size maps of the draft GRLEP. At the time of this report, the draft GRLEP has yet to be finalised. The planning proposal should be amended to show the mapping changes from the existing Kogarah and Hurstville LEPs.

Further amendments to the LEP mapping are needed prior to community consultation to address the findings of the land use safety study prepared by Arriscar Risk Engineering Solutions. This is discussed further in Section 4.1 of this report.

Once updated in accordance with the conditions discussed in Section 4.1, the mapping will be suitable for community consultation.

#### Narwee Housing Investigation Area



**Figure 14: zoning maps with the site highlighted in orange (source: planning proposal)**



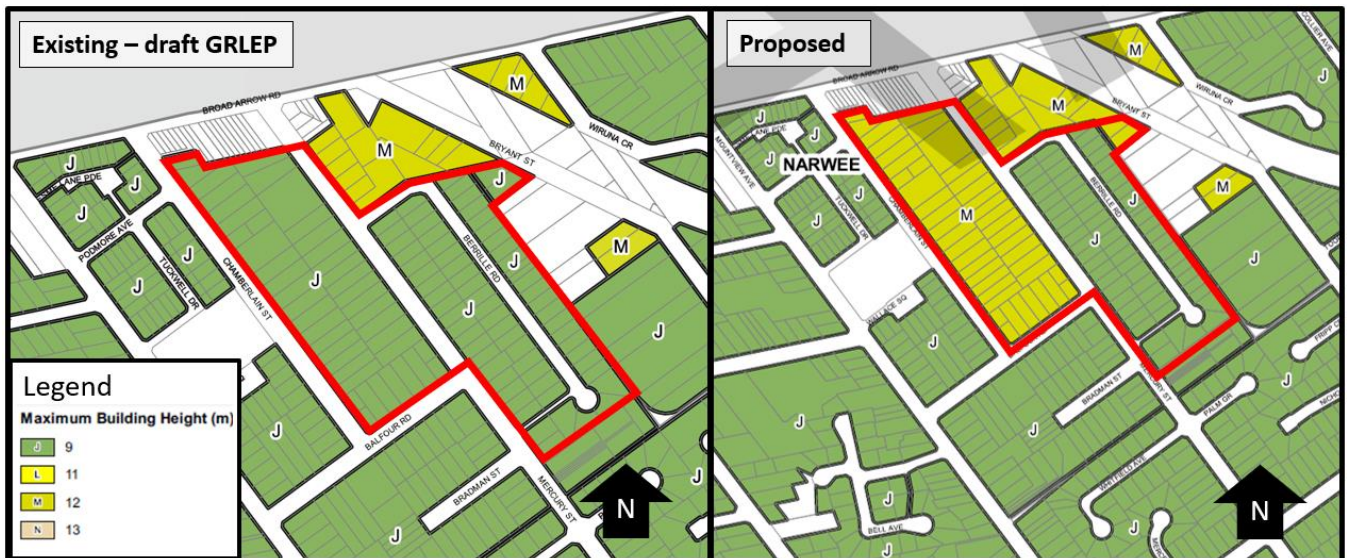


Figure 11: height of building maps with the site highlighted in red (source: planning proposal)

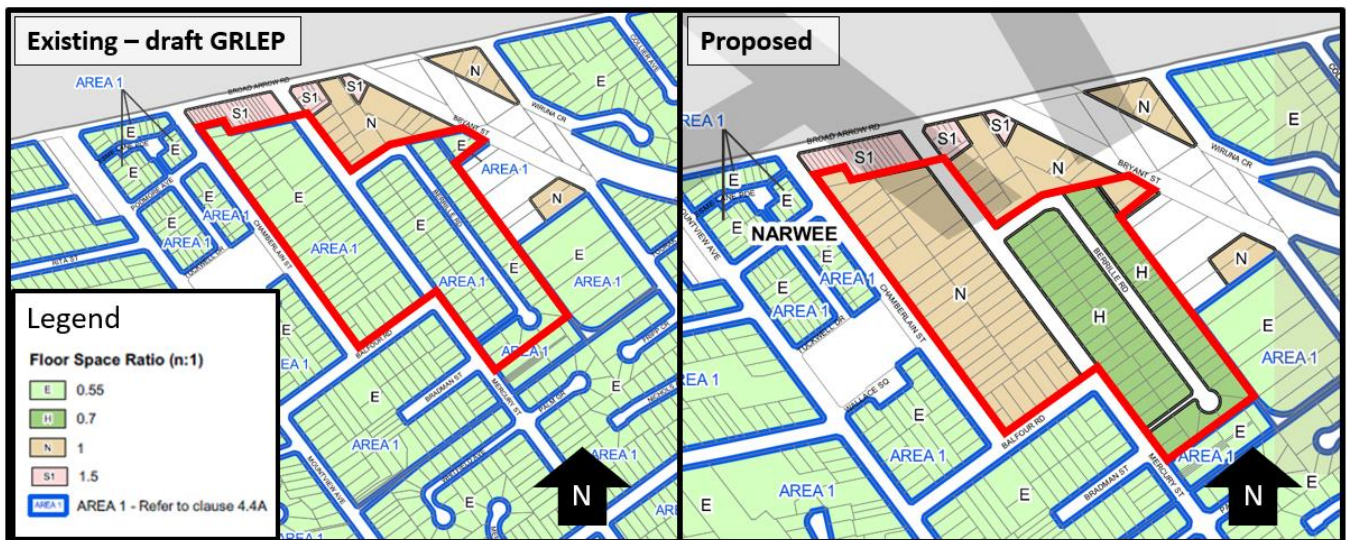


Figure 16: floor space ratio maps with the site highlighted in red (source: planning proposal)

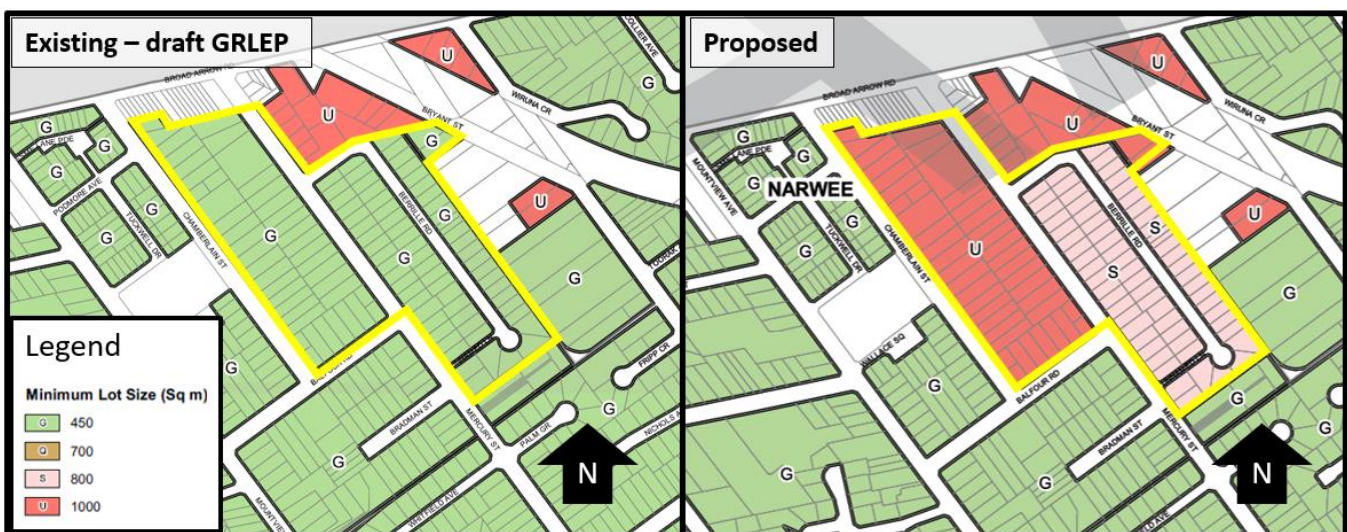


Figure 17: minimum lot size maps with the site highlighted in yellow (source: planning proposal)



### Medium Density Housing Amendments

No mapping changes are proposed or required.

