

AGENDA - LPP

Meeting:	Georges River Local Planning Panel (LPP)
Date:	Thursday, 25 June 2020 and Friday, 26 June 2020
Time:	Thursday - 10am - 6pm and Friday 9am to 1pm
Venue:	Council Chambers, Civic Centre, Hurstville
Panel Members:	Paul Vergotis (Chairperson) John Brockhoff (Expert Panel Member) Michael Leavey (Expert Panel Member) Annette Ruhotas (Community Representative)

1. On Site Inspections - Not Required
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2. Public Meeting

3. Reports and LPP Deliberations in Closed Session

**LPP027-20 Outcomes of Public Exhibition and Finalisation of Georges River
Local Environmental Plan 2020 - PP2019/0004
(Report by Strategic Planner/Urban Designer)**

4. Confirmation of Minutes

**REPORT TO GEORGES RIVER COUNCIL
LPP MEETING OF THURSDAY, 25 JUNE 2020**

LPP027-20

LPP Report No	LPP027-20	Development Application No	PP2019/0004
Site Address	Outcomes of Public Exhibition and Finalisation of Georges River Local Environmental Plan 2020		
Proposed Development	Principal LEP for the Georges River Local Government Area		
Owners	N/A		
Applicant	Georges River Council		
Planner/Architect	N/A		
Date Of Lodgement	N/A		
Submissions	1,153 community submissions to the Planning Proposal		
Cost of Works	N/A		
Local Planning Panel Criteria	Delegated planning proposal authority pursuant to Section 378 of the Local Government Act 1993		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	N/A – Planning Proposal		
List all documents submitted with this report for the Panel's consideration	Attachment 1 Report to Local Planning Panel and Minutes of Meeting dated 6 February 2020; Attachment 2 Gateway Determination and Conditions dated 10 March 2020; Attachment 3 Community Engagement Summary Report; Attachment 4 Summary Table of Submissions; Attachment 5 Council Response to Submissions – Key Themes; Attachment 6 DPIE correspondence regarding Local Housing Strategy dated 26 May 2020 correspondence dated 26 May 2020; Attachment 7 Council response to DPIE request for additional justification dated 13 February 2020; Attachment 8 Council response to DPIE request for additional justification dated 19 February 2020; Attachment 9 Submission – Sydney Airport; Attachment 10 Submission – NSW Rural Fire Service; Attachment 11 Submission – Commonwealth Department of Infrastructure, Regional Development and Cities; Attachment 12 Submission – Sutherland Shire Council; Attachment 13 Submission – Heritage, Department of Premier and Cabinet; Attachment 14 Submission – Transport for NSW; Attachment 15 Submission – Office of Environment, Energy and Science; Attachment 16 Submission – Environmental Protection Authority; Attachment 17 Planning Proposal Report (with tracked changes); Attachment 18 Appendix 1 of the Planning Proposal Report – draft Georges River Local Environmental Plan 2020 (with tracked changes); Attachment 19 Appendix 2 of the Planning Proposal Report – Region Plan / District Plan / LSPS Compliance Table (with tracked changes); Attachment 20 Appendix 3 of the Planning Proposal Report – Justification: Development Standards (with tracked changes); Attachment 21 Appendix 4 of the Planning Proposal Report – Justification: Additional Local Provisions (with tracked changes); Attachment 22 Appendix 5 of the Planning Proposal Report – Consistency with State		

	Environmental Planning Policies (with tracked changes); Attachment 23 Appendix 6 of the Planning Proposal Report – Consistency with S9.1 Ministerial Directions (with tracked changes); Attachment 24 Appendix 7 of the Planning Proposal Report – Mapping (NOTE: REFER TO THE PLANNING PROPOSAL PAGE ON COUNCIL'S WEBSITE FOR ALL ATTACHMENTS)
Report prepared by	Strategic Planner/Urban Designer

Recommendation	(a) That the Local Planning Panel notes the submissions received during the public exhibition of the Planning Proposal (PP2019/0004) for the <i>Georges River Local Environmental Plan 2020</i>. (b) That the Local Planning Panel endorses the following variations to the Planning Proposal as detailed in Attachment 18 in response to the issues raised by submissions received during public exhibition in accordance with Section 3.35 of the <i>Environmental Planning and Assessment Act 1979</i>: a. Additions to Clause 1.2 Aims of Plan; b. Amendments to the objectives of the R2 Low Density Residential zone; c. Amendments to the objectives of the R3 Medium Density Residential zone; d. Addition to the objectives of the IN2 Light Industrial zone; e. Amendments to Clause 5.1 Relevant acquisition authority and the associated Land Reservation Acquisition Map; f. Amendments to Clause 6.6 Riparian lands and waterways; g. Amendments to Clause 6.7 Foreshore scenic protection area; h. Amendments to Clause 6.11 Design excellence; i. Amendments to Clause 6.13 Landscaped areas in certain residential and environmental protection zones; j. Addition of new local provision – Clause 6.19 Tree protection and landscaping in Zones R2 and R3; and k. Additions to Schedule 1 Additional permitted uses. (c) That the Local Planning Panel endorses the amended Planning Proposal to be forwarded to the Department of Planning, Industry and Environment for gazettal in accordance with Section 3.36 of the <i>Environmental Planning and Assessment Act 1979</i>. (d) That the Local Planning Panel endorses the General Manager or delegate to make minor modifications to any numerical, typographical, interpretation and formatting errors, if required, in the finalisation of the Planning Proposal. (e) That all persons who made a submission to the Planning
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Proposal be advised of the Local Planning Panel's decision.

Executive Summary

1. On 7 September 2018, Council received funding from the NSW Government for an accelerated review of Council's existing Local Environmental Plans ("LEPs") and preparation of a new LEP that aligns with the priorities outlined in the *South District Plan*. Council is required to submit the LEP for final legal drafting by 30 June 2020.
2. At its meeting dated 26 February 2018, Council resolved to prepare a principal LEP for the Georges River local government area ("LGA") which gives effect to the *South District Plan*.
3. The purpose of this Planning Proposal is to harmonise the existing Hurstville and Kogarah LEPs into a principal Georges River LEP so that a single consistent approach is applied to planning and development across the LGA, and new controls are introduced to ensure consistency with the *South District Plan* and the LSPS.
4. As the planning proposal authority, the LPP at its meeting on 6 February 2020 considered the Planning Proposal and resolved to forward the draft *Georges River Local Environmental Plan 2020* ("GRLEP 2020") to the Department of Planning, Industry and Environment ("DPIE") requesting a Gateway Determination (approval). Refer to **Attachment 1** for the Report and Minutes of this meeting.
5. A Gateway Determination for the draft GRLEP 2020 was issued by the DPIE on 10 March 2020, including a list of Conditions to be fulfilled prior to the commencement of public exhibition (refer **Attachment 2**).
6. The draft GRLEP 2020 was placed on public exhibition from 1 April 2020 to 31 May 2020 (inclusive) as part of a Communication and Engagement Program and a total of 1,153 community submissions were received. A full report on the Communication and Engagement Program is provided in **Attachment 3**.
7. All submissions have been reviewed and have been categorised based on common topic areas and themes. The summary of each submission is provided in **Attachment 4** and the response for each submission in relation to the exhibited draft GRLEP 2020 is provided in **Attachment 5** under the respective topic area and theme.
8. In summary, the content of the submissions can be categorised into the following topic areas:
 - Commercial centres
 - Consultation process and timing
 - Development standards
 - Entertainment facilities at Jubilee Stadium
 - Foreshore scenic protection area ("FSPA")
 - General and procedural requests
 - Heritage
 - Hierarchy of residential zones
 - Housing Investigation Areas ("HIAs")
 - Industrial precincts
 - Land Use Tables

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- Open space acquisitions
 - Places of public worship
 - Requests for rezoning (non-HIAs)
9. In response to the submissions received from the community and public authorities, this report considers whether amendments to the draft GRLEP 2020 should be made, details the options that were considered and recommends the preferred options in moving forward with finalising the Planning Proposal.
10. The following amendments are proposed to vary the Planning Proposal for the draft GRLEP 2020 in response to the submissions received during public exhibition:
- Clause 1.2 Aims of Plan – insertion of an additional aim relating to the protection, maintenance and improvement of waterway health in response to submission received from NSW Environmental Protection Authority (“EPA”);
 - Zone R2 Low Density Residential zone – separation of “a landscaped setting” from “urban design and built form” to emphasise the importance of housing situated in a landscaped setting as a desirable characteristic as a standalone zone objective in response to community submissions;
 - Zone R3 Medium Density Residential zone – separation of “a landscaped setting” from “urban design and built form” to emphasise the importance of housing situated in a landscaped setting as a desirable characteristic as a standalone zone objective in response to community submissions;
 - Zone IN2 Light Industrial – insertion of an additional zone objective to encourage a range of uses that support repair, reuse, recycling, remanufacturing and reprocessing in response to EPA submission;
 - Clause 5.1 Relevant acquisition authority and the associated Land Reservation Acquisition Map – removal of the proposed acquisitions for local open space applied to 11-21 Monaro Avenue, Kingsgrove to defer open space acquisition for consideration in a future the Georges River LEP once further investigation is conducted with future housing growth;
 - Clause 6.6 Riparian Lands and Waterways – amendment of the subject of this clause from “watercourses” to “waterways” to include other waterbodies such as creeks and natural wetland, as well as inclusion of additional considerations of local native riparian vegetation and Aboriginal cultural heritage values of waterways in response to submission received from the Office of Environment, Energy and Science (“EES”);
 - Clause 6.7 Foreshore scenic protection area – amendment of the prescribed development considerations to emphasise the objectives to “protect, maintain and improve” the FSPA through the additional requirements of avoiding disturbance and enhancing existing native vegetation in response to EES submission;
 - Clause 6.11 Design excellence – amendment of the waste management facilities consideration to strengthen the proposed controls in response to EPA submission;
 - Clause 6.13 Landscaped areas in certain residential and environmental protection zones – increase the minimum landscaped area requirements for dual occupancies

(non-FSPA) from 20% to 25% and dual occupancies (FSPA) from 25% to 30% to ensure new developments are accompanied by increased planting and vegetation in response to community submissions;

- Clause 6.19 *Tree protection and landscaping in Zones R2 and R3* – introduction of this local provision to ensure any development undertaken on land in the R2 Low Density Residential and the R3 Medium Density Residential zones maintains and enhances the landscaped character of the neighbourhood and contributes to the tree canopy of the LGA in response to community submissions; and
- Schedule 1 Additional permitted uses:
 - Include the following allotments under *Item 11 Use of certain land for a place of public worship* in response to community submissions:
 - 1142 Forest Road, Lugarno, being Lot 9, DP 13473 (Lugarno Anglican Church);
 - 3A Old Forest Road, Lugarno, being Lot 18, DP 13473 (Lugarno Anglican Church);
 - 3A Old Forest Road, Lugarno, being Lot 19, DP 13473 (Lugarno Anglican Church); and
 - 20 River Road, Oatley, being Lot 2, Section 5, DP 2297 (Oatley Gospel Chapel).
 - Removal of the following allotments under *Item 11 Use of certain land for a place of public worship* in response to community submissions and rezone to SP2 Educational Establishment & Place of Public Worship:
 - 19 Warrawee Place, Beverly Hills, being Lots 42, 43 and 44, DP 13496; and
 - Addition of *Item 13 Use of certain land for an office premise* to ensure creative industries can be located within the industrial precincts at Penshurst Lane, Penshurst and Halstead Street, South Hurstville.

11. It is recommended that the LPP endorses the recommended amendments to the draft GRLEP 2020 and forwards the amended Planning Proposal to the DPIE for finalisation.

Report in Full

Background – Principal LEP for Georges River Council

12. At its meeting dated 26 February 2018, Council resolved to prepare a principal Local Environmental Plan (“LEP”) for the Georges River local government area (“LGA”) which gives effect to the *South District Plan*.
13. On 7 September 2018, Council received funding from the NSW Government for an accelerated review of Council’s existing LEPs and the preparation of a new LEP that aligns with the priorities outlined in the *South District Plan*.
14. Accordingly, the NSW Government funding requires Council to submit this Planning Proposal for final legal drafting by 30 June 2020. A consequence of not meeting this mandated timeframe may include not receiving State Government funding of up to \$1,125,000 and as such Council needing to meet the cost of relevant LEP related expenses.

15. The purpose of this Planning Proposal is to prepare a principal Georges River LEP by harmonising the existing LEPs:
 - *Kogarah Local Environmental Plan 2012* (“KLEP 2012”);
 - *Hurstville Local Environmental Plan 2012* (“HLEP 2012”); and
 - *Hurstville Local Environmental Plan 1994* (“HLEP 1994”).
16. It should be noted that two Deferred Matter sites remain under the *HLEP 1994* and will not be translated into the Georges River LEP as part of this Planning Proposal. This was a condition of the Gateway Determination which was issued on 10 March 2020.
17. Council also resolved to prepare a housing strategy and a local strategic planning statement to inform the preparation of the principal Georges River LEP at its meeting dated 26 February 2018.
18. The Georges River *Local Strategic Planning Statement 2040* (“LSPS 2040”) was endorsed by Council on 28 October 2019 and was formally adopted by the Greater Sydney Commission on 4 March 2020.
19. The *LSPS 2040* proposes a staged approach to preparing the principal Georges River LEP due to the detailed investigations required to support the full suite of changes proposed. This approach was endorsed by Council at its meetings dated 23 April 2019 and 28 October 2019. The staged approach to preparing the Georges River LEP is outlined as follows:
 - Stage 1: Housing and Harmonisation (this Planning Proposal)**
 - Harmonise the existing LEPs
 - Seek to achieve housing targets and housing choice through upzoning certain areas
 - Stage 2: Housing Choice (scheduled for 2021)**
 - Seek to promote inclusive and affordable housing
 - Investigate mechanisms such as big house conversions and build to rent to provide more housing choice across the LGA
 - Stage 3: Jobs and Activation (scheduled for 2022)**
 - Review development standards in centres
 - Infrastructure delivery mechanisms
 - Review and implement the outcomes of the Hurstville City Centre and Beverly Hills Local Centre masterplans
 - Stage 4: Housing and Future Growth (scheduled for 2025 and beyond)**
 - Focus on land use changes beyond the next 5 years
20. The outcome of this Planning Proposal is a consolidated Georges River LEP which implements the first stage of the staged LEP approach. With a focus on housing and harmonisation, this LEP will ensure a single, consistent approach is applied to planning and development across the LGA. The objectives of this Planning Proposal are to:
 - Give effect to the *South District Plan* by addressing its Planning Priorities and Actions;

- Implement the *LSPS 2040* vision for the LGA by addressing its Planning Priorities and Actions;
- Meet the *South District Plan* housing targets;
- Identify additional housing opportunities through the harmonisation of existing LEP controls;
- Retain and manage industrial and urban services land;
- Provide a regulatory environment that enables economic opportunities;
- Protect future transport and infrastructure corridors;
- Facilitate opportunities for creative and artistic industries; and
- Identify, conserve and enhance environmental heritage.