### Housekeeping Amendments

199 Rocky Point Road, Ramsgate

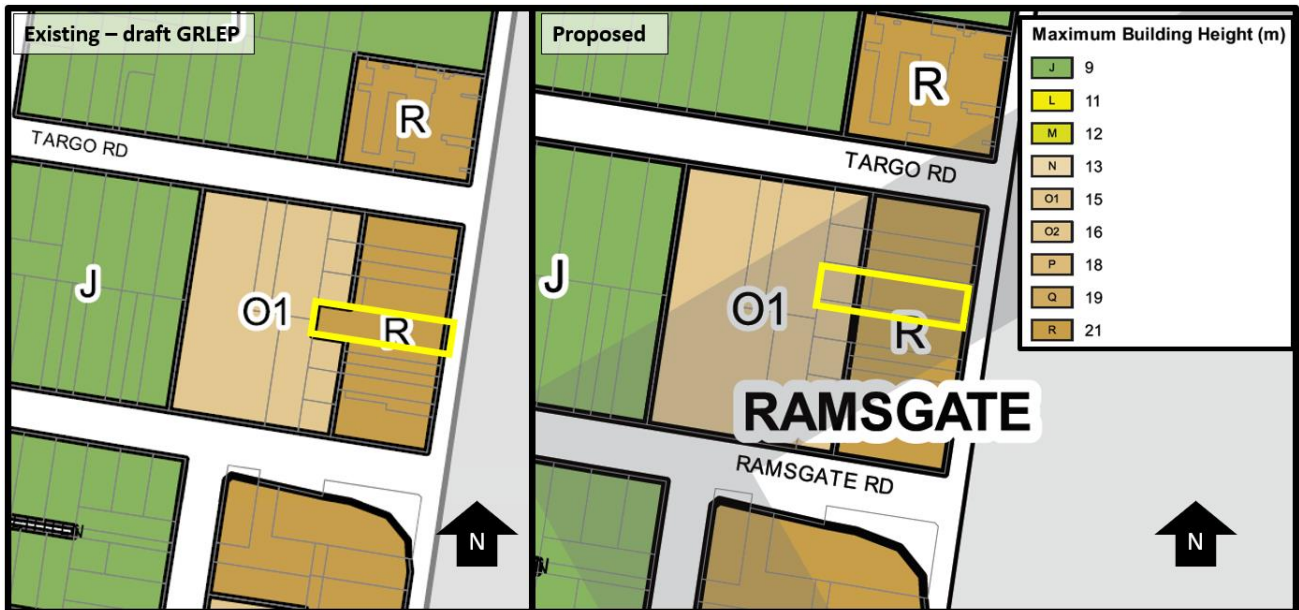


Figure 18: height of building maps with the site highlighted in yellow (source: planning proposal)

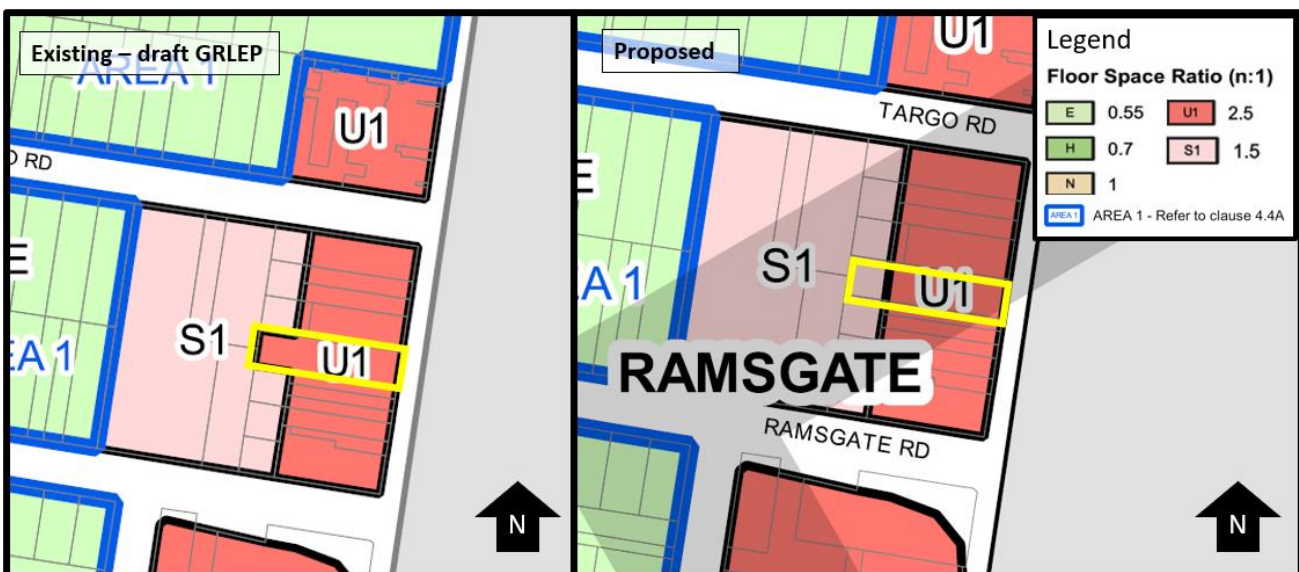


Figure 19: FSR maps with the site highlighted in yellow (source: planning proposal)

## 33 Dora Street, Hurstville

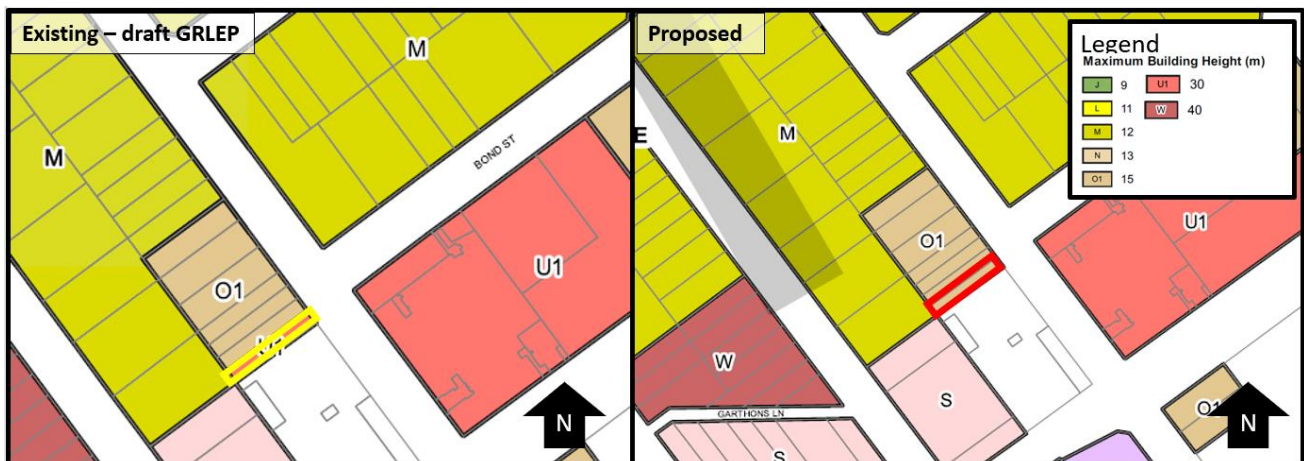


Figure 20: height of building map with the site highlighted in yellow and red (source: planning proposal)

## 3-11 Hillcrest Avenue, Hurstville



Figure 21: height of building maps with the site highlighted in yellow and blue (source: planning proposal)

### 3 Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

This planning proposal responds to:

- approval by the Minister for an extension to the Accelerated LEP Review Program subject to Council completing an additional LEP addressing the shortage of housing supply as compared to the GSC's 6-10-year housing targets and the current housing pipeline of supply and completions;
- the Department's ongoing assessment for approval of the Georges River Local Housing Strategy (LHS);
- the staged program of investigation to deliver additional housing within the Georges River LSPS, which identifies future housing growth areas, which includes the Narwee HIA;
- the commencement of the LRHDC on 1 July 2020 by seeking to formalise 'manor house' and 'multi dwelling housing (terraces)' in the LEP; and

- identified mapping anomalies detected as a result of previous and investigations by Council.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This planning proposal is the best means of delivering the intended objectives and outcomes. No other planning mechanisms can facilitate additional housing capacity and choice beyond that allowed by existing planning controls.