21. This Planning Proposal was prepared in accordance with a number of overarching principles as follows:

- Achieve equity across the LGA through the harmonisation process, particularly in respect to development potential and the management of environmental hazards and risks;
- Retain existing controls where the status quo can be maintained;
- Develop a hierarchy of residential zones to ensure development typologies reflect the objectives of the respective zone, including a ‘true’ medium density residential zone;
- Protect the amenity and local character of low density residential areas;
- Provide high density residential areas with opportunities for greater activation;
- Facilitate employment growth in centres, particularly in mixed use zones;
- Protect industrial zoned land whilst allowing greater land use and development flexibility;
- Promote good design and environmentally sustainable practices in larger developments;
- Enhance and protect the natural environment, especially in the foreshore localities along the Georges River;
- Formalise key infrastructure uses such as schools and hospitals; and
- Adopt the model provisions for Standard Instrument LEPs as provided by the Department of Planning, Industry and Environment (“DPIE”) where applicable.

22. A comprehensive list of the controls proposed by the draft GRLEP 2020 is provided in the Planning Proposal Report (refer **Attachment 17**). A summary is provided below outlining the notable elements as exhibited:

- Harmonising planning controls – existing controls such as maximum building heights and floor space ratios (FSRs) are harmonised and rationalised where they are the same across the existing *HLEP 2012* and *KLEP 2012*;
- Renewing hierarchy of residential zones – a hierarchy of residential zones is introduced to provide a clear distinct between the predominate typology of residential accommodation permissible in each zone in accordance with the following structure:
 - R2 Low Density Residential – providing for dwelling houses and dual occupancies
 - R3 Medium Density Residential – providing for villas and townhouse style housing
 - R4 High Density Residential – providing for residential flat buildings
- Activating high density residential areas – a limited range of compatible land uses such as restaurants or cafes, small bars and shops are introduced to the R4 High Density

Residential zone with the aim of creating active places in areas with high residential density to improve the liveability of apartment living and promote social interactions;

- Incentivising affordable housing choice – a new local provision is introduced to enable the development of an ‘internal secondary dwelling’ up to a maximum of 75sqm gross floor area (“GFA”) that is wholly contained within the building envelope of an existing principal dwelling;
- Providing additional open space – three areas of land reservation acquisitions are proposed to deliver additional open space across the LGA, especially in areas of housing growth and localities currently deficient in open space:
 1. 26 – 30 Culwulla Street, South Hurstville;
 2. 7 Hedley Street, Riverwood and 13-15 Keith Street, Peakhurst; and
 3. 11-21 Monaro Avenue, Kingsgrove;
- Harmonising infrastructure zones – the various SP2 Infrastructure zoned land uses such as ‘church’, ‘aged care’ and ‘community purposes’ that are only applied in either *HLEP 2012* or *KLEP 2012* are rezoned to the adjoining zone to ensure a consistent approach is applied across the LGA. Significant infrastructure such as ‘hospitals’ and ‘educational establishments’ have been identified and rezoned to the SP2 Infrastructure zone to formalise and protect the continued use of these essential functions;
- Enhancing environmental protection – a number of existing local provisions such as earthworks, riparian lands and watercourses and foreshore scenic protection area clauses are expanded to apply to the whole LGA while a number of new clauses are introduced to reinforce environmental protection, including provisions relating to minimum landscaped area requirements, stormwater management and future sea level rise;
- Promoting quality design and environmental sustainability – new local provisions are introduced to ensure new developments achieve a high standard of architectural design, urban planning and environmental sustainability, especially in the R4 High Density Residential zone, commercial centres and industrial precincts;
- Facilitating employment growth in centres – the existing minimum non-residential floor space requirement is expanded to apply to all business zoned land in the LGA to ensure the community has access to a range of retail, service and employment opportunities;
- Improving utilisation of industrial areas – to ensure industrial zoned lands retain their primary industrial function while allowing greater development flexibility and enhanced utilisation, the maximum building height is increased for all IN2 Light Industrial zoned areas while introducing a limited range of compatible land uses such as creative industries and food and drink premises; and
- Reviewing existing heritage items – informed by the *Heritage Review*, the existing local heritage items under Schedule 5 Environmental heritage of the *HLEP 2012* have been reviewed to remove 4 existing heritage items that have been heavily altered or demolished, amend the curtilage of 6 existing heritage items and amend the item name of 97 existing items to reflect their significance in relation to their built form and setting.

Background – Strategic Context and Key Council Strategies and Studies

23. The future vision for Greater Sydney to 2056 is clearly established in the *Greater Sydney Region Plan – A Metropolis of Three Cities* (“Region Plan”) and the supporting district plans released in March 2018. These plans are framed around 10 Directions relating to the four themes of infrastructure and collaboration, liveability, productivity and sustainability.
24. Councils are required to update their LEPs to give effect to the objectives and priorities identified in the relevant district plan. The *South District Plan* is the applicable district plan for the LGA.
25. To support the regional and district-level of strategic planning, the *LSPS 2040* has been prepared to provide the ‘line of sight’ between the *South District Plan* and strategic planning and delivery at the local level through the Georges River LEP.
26. The *LSPS 2040* and the draft *Georges River Local Environmental Plan 2020* (“GRLEP 2020”) have been informed by an evidence base comprising of specialist reports that have been prepared in response to the knowledge gaps identified through Council’s LEP review process.
27. A list of the key Council strategies and studies that have informed the preparation of this LEP are itemised below:
 - Draft *Local Housing Strategy* (exhibited concurrently with the draft GRLEP 2020)
 - *Housing Investigation Areas Paper* (April 2020)
 - Draft *Inclusive Housing Strategy* (exhibited concurrently with the draft GRLEP 2020)
 - *Commercial Centres Strategy – Part 1 Centres Analysis* (February 2020)
 - *Industrial Land Review* (December 2018)
 - *Foreshore Study*
 - *Tidal Inundation Study* (November 2018)
 - *Foreshore Strategic Directions Paper* (December 2018)
 - *Infrastructure Integration Advice Roadmap* (September 2019)
 - *Heritage Review*
 - *Stage 1 Report* (August 2018)
 - *Stage 2 Report* (March 2020)
 - *Hurstville City Centre Urban Design Study* (June 2018)
 - *Open Space, Recreation and Community Facilities Strategy 2019-2036* (August 2019)
 - *Create Georges River Cultural Strategy 2019-2029* (September 2019)
28. All of the above Council strategies and studies have been made publicly available alongside the draft GRLEP 2020 as supporting documentation.
29. The draft *Local Housing Strategy* and draft *Inclusive Housing Strategy* were exhibited concurrently with the draft GRLEP 2020 from 1 April 2020 to 31 May 2020 in accordance with the Council resolutions dated 24 February 2020. Submissions received in relation to these strategies have also been considered as part of the draft GRLEP 2020 review process where references to elements of the draft GRLEP 2020 have been made, further details are provided later in this report.
30. It should be noted that Council is currently unable to finalise the draft *Local Housing Strategy* and the draft *Inclusive Housing Strategy* as Council is currently awaiting the outcomes of the DPIE’s assessment of the *Local Housing Strategy*. DPIE had indicated in

their correspondence dated 26 May 2020 that completing the necessary assessment by the end of the public exhibition period on 31 May 2020 will not be possible (refer **Attachment 6**). DPIE is yet to provide a response to date.

31. In the same letter, DPIE also acknowledges that the draft status of these strategies does not prevent the Planning Proposal for the draft GRLEP 2020 to proceed to finalisation. The GRLEP 2020 is only required to be updated if the *Local Housing Strategy* is endorsed prior to finalisation, as specified by Conditions 1(r) and 2 of the Gateway Determination.
32. In accordance with the above advice from DPIE, Council is seeking to progress the draft GRLEP 2020 for submission to the DPIE prior to the finalisation of the draft *Local Housing Strategy* and the draft *Inclusive Housing Strategy*.

Background – Planning Proposal Authority

33. Under Section 3.32 of the *Environmental Planning and Assessment Act 1979* (“EP&A Act”), Council is the planning proposal authority for the proposed *GRLEP 2020*. This Planning Proposal was reported to Council’s Environment and Planning Committee on 11 November 2019 and subsequently to Council at its meeting on 25 November 2019.
34. However, Council was unable to form a quorum at the Council meeting as a result of Councillors appropriately managing pecuniary conflicts of interest in accordance with the provisions of Council’s Code of Conduct (adopted 27 May 2019 which reflects the *NSW Model Code of Conduct 2018*).
35. Due to the lack of quorum at the Council meeting on 25 November 2019, the Acting General Manager sub-delegated Council’s functions as the planning proposal authority to the Georges River Local Planning Panel (“LPP”) pursuant to Section 378 of the *Local Government Act 1993* (“LG Act”).
36. As the planning proposal authority, the LPP at its meeting on 6 February 2020 resolved to forward the Planning Proposal for the draft GRLEP 2020 to the DPIE requesting a Gateway Determination (approval).

Background – Gateway Determination

37. Prior to the issuing of the Gateway Determination, the DPIE requested additional information to be submitted by Council with regards to the following:
 - A land use table matrix to show the inclusion and exclusion of land uses in all proposed zones;
 - Further justification for the proposed permissibility of registered clubs in the RE1 Public Recreation zone;
 - Further justification for the rezoning of SP2 Infrastructure zoned land identified for ‘Community Purposes’ and ‘Public Administration’ to the adjoining zone;
 - Further justification for the review of SP2 Health Services Facilities under the *KLEP 2012* and the retention of SP2 Hospitals, and rezoning properties occupied by schools not currently zoned SP2, to SP2 Educational Establishments;
 - Justification for the rezoning of 815 Forest Road, Peakhurst from SP2 Church to the adjacent R2 Low Density Residential zone;
 - Further justification for the upzoning of five Housing Investigation Areas;
 - Further justification for the proposed translation of the three deferred matter sites under the *HLEP 1994* into the draft GRLEP 2020;

- Further justification for the proposed minimum lot width requirements under *Clause 4.1B Minimum lot sizes and special provisions for certain dwellings* for dual occupancies and multi dwelling housing;
 - Further justification for the proposed landscaped area requirements under *Clause 6.12 Landscaped areas in certain residential and environmental protection zones*, including consideration of the anticipated number of Clause 4.6 variations caused by existing non-compliances; and
 - Further justification for the consistency of the proposed foreshore related clauses against Ministerial Direction - 2.2 Coastal Management.
38. Council responded to the DPIE's requests through two responses dated 13 February 2020 (refer **Attachment 7**) and 19 February 2020 (refer **Attachment 8**).
39. A Gateway Determination for the draft GRLEP 2020 was subsequently issued by the DPIE on 10 March 2020 (refer **Attachment 2**).
40. Condition No.1 of the Gateway Determination refers to a separate Schedule of Conditions which nominates a list of amendments that must be made to the draft GRLEP 2020 prior to the commencement of public exhibition. A summary of the Schedule of Conditions and Council's response is provided in **Table 1** below.

Table 1 – Summary of conditions and council's response

Schedule of Condition	Council Response
a) Additional justification for land use table changes • Prohibition of recreation facilities (indoor) from the R2 and R3 zones of HLEP 2012 • Prohibition of hotel or motel accommodation from the R3 zone of KLEP 2012 • Prohibition of numerous land uses currently permissible in the business and industrial zones of KLEP 2012.	The Planning Proposal Report was amended to include explicit justification for these land use table changes, including tabulated comparisons of permissibility for all business and industrial zones.
b) Registered clubs are to be prohibited in Zone RE1 Public Recreation Registered clubs are to be prohibited in the RE1 zone. Existing registered clubs in the RE1 zone may be added to <i>Schedule 1 Additional permitted uses</i> .	'Registered clubs' are removed from the proposed land use table of the RE1 zone. Schedule 1 Additional permitted uses have been granted to the two existing RE1 zoned registered clubs: • Old Park Sports Club (7 Holley Road, Beverly Hills) • Beverley Park Golf Club (87A Jubilee Avenue, Beverley Park)
c) Deferred Matters The existing deferred matter sites at the Civic Precinct and Westfield must be retained as deferred matter under the HLEP 1994.	The Planning Proposal was amended to exclude the translation of the Civic Precinct and Westfield sites into the draft GRLEP 2020. These sites will remain under the <i>HLEP 1994</i>.
d) Riverwood Community Centre (31 Thurlow Street, Riverwood) Council needs to state Council's intentions for the future of this land to justify the proposed rezoning of the existing SP2 'Community Purposes' zone to a R4 zone.	The Planning Proposal Report was amended to include explicit explanation which states that at the time of writing this report, Council does not have any future directions to change the site's function as a community facility.