## 4 Strategic assessment

### 4.1 District Plan

The Department is satisfied that the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

The planning proposal's consistency with relevant section of the South District Plan are discussed below:

**Table 3: District Plan assessment**



District Plan	Justification
<p>S1 – Planning for a city supported by infrastructure</p>	<p>This planning priority seeks to align future growth with infrastructure.</p> <p><i>Narwee HIA</i></p> <p>The proposed rezoning of the Narwee HIA is consistent with this planning priority as it accommodates new housing:</p> <ul style="list-style-type: none"> <li>• 150m south of Narwee Station;</li> <li>• 700m south of the M5 Motorway;</li> <li>• 80m south of Narwee Public School;</li> <li>• adjoining public open space at Rasdall Park (to the east) and Narwee Park (to the west); and</li> <li>• 1.6km east Riverwood Library.</li> </ul> <p><i>Medium Density Amendments</i></p> <p>The proposed medium density amendments are consistent with this planning priority as they facilitate housing supply and diversity in existing medium and high-density residential zones. These zones are located in areas well serviced by existing infrastructure, including public transport, community facilities and public open spaces.</p>
<p>S5 – Providing housing supply, choice and affordability with access to jobs, services and public transport</p>	<p>This planning priority seeks to provide housing supply, choice and affordability, with access to jobs, services and transport.</p> <p><i>Narwee HIA</i></p> <p>The proposed rezoning of the Narwee HIA is consistent with this planning priority as it:</p> <ul style="list-style-type: none"> <li>• Facilitates the delivery of both medium and high-density residential development types, providing choice, diversity and affordability;</li> <li>• New housing is provided near existing public transport with access to surrounding centres and the Sydney CBD; and</li> <li>• The rezoning adjoins the Narwee Village which provides services for the local community, including medical and other professional services.</li> </ul> <p><i>Medium Density Amendments</i></p> <p>The proposed medium density amendments are consistent with this planning priority because they:</p> <ul style="list-style-type: none"> <li>• seek to facilitate housing supply and diversity in existing medium and high-density residential zones by seeking to permit ‘manor house’ and ‘multi dwelling housing (terraces)’; and</li> <li>• utilises existing infrastructure provision to support the delivery of medium density housing, to facilitate access to jobs and services.</li> </ul>
<p>S6 – Creating and renewing great places and local centres and respecting the District’s Heritage</p>	<p>This planning priority aims to create great places which bring people together and where heritage is identified, conserved and enhanced.</p> <p><i>Narwee HIA</i></p> <p>The proposed rezoning of the Narwee HIA is consistent with this planning priority as it proposes to provide additional housing capacity adjoining the Narwee Village. This facilitates the ongoing function of the village centre to provide services to the local community.</p>

	<p><i>Housekeeping Amendments</i></p> <ul style="list-style-type: none"> <li>• <i>33 Dora Street</i></li> </ul> <p>This planning priority applies to the 33 Dora Street mapping anomaly as the site is identified as a local heritage item in the Hurstville LEP 2012 and draft GRLEP.</p> <p>The amendment of the maximum building height from 30m to 15m corresponds with that of the neighbouring heritage items at 35-49 Dora Street. This will facilitate orderly development and respect the heritage significance of the existing heritage item.</p> <ul style="list-style-type: none"> <li>• <i>199 Rocky Point Road</i></li> </ul> <p>This planning priority applies to the 199 Rocky Point Road mapping anomaly as the site is located within the Ramsgate Local Centre.</p> <p>The amendment to split the maximum building height and FSR corresponds with that of the neighbouring sites within the centre.</p>
S18 - Adapting to the impacts of urban and natural hazards and climate change	<p>This planning priority seeks to reduce the exposure to natural and urban hazards. To achieve this objective, the priority includes an action to 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.</p> <p><i>Narwee HIA</i></p> <ul style="list-style-type: none"> <li>• <i>Flooding</i></li> </ul> <p>Four lots adjoining Rasdall Park are identified in Council's flood mapping as being affected by a 1:100 year flood event. This is discussed in further in Section 4.4 of this report, but in summary can be addressed at the DA Stage.</p> <ul style="list-style-type: none"> <li>• <u><i>Hazardous Pipeline</i></u></li> </ul> <p>The site is located approximately 30m to the south of the Moomba Sydney High Pressure Ethane Pipeline which is licensed under the Pipelines Act 1967. In response a land use safety study (LUSS), prepared by Arriscar, supports the planning proposal. Following analysis by the Department, it is considered the LUSS satisfies the relevant requirements of the NSW Land Use Safety Planning Guidelines<sup>1</sup> (the Guidelines). The LUSS considers that for the proposal to satisfy the Guidelines, it will have to be updated in accordance with the following two recommendations:</p> <ul style="list-style-type: none"> <li>▪ Remove lots 407 and 432 of DP7520256 from the HIA planned rezoning to ensure the criteria for residential development area complied with; and</li> <li>▪ Ensure sensitive use development such as aged care facilities, childcare centres or schools is not approved for lots 1 through to 7 of DP16824 in the northeast corner of the HIA.</li> </ul> <p>In response to these recommendations, the Gateway determination has been conditioned to update the planning proposal in accordance with the LUSS. This will require the mapping and explanation of provisions to be updated. The identification of sensitive land uses is to be in accordance with those defined</p>

<sup>1</sup> *Hazardous Industry Planning Advisory Paper 10 – Land Use Safety Planning*

under Hazardous Industry Planning Advisory Paper No 4 – Land use Safety Planning Criteria (HIPAP 4).

It is also recommended to consult with the pipeline operator, APA Group. This is to ensure the operation of the pipeline can continue to comply with AS 2885. Depending on the consultation outcome with the pipeline operator, the preparation of a Safety Management Study maybe be required. This will review the operational and construction risk both to and from the pipeline. Consequently, the pipeline operator, APA Group, should be consulted during community consultation. The Gateway determination has been conditioned accordingly.

## 4.2 Local

The planning proposal's consistency with relevant section local strategies is discussed below:

### 4.2.1 Local Strategic Planning Statement

The following Georges River LSPS planning priorities are relevant to the planning proposal:

- P7 - Residential suburbs will be protected and retained unless identified as areas of change or investigation in accordance with the nominated selection criteria, being;
  - Public transport;
  - Shops and services;
  - Educational establishments;
  - Community facilities;
  - Environmental constraints;
  - Heritage and strata buildings; and
  - Transition in density and built form;
  - Open space;
- P8 - Place-based development, quality building design and public art deliver liveable places;
- P9 - A mix of well-designed housing for all life stages caters for a range of lifestyle needs and incomes;
- P10 - Homes are supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces;
- P13 - Planning, collaboration and investment delivers employment growth and attractive, lively, accessible and productive centres;
- P15 - All local centres are supported to evolve for long-term viability; and
- P20 - Development is managed to appropriately respond to hazards and risks.

#### *Narwee Housing Investigation Area*

The Narwee HIA is consistent with these Georges River LSPS planning priorities, because:

- The Narwee HIA is identified as a housing and centres investigation area in the Georges River LSPS. The implementation of the Narwee HIA has been accelerated under this



planning proposal because Council considers it best satisfies the nominated LSPS selection criteria.

The Narwee HIA can deliver additional housing near existing infrastructure and services, including:

- near existing public bus routes (450 and 452);
  - 150m south of Narwee Station;
  - 700m south of the M5 Motorway;
  - 80m south of Narwee Public School;
  - adjoins Rasdall Park (to the east) and Narwee Park (to the west); and
  - 1.6km east Riverwood Library.
- Seeks to rezone existing land with no known environmental constraints;
  - Housing capacity, choice and diversity will be facilitated through medium and high density residential rezoning;
  - Additional housing is provided adjacent to Narwee Village, facilitating the provision of services to the local community; and
  - As discussed in Section 4.1 of this report, the proposed additional residential density and land uses are compatible with the hazards associated with the Moomba High Pressure Ethane Pipeline having regard to the relevant NSW Land Use Safety Planning Guidelines once updated in accordance with the recommendations of the LUSS prepared by Arriscar.

#### *Medium Density Housing Amendments*

The proposed medium density amendments are consistent with these LSPS planning priorities, because it:

- seeks to facilitate the permissibility of ‘manor house’ and ‘multi dwelling housing (terraces)’ through the land use table in Council’s LEPs, providing for housing supply and choice; and
- seeks to ensure that development for the purposes of ‘manor house’ and ‘multi dwelling housing (terraces)’ are consistent with other forms of medium density housing through the consistent application of development standards for minimum lot size and minimum lot width.

#### *Housekeeping Amendments*

The proposed housekeeping amendments are consistent with these LSPS planning priorities, because it:

- resolves a mapping anomaly to ensure the maximum building height corresponds with that of the neighbouring heritage items at 35-49 Dora Street, facilitating orderly development;
- resolves a mapping anomaly to ensure the maximum building height and FSR corresponds with that of the neighbouring land within the Ramsgate Local Centre, facilitating orderly development; and
- increases the maximum building height from 12m to 13m to be consistent with new R4 zones under the draft GRLEP.

## 4.3 Background

This section of the report discusses the planning proposal’s background, the recommendation of the LPP and the resolution of Georges River Council.

### 4.3.1 The draft Georges River Comprehensive LEP

On 6 February 2020, the LPP delegated as the planning proposal authority from Council, submitted the draft GRLEP to the Department for a Gateway determination. The draft GRLEP planning proposal was prepared under the Accelerated LEP Review Program, which required the planning proposal be prepared to implement Council's LSPS and be submitted to the Department for finalisation by 30 June 2020.

On 4 March 2020, the Georges River LSPS was assured by the Greater Sydney Commission.

On 10 March 2020, the draft GRLEP was given a Gateway determination by the delegate of the Minister for Planning and Public Spaces (the Minister).

The draft GRLEP was publicly exhibited from 1 April to 31 May 2020.

On 19 June 2020, approval was granted by the Minister for an extension to the Accelerated LEP Review Program, subject to Council completing an additional LEP addressing the shortage of housing supply as compared to the GSC's 6-10-year housing targets and the current housing pipeline of supply and completions.

On 25 and 26 June 2020, the LPP considered the post exhibition report prepared by Council staff and resolved to submit it to the Department for finalisation.

### 4.3.2 The Planning Proposal

On 24 August 2020, Council resolved to prepare a planning proposal to promote housing choice and create capacity for additional dwellings to meet the Greater Sydney Commission's 6-10 year housing target. This was in response to the Minister's approval for an extension to the Accelerated LEP Review Program.

#### *The Georges River Local Planning Panel*

On 29 October 2020, the LPP considered the planning proposal and recommended to Council that the planning proposal proceed.

The planning proposal considered by the LPP also included a proposed rezoning of 11-21 Kingsgrove from R2 Low Density Residential to RE1 Public Recreation, which was included within an addendum report to the 29 October meeting agenda. The LPP considered that further strategic analysis by Council was required to justify the rezoning. Subsequently, this component of the planning proposal was removed prior to consideration by Council.

It should be noted that the LPP supported Council seeking to alter a future Gateway to include amendment of the draft GRLEP Foreshore Scenic Protection Area (FSPA), as submitted to the Department for finalisation.

The draft GRLEP, as exhibited, proposed to reduce the area of the existing Hurstville LEP 2012 FSPA. However, during public exhibition, the community expressed concern with the reduction in that area of the FSPA and the potential negative impacts this would cause. In response to these concerns, the existing extent of the FSPA of the Hurstville LEP 2012 was reinstated into the GRLEP post-exhibition by the Panel. This is now being considered by the Department as part of the finalisation of the draft GRLEP.

#### *Georges River Council*

On 9 November 2020, the Georges River Council Environment and Planning Committee (the Committee) considered the planning proposal. The Committee, which makes a recommendation subsequently considered by the full Council, endorsed the planning proposal to proceed to the Department for a Gateway determination.



As part of this consideration, the Committee resolved to amend the proposal by including a further housekeeping amendment, being to increase the HOB at 3-11 Hillcrest Avenue, Hurstville from 12m to 13m. This amendment was made to be consistent with the proposed controls for the Narwee HIA and resolve concerns about the control's appropriateness noting the site's gradient.

The Committee also resolved to not prepare a future Gateway alteration seeking to amend the draft GRLEP Foreshore Scenic Protection Area, as submitted to the Department for finalisation. It is understood that this was attributed to Council still undertaking the analysis to inform a future amendment to the draft GRLEP FSPA.

On 23 November 2020, the Georges River Council resolved to endorse the Committee recommendation without amendment.

The planning proposal submitted for a Gateway determination is consistent with the resolution of Georges River Council dated 23 November 2020.

## 4.4 Section 9.1 Ministerial Directions

The planning proposal is consistent with the relevant Ministerial Directions, with the following Directions discussed in further detail below:

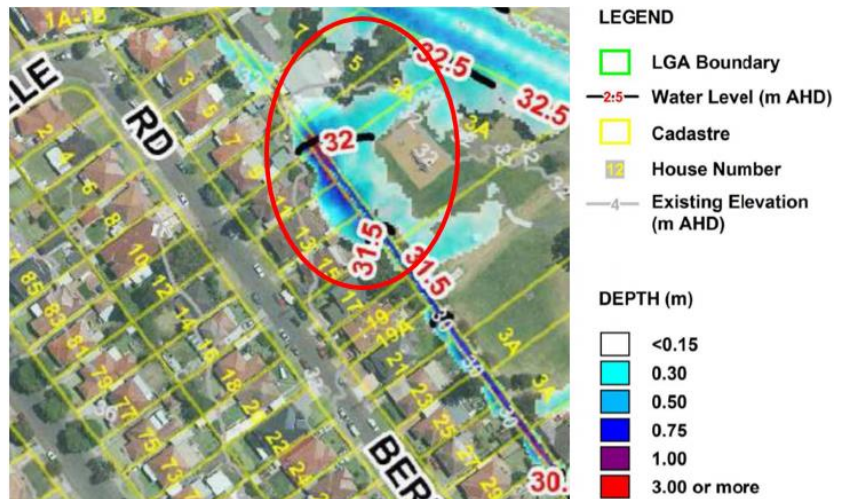
**Table 4: Narwee Housing Investigation Area 9.1 Ministerial Direction assessment**

Directions	Consistency	Reasons for Consistency or Inconsistency
2.3 Heritage Conservation	Yes	<p>This Direction aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>To be consistent with this Direction, a planning proposal must contain provisions that facilitate the conservation of a heritage items.</p> <p><i>Narwee HIA</i></p> <p>The Narwee HIA does not include nor is it located near any existing or proposed heritage items. The nearest heritage item is the locally listed Narwee Station approximately 150m to the north.</p> <p><i>Housekeeping Amendments – 33 Dora Street, Hurstville</i></p> <p>This Direction is relevant to the 33 Dora Street, Hurstville mapping anomaly as the site is identified as a local heritage item in the Hurstville LEP 2012 and draft Georges River Comprehensive LEP.</p> <p>The amendment of the maximum building height from 30m to 15m is consistent with this Direction as it corresponds with those on the neighbouring heritage items at 35-49 Dora Street.</p>
2.6 Remediation of Contaminated Land	Yes	<p>This Direction aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by Planning Proposal authorities. This direction applies to the rezoning of land for residential purposes, such as intended by the Planning Proposal.</p> <p>This Direction requires that before including any land specified in paragraph (2) (of the Direction) in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying</p>