Schedule of Condition	Council Response
e) Specialised retail premises in Zone IN2 Light industrial Specialised retail premises are to be prohibited in Zone IN2 to protect industrial employment lands.	‘Specialised retail premises’ are removed from the proposed land use table of the IN2 zone.
f) Sensitive land use rezonings - Prohibit centre-based child care facilities in the proposed Zone SP2 Infrastructure - Delete the proposed rezoning of 141-143A Stoney Creek Road, Beverly Hills from SP2 ‘Public Administration’ to R2 Low Density Residential. The land is to remain SP2 Infrastructure.	‘Centre-based child care facilities’ are removed from the proposed land use table of the SP2 zone. The draft Zoning, Height of Buildings and Maximum Floor Space Ratio Maps have been amended to retain the existing SP2 zoning at 141-143A Stoney Creek Road, Beverley Hills.
g) References to the proposed provisions of PP_2017_GRIVE_005_01 If the controls sought by the PP_2017_GRIVE_005_01 planning proposal are to be included in the draft GRLEP 2020, then a written explanation is required and must reflect the most current state of drafting.	PP_2017_GRIVE_005_01 relates to the planning proposal at 53-75 Forest Rd, 108-126 Durham Street and 9 Roberts Lane, Hurstville (also known as the Landmark Square Precinct). The legal wording of the amendments proposed by this planning proposal is currently being drafted by the NSW Parliamentary Counsel’s Office. The Planning Proposal Report for the draft GRLEP 2020 was amended to exclude the implementation of the proposed amendments to the Landmark Square Precinct due to its draft status. The existing IN2 Light Industrial and R2 Low Density Residential zones applied to this site are proposed to be retained in the draft GRLEP 2020. Once PP_2017_GRIVE_005_01 is gazetted, the draft GRLEP 2020 will be updated to include the updated controls for the Landmark Square Precinct.
h) Flood planning clause - Adopt the model provision wording for Flood Planning - Delete the proposed Probable Maximum Flood Map - Remove all additional flood mapping layers from the proposed Flood Planning Map except the flood planning area shown by the existing Flood Planning Map in KLEP 2012.	The Planning Proposal was amended to revert the proposed wording for <i>Clause 6.3 Flood Planning</i> back to the model provision wording. The proposed Probable Maximum Flood Map was deleted, and the additional Flood Extent Area layer was removed from the proposed Flood Planning Map.
i) Riparian Lands and Watercourses The Riparian Lands and Watercourses Map must be itemised as a standalone clause.	The Planning Proposal was amended to extract the Riparian Lands and Watercourses provisions into its own standalone clause – <i>Clause 6.6 Riparian land and watercourses</i>. The clause is translated from the existing <i>Clause 6.2 Riparian land and watercourses</i>

Schedule of Condition	Council Response
j) Foreshore area and coastal hazards and risks and foreshore scenic protection area clauses Additional justification is required to ensure consistency with the <i>Georges River Estuary Coastal Zone Management Plan</i>, as per (4)(d) of S9.1 Direction 2.2 Coastal Management.	under the <i>HLEP 2012</i>. The consistency table against S9.1 Ministerial Directions was amended to include additional justification which ensures the following clauses are consistent with the <i>Georges River Estuary Coastal Zone Management Plan</i>: • Clause 6.5 Foreshore area and coastal hazards and risks • Clause 6.6 Riparian land and watercourses • Clause 6.7 Foreshore scenic protection area
k) Clauses to be exhibited in plain English A plain-English explanation must be provided for the following clauses for the purpose of community consultation: • Clause 6.11 Design excellence • Clause 6.12 Environmental sustainability in certain business, industrial and residential zones • Clause 6.13 Landscaped areas in certain residential and environmental protection zones • Clause 6.17 Creative industries in Zone IN2.	Plain-English explanations were provided alongside the draft GRLEP 2020 instrument wording for the subject clauses.
l) Acquisition authorities are to be consulted Consistency with S9.1 Direction 6.2 Reserving Land for Public Purposes is to be provided by consulting with the relevant public authority for existing land reservation acquisitions.	Transport for NSW (“TfNSW”) was consulted as part of the public exhibition process as the relevant public authority for existing land reservation acquisitions. Council received the advice that all existing corridors and reservations need to be maintained and appropriately reflected in the Land Zoning and Land Reservation Acquisition Maps as being zoned SP2 Infrastructure. The draft GRLEP 2020 does not seek to remove any existing TfNSW land reservation acquisitions that are yet to be acquired, nor does this Planning Proposal propose to add any new reservations or SP2 zones relating to TfNSW without prior written approval.
m) Rezoning to be deleted Rezoning at 129 Laycock Road, Hurstville Grove and 29-31 Rocky Point Road, Kogarah are to be deleted due to insufficient justification.	These sites currently benefit from limited commercial uses through Schedule 1 of the <i>KLEP 2012</i> and have been identified by the <i>Commercial Centres Strategy – Part 1</i> as having the potential of being incorporated into the adjacent commercial centre. The draft Zoning, Height of Buildings and Maximum Floor Space Ratio Maps have been amended to retain the existing zoning and development standards applied to these sites.

Schedule of Condition	Council Response
	The existing Schedule 1 listings on these sites are retained. The rezoning of these sites will be further investigated in Part 2 of the <i>Commercial Centres Strategy</i>.
n) References to the Low Rise Medium Density Housing Code (LRMDHC) All proposed provisions, including development standards, relating to LRMDHC land uses are to be deleted.	All references to the following land use terms have been removed from the Planning Proposal: • Manor houses • Multi dwelling housing (terraces)
o) Housing investigation areas Justification is required for the proposed rezoning of the five HIAs, including: • Consistency against applicable SEPPs and S9.1 Ministerial Directions • Consideration of development standards • Traffic study • Detailed justification	This Planning Proposal identifies 5 areas across the LGA to be upzoned for medium density and high density dwellings, known as Housing Investigation Areas (“HIAs”): 1) Hillcrest Avenue – Hurstville 2) North and West of Peakhurst Park – Peakhurst 3) Apsley Estate – Penshurst 4) Culwulla Street – South Hurstville 5) Rowe Street – South Hurstville The <i>Housing Investigation Areas Paper</i> (April 2020) has been prepared to provide detailed justification for the selection of the five HIAs, including: • Consistency with the <i>Greater Sydney Region Plan</i> and <i>South District Plan</i> • Consistency with the <i>Georges River Community Strategic Plan 2018-2028</i> • Consistency with Council’s <i>Local Strategic Planning Statement (LSPS) 2040</i> • Results of the <i>LSPS 2040</i> community consultation • Results of the targeted community consultation • Traffic analysis of the proposed upzoning • Analysis of the proposed built form outcomes, including medium density residential typologies. This Paper was exhibited as a supporting documentation to the Planning Proposal.
p) Hurstville Heritage Review The relevant qualifications of the author are to be placed on the exhibited document.	The qualifications of the author have been provided within the covers of the Stage 1 and Stage 2 Reports.
q) Office premises in Zone IN2 This clause is to be deleted and office premises should be prohibited in Zone IN2 as the clause is considered unreasonably	‘Office premises’ are removed from the proposed land use table of the IN2 zone. The proposed local provision ‘Office premises in

Schedule of Condition	Council Response
restrictive and complex and there is no demonstrated the need in the LGA for a local provision which differentiates between primary and secondary office uses as ancillary to an existing industrial use.	Zone IN2' has been removed from the Planning Proposal.
r) Local Housing Strategy The planning proposal is to be amended to make reference to the latest draft version of the local housing strategy.	The Planning Proposal was amended prior to exhibition to make reference to the latest version of the draft <i>Local Housing Strategy</i> .

41. The above amendments were made to the Planning Proposal for the draft GRLEP 2020 prior to the commencement of public exhibition.
42. In accordance with Gateway Condition No.2, the draft GRLEP 2020 was also required to be updated where necessary to have regard to any local housing strategy and local strategic planning statement if either document is endorsed prior to the finalisation of the GRLEP 2020.
43. As noted above under the heading **Background – Principal LEP for Georges River Council**, the LSPS 2040 was adopted by the Greater Sydney Commission without amendments on 4 March 2020. No amendments were required to be made to the Planning Proposal to satisfy Condition No.2 of the Gateway Determination in relation to the LSPS 2040.
44. As noted above under the heading **Background – Strategic Context and Key Council Strategies and Studies**, the draft GRLEP 2020 is only required to be updated if the *Local Housing Strategy* is endorsed prior to finalisation. Given that the draft *Local Housing Strategy* is still under assessment by the DPIE and has not been finalised and endorsed, the Planning Proposal has not been updated to include any amendments relating to the *Local Housing Strategy* in accordance with Condition No.2 of the Gateway Determination.

Communication and Engagement Program

45. Prior to the COVID-19 pandemic, a comprehensive Communications and Engagement Program was developed by Council to provide accessible opportunities for the community to receive information and speak with Council representatives regarding the draft GRLEP 2020. The following methods of engagement and communication were proposed:
- Minimum 28 day exhibition period in accordance with the requirements stipulated by Schedule 1 of the EP&A Act;
 - 8 advertisements in the St George Leader newspaper;
 - Direct mail to all ratepayers with a plain-English information brochure;
 - Direct mail to all property owners with a plain-English information brochure;
 - 12 Fact Sheets on the following key elements of the draft GRLEP 2020 in plain-English:
 1. Local Environmental Plans overview
 2. Dwellings houses
 3. Dual occupancies
 4. Medium density residential
 5. High density residential
 6. Mixed use in centres
 7. Light industrial areas

8. Infrastructure zones
 9. Landscaped areas
 10. Foreshore areas
 11. New local provisions
 12. Heritage items
- Targeted letters to the following property owners with relevant Fact Sheets attached:
 - Located within or within the vicinity of the HIAs
 - Located within the areas proposed to be removed from the FSPA
 - Located within the proposed FSPA
 - Adjoining properties proposed to be removed from the existing FSPA
 - Identified to be acquired for open space (not identified in the existing LEPs)
 - Detail on how to access language assistance on all outgoing Council correspondences;
 - Promotional video (including Chinese);
 - Regular e-news updates and media releases on Council's website;
 - Online exhibition on Council's YourSay website;
 - Online interactive LEP maps (Intramaps) showing existing and proposed controls for all properties in the LGA;
 - Facebook posts;
 - Dedicated LEP telephone hotline and email address to answer individual enquiries;
 - Hard copy exhibition at Council's Customer Service and libraries;
 - Council planning staff to take face-to-face enquiries at Council's Customer Service; and
 - 7 face-to-face information sessions held in various locations across the 5 Wards of the LGA comprising of 6 general sessions and one topic-specific session to target the proposed changes to the FSPA.
46. The Communications and Engagement Program commenced on 26 February 2020 with the establishment of the draft GRLEP 2020 project page on the Georges River YourSay online engagement platform.
 47. The anticipated project timeline for the completion of the Planning Proposal that was reported to the LPP at the meeting dated 6 February 2020 (refer **Table 20** in **Attachment 1**) had indicated public exhibition will occur from February to April 2020 in accordance with the anticipated receipt of a Gateway Determination in February 2020.
 48. Due to the receipt of the Gateway Determination on 10 March 2020 and the Schedule of Conditions that was required to be fulfilled prior to public exhibition, the statutory exhibition period for the draft GRLEP 2020 commenced on 1 April 2020 and was initially scheduled to conclude on 15 May 2020.
 49. However towards the end of March 2020, the NSW Government introduced a number of changes in light of the COVID-19 pandemic which affected Council's original consultation program.
 50. On 25 March 2020, Section 10.18 of the EP&A Act was enacted with relation to the public inspection of documents during the COVID-19 pandemic. This enabled all NSW councils to make public exhibition materials available digitally on Council's websites, instead of the former requirements of making documents available for public inspection at a physical location such as at the administrative offices of a council.
 51. Further to the above, the NSW Government also introduced restrictions on public gatherings on 30 March 2020. In compliance with the Public Health Order which limited public gatherings, Council closed all libraries and customer service centres and cancelled

all public events and engagement activities including the planned information sessions for the draft GRLEP 2020.

52. In response to the above restrictions, Council implemented a revised engagement program with additional engagement methods to extend the reach of the consultation to as many residents and property owners as practicable, including:
- Extension of the statutory exhibition period from 15 May 2020 to 31 May 2020, equating to a public exhibition period of 61 days in total, exceeding the minimum 28 day statutory requirement;
 - Creation of a 30-minute informational video which provides a visual and audio overview of the controls proposed by the draft GRLEP 2020;
 - Creation of Frequently Asked Question sheets for the following topics responding to common enquiries received from the community during the exhibition period:
 - Land acquisition
 - Vegetation and tree protection
 - Foreshore scenic protection area
 - Water sensitive urban design
 - Netstrata Jubilee Stadium Precinct
 - Unanswered questions from digital webinars
 - How to use IntraMaps
 - Hosting of 3 digital webinars to listen and respond to questions from the community, consisting of:
 - 19 May 2020 – FSPA-specific session
 - 26 May 2020 – general topic session
 - 27 May 2020 – general topic session
 - Recording and uploading of webinar presentations onto YourSay as an additional resource for the community; and
 - Posting hardcopies of the draft GRLEP 2020 and supporting documents upon request from customers.
53. The engagement activities carried out by Council during the public exhibition period between 1 April 2020 and 31 May 2020 (inclusive) is outlined in further detail in the Community Engagement Summary Report (refer **Attachment 3**).

Outcomes of Public Exhibition – Public Authority Submissions

54. Prior to the commencement of community consultation, the following public authorities were consulted in accordance with Condition No.3 of the Gateway Determination and the relevant S9.1 Ministerial Directions:
- Sydney Airport – in accordance with Direction 3.5 Development Near Regulated Airports and Defence Airfields
 - Commonwealth Department of Infrastructure, Regional Development and Cities (“DIRDC”) – in accordance with Direction 3.5 Development Near Regulated Airports and Defence Airfields
 - NSW Rural Fire Service – in accordance with Direction 4.3 Fire Prone Land
55. No objections or recommendations to amend the draft GRLEP 2020 were raised by Sydney Airport (refer **Attachment 9**) and the NSW Rural Fire Service (refer **Attachment 10**).

56. DIRDC provided a number of recommendations to amend the proposed wording of *Clause 6.8 Airspace operations* and *Clause 6.9 Development in areas subject to aircraft noise* (refer **Attachment 11**), summarised as follows:
- To align phraseology with the Commonwealth *Airports Act 1996* and *Airports (Protection of Airspace) Regulations 1996* (“APARs”), the term “development approvals” be amended to “controlled activity” approvals;
 - Reference to the *Australian Standard 2021* should be pared back to “AS2021”;
 - Under Regulation 8 of the APARs, Council is required to notify Sydney Airport of relevant development applications. Amendment is suggested to reflect this notification process:
If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has notified the operator of Sydney Airport.
57. The Planning Proposal was amended in accordance with the above recommendations received from DIRDC. The amended Clauses were exhibited as part of the Planning Proposal.
58. In accordance with Condition No.5 of the Gateway Determination, the following public authorities were provided with a copy of the Planning Proposal and the relevant supporting material during the public exhibition period of the Planning Proposal from 1 April 2020 to 31 May 2020:
- Bayside Council
 - City of Canterbury Bankstown
 - Sutherland Shire Council
 - Office of Environment, Energy and Science
 - NSW Land and Housing Corporation
 - NSW Health
 - NSW Department of Education
 - Sydney Water Corporation
 - Environmental Protection Authority
 - Heritage, Department of Premier and Cabinet
 - Transport for NSW
59. Council did not receive a response from the following public authorities:
- Bayside Council
 - City of Canterbury Bankstown
 - NSW Land and Housing Corporation
 - NSW Health
 - NSW Department of Education
 - Sydney Water Corporation
60. A summary of the comments received from the public authorities and a response to the submission is provided below.
61. **Sutherland Shire Council** (refer **Attachment 12**) - Concern is raised regarding the capacity of existing infrastructure to accommodate the anticipated population growth

across the South District and the Eastern City District. It is important for cross-Council collaboration to take place in order for growth to be aligned with infrastructure capacity.

The inclusion of the following local provisions is supported for their ability to encourage better outcomes in the foreshore area:

- Clause 6.2 Earthworks
- Clause 6.3 Flood planning
- Clause 6.4 Stormwater management
- Clause 6.5 Foreshore area and coastal hazards and risks
- Clause 6.6 Riparian land and watercourse
- Clause 6.7 Foreshore scenic protection area

Council response: support for the Planning Proposal is noted. Council also welcomes the opportunity to work in collaboration with Sutherland Shire Council to plan for the provision of additional infrastructure to support future growth.

62. **Heritage, Department of Premier and Cabinet** (refer **Attachment 13**) - No objections to the proposed changes as the amendments proposed by the draft GRLEP 2020 will either have a positive heritage impact or are administrative in nature.

Council response: support for the Planning Proposal is noted.

63. **Transport for NSW** (refer **Attachment 14**) - TfNSW advises that legislation to bring Roads and Maritime Services (“RMS”) and TfNSW together as one organisation came into effect on 1 December 2019.

Support has been indicated for the introduction of a minimum non-residential floor space control within the LGA’s business zones as this will provide more employment around existing transport nodes and thereby assisting in achieving a 30 minute city.

Support has also been indicated for the upzoning of the 5 Housing Investigation Areas to provide more housing choice and the contribution made towards the LGA’s housing targets.

TfNSW advises that any future development at Treacy Street Car Park must have regard to the function of the rail corridor as an important freight corridor. TfNSW also seeks the future opportunity to work in collaboration with Council to identify development potential for underutilised and surplus land owned by the NSW Transport cluster to assist Council in achieving its housing and commercial centres strategies.

Council response: the amalgamation of RMS with TfNSW is noted. The importance of the Illawarra rail line as a freight corridor is acknowledge and will be considered as part of any future development at the Treacy Street Car Park site. Council also welcomes the opportunity to work in collaboration with TfNSW in Part 2 of the *Commercial Centres Strategy* and future housing investigations.

64. **Office of Environment, Energy and Science** (refer **Attachment 15**) - The Office of Environment, Energy and Science (“EES”) suggests a number of amendments to the draft GRLEP 2020 to promote greater biodiversity protection in the LGA. The EES recommendations and Council’s response are tabulated in **Table 2** below.

Table 2 – Amendments suggested by the EES

EES Recommendation	Council Response
Table of Contents The Table of Contents should be amended to list each Land Use Table, principal development standard, miscellaneous provision and additional local provision.	EES recommendation is noted. It is anticipated that the gazetted LEP will be available on the NSW Legislation website in the <i>Standard Instrument LEP</i> format where each clause will be itemised.
Clause 1.2 Aims of the Plan The Aims should be amended to include elements that: • Protect and improve biodiversity / remnant native vegetation in the LGA • Protect and conserve waterways, riparian land and groundwater dependent ecosystems • Maintain and improve water quality • Facilitate adaptation to climate change	EES recommendation is noted, and the aim relating to the protection and conversation of waterways has been included in the post-exhibition amendments. However in accordance with the DPIE Planning Circular PN09-005, the role of Clause 1.2 is to set out the overarching aims of the plan while the objectives of land use zones, development standards and local provisions contain more detail to form a hierarchy of policy intention. The subject elements specifically relate to a number of proposed local provisions, including foreshore scenic protection area, riparian lands and watercourses, stormwater management and coastal hazards local provisions. These elements are considered to be detailed expansions of the exhibited Aims of the draft GRLEP 2020.
Clause 2.8 Temporary use of land Include biodiversity values, remnant vegetation, waterways and riparian land as examples of “features of the land”.	EES recommendation is noted, however the exhibited Clause 2.8 utilises the <i>Standard Instrument LEP</i> wording which cannot be altered.
Land Use Tables Introduce the following objectives to all residential zones (R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential): • To protect, maintain and rehabilitate waterways, riparian land and remnant native vegetation • To maintain or improve the water quality of receiving water catchments	EES recommendation is noted. However based on existing Council-endorsed studies and policies, the majority of the residential zones areas in the LGA are not located on or adjacent to waterways. The significance of protecting, maintaining and rehabilitating waterways, riparian lands and remnant native vegetation and the quality of water catchments are acknowledged by the draft GRLEP 2020 through the following local provisions: • Clause 6.4 Stormwater management • Clause 6.5 Foreshore area and coastal hazards and risks • Clause 6.6 Riparian land and watercourses • Clause 6.7 Foreshore scenic protection area
Land Use Tables Council needs a provision in place for considering and managing the potential proliferation of boatshed to guide Council’s assessment of potential cumulative impacts.	EES recommendation is noted. However the development controls applicable to boat sheds, marinas, jetties and other development types on the bed and banks of waterways will be outlined in the Georges River Development Control Plan (DCP) 2020, which is currently being prepared.
Land Use Tables Introduce the following additional	EES recommendation is noted. However most of the RE1 zoned lands in the LGA are not identified to

EES Recommendation	Council Response
objectives to the RE1 Public Recreation zone: • To maintain or improve the water quality of receiving water catchments • To protect and enhance the natural environment (including biodiversity, remnant vegetation, wildlife corridors and natural habitat, waterways and riparian land) for environmental purposes	contain riparian lands and watercourses based on existing Council-endorsed studies and policies. The significance of the water quality of receiving water catchments is acknowledged by the draft GRLEP 2020 through <i>Clause 6.4 Stormwater management</i>. With regards to the objective relating to biodiversity, it should be noted that Council is yet to prepare a LGA-wide biodiversity study. The <i>LSPS 2040</i> commits to developing a biodiversity strategy informed by a LGA-wide biodiversity study. The outcomes of this study may result in the inclusion of biodiversity provisions in a future LEP amendment.
Zoning of Open Space Existing RE1 Public Recreation zoned areas that possess High Environmental Values (HEVs) such as biodiversity should be rezoned to E2 Environmental Conservation to protect the natural environment.	EES recommendation is noted. However Council is yet to prepare a LGA-wide biodiversity study. The <i>LSPS 2040</i> commits to developing a biodiversity strategy informed by a LGA-wide biodiversity study. The outcomes of this study may result in biodiversity provisions included in a future LEP. The rezoning of existing RE1 zoned areas with notable biodiversity values to the E2 zone will be investigated after the completion of a biodiversity study.
Extent of Recreational Waterways The extent of the W2 Recreational Waterways zone should be revised to provide a balance between recreational uses and the protection and rehabilitation of coastal wetlands and littoral rainforests in the LGA. W1 Natural Waterways should be introduced as it is more conducive to protecting coastal wetlands and littoral rainforests.	EES recommendation is noted. However the location of coastal wetlands and littoral rainforests are identified by the <i>State Environmental Planning Policy (Coastal Management) 2018</i>. This SEPP also prescribes controls for development in areas that contain coastal wetlands and littoral rainforests as well as the associated 100m buffer zones. The existing Hurstville and Kogarah LEPs do not currently identify any W1 zoned areas. Given that the key objective of draft GRLEP 2020 is to harmonise the existing LEPs and retain existing controls where the status quo can be maintained, all existing W2 zoned areas are proposed to be retained. Further investigation, such as a survey of the watercourses within the LGA, is required to explore the extent of the boundary of the existing W2 zoned areas.
Kiosks within Recreational Waterways Kiosks should be located outside waterways and riparian lands.	EES recommendation is noted, however “kiosks” are mandated by the <i>Standard Instrument LEP</i> as a permissible land use term within the W2 zone.
Clause 3.3 Environmentally sensitive areas excluded The list of environmentally sensitive areas where exempt and complying development under the LEP should be extended to also include the following areas:	EES recommendation is noted. However the draft GRLEP 2020 does not nominate any exempt and complying development in addition to those specified in the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> (“Codes SEPP”). Accordingly, the provisions of the Codes SEPP apply to all exempt and complying

EES Recommendation	Council Response
• Riparian lands • Any area zoned E2 Environmental Conservation • Any area zoned W2 Recreational Waterways	development in the LGA, including the list of areas where exempt and complying development may not be carried out. Clause 1.19 of the Codes SEPP itemises the restrictions that affect the permissibility of complying development, including the location of land within a river front area and within a protected area like the E2 zone.
Clause 4.1 Minimum subdivision lot size The proposed objective 1(c) “to ensure lot size reflects the land’s environmental capability with consideration to topography and other natural features” should be amended to include consideration of “dimensions” and to include an additional consideration “to allow development to be sited to protect and/or enhance natural features including remnant vegetation, waterways and riparian land”.	EES recommendation is noted. However the reference to “dimensions” is considered to be inconsistent with the intent of the control to regulate lot size. Dimensional requirements like lot width are introduced in <i>Clause 4.1B Minimum lot sizes and special provisions for certain dwellings</i>. As previously noted, remnant vegetation, waterways and riparian lands are known to affect a limited number of areas within the residential zoned lands across the LGA. The selective addition of these three environmental constraints is likely to dilute the intent of the proposed objective to consider all natural features, including existing non-native trees and landscaping across all residential zoned land in the LGA.
Clause 5.14 Pond-based, tank-based and oyster aquaculture References to the following land use zones should be removed as these zones do not apply in the LGA: • R5 Large Lot Residential • E3 Environmental Management • E4 Environmental Living • W1 Natural Waterways • W3 Working Waterways	EES recommendation is noted. The exhibited Clause 5.17 utilises the <i>Standard Instrument LEP</i> wording. It is anticipated that references to these zones will be removed during the legal drafting of GRLEP 2020.
Clause 6.2 Earthworks The objectives of this clause should be amended to include the following additional objective: • To ensure that earthworks for which development consent is required will not have a detrimental impact on biodiversity values, remnant vegetation, waterways and riparian land	EES recommendation is noted. However considerations of the impacts of development on waterways, riparian lands and remnant native vegetation have already been addressed by the draft GRLEP 2020 through the following local provisions: • Clause 6.5 Foreshore area and coastal hazards and risks • Clause 6.6 Riparian land and watercourses • Clause 6.7 Foreshore scenic protection area
Clause 6.2 Earthworks The considerations of this clause should be amended to include the following additional matters: • Waterways • Riparian land • Biodiversity values • Remnant native vegetation	EES recommendation is noted, however as noted above, consideration of these environmental constraints have already been addressed by a number of exhibited local provisions.

EES Recommendation	Council Response
Clause for Biodiversity Protection The draft LEP should be amended to include: • A specific provision to protect biodiversity in the LGA • A Biodiversity Map, particularly as there are areas of remnant native vegetation, waterways, riparian areas, etc in the LGA which are not currently protected by an E2 Environmental Conservation zoning	EES recommendation is noted. However Council is yet to prepare a LGA-wide biodiversity study. The <i>LSPS 2040</i> commits to developing a biodiversity strategy informed by a LGA-wide biodiversity study. The outcomes of this study may result in biodiversity provisions included in a future LEP. Council currently relies on the mapping of remnant native vegetation provided by DPIE and the controls of State-level legislation for provisions relating to biodiversity, including: • <i>Biodiversity Conservation Act 2016</i> • <i>Greater Metropolitan Regional Environmental Plan No. 2—Georges River Catchment</i> • <i>State Environmental Planning Policy (Coastal Management) 2018</i> • <i>State Environmental Planning Policy (Vegetation in Non Rural Areas) 2017</i> • <i>State Environmental Planning Policy No. 19 – Bushland in Urban Areas</i>
Clause 6.6 Riparian lands and watercourses The word “watercourses” should be replaced with the parent term “waterways” to include wetlands and waterbodies in addition to watercourses.	EES recommendation is adopted – the inclusion of additional areas such as wetlands and waterbodies will enable the protection of more riparian areas when future mapping becomes available. This change has been included in the post-exhibition amendments to the draft GRLEP 2020.
Clause 6.6 Riparian lands and watercourses The proposed Riparian Lands and Watercourses Map should also include other waterways in the LGA such as Dairy Creek, Myles Dunphy Creek, Poulton Creek, etc.	EES recommendation is noted. This suggestion was also raised by the LPP previously at its meeting dated 17 October 2019. However, Council currently does not have any information to identify the location of water banks for other natural watercourses in the LGA. The DPIE’s <i>Controlled activities on waterfront land - Guidelines for riparian corridors on waterfront land</i> specifies that the width of the vegetated riparian zone (“VRZ”), which makes up the riparian corridor, must be measured from the top of the highest bank on both sides of the watercourse. As such, Council at this time cannot include riparian corridor mapping of the other natural watercourses on the Riparian Lands and Watercourses Map.
Clause 6.6 Riparian lands and watercourses The objectives and provisions of this clause should be amended to include the following additional considerations: • Riparian species, communities and populations • The continuity and connectivity between waterways • The natural flow regime, including	EES recommendation is partially adopted and the following considerations have been included in the post-exhibition amendments: • Riparian species, communities and populations • Aboriginal cultural heritage values of waterways and riparian lands However, the following provisions have not been included due to the absence of existing Council studies and strategies to verify the nature and

EES Recommendation	Council Response
groundwater flows to the waterway • Aboriginal cultural heritage values of waterways and riparian lands • Rehabilitation of existing degraded, piped or channelized waterways to mimic a near natural state • Free passage of native aquatic and terrestrial organisms within or along any waterway and riparian land • Underlying and surrounding groundwater resources and groundwater dependent ecosystems	locations of where these considerations should be enforced: • The continuity and connectivity between waterways • The natural flow regime, including groundwater flows to the waterway • Rehabilitation of existing degraded, piped or channelized waterways to mimic a near natural state • Free passage of native aquatic and terrestrial organisms within or along any waterway and riparian land • Underlying and surrounding groundwater resources and groundwater dependent ecosystems It should be noted that the above considerations are currently prescribed by the following State-level legislations and policies, which contains controls and requirements that cannot be duplicated by LEPs and other local controls: • <i>Fisheries Management Act 1994</i> • <i>National Parks and Wildlife Act 1974</i> • <i>NSW Groundwater Quality Protection Policy</i> • <i>Greater Metropolitan Regional Environmental Plan No. 2—Georges River Catchment</i> • <i>State Environmental Planning Policy (Coastal Management) 2018</i> Accordingly, consideration of the aforementioned provisions will be conducted in accordance with the requirements of the relevant State-level legislation as part of the development access process.
Clause 6.7 Foreshore scenic protection area The objective should be amended to include an additional objective in relation to biodiversity: • To protect and maintain the ecological processes that support native vegetation and native flora and fauna; and climate change adaptation.	EES recommendation is noted. However as detailed above, Council currently does not have a biodiversity study that identifies the ecological processes presenting within the FSPA. As such, Council at this time cannot include the suggested objective in the FSPA clause. With regards to climate change adaptation, the draft GRLEP 2020 already includes sea level rise mapping within the Coastal Hazard and Risk Map under <i>Clause 6.5 Foreshore area and coastal hazards and risks</i>. It is unnecessary to duplicate this objective across the whole FSPA where there are properties that are unaffected by sea level rise.
Clause 6.7 Foreshore scenic protection area The prescribed development considerations should be amended as	EES recommendation is partially adopted – the suggested additions to subclause (b) and (c) are adopted to emphasise the objectives “to protect, maintain and improve” and have been included in