		<p>the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.</p> <p><i>Narwee HIA</i></p> <p>The proposed Narwee HIA rezoning is consistent with this Direction because it is:</p> <ul style="list-style-type: none"> <li>• currently zoned for low density residential land uses; and</li> <li>• has been used for residential purposes since the 1940's.</li> </ul> <p>Therefore, it is considered that land proposed to be rezoning within the Narwee HIA are unlikely to be subject to land contamination.</p> <p>Further considered of land contamination can occur under the provisions of SEPP No.55 – Remediation of Land as part of the DA process.</p> <p><i>Medium Density Housing Amendments</i></p> <p>The proposed medium density housing amendments are consistent with this Direction as they seek to permit 'manor house' and 'multi dwelling housing (terraces)' in zones where similar residential development is permitted.</p> <p>Further considered of land contamination can occur under the provisions of SEPP No.55 – Remediation of Land as part of the DA process.</p>
3.1 Residential Zones	Yes	<p>This Direction aims to encourage a variety and choice of housing types, make efficient use of infrastructure and services, and minimise the impact of residential development on the environment and resource lands.</p> <p>The Direction applies when a Planning Proposal will affect residential land.</p> <p><i>Department Comment</i></p> <p>As discussed in Section 2.1 of this report, the planning proposal responds to approval by the Minister for an extension to the Accelerated LEP Review Program, subject to Council completing an additional LEP addressing the shortage of housing supply as compared to the GSC's 6-10-year housing targets and the current housing pipeline of supply and completions.</p> <p>Through the proposed amendments to Council's LEPs under this planning proposal, Council has demonstrated its intent to deliver the identified housing targets as required by the:</p> <ul style="list-style-type: none"> <li>• conditional Ministerial approval for an extension to the Accelerated LEP Review Program;</li> <li>• South District Plan;</li> <li>• assured Georges River LSPS; and</li> <li>• draft Georges River Local Housing Strategy (LHS).</li> </ul>
3.4 Integrated Transport	Yes	<p>This Direction aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts:</p>



		<ul style="list-style-type: none"> <li>• improve active and public transport access to homes and jobs;</li> <li>• increase transport choices and reduce car dependency;</li> <li>• reduce travel demand;</li> <li>• support the operation of public transport services; and</li> <li>• provide for the efficient movement of freight.</li> </ul> <p>This direction applies when a Planning Proposal seeks to create, alter or remove a zone or a provision relating to urban land, such as in this instance.</p> <p><i>Narwee HIA</i></p> <p>The proposed Narwee HIA rezoning is consistent with this Direction as it seeks to appropriately increase residential density near the Narwee Village which has access to existing transport infrastructure, being approximately:</p> <ul style="list-style-type: none"> <li>• near existing public bus routes (450 and 452);</li> <li>• 150m south of Narwee Station;</li> <li>• 700m south of the M5 Motorway;</li> </ul> <p>This provides for the efficient use of existing transport infrastructure, encourages walkability and improves access to jobs and services.</p> <p><i>Medium Density Housing Amendments</i></p> <p>The proposed medium density amendments are consistent with this Direction because they facilitate housing supply and diversity in existing medium and high-density residential zones. These zones are typically located in areas well serviced by existing infrastructure, including public transport and public open spaces. This will encourage the usage of this infrastructure, reducing car dependency and improving the efficiency of movement.</p>
4.3 Flood Planning	Yes	<p>This Direction aims to ensure appropriate consideration of flood prone land in line with government policies and plans when a Planning Proposal seeks to create, remove or alter a zone or a provision that affects flood prone land. This Direction requires a Planning Proposal to be consistent with and give effect to the NSW Flood Prone Land Policy and the Floodplain Development Manual 2005.</p> <p><i>Narwee HIA</i></p> <p>Four lots adjoining Rasdall Park are identified in Council's flood mapping as being affected by a 1:100 year flood event (<b>Figure 22</b>).</p>



**Figure 22: Flooding affection of Narwee HIA with applicable lots circled red (source: Georges River Council Overland Flow Flood Study)**

Flooding can be adequately addressed at the DA stage because the flooding:

- only affects 3% of the lots be rezoned; and
- only partial affects each of the affected lots;
- can be addressed by existing flood planning controls in the LEP, DCP and Council engineering guide.

Therefore, the planning proposal is consistent with this Direction.

## 4.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all applicable SEPPs, except for the Codes SEPP. These concerns are discussed in further detail below:

### 4.5.1 SEPP (Exempt and Complying Development Codes) 2008

The planning proposal includes proposed medium density housing amendments relating to 'manor house'<sup>2</sup> and 'multi-dwelling housing (terraces)'<sup>3</sup>. These LEP amendments are in response to commencement of the Low-Rise Housing Diversity Code (LRHDC) in Georges River LGA on 1 July 2020. The LRHDC forms part of the Codes SEPP.

The planning proposal will be consistent with the Codes SEPP once it is updated with the conditions discussed in detail below:

<sup>2</sup> **manor house** means under the Codes SEPP - a residential flat building containing 3 or 4 dwellings, where—

- each dwelling is attached to another dwelling by a common wall or floor, and
- at least 1 dwelling is partially or wholly located above another dwelling, and
- the building contains no more than 2 storeys (excluding any basement).

<sup>3</sup> **multi dwelling housing (terraces)** means under the Codes SEPP - multi dwelling housing where all dwellings are attached and face, and are generally aligned along, 1 or more public roads.



### Permissibility amendments for Development Applications

The planning proposal seeks to introduce into Council's LEPs 'manor house' and 'multi dwelling housing (terraces)' as development permitted with consent in the R3 and R4 zones. This is intended to clearly state permissibility for these forms of medium density housing to facilitate the preparation of a development application.

#### *Manor house*

Clause 3B.1A of the Codes SEPP provides that 'manor house' is permissible with consent on land zoned RU5, R1, R2 and R3 if 'multi-dwelling housing' or 'residential flat buildings' (or both) are permitted in the zone. This is despite the provisions of any other environmental planning instrument.

Both the Hurstville LEP 2012 and the Kogarah LEP 2012 permit 'multi-dwelling housing' with consent in the R3 zone. Similarly, this permissibility is proposed to be carried over in the draft Georges River Comprehensive LEP. This means that 'manor house' is a permissible land use with consent.

However, clause 3B.1A of the Codes SEPP does not include zone R4. Consequently the Codes SEPP does not make 'manor house' permissible with consent on land zoned R4. Additionally, the Standard Instrument prohibits the inclusion of 'manor house' in the Land Use Table as they are not listed in Direction 5 of the Standard Instrument.

Therefore, including 'manor house' as a permissible land use is not supported because it would:

- duplicate and be inconsistent with clause 3B.1A of the Codes SEPP; and
- be inconsistent with Direction 5 of the Standard Instrument.

A Gateway condition has been included to amend this aspect of the planning proposal.

#### *Multi-dwelling housing (terraces)*

In the Codes SEPP, 'multi-dwelling housing (terraces)' are defined as a subset of 'multi dwelling housing'. This allows for 'multi-dwelling housing (terraces)' to be permitted with consent where 'multi-dwelling housing' is permitted.

The Kogarah LEP 2012 and Hurstville LEP 2012 currently permit 'multi-dwelling housing' with consent in the R3 and R4 zones. This will be carried over into the draft Georges River Comprehensive LEP.