EES Recommendation	Council Response
follows (suggestions are shown in <i>bold italicised text</i>): (a) protection of the natural environment, including topography, rock formations, canopy vegetation or other <i>significant remnant native</i> vegetation, (b) <i>avoids and minimises minimising</i> disturbance and adverse impacts on remnant vegetation communities, habitat and threatened species and populations, (c) maintenance <i>and enhancement</i> of native vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors,	the post-exhibited amendments. However, the replacement of “significant” with “remnant native” vegetation is not adopted as all significant vegetation (like non-native trees and landscaping) are required to be considered, instead of being limited to a select few species of remnant native vegetation.
Clause 6.13 Landscaped areas in certain residential and environmental protection zones This clause should also apply to the business zones, industrial zone and RE1 zoned land so that minimum landscaping requirements are also specified for developments in these zones.	EES recommendation is noted. However Council has not completed sufficient modelling and analysis for all business and industrial zoned land in the LGA to identify the most appropriate landscaping requirements for the various commercial and industrial development typologies. Landscaped area requirements for residential zones were previously specified by the DCPs. The elevation of landscaped area requirement into the LEP provides greater legal weight to these controls as any variation will require detailed justification via the Clause 4.6 variation mechanism. If a minimum landscaped area requirement is introduced for the business and industrial zones in the LEP without detailed built form and envelope testing, the integrity of this clause may be compromised by a large volume of Clause 4.6 variations. To minimise and manage the number of variations, landscaped area requirements for business and industrial zones will be specified in the accompanying Georges River DCP 2020, which is currently under preparation. With regards to the introduction of minimum landscaping requirements for the RE1 Public Recreation zone, the amount of landscaping provided will vary based on the function and planning of each open space. Due to the varying sizes of the RE1 zoned land across the LGA, further investigation is required if a minimum landscaped area benchmark is to be development. As such, Council cannot implement a minimum landscaped

EES Recommendation	Council Response
	area for RE1 zones within the draft GRLEP 2020.

65. **Environmental Protection Authority** (refer **Attachment 16**) - The Environmental Protection Authority (“EPA”) suggests a number of amendments to the draft GRLEP 2020 to encourage the development of a circular economy in accordance with the *NSW Circular Economy Policy Statement (February 2019)* to minimise waste and reduce environmental impacts. The EPA recommendations and Council’s responses are tabulated in **Table 3** below.

Table 3 – Amendments suggested by the EPA

EPA Recommendation	Council Response
Clause 1.2 Aims of the Plan The Aims should be amended to include: - to protect, maintain and improve waterway health to achieve the community environmental values and uses for waterways - to contribute to a Circular Economy that recognises waste as a resource and the collection and transport of waste and recycling as an essential service that must be undertaken in a manner that is safe, efficient, cost effective and does not negatively impact on liveability and the environment.	EPA recommendation regarding waterways is adopted and has been included in the post-exhibition amendments. However, the reference to a Circular Economy is noted and will be explored for inclusion within the Georges River DCP 2020. This will also be investigated in Council’s Waste Strategy which is currently being prepared. The outcomes of the Waste Strategy will be considered for implementation in a future LEP amendment.
Land Use Tables Introduce the following objective to all residential zones (R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential): To minimise conflict between land uses within this zone and land uses within adjoining zones.	EPA recommendation is noted, however the potential amenity impacts between any developments will be considered as part of the development assessment process. Any consideration of conflicts between land uses within adjoining zones will be mediated through controls such as increased building separation and other amenity considerations within the Georges River DCP 2020.
Land Use Tables In the B1 Neighbourhood Centre, B2 Local Centre and B3 Commercial Core zones: - Introduce an additional objective: - To encourage the development of Circular Economy infrastructure close to where people live and work that enable the community to reuse, repair, recycle or dispose of their waste at safe, clean and easily accessible facilities. - Explore the facilitation of developments including: - Community garden - Reverse vending machines	EPA recommendation is noted. However the reference to a Circular Economy will be explored for inclusion within the Georges River DCP 2020. The suggested developments do not appear in the <i>Standard Instrument LEP</i> as land use terms. However, they may be considered as specific uses under the broad land use terms of ‘community facilities’ and ‘light industries’ which are proposed to be permissible across all business and industrial zones under the draft GRLEP 2020. Nonetheless, the facilitation of these

EPA Recommendation	Council Response
○ Repair café ○ Reuse or sharing facility/shop	developments will be explored for inclusion within the Georges River DCP 2020 where appropriate. This will also be investigated in Council's Waste Strategy which is currently being prepared. The outcomes of the Waste Strategy will be considered for implementation in a future LEP amendment.
Land Use Tables In the B4 Mixed Use zone: ● Introduce the following additional objectives: ○ To encourage the development of Circular Economy infrastructure close to where people live and work that enable the community to reuse, repair, recycle or dispose of their waste at safe, clean and easily accessible facilities ○ To prevent and minimise any adverse effect of development on amenity and the environment ○ To minimise conflict between land uses within this zone and land uses within adjoining zones. ● Explore the facilitation of developments including: ○ Community garden ○ Reverse vending machines ○ Repair café ○ Reuse or sharing facility/shop	EPA recommendation is noted, however the potential amenity impacts between any developments will be considered as part of the development assessment process. The introduction of <i>Clause 6.12 Environmental sustainability in certain business, industrial and residential zones</i> seeks to prevent and minimise the adversity impacts of development on the environment. The suggested developments do not appear in the <i>Standard Instrument LEP</i> as land use terms. However, they may be considered as specific uses under the broad land use terms of 'community facilities' and 'light industries' which are proposed to be permissible across all business and industrial zones under the draft GRLEP 2020. Nonetheless, the facilitation of these developments will be explored for inclusion within the Georges River DCP 2020 where appropriate. This will also be investigated in Council's Waste Strategy which is currently being prepared. The outcomes of the Waste Strategy will be considered for implementation in a future LEP amendment.
Land Use Tables In the B6 Enterprise Corridor zone, explore the facilitation of developments including: ● Reverse vending machines ● Repair café ● Reuse or sharing facility/shop ● Material bulking, sorting and storing facilities ● Material reprocessing and remanufacturing ● Washing or pelletising facilities ● Reverse logistics facilities	EPA recommendation is noted. The suggested developments do not appear in the <i>Standard Instrument LEP</i> as land use terms. However, they may be considered as specific uses under the following broad land use terms which are proposed to be permissible in the B6 zone: ● Light industries ● Storage premises ● Warehouse or distribution centres ● Vehicle repair stations. Nonetheless, the facilitation of these developments will be explored for inclusion within the Georges River DCP 2020 where appropriate. This will also be investigated in

EPA Recommendation	Council Response
	Council's Waste Strategy which is currently being prepared. The outcomes of the Waste Strategy will be considered for implementation in a future LEP amendment.
Land Use Tables In the IN2 Light Industrial zone, introduce the following objectives: • To encourage a range of uses that support the creation of jobs and new skill sets in a Circular Economy around repair, reuse, recycling, remanufacturing and reprocessing • To support a closed loop industrial ecology network that allows the precinct to circulate and reuse materials, products, energy and water • To prevent and minimise any adverse effect of development on the environment. Council should also consider the role of IN2 zoned land in helping to deliver types of Circular Economy infrastructure and activities.	EPA recommendation is partially adopted – the following objective is proposed to be added to support a closed loop industrial ecology network and circular economy: <i>“To encourage a range of uses that support repair, reuse, recycling, remanufacturing and reprocessing”</i> This objective is included in the post-exhibition amendments. The introduction of <i>Clause 6.12 Environmental sustainability in certain business, industrial and residential zones</i> seeks to prevent and minimise the adversity impacts of development on the environment. Given that the aforementioned circular economy activities are not categorised as defined land use terms by the <i>Standard Instrument LEP</i>, the facilitation of these developments will be explored for inclusion within the Georges River DCP 2020 where appropriate. This will also be investigated in Council's Waste Strategy which is currently being prepared. The outcomes of the Waste Strategy will be considered for implementation in a future LEP amendment.
Clause 6.2 Earthworks Effective measures should be put in place to ensure any fill material is fit for purpose by including the following additional consideration: (n) that any fill material must be virgin excavated natural material (VENM) or fill that meets all of the conditions of a recourse recovery order issued by the EPA.	EPA recommendation is noted. However, the reference to specific orders such as the recourse recovery order issued by the EPA is a matter to be specified by a DCP. Accordingly, this will be explored for inclusion within the Georges River DCP 2020.
Clause 6.11 Design excellence The consideration relating to waste management facilities should be strengthened to: (xviii) the provision of integrated waste and recycling infrastructure on site, addressing storage, safety, efficiency, accessibility to waste, reuse and recycling services, and collection without compromising the safety and amenity of the public domain.	EPA recommendation to strengthen the waste management aspect of this clause is adopted and has been included in the post-exhibition amendments.
Clause 6.12 Environmental sustainability in certain business, industrial and residential	EPA recommendation is noted. However the reference to a Circular Economy will be

EPA Recommendation	Council Response
zones A reference to the principles of Circular Economy should be added to strengthen Council's sustainability direction: (e) supports the delivery of Circular Economy principles including but not limited to a reduction in new materials consumption and use of sustainable materials, including recycled content in concrete, sustainable timber and PVC minimisation.	explored for inclusion within the Georges River DCP 2020. This will also be investigated in Council's Waste Strategy which is currently being prepared. The outcomes of the Waste Strategy will be considered for implementation in a future LEP amendment.

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Outcomes of Public Exhibition – Community Submissions

66. The draft GRLEP 2020 was placed on public exhibition from 1 April 2020 to 31 May 2020 (inclusive) for a total of 61 days, which exceeds the minimum 28 day exhibition period requirement stipulated by Section 3.34 and Schedule 1 of the EP&A Act, and the requirements of the Gateway Determination Conditions.
67. The draft *Local Housing Strategy* and draft *Inclusive Housing Strategy* were also exhibited at the same time. Submissions received in relation to these strategies have also been considered as part of the draft GRLEP 2020 review process where references to elements of the draft LEP have been made.
68. An overview of the community participation statistics is summarised as follows:
 - 8,690 visits to the YourSay website about the draft GRLEP 2020; 257 phone call enquiries were received and answered;
 - 97 email enquiries were received and answered;
 - 131 attended the digital webinars;
 - 1,153 unique written submissions were received and considered, including:
 - Submissions from 2 NSW Members of Parliament;
 - Submissions from 1 Member of Parliament of Australia;
 - 2 petitions with 310 and 1,220 signatures respectively; and
 - Approx. 30 late submissions were received after the closing period on 1 June 2020.
69. A full report on the Communication and Engagement Program (refer **Attachment 3**) has been prepared which provides a summary of the consultation activities undertaken and the submissions received by Council during the exhibition of the draft GRLEP 2020.
70. All submissions have been reviewed and each submission is summarised and provided in Attachment 4 Summary Table of Submissions. Due to the volume of submissions received, all submissions have been categorised into groups based on common topic areas and themes as a workable approach to ensure consistency in the review process:
 - Topic area – identifies the broad category of issue; and
 - Theme – identifies a more detailed breakdown of the content of the submission based on the issues presented.

This information is contained in **Attachment 5 Key Themes, Key Issues and Responses**.

71. To provide an overview of the information in **Attachment 5, Table 4** below provides a summary of the key issues raised in each theme under the respective topic for the purpose of understanding the key areas of community concern to the draft GRLEP 2020.
72. It should be noted that many submissions contained feedback that could be included in more than one theme or topic area, with some containing feedback that could be included in up to seven themes. Some of the themes also contain multiple unique submissions made by the same submitter.

Table 4 – Summary of key issues raised within each theme and number of submissions received

Topic Area	Theme	Summary of Key Issues
Commercial Centres Total number of submissions relating to this topic area: 8	Objects to the minimum non-residential FSR requirement in commercial centres	- There is a surplus of retail space in the Hurstville City Centre
	Requests rezoning/uplift in commercial centres	- The development standards in existing centres should be increased to provide additional housing opportunities
	Requests that the draft LEP plans for the development of the Riverwood Local Centre	- The development standards Riverwood should be increased to provide additional employment and housing opportunities
	Requests that the draft LEP reflects the Beverly Hills Masterplan	- The Beverly Hills Masterplan should be adopted by the draft GRLEP 2020
Consultation Process and Timing Total number of submissions relating to this topic area: 211	Requests amendments to the timing of the exhibition	- Face-to-face consultation is unavailable due to the impacts of the COVID-19 pandemic - There is insufficient time to make a submission
	Raises concerns regarding the availability and transparency of information	- The information available is too complex to review without face-to-face consultation - Council is not being transparent about the impacts of the draft GRLEP 2020
	Raises concerns that the community were not notified of the proposed changes in the draft LEP during the LSPS consultation	- The community was not notified of the proposed changes in the draft GRLEP 2020 during the LSPS 2040 consultation process
	Supports Council's community engagement program for the draft LEP	- Supports the resources Council has provided in responding to community enquiries - Acknowledgement and appreciation for extending the public exhibition period
	Requests for the housing strategies to be placed on exhibition prior to the draft LEP	- The Housing and Inclusive Housing Strategies should be endorsed before preparing the LEP

Topic Area	Theme	Summary of Key Issues
Development Standards Total number of submissions relating to this topic area: 11	Requests amendments to the floor space ratio for dwelling houses	- The proposed controls will reduce the maximum permissible floor space for dwelling houses
	Requests amendments to the minimum lot size for dual occupancies	- The minimum lot size requirement for dual occupancies should be decreased to improve development potential
Entertainment Facilities at Jubilee Stadium Total number of submissions relating to this topic area: 29	Objects to permitting entertainment facilities at Netstrata Jubilee Stadium Precinct	- Inadequate justification provided for the additional permitted use of 'entertainment facilities' - There are more appropriate alternatives like within the City Centre - There will be adverse impacts on the amenity of surrounding residents and increased crime rates - Existing parkland will be lost
Foreshore Scenic Protection Area ("FSPA") Total number of submissions relating to this topic area: 510	Supports the removal of properties from the existing FSPA	- Property is located a significant distance from the river with different environmental qualities to other areas in the FSPA - The number of lots that will qualify for dual occupancy development would be minimal and will not affect the character and amenity of the area
	Objects to the retention of their property within the FSPA	- There is reduced development potential for dual occupancies due to larger lot size requirement
	Objects to the removal of properties in the FSPA – impacts on the built environment	- Increased development potential for dual occupancies will cause overdevelopment - There will be a loss of existing streetscape character - Existing local traffic issues will be exacerbated - Amenity will be affected by more development - Additional housing will increase pressure on existing infrastructure - Crime rates will increase - Property values will decrease - Views will be affected by ugly developments
	Objects to the removal of properties in the FSPA – impacts on the natural environment	- Increased development potential for dual occupancies will cause loss of trees and landscaping - There will be increased impacts from the urban heat island effect - Existing biodiversity will be

Topic Area	Theme	Summary of Key Issues
		- threatened - Removal of soil, rock and vegetation will result in erosion
	Raises concerns regarding the feasibility of development in the FSPA	- Uneconomical to redevelop in the FSPA due to expenses associated with excavating on sloping sites
	Raises concerns that the waterways have been included in the FSPA	- The proposed FSPA map in the draft GRLEP 2020 is misleading as it includes the waterways while the existing FSPA map in <i>HLEP 2012</i> does not
	Raises concerns that the number of properties proposed to be removed from the FSPA was not provided in the fact sheet	- Proposed changes to the FSPA have not been made clear to residents
General and Procedural Requests Total number of submissions relating to this topic area: 282	Objects to overdevelopment	- There will be a loss of existing streetscape character - Existing local traffic issues will be exacerbated - Amenity will be affected by more development - Additional housing will increase pressure on existing infrastructure - Existing biodiversity will be threatened as trees are removed through new development
	Requests increasing the landscaping requirements	- The proposed landscaped area requirements are not sufficient to retain large trees
	Raises concerns that the Planning Proposal Authority is the LPP rather than Council	- The LEP should be considered by Councillors as representatives elected by the community, instead of the LPP as Panel members do not live within the LGA
	Requests a public hearing	- A public hearing should be provided so residents can voice their concerns
	Requests for better designed developments	- Better designed developments are needed in light of recent developments, especially dual occupancies
Heritage Total number of submissions relating to this topic area: 10	Requests existing heritage item to be removed	- The existing items no longer possesses sufficient heritage value
	Requests heritage inventory sheet to be amended	- The heritage inventory sheet for certain items require update to accurately reflect the history of the development
	Objects to amended description of heritage item	- Inclusion of the setting does not reflect the changes that have

Topic Area	Theme	Summary of Key Issues
		occurred over time and the loss of heritage significance as result - Any element worthy of protection should be identified on the associated heritage inventory sheet
Hierarchy of residential zones Total number of submissions relating to this topic area: 25	Objects to the rezoning of land from R3 to R4 to create a hierarchy of residential zones	- More R4 zones will lead to more apartments - Additional housing will increase pressure on existing infrastructure - Existing local traffic issues will be exacerbated
Housing Investigation Areas (“HIAs”) Total number of submissions relating to this topic area: 19	Supports the North and West of Peakhurst Park – Peakhurst HIA	- No objections to the proposed upzoning of the North and West of Peakhurst Park – Peakhurst HIA
	Objects to the North and West of Peakhurst Park – Peakhurst HIA	- Existing local traffic issues will be exacerbated
	Requests amendments to the North and West of Peakhurst Park – Peakhurst HIA	- The area should be rezoned to R4 High Density instead - The HIA should be expanded to include more surrounding properties
	Objects to the Rowe Street – South Hurstville HIA	- Questions whether there will be sufficient development up-take - Amenity will be affected by more development
	Objects to the Culwulla Street –South Hurstville HIA	- Existing local traffic issues will be exacerbated - Amenity will be affected by more development - Existing Federation-style houses on Culwulla Street should be protected
	Supports the Hillcrest Avenue – Hurstville HIA	- Supports long term planning for growth and accessibility to the local area
	Objects to the Hillcrest Avenue – Hurstville HIA	- Existing local traffic issues will be exacerbated - Additional housing will increase pressure on existing infrastructure
	Requests amendments to the Apsley Estate – Penshurst HIA	- Proposed development standards should be increased
Industrial Precincts Total number of submissions relating to this topic area: 3	Objects to changes to IN2 zone	- Increased height will result in adverse amenity impacts to surrounding residents - The permissibility of creative industries is inconsistent with Council’s <i>Industrial Land Review 2018</i>
Land Use Table	Objects to the permissibility of restaurants, cafes and small	- The area is more than adequately serviced by licenced premises

Topic Area	Theme	Summary of Key Issues
Total number of submissions relating to this topic area: 6	bars in the R4 zone	- There will be increased anti-social behaviour and other impacts on the amenity of surrounding residents - These uses are better located in commercial centres
	Objects to the permissibility of small bars and function centres in the B6 zone	- The area is more than adequately serviced by licenced premises - There will be adverse impacts on the amenity of surrounding residents - Inconsistent with the objectives of the B6 Enterprise Corridor zone
Open Space Acquisitions Total number of submissions relating to this topic area: 175	Supports the proposed open space acquisition at Monaro Avenue, Kingsgrove	- Provides additional open space across the LGA - Aligns with CPTED principles and improves access, safety direct visual sight lines and passive surveillance
	Objects to the proposed open space acquisition at Monaro Avenue, Kingsgrove	- Acquisition for open space is not justified as the Reserve is not near existing or proposed high density areas - It is a poor investment of Council funds - Places stress on owners of properties proposed for acquisition - Will result in increased traffic and crime rates as more people will visit the Reserve - No plans for the park are available to indicate how the park will be used - Provides a direct link to an online submission with over 1,200 signatures
	Objects to the proposed open space acquisition at Culwulla Street, South Hurstville	- There are other parks within close proximity - Will result in increased traffic and crime rates as more people will visit - Impact on development potential as property owner had planned to build townhouses - Provides a direct link to an online submission with over 300 signatures
	Objects to the proposed open space acquisition at Hedley Street, Riverwood and Keith Street, Peakhurst	- Acquisition for open space is not justified as the Reserve is not near high density areas - It is a poor investment of Council funds
Places of Public Worship Total number of	Supports the prohibition of places of public worship in the R2 zone	- The prohibition from R2 zones while allowing the continued use of existing places of public worship in the R2 zone will result in minimal

Topic Area	Theme	Summary of Key Issues
submissions relating to this topic area: 96		amenity impacts to surrounding residents
	Objects to the prohibition of places of public worship in the R2 zone	- Inadequate justification provided for the prohibition - Potential amenity issues, such as parking, can be managed at the DA stage - Restricts the development of new churches and the ability to expand existing ones - Churches are important social infrastructures that support the community
	Requests additional sites containing places of public worship be included in Schedule 1	The following churches have been identified as being omitted from the proposed Schedule 1: - 1142 Forest Road, Lugarno (Lugarno Anglican Church); - 3A Old Forest Road, Lugarno (Lugarno Anglican Church); - 20 River Road, Oatley (Oatley Gospel Chapel).
Requests for rezoning (non-HIAs) Total number of submissions relating to this topic area: 15	Requests an uplift (zone specific)	- All R3 zones should be converted to R4 and be given an increased FSR of 1.25:1
	Requests a spot rezoning (site-specific)	The following properties have requested uplifts: - 147 Rocky Point Road, Beverley Park (from R2 to R3) - 113-115 Hurstville Road, Oatley (from R2 to R4) - 143-149 Boundary Road and 689 Forest Road, Peakhurst (existing planning proposal under assessment) - 70-80 Victoria Avenue, Mortdale (no proposed controls provided) - 23 Dalcassia Street and 22 Bond Street, Hurstville (additional height and FSR)

73. In addition to the topic areas and themes identified in **Table 4** above, Council received approximately 30 submissions containing issues that cannot be categorised under any theme or topic area because the issues raised by the respondent were either too general to categorise or very specific they did not fall into any theme area. The issues raised in these submissions are addressed in **Attachment 4** under the column headings of “Additional Issues” and “Council Response to Additional Issues”.

74. A copy of all submissions received has been provided in an un-redacted form to the Panel members.

75. Late submissions received after the end of the exhibition period from 12AM onwards on 1 June 2020 have not been included in the consideration and review process. Nonetheless, all submitters have been notified and invited to address the LPP.

Post-Exhibition Amendments in Response to Submissions

76. In response to the submissions received from the public authorities, the draft GRLEP 2020 has been amended to adopt a number of the suggestions provided by EES and EPA in **Table 2** and **Table 3** above respectively.
77. In response to the key issues of community submissions summarised in **Table 4** above, **Table 5** below provides an analysis of each theme and whether an amendment to the Planning Proposal is recommended for the themes that request for amendments and/or object to the draft GRLEP 2020.
78. Each community submission has been considered and a response has been prepared for each theme. A submitter may locate the response to their submission under the respective topic and theme provided in **Attachment 5**.

Table 5 – Analysis of Issues and Proposed Amendments to draft GRLEP 2020

Topic Area	Theme	Council Response
Commercial Centres	Objects to the minimum non-residential FSR requirement in commercial centres	Amendment is not recommended – <i>Commercial Centres Strategy – Part 1 Centres Analysis</i> identifies that the existing minimum non-residential FSR requirement is insufficient to support the growing population. The minimum non-residential FSR imposed by the draft GRLEP 2020 is an interim solution implemented to reduce the loss of employment floor space through infill development, which is severely impacting the ongoing viability of the LGA's centres.
	Requests rezoning/uplift in commercial centres	Amendment is not recommended – in accordance with the staged approach of the Georges River LEP, the roles and functions of all 48 commercial centres, including centre-specific objectives, built form controls and guidelines and the investigation of the potential expansion of appropriate centres will be conducted in <i>Part 2 of the Commercial Centres Strategy</i> to inform the future LEP 2022 (Jobs and Activation).
	Requests that the draft LEP plans for the development of the Riverwood Local Centre	
	Requests that the draft LEP reflects the Beverly Hills Masterplan	Amendment is not recommended – the changes proposed by the draft Beverly Hills Masterplan cannot be implemented until an implementation plan is developed its public exhibition and consideration by Council. The Masterplan is yet to be placed on public exhibition.
Consultation Process and Timing	Requests amendments to the timing of the exhibition	Amendment is not recommended – the engagement program exceeds the minimum public exhibition requirement of 28 days. In light of the COVID-19 pandemic, Council modified

Topic Area	Theme	Council Response
		the original engagement program with additional engagement methods to extend the reach of the consultation to as many residents and property owners as practicable as outlined in Paragraph 52 above.
	Raises concerns regarding the availability and transparency of information	Amendment is not recommended – the draft GRLEP 2020 has been exhibited in accordance with the requirements of the Gateway Determination and the EP&A Act. The engagement program outlined in Paragraphs 45-53 above ensured all relevant information pertaining to the Planning Proposal was provided to the community in an accessible format.
	Raises concerns that the community were not notified of the proposed changes in the draft LEP during the LSPS consultation	Amendment is not recommended – the LSPS 2040 outlines the general strategic direction required to achieve the 20-year vision for the LGA through a number of high-level planning priorities and actions. These actions will be implemented through a range of mechanisms, including through LEPs. The draft GRLEP 2020 has been prepared to implement aspects of the LSPS 2040 where required.
	Supports Council's community engagement program for the draft LEP	Amendment is not required – support for the community engagement program is acknowledged and noted.
	Requests for the housing strategies to be placed on exhibition prior to the draft LEP	Amendment is not recommended – in accordance with the advice provided by DPIE as outlined in Paragraphs 30-32 above, the draft status of the <i>Local Housing Strategy</i> and <i>Inclusive Housing Strategy</i> does not prevent the Planning Proposal for the draft GRLEP 2020 to proceed to finalisation.
Development Standards	Requests amendments to the floor space ratio for dwelling houses	Amendment is not recommended – the draft GRLEP 2020 does not seek to reduce the maximum permissible FSR of 0.55:1 for dwelling houses specified by the existing <i>HLEP 2012</i> and <i>KLEP 2012</i> . This is in accordance with the overarching principle of maintaining existing controls where the status quo can be retained.
	Requests amendments to the minimum lot size for dual occupancies	Amendment is not recommended – the draft GRLEP 2020 does not seek to reduce or amend the existing minimum lot sizes for dual occupancies under the existing <i>HLEP 2012</i> and <i>KLEP 2012</i> , which is 650sqm (non-FSPA) and 1,000sqm (FSPA). This is in accordance with the overarching principle of maintaining existing controls where the status quo can be retained.
Entertainment	Objects to permitting	Amendment is not recommended – the <i>LSPS</i>

Topic Area	Theme	Council Response
Facilities at Jubilee	entertainment facilities at Netstrata Jubilee Stadium Precinct	2040 identifies the Netstrata Jubilee Stadium Precinct as having potential to be a regionally significant sporting and entertainment hub in response to the community vision gathered through the extensive engagement program in 2019. The draft GRLEP 2020 is therefore considered to be consistent with the LSPS 2040. The proposed permissibility relates to land use only and does not involve the proposal of a development. Any proposal to use the existing facilities as an entertainment facility or a new building will be subject to the development application process, including considerations of amenity issues, overshadowing, traffic impacts, noise and other operational matters.
Foreshore Scenic Protection Area (“FSPA”)	Supports the removal of properties from the existing FSPA	Amendment is not recommended – support for the reduction of the existing FSPA in the former Hurstville LGA is acknowledged and noted.
	Objects to the retention of their property within the FSPA	Amendment is not recommended – the extent of the proposed FSPA has been informed by the extensive visual character assessment conducted by the <i>Foreshore Strategic Directions Paper</i> . The areas proposed to be retained within the FSPA in the draft GRLEP 2020 comprises of character areas that are considered as having a High or Very High sensitivity to change through development.
	Objects to the removal of properties in the FSPA – impacts on the built environment	Amendment is recommended – the options to amend the Planning Proposal are detailed further in this report in Paragraphs 97-117 below.
	Objects to the removal of properties in the FSPA – impacts on the natural environment	Amendment is recommended – the options to amend the Planning Proposal are detailed further in this report in Paragraphs 97-117 below.
	Raises concerns regarding the feasibility of development in the FSPA	Amendment is not recommended – the feasibility of development within the FSPA is a site-specific consideration. The impacts of any future development will need to consider a range of issues including impacts on the natural environment and the design of the building as part of the development application process.
	Raises concerns that the waterways have been included in the FSPA	Amendment is not recommended – the draft GRLEP 2020 proposes to extend the FSPA to include the waterways so that developments in riverine areas such as jerries and boat sheds will also be subject to the considerations prescribed by <i>Clause 6.7 Foreshore scenic protection area</i> .