This results in 'multi-dwelling housing (terraces)' already being permissible with consent in the R3 and R4 zones. Additionally, the Standard Instrument prohibits the inclusion of 'multi-dwelling housing (terraces)' in the Land Use Table as they are not listed in Direction 5 of the Standard Instrument.

Therefore, including 'multi-dwelling housing (terraces)' as a permissible land is not supported because:

- it is unnecessary to further identify this land use term in a LEP Land Use Table as the Codes SEPP already permits 'multi-dwelling housing (terraces)' with consent in the R3 and R4 zones through being a subset of 'multi-dwelling housing'; and
- this amendment is inconsistent with Direction 5 of the Standard Instrument which prohibits 'multi-dwelling housing (terraces)' from being listed in the Land Use Table.

A Gateway condition has been included requiring the proposed permissibility amendments for 'multi-dwelling housing (terraces)' to be removed from the planning proposal.

### Development Standard amendments

The planning proposal seeks to introduce a minimum lot size and a minimum lot width for 'manor house' and 'multi-dwelling housing (terraces)' into Council's LEPs, being:

- a minimum lot size of 800sq.m and a minimum lot width of 18m for 'manor house'; and
- a minimum lot size of 800sq.m and a minimum lot width of 21m for 'multi-dwelling housing (terraces)'.

It is intended that these standards apply to both development applications and complying development.

### *Development Applications*

Through Division 4.3 of the EP&A Act, development standards for a minimum lot of size and lot width can be applied to development applications, through a LEP, for 'manor house' and 'multi-dwelling housing (terraces)'.

To support these standards inclusion in a LEP, 'manor house' and 'multi-dwelling housing (terraces)' must be defined in the LEP. These definitions will need to be consistent with the established definitions in the Codes SEPP.

The mechanism for achieving this outcome in a LEP will be subject to future legal drafting by Parliamentary Counsel. The Department is satisfied that the resolution of this issue be further considered as part of any future drafting.

To ensure these forms of development are appropriate when utilising the DA approval pathway, the Medium Density Design Guide for Development Applications (The Design Guide) is currently in place. The Design Guide applies where no equivalent control applies in any other applicable LEP or DCP. As there are no existing controls in Council's LEPs for these types of developments, the Design Guide applies.

It should also be noted that the introduction of a minimum lot size into Council's LEPs will affect complying development for 'manor house' and 'multi dwelling housing (terraces)'. This is discussed in further detail on pages 31-32 of this report.

A comparison of the controls for a 'manor house' and 'multi dwelling housing (terrace)' development application is found in **Table 5**, below:

**Table 5: comparison of the controls for a 'manor house' and 'multi dwelling housing (terrace)' development application**

Control	Dwelling type	Existing controls (where control is found)	Controls should this Planning Proposal be made (where control is found)
Minimum lot size	Manor House:	600sq.m (Design Guide)	800sq.m (Council's LEPs)
	Terraces:	600sq.m (Design Guide)	800sq.m (Council's LEPs)
	Multi-dwelling housing:	800sq.m (draft GRLEP)	800sq.m (draft GRLEP)
Minimum lot width	Manor House:	15m (Design Guide)	18m (Council's LEPs)
	Terraces:	18m (Design Guide)	21m (Council's LEPs)
	Multi-dwelling housing:	18m (draft GRLEP)	18m (draft GRLEP)

Control	Dwelling type	Existing controls (where control is found)	Controls should this Planning Proposal be made (where control is found)
Maximum building height	Manor House:	9m (Council's LEPs)	9m (Council's LEPs)
	Terraces:	9m (Council's LEPs)	9m (Council's LEPs)
	Multi-dwelling housing:	9m (Council's LEPs)	9m (Council's LEPs)
Maximum FSR	Manor House:	0.7:1 (max. GFA of 420sq.m) (Council's LEPs)	0.7:1 (max. GFA of 560sq.m) (Council's LEPs)
	Terraces:	0.7:1 (max. GFA of 420sq.m) (Council's LEPs)	0.7:1 (max. GFA of 560sq.m) (Council's LEPs)
	Multi-dwelling housing:	0.7:1 (max. GFA of 560sq.m) (draft GRLEP)	0.7:1 (max. GFA of 560sq.m) (draft GRLEP)

Council has provided the following information in relation to the lots in the LGA that these proposed LEP amendments would affect:

- Hurstville LEP 2012 - 108 R3 zoned lots that have a site area of more than 600sqm but less than 800sqm (excluding strata properties);
- Kogarah LEP 2012 - 220 R3 zoned lots that have a site area of more than 600sqm but less than 800sqm (excluding strata properties);
- Kogarah LEP 2012 - there are no R4 zoned land that falls within these criteria;
- the draft GRLEP (incl. Narwee HIA) - 228 R3 zoned lots that have a site area of more than 600sqm but less than 800sqm (excluding strata properties);
- the draft GRLEP (incl. Narwee HIA) - 253 R4 zoned lots that have a site area of more than 600sqm but less than 800sqm (excluding strata properties); and
- Out of the 228 R3 zoned lots under the draft GRLEP, with the application of 15m or more lot width, the applicable number is reduced to 113 lots (**Figure 23**).





**Figure 23: location of lots where a minimum 600sq.m lot size and 15m are located (source: planning proposal)**

The introduction of a minimum lot size and minimum lot width into Council's LEPs to be addressed as part of a development applications is supported, because:

- the proposed LEP amendments are in keeping with the proposed minimum lot size (800sq.m) and width (18m) for 'multi-dwelling housing' proposed in the draft GRLEP;
- the proposed LEP amendments are in keeping with the proposed minimum lot size (800sq.m) and width (21m) for attached dwellings in the draft GRLEP;
- the GRLEP has been on public exhibition and has been endorsed by the Council's LPP;
- applying minimum lot size controls for medium density land uses across the LGA will assist in providing certainty about which lots are suitable for these developments;
- the controls will assist in achieving the future desired character of the proposed medium and high density residential zones by requiring development to be sited commensurate to its scale; and
- Council has provided detailed evidence to support the proposed lot width control for 'manor house' and 'multi dwelling housing (terraces)', including an analysis of existing lots in the LGA to demonstrate that the controls are compatible with the majority of relevant zoned land.

#### *Complying development*

The Codes SEPP provides that for 'manor house' (clause 3B.21(a)(ii)) and 'multi-dwelling housing (terraces)' (clause 3B.33(1)(a)) the minimum lot size specified in the environmental planning

instrument that applies to the land concerned prevails when considering a complying development certificate (CDC).

The introduction of a minimum lots size for 'manor house' and 'multi-dwelling housing (terraces)' into Council's LEPs under this planning proposal will have the effect of applying this standard to a CDC.

All other development standards will continue to apply as specified under the Codes SEPP. This means that the Codes SEPP will not give regard to minimum lot widths to be introduced under this planning proposal into Council's LEPs. Nonetheless it should be noted the proposed 21m width for 'multi dwelling housing (terraces)' is consistent with the current Codes SEPP requirement.

The Gateway determination has been conditioned to require the planning proposal be updated to note that the minimum lot widths will not apply to a CDC for 'manor house' and 'multi-dwelling housing (terraces)'.

A comparison of the controls for a 'manor house' and 'multi dwelling housing (terrace)' complying development certificate is found in **Table 6**, below:

**Table 6: comparison of the controls for a 'manor house' and 'multi dwelling housing (terrace)' complying development certificate**

Control	Dwelling type	Current controls (LRHDC)	Applicable controls from this Planning Proposal (where control is found)
Minimum lot size	Manor house:	600sq.m	800sq.m (Council's LEPs)
	Multi-dwelling housing (terraces):	600sq.m	800sq.m (Council's LEPs)
Minimum lot width	Manor house:	15m	15m (the Codes SEPP)
	Multi-dwelling housing (terraces):	21m	21m (the Codes SEPP)
Maximum FSR	Manor house:	25% of lot area + 150sq.m to a maximum of 400sq.m (max. GFA of 300sq.m)	25% of lot area + 150sq.m to a maximum of 400sq.m (max. GFA of 350sq.m) (the Codes SEPP)
	Multi-dwelling housing (terraces):	0.8:1 (max. GFA of 480sq.m)	0.8:1 (max. GFA of 640sq.m) (the Codes SEPP)

The introduction of a minimum lot size into Council's LEPs concerning complying development is supported, because:

- the proposed LEP amendments are in keeping with the proposed minimum lot size (800sq.m) for multi-dwelling housing in the draft GRLEP;

- to achieve compliance with existing minimum lot size and lot width controls under the Design Guide, affected land will generally have to be amalgamated, resulting in compliance with either the existing or proposed set of controls;
- applying minimum lot size controls for medium density land uses across the LGA will assist in providing certainty about which lots are suitable for these developments;
- the controls will assist in achieving the future desired character of the proposed low density residential and medium density residential zones by requiring development to be sited commensurate to its scale; and
- Council has provided detailed evidence to support the proposed lot width control for dual occupancies, multi dwelling housing and attached dwellings, including an analysis of existing lots in the LGA to demonstrate that the controls are compatible with the majority of relevantly zoned land.

#### 4.5.2 SEPP No.65 – Quality Design of Residential Apartment Development

This policy aims to improve the design quality of residential apartment development in New South Wales. This is achieved through nine design quality principles and application of the accompanying Apartment Design Guide (ADG).

Consideration of SEPP No.65 is required as the planning proposal seeks to facilitate the development of residential flat buildings of three or more storeys through:

- the rezoning in part of the Narwee HIA to R4; and
- increasing the building height of 3-11 Hillcrest Avenue from 12m to 13m.

A general assessment undertaken by the Department of the planning proposal and supporting analysis shows the proposed LEP amendments can achieve compliance with ADG requirements. Nonetheless, detailed design of buildings that comply with the proposed envelopes sought by this planning proposal will be undertaken at DA stage, where compliance with SEPP 65 will need to be demonstrated.

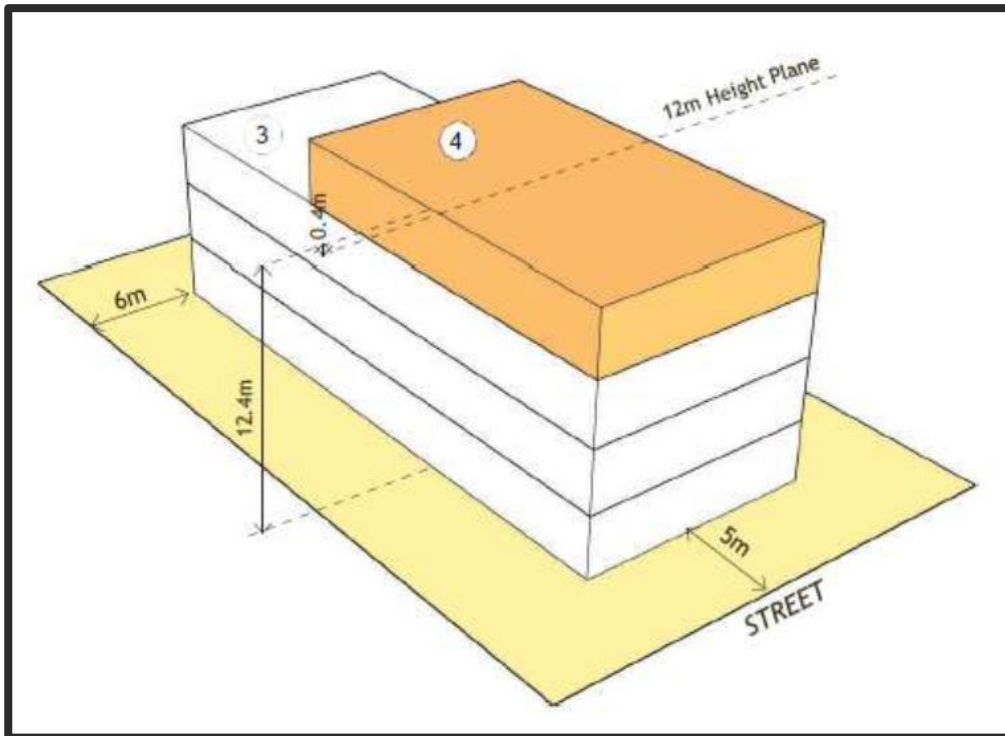
This general assessment, undertaken against the relevant parts of the planning proposal, is discussed in further detail below:

##### *Narwee HIA*

The proposed rezoning, in part, of the Narwee HIA to R4 is in keeping with SEPP No.65, because:

- the proposed 13m height of building can adequately accommodate the intended 4 storey built form outcome, noting a 3.1m floor height in accordance with the ADG;
- subject to appropriate lot configuration the 1:1 FSR can provide for an acceptable bulk and scale outcome, whereby the development can achieve appropriate setbacks, separation and transition to neighbouring residential development (**Figure 24**);
- the application of the 1000sq.m minimum lot size can be achieved by the amalgamation of two typical lots, being approx. 650sq.m each. This lot size is also deemed to facilitate appropriate built form and amenity outcomes by requiring development to be sited commensurate to its scale. This development standard has also been applied consistently to the R4 zones;
- the proposed built form is capable of achieving solar access requirements as identified in the ADG; and
- the proposed controls are in keeping with those standards applied to other land zoned R4 in the Georges River LGA seeking to facilitate 4 storey built form outcomes.





**Figure 24: massing diagram of potential R4 built form (source: the planning proposal)**

*3-11 Hillcrest Avenue, Hurstville*

The proposed housekeeping amendment at 3-11 Hillcrest Avenue is in keeping with SEPP No.65, because it assists potential residential flat building developments achieve the four storey built form outcomes intended under the draft GRLEP.

Similarly, further considerations under the ADG are required for sloping sites to ensure desirable amenity and built form outcomes, such as a greater building separation for upper levels.

## 5 Site-specific assessment

### 5.1 Environmental

There are no known critical habitats, threatened species or ecological communities that would be impacted by the planning proposal. The assessment of other potential environmental impacts associated with the planning proposal are provided below:

#### Narwee Housing Investigation Area

##### Bulk and Scale

The planning proposal is supported by bulk and scale analysis to support the proposed rezoning of the Narwee HIA to R3 and R4. This analysis is discussed as relevant to each respective zone below:

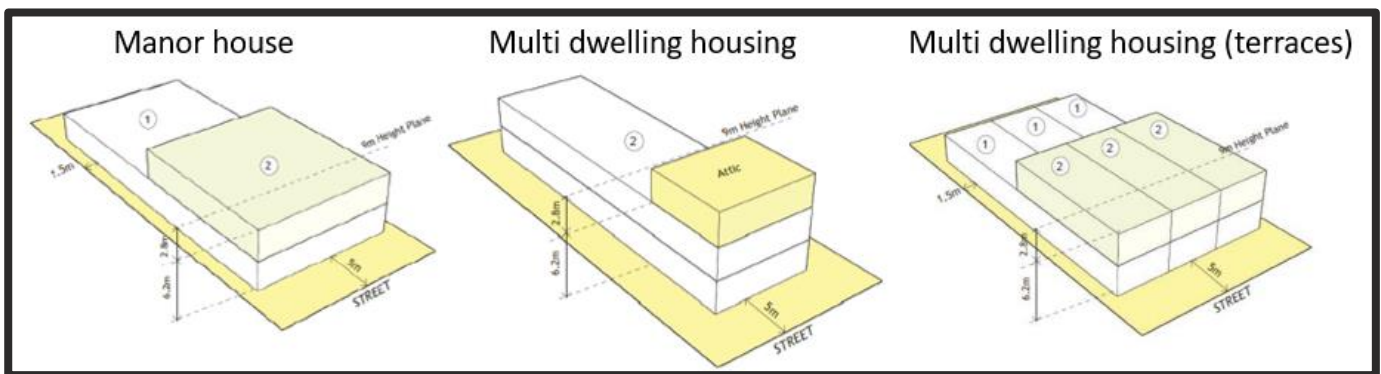
##### *R4 High Density Residential zone*

As discussed in Section 4.5.2 of this report, the proposed built form to be facilitated by rezoning part of the Narwee HIA to R4 is supported.