Topic Area	Theme	Council Response
	Raises concerns that the number of properties proposed to be removed from the FSPA was not provided in the fact sheet	Amendment is not recommended – the Fact Sheets were provided by Council as a supplementary way to provide plain-English explanations of the intent of the draft GRLEP 2020. The existing and proposed extents of the FSPA have been made publicly available through maps in an interactive format (IntraMaps) on the YourSay website.
General and Procedural Requests	Objects to overdevelopment	Amendment is recommended – the options to amend the Planning Proposal are detailed further in this report in Paragraphs 97-107 below.
	Requests increasing the landscaping requirements	Amendment is recommended – the options to amend the Planning Proposal are detailed further in this report in Paragraphs 97-107 below.
	Raises concerns that the Planning Proposal Authority is the LPP rather than Council	Amendment is not recommended – refer to detailed explanation provided under the heading Background – Planning Proposal Authority above.
	Requests a public hearing	Amendment is not recommended – in accordance with the conditions of the Gateway Determination, a public hearing is not required to be held in relation to the draft GRLEP 2020. However, Council held three digital webinars which provided the community with the opportunity to ask questions, raise concerns and have their say about the draft GRLEP 2020.
	Requests for better designed developments	Amendment is not recommended – the draft GRLEP 2020 introduces a design excellence requirement to ensure a high standard of architecture and urban design is achieved by developments of 12m or higher and certain developments in the FSPA including dwelling houses, dual occupancies and marinas.
Heritage	Requests existing heritage item to be removed	Amendment is not recommended – all properties listed within <i>Schedule 5 Environmental heritage</i> of the draft GRLEP 2020 have been reviewed as part of the <i>Heritage Review</i> for the former Hurstville LGA which includes the preparation of heritage inventory sheets that have been updated to include a statement of significance that justifies their retention as heritage items.
	Requests heritage inventory sheet to be amended	Amendment is not recommended – requests for updates to the heritage inventory sheet will be forwarded to Council's heritage advisor for review and revision. This process will not result in amendments to the listing of the property within <i>Schedule 5 Environmental heritage</i> of the

Topic Area	Theme	Council Response
		draft GRLEP 2020.
	Objects to amended description of heritage item	Amendment is not recommended – a number of heritage items in the draft GRLEP 2020 are proposed to have their description amended to reflect their significance in relation to the built form and setting in accordance with the recommendations of the <i>Heritage Review</i> . Accordingly, the heritage inventory sheets have also been updated to include a statement of significance that justifies their retention as heritage items.
Hierarchy of residential zones	Objects to the rezoning of land from R3 to R4 to create a hierarchy of residential zones	Amendment is not recommended – residential flat buildings are currently permitted as the prevailing type of development in the R3 Medium Density zones under the existing LEPs due to the generous building height and FSR applied. This is often misleading and confusing for the community as residential flat buildings are not considered to be medium density development. Introducing this hierarchy will ensure a true R3 Medium Density zone to allow developments like townhouses and villas. This approach is not an upzoning and does not give additional height and FSR to any of these areas. This approach also does not include the downzoning of existing areas. In accordance with Ministerial Direction 3.1 Residential Zones, a planning proposal must not contain provisions which will reduce the existing permissible residential density of land such as downzoning from an existing R3 Medium Density zone to a R2 Low Density zone.
Housing Investigation Areas (“HIAs”)	Supports the North and West of Peakhurst Park – Peakhurst HIA	Amendment is not recommended – support for the proposed HIA is acknowledged and noted.
	Objects to the North and West of Peakhurst Park – Peakhurst HIA	Amendment is not recommended – the proposed upzoning in the HIAs are supported by a Traffic Impact Assessment, which recommends a number of traffic measures to be implemented to address the impacts of the proposed uplift. Further information is detailed in the <i>Housing Investigation Areas Paper</i> (April 2020).
	Requests amendments to the North and West of Peakhurst Park – Peakhurst HIA	Amendment is not recommended – the subject area is located within the Riverwood Precinct Investigation Area, which is identified by the NSW Government as an area where a collaborative approach to planning is required

Topic Area	Theme	Council Response
		involving the DPIE, City of Canterbury-Bankstown and Georges River Council. This area will be reviewed as part of the Riverwood Precinct Investigation Area process.
	Objects to the Rowe Street – South Hurstville HIA	Amendment is not recommended – the proposed upzoning in the HIAs are supported by a Traffic Impact Assessment, which recommends a number of traffic measures to be implemented to address the impacts of the proposed uplift. Further information is detailed in the <i>Housing Investigation Areas Paper</i> (April 2020).
	Objects to the Culwulla Street –South Hurstville HIA	Amendment is not recommended – the proposed upzoning in the HIAs are supported by a Traffic Impact Assessment, which recommends a number of traffic measures to be implemented to address the impacts of the proposed uplift. Further information is detailed in the <i>Housing Investigation Areas Paper</i> (April 2020).
	Supports the Hillcrest Avenue – Hurstville HIA	Amendment is not recommended – support for the proposed HIA is acknowledged and noted.
	Objects to the Hillcrest Avenue – Hurstville HIA	Amendment is not recommended – the proposed upzoning in the HIAs are supported by a Traffic Impact Assessment, which determined that the additional housing will not generate any significant traffic impacts to warrant any traffic measure to be implemented. Further information is detailed in the <i>Housing Investigation Areas Paper</i> (April 2020).
	Requests amendments to the Apsley Estate – Penshurst HIA	Amendment is not recommended – the subject HIA has the potential to deliver an additional 183 medium density dwellings which are a style of housing in short supply in the LGA. All medium density zones have a consistent maximum building height of 9m to ensure the delivery of appropriate built form outcomes.
Industrial Precincts	Objects to changes to IN2 zone	Amendment is not recommended – the proposed increase to the maximum building heights applied to industrial zones across the LGA will enable the existing FSR of 1:1 to be achieved, which will in turn improve development viability and may assist in reducing the pressure for rezoning to residential uses. This is considered to be consistent with the findings of Council's <i>Industrial Lands Review (2018)</i> , the LSPS 2040 and the <i>South District Plan</i> .
Land Use Table	Objects to the permissibility of restaurants, cafes and	Amendment is not recommended – the draft GRLEP 2020 proposes to permit a range of compatible land uses including 'restaurants or

Topic Area	Theme	Council Response
	small bars in the R4 zone	cafes', 'small bars' and 'shops' to facilitate the creation of active places in accessible areas to improve the liveability of apartment living. These uses are proposed to supplement the existing permissibility of 'neighbourhood shops' as mandated by the <i>Standard Instrument LEP</i>. The proposed permissibility relates to land use only and does not involve the proposal of a development. Any proposed development will be subject to the development application process, including consideration of the size of the facility and potential amenity impacts such as noise and privacy. If the development is considered appropriate, conditions of consent will be imposed as part of the DA process to address the likely impacts, such as hours of operation.
	Objects to the permissibility of small bars and function centres in the B6 zone	Amendment is not recommended – function centres are currently permitted within the B6 zone under the <i>KLEP 2012</i>. The retention of this permissibility within the draft GRLEP 2020 is considered to be consistent with the overarching principle of retaining existing controls where the status quo can be maintained. With regards to small bars, this land use is proposed to be permissible consistently across all business zones with the aim of activating the LGA's commercial centres. The likely impacts, location and scale of function centres and small bars in the B6 zone will be assessed at the DA stage.
Open Space Acquisitions	Supports the proposed open space acquisition at Monaro Avenue, Kingsgrove	Amendment is required – support for the proposed acquisition of land for open space at Monaro Avenue is acknowledged and noted. However, in response to the issues raised within the objections, the options to amend the Planning Proposal are detailed in this report in Paragraphs 133-153 below.
	Objects to the proposed open space acquisition at Monaro Avenue, Kingsgrove	Amendment is recommended – the options to amend the Planning Proposal are detailed further in this report in Paragraphs 133-153 below.
	Objects to the proposed open space acquisition at Culwulla Street, South Hurstville	Amendment is not recommended – the proposed acquisitions are located within the Culwulla Street – South Hurstville HIA which is proposed to be rezoned from R2 Low Density to R3 Medium Density. The subject sites also immediately adjoin the existing high density

Topic Area	Theme	Council Response
		residential areas fronting King Georges Road. The acquisition of these properties will enable the creation of a larger pocket park that offers improved access between Culwulla and Joffre Streets. This is considered to be consistent with the LSPS 2040 <i>Criteria to guide growth</i> which requires growth to be supported by green open space, social and physical infrastructure.
	Objects to the proposed open space acquisition at Hedley Street, Riverwood and Keith Street, Peakhurst	Amendment is not recommended – the proposed acquisitions are located at the eastern boundary of the North and West of Peakhurst Park – Peakhurst HIA which is proposed to be rezoned from R2 Low Density to R3 Medium Density. The subject sites have been selected for acquisition for the purpose of providing an expansion to Peakhurst Park, which will enable additional activities to be provided by the existing park and improve access to the park, particularly for the residents living to the east of Peakhurst Park. This is considered to be consistent with the LSPS 2040 <i>Criteria to guide growth</i> which requires growth to be supported by green open space, social and physical infrastructure.
Places of Public Worship	Supports the prohibition of places of public worship in the R2 zone	Amendment is not required – support for the proposed prohibition of places of public worship from the R2 zone is acknowledged and noted.
	Objects to the prohibition of places of public worship in the R2 zone	Amendment is not recommended – all existing venues of places of public worship located in the R2 zone are proposed to be included in Schedule 1 of the LEP to enable the continued permissibility of the subject land use. The inclusion of these properties within Schedule 1 will not restrict future expansions or redevelopments on the specified land. If additional land is purchased within the R2 zone for the purpose of expanding a place of public worship, a planning proposal to include this site in Schedule 1 would be required to be lodged with Council for consideration and determination. The intent of the proposed prohibition is to prevent the establishment of new venues of places of public worship in existing low density residential areas. This land use will continue to be permitted across the following zones: - R3 Medium Density Residential - R4 High Density Residential - B1 Neighbourhood Centre - B2 Local Centre

Topic Area	Theme	Council Response
		- B3 Commercial Core - B4 Mixed Use - B6 Enterprise Corridor - IN2 Light Industrial There zones are located in areas with increased infrastructure provisions available to better accommodate the establishment of new venues of places of public worship.
	Requests additional sites containing places of public worship be included in Schedule 1	Amendment is recommended to include two existing places of public worship venues (the Lugarno Anglican Church and the Oatley Gospel Chapel) in Schedule 1 of the LEP to enable the continued permissibility of the land use 'place of public worship' on the subject site. An additional amendment is recommended with respect to Schedule 1 of the LEP to remove the proposed additional permitted use at 19 Warrawee Place, Beverly Hills and rezone the three allotments to SP2 Educational Establishment & Place of Public Worship to reflect the existing use of the site as a school hall for the adjacent Regina Coeli Catholic Primary School. The proposed amendments are detailed further in this report in Paragraph 163 and 164 below.
Requests for rezoning (non-HIAs)	Requests an uplift (zone specific)	Amendment is not recommended – this Planning Proposal is the first in a four stage planning approach to implementing a comprehensive planning scheme for the LGA. The focus of the draft GRLEP 2020 is harmonisation and housing to ensure a single, consistent approach is applied to planning and development across the LGA. In accordance with the housing investigation program specified by the LSPS 2040, this Planning Proposal includes the upzoning of the five HIAs to deliver additional housing. Future investigation will be conducted in LEP 2025 and beyond in the locations identified by the LSPS 2030 Structure Plan for the purpose of rezoning land for additional housing. Any spot rezoning requests outside of the LSPS 2040 housing growth areas should follow the formal planning proposal process.
	Requests a spot rezoning (site-specific)	

79. It should be noted that the above table does not encompass all issues raised by the submissions received. However, all submissions have been considered and a response

has been provided to each unique submission. A submitter may locate the response to their submission under the respective topic and theme provided in **Attachment 5**.

80. As previously stated earlier in this report, late submissions have not been included in **Attachment 5** as they have been excluded from the consideration and review process. Nonetheless, all submitters have been notified and invited to address the LPP at this meeting.
81. The following paragraphs explore the options for amending the Planning Proposal in response to the key issue raised by the community.