##### *R3 Medium Density Residential zone*

The R3 zone has been applied to the remainder of the Narwee HIA. The planning proposal includes supporting urban design analysis, demonstrating that:

- the proposed development standards supporting the proposed R3 zone are consistent with those in other areas zoned for medium density housing across the Georges River LGA;
- the built form analysis (**Figure 25**), including application of applicable development controls, indicates satisfactory built form outcomes can be achieved, including setbacks, separation and transitions;
- the proposed built form can achieve maintain adequate solar access to neighbouring residential land; and
- an 800sq.m. minimum lot size is considered appropriate as the typical lot size for the land proposed to be zoned for medium density development is 420sq.m. This will typically require the consolidation of only two existing lots. This lot size is also deemed to facilitate appropriate built form and amenity outcomes by requiring development to be sited commensurate to its scale;



**Figure 25: massing diagram of potential R3 zone built forms (source: the planning proposal)**

#### Traffic Impacts

The planning proposal is supported by a preliminary traffic assessment prepared by Traffic and Transport Planning Associates, dated December 2020. This assessment has analysed the potential traffic impacts arising from the proposed rezoning in the Narwee HIA. This analysis has been based on an estimated uplift of 390 dwellings, which is greater than the anticipated uplift of 311 dwellings.

The preliminary traffic assessment concludes that:

- the proposed R3 zone reduces potential conflict between vehicles and pedestrians, noting the street is a narrow cul-de-sac;
- the localities proximity to the M5 and Motorway enables notable alleviation of traffic from the local road network;
- the proposed uplift can be accommodated on the existing road network; and
- a minor intervention is required to restrict the right hand turning from Mercury Street to Stoney Creek Road during PM peak periods.

A Gateway condition is included requiring consultation with Transport for NSW during exhibition.

#### Medium Density Housing Amendments

This amendment is unlikely to result in any adverse environmental impacts as:

- applying minimum lot size controls for medium density land uses across the LGA will assist in providing certainty about which lots are suitable for these developments;
- the controls will assist in achieving the future desired character of the proposed medium and high density residential zones by requiring development to be sited commensurate to its scale;

- the proposed controls will provide greater legal weight and discourage variation by introducing a tougher test under Clause 4.6; and
- the proposed minimum lot size controls are considered reasonable, whilst providing sufficient land for occupant amenity.

#### Housekeeping Amendments

The proposed housekeeping amendments are consistent with these LSPS planning priorities, because they:

- resolve mapping anomalies to assist in delivering the intended orderly development; and
- increases the maximum building height from 12m to 13m to be consistent with new R4 zones under the draft GRLEP.

## 5.2 Social and economic

This planning proposal seeks to provide greater housing capacity and choice, in response to a growing population and changing demographics. This will result in social economic benefits for the existing and future community, including,

- revitalisation of existing urban areas;
- greater housing choice and diversity;
- increased housing capacity;
- more efficient use of existing infrastructure; and
- facilitating opportunities for improvement of infrastructure.

## 5.3 Infrastructure

This planning proposal provides additional housing supply and diversity in existing urban areas serviced by existing infrastructure, including:

- Commercial services;
- Public and private utilities;
- Schools;
- public open space
- Community facilities;
- Major roads; and
- Public transport.

There is no applicable state infrastructure contribution applicable to the land that is subject to this planning proposal.

## 5.4 Community

Council proposes a community consultation period of 28 days, including:

- Newspaper advertisement in The Leader;
- Exhibition notice on Council's website;
- Community engagement project on Council's YourSay website;
- Notices in Council offices and libraries (subject to compliance with any Public Health Orders in relation to COVID-19);
- Letters to all landowners and occupiers in the areas where change to planning provisions and controls is proposed as well as surrounding areas; and



- Letters to State and Commonwealth Government agencies identified in the Gateway Determination.

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

## 5.5 Agencies

The proposal does not specifically raise which agencies will be consulted. As discussed within this assessment report, it is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- Transport for NSW;
- APA Group - Pipeline Operator; and
- Canterbury Bankstown Council.

## 6 Timeframe

Council proposes to submit the planning proposal to the Department for finalisation by 31 March 2021. This is consistent with the Department's letter dated 19 June 2020. The Gateway determination also includes conditions requiring council to exhibit the proposal by February and report on the proposal by March.

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

## 7 Local plan-making authority

Council has not requested delegation to be the Local Plan-Making authority.

As the planning proposal has been prepared in response to conditional Ministerial approval for an extension to the Accelerated LEP Review Program, which requires submission of the proposal to the Department for finalisation by 31 March 2021, delegation is not recommended to be granted to Council.

## 8 Assessment Summary

The planning proposal is supported to proceed with conditions as it:

- is consistent with the South District Plan and the Georges River LSPS;
- is consistent with relevant section 9.1 Ministerial Directions and State Environmental Planning Policies;
- provides additional housing capacity, choice and diversity through the rezoning of the Narwee HIA;
- increases residential density near existing public transport, providing access to jobs and service in neighbouring centres and the Sydney CBD;
- is consistent with the built form, character and land uses in the surrounding areas; and
- resolves mapping anomalies.

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

- to remove the proposed permissibility amendments to the land use tables for 'manor house' and 'multi dwelling housing (terraces)' as these are inconsistent with the Codes SEPP and Standard Instrument;

- to note that the Codes SEPP does not give regard to the minimum lot width in a LEP for ‘manor house’ and ‘multi dwelling housing (terraces)’;
- to ensure the explanation of provisions identifies that the Hurstville LEP 2012 and Kogarah LEP 2012 will be amended unless the Georges River Comprehensive LEP is subsequently notified; and
- in accordance with the recommendations of the Narwee Housing Investigation Area Risk Assessment prepared by Arriscar and dated 23 December 2020.

Based on the assessment outlined in this report, the proposal does not require any additional reports, studies or plans to be included before proceeding to community consultation.

## 9 Recommendation

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

1. Prior to community consultation, the planning proposal is to be updated to:
  - a. remove the proposed permissibility amendments to the land use tables for ‘manor house’ and ‘multi dwelling housing (terraces)’ as these are inconsistent with the Codes SEPP and Standard Instrument;
  - b. note that complying development under the Codes SEPP does not give regard to the minimum lot width in a LEP for ‘manor house’ and ‘multi dwelling housing (terraces)’;
  - c. to ensure the explanation of provisions identifies that the Hurstville LEP 2012 and Kogarah LEP 2012 will be amended unless the Georges River Comprehensive LEP is subsequently notified; and
  - d. in accordance with the recommendations of the Narwee Housing Investigation Area Risk Assessment prepared by Arriscar and dated 23 December 2020. The identification of sensitive land uses is to be in accordance with those defined under Hazardous Industry Planning Advisory Paper No 4 – Land use Safety Planning Criteria (HIPAP 4).
2. Consultation is required with the following public authorities:
  - Transport for NSW;
  - APA Group - Pipeline Operator; and
  - Canterbury Bankstown Council.
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.
5. The timeframe for completing the LEP is to be 4 months from the date of the Gateway determination. Council is required to adhere to the specified milestone dates as follows:
  - (a) Public exhibition of the planning proposal and supporting documentation – February 2021
  - (b) Post-exhibition report to Council – March 2021
  - (c) Council to send package to the Department for consideration of finalisation – no later than 31 March 2021

Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



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