Key Issue – Foreshore Scenic Protection Area

Background and Rationale

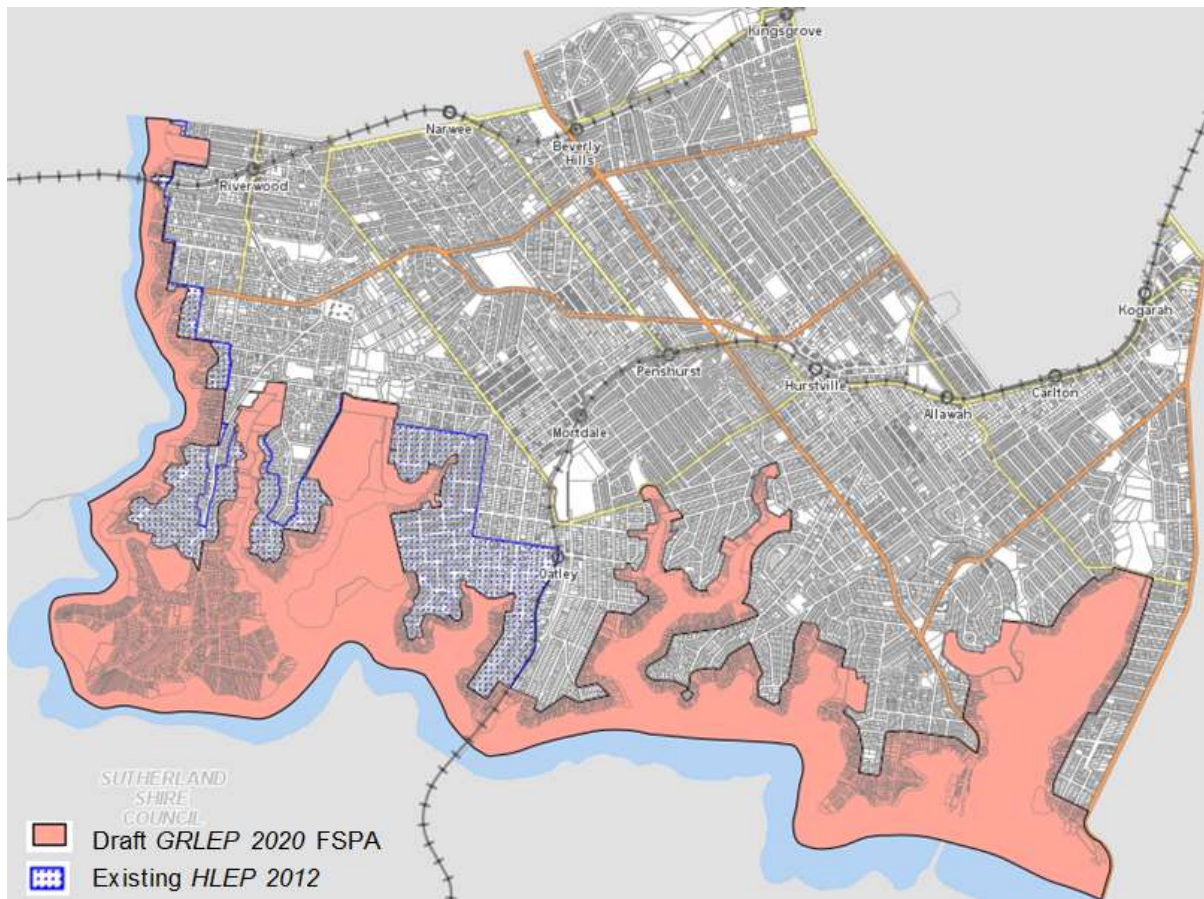
82. The foreshore scenic protection area (“FSPA”) clause is an existing local provision under the *HLEP 2012*. The exhibited Planning Proposal proposes to extend the existing FSPA under the *HLEP 2012* to the whole LGA in accordance with the principle of achieving equity across the LGA to consistently regulate built form outcomes, reduce impacts of development and reinforce the dominance of vegetation and landscape over hard surfaces in the foreshore localities.
83. The FSPA local provision under the *HLEP 2012* operates as a clause which recognises, protects and enhances the local character of areas that possess natural, visual, environmental and heritage qualities associated with the Georges River.
84. The existing *HLEP 2012* local provision is not recognised as an environmental protection mechanism. This is reinforced by the permissibility of exempt and complying developments within the FSPA under the Codes SEPP as the FSPA is not deemed to be an environmentally sensitive area.
85. However, the natural environment, such as rocky outcrops, tree canopy and landscaping, is identified as a key component of local character. Therefore in the absence of a LGA-wide biodiversity study, the draft GRLEP 2020 introduces limited environmental considerations in the proposed *Clause 6.7 Foreshore scenic protection area* to ensure that in addition to the minimisation of building height and bulk to reduce impacts on vista and the visual environment, the proposed local provision will also ensure existing native vegetation and habitats are retained to protect the natural environment.
86. The draft GRLEP 2020 also proposes to reduce the extent of the existing FSPA in the former Hurstville LGA in accordance with the principles of equity and consistency. The extent of the proposed FSPA is based on the character typologies, covering areas with higher sensitivities to change, as identified by the *Foreshore Strategic Directions Paper*.
87. The *Foreshore Strategic Directions Paper* includes a review and assessment of the visual character of the foreshore localities (as viewed from the water) and waterways along the land and water interface. **Figure 1** below identifies these specified character areas. Each of these character areas were assessed for their sensitivity to change due to new development and the impacts of such development.

Figure 1 – Foreshore Character Typologies



88. However, it should be noted that whilst the character area of “Garden Suburban (Large Lots)” is identified as having higher sensitivity to change by the *Foreshore Strategic Directions Paper*, this area has been excluded from the proposed FSPA as most of the residential properties located in this character area are not included within the existing FSPA under the *HLEP 2012*. A total of 2,380 residential zoned lots are proposed to be removed from the existing FSPA in the former Hurstville LGA.
89. The inclusion of these properties within the FSPA would impose more stringent development controls such as an increased lot size for dual occupancy developments, thereby significantly reducing the existing development potential of this area. This is considered to be inconsistent with Ministerial Direction 3.1 Residential Zones which stipulates that a planning proposal must not contain provisions which will reduce the permissible residential density of land.
90. The proposed extent of the FSPA in the former Kogarah LGA has primarily been informed by the location of the foreshore localities identified within the existing Kogarah DCP and supplemented by the character typologies with higher sensitivities to change as identified by the Paper. This is due to the correlation between the existing larger lot size requirements in the foreshore localities and the FSPA. A total of 1,297 residential zoned lots in the former Kogarah LGA will be included in the proposed FSPA.
91. The majority of submissions that object to the proposed FSPA refer to concerns regarding the loss of natural environment and the likelihood of overdevelopment that will be caused by the increase in development activity if the existing FSPA in the former Hurstville LGA is reduced.
92. Refer to **Figure 2** below for the extent of the proposed FSPA under the draft GRLEP 2020 and the existing FSPA under the *HLEP 2012*.

Figure 2 – Proposed and existing FSPA extents



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93. The reduction of the existing FSPA will enable 742 lots to gain the potential to develop dual occupancies as result of the reduction in the minimum dual occupancy lot size requirement from 1,000sqm for lots within the FSPA to 650sqm for lots outside of the FSPA.
94. It should be noted that not all of these lots may be able to comply with the requirements for developing a dual occupancy, such as the minimum subdivision lot size, lot width and environmental controls.
95. Nonetheless, an analysis of the historic development take-up rate for dual occupancies was undertaken to understand the potential impacts of the proposed increase in residential density on existing infrastructure and local character.
96. From 1 July 2017 to 31 July 2019, a total of 105 dual occupancy development applications (DAs) were lodged across the LGA. This equates to 1.2% of the total number of properties that possess dual occupancy potential in the LGA as there are approximately 9,300 residential lots that possess dual occupancy potential. On average, this translates to a take-up rate of 0.56% per annum.
97. If a similar take-up rate of 0.56% per annum is applied to the 742 lots that will gain the potential to develop dual occupancies as result of their removal from the existing FSPA, then it is anticipated that 3 to 4 dual occupancy DAs will be lodged per annum on average. This is considered to be a gradual take-up rate and this is likely to result in limited adverse impacts on the capacity of existing infrastructure such as stormwater drainage and local road networks.

Options to Amend the Planning Proposal – FSPA

98. A total of 510 submissions were received in relation to the FSPA with over 400 submissions objecting to the removal of properties within the FSPA due to impacts associated with overdevelopment as result of the increased dual occupancy development potential and the loss of vegetation and biodiversity through overdevelopment.
99. To assist the Panel in determining a way forward with regards to the FSPA, the following options are provided for consideration by the Panel:

Option 1 – Enhancing provisions relating to tree protection and landscaping

100. With consideration of the above rationale with regards to character analysis and a gradual development take-up rate, this option proposes that the exhibited extent of the FSPA and the exhibited wording of *Clause 6.7 Foreshore scenic protection area* be retained in the revised Planning Proposal.
101. However to address concerns raised in the submissions, the following amendments to the Planning Proposal are proposed by this option to enhance the protection of the existing tree canopy and the landscaped characteristics of the LGA consistently across all low and medium density residential zones:
- (a) Amend the zone objectives of the R2 Low Density Residential and the R3 Medium Density Residential zones to include a standalone objective that will emphasise the importance of housing in a landscaped setting as a desirable characteristic:

To provide for housing within a landscaped setting that enhances the existing environmental character of Georges River local government area.

- (b) Increase the minimum landscaped area requirement for dual occupancy developments under *Clause 6.13 Landscaped areas in certain residential and environmental protection zones* as tabulated below in **Table 6**:

Table 6 – Proposed Amendment to Landscaped Area

Development Type	Exhibited Requirement	Proposed Amendment	Example
Dual occupancy (non-FSPA)	20% of site area	25% of site area	81.25sqm per lot (or 162.5sqm total) is required on a 650sqm site
Dual occupancy (FSPA)	25% of site area	30% of site area	150sqm per lot (or 300sqm total) is required on a 1,000sqm site

Modelling and testing have been conducted for the increased dual occupancy landscaped area requirements.

The diagrams below (refer **Figures 3 – 6**) illustrate that the minimum landscaped area requirements for dual occupancies are able to be achieved in both the non-FSPA and FSPA using a combination of existing DCP setback controls and draft controls which are currently being investigated for inclusion within the *Georges River Development Control Plan 2020*.

Figure 3 – Modelling of Two Storey Dual Occupancy (side by side) on a 650sqm site (non-FSPA) – Site Plan

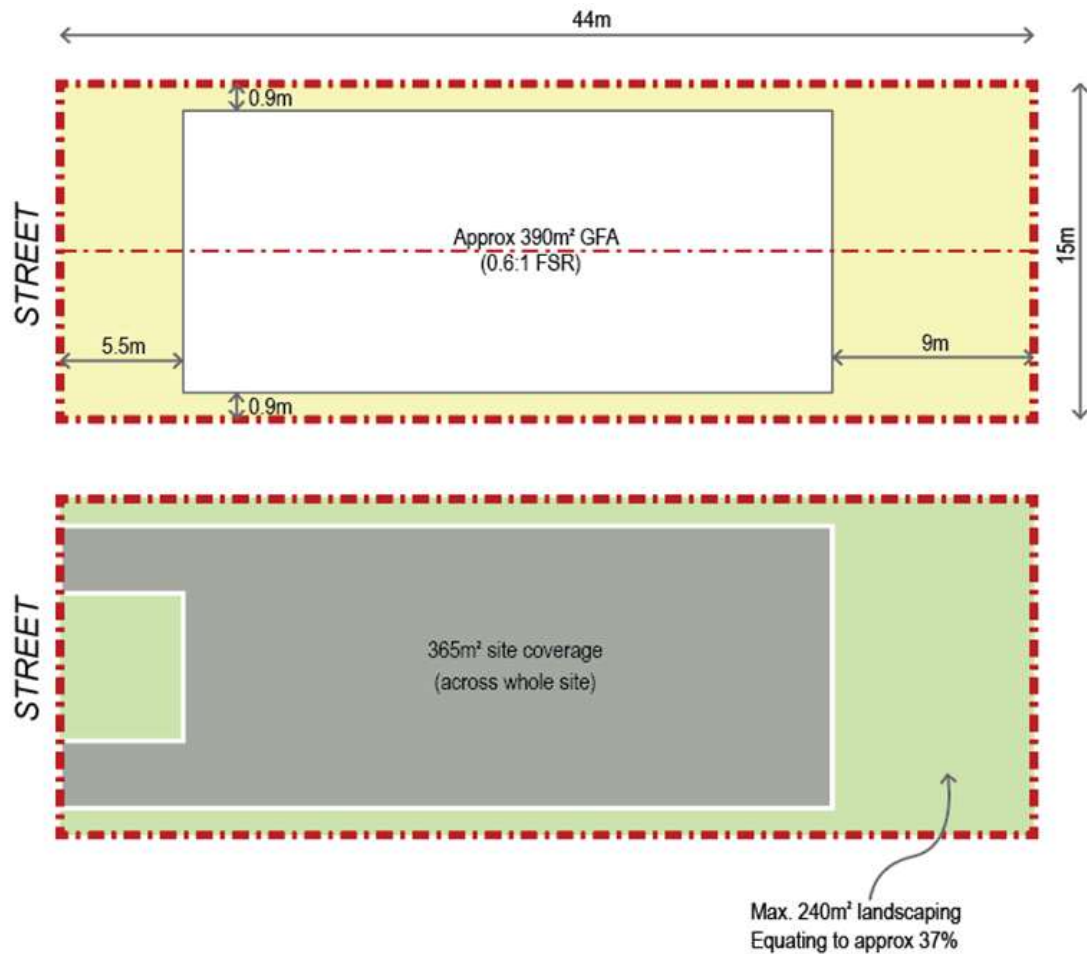


Figure 4 – Modelling of Two Storey Dual Occupancy (side by side) on a 650sqm site (non-FSPA) – Built Form Envelope

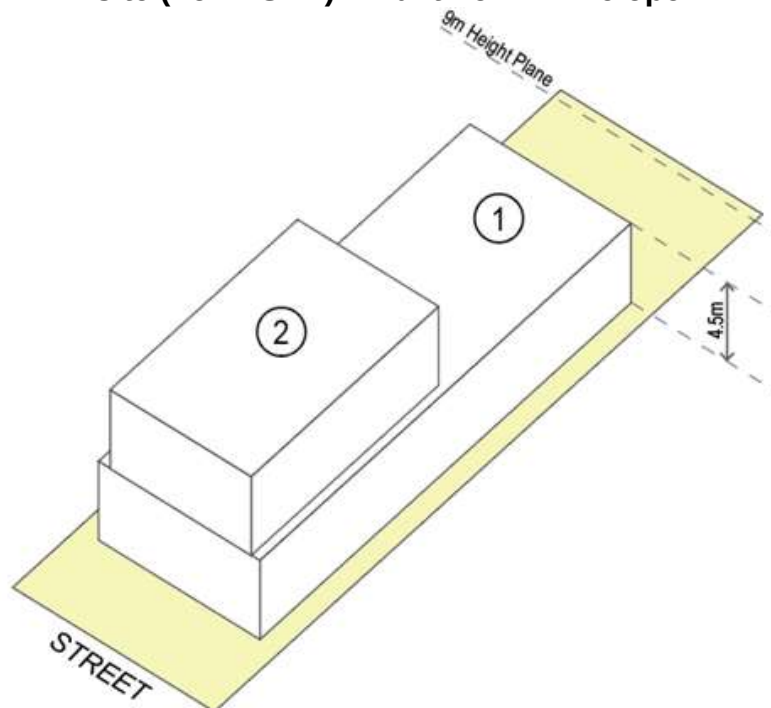


Figure 5 – Modelling of Two Storey Dual Occupancy (front and back) on a 1,000sqm site (FSPA) – Site Plan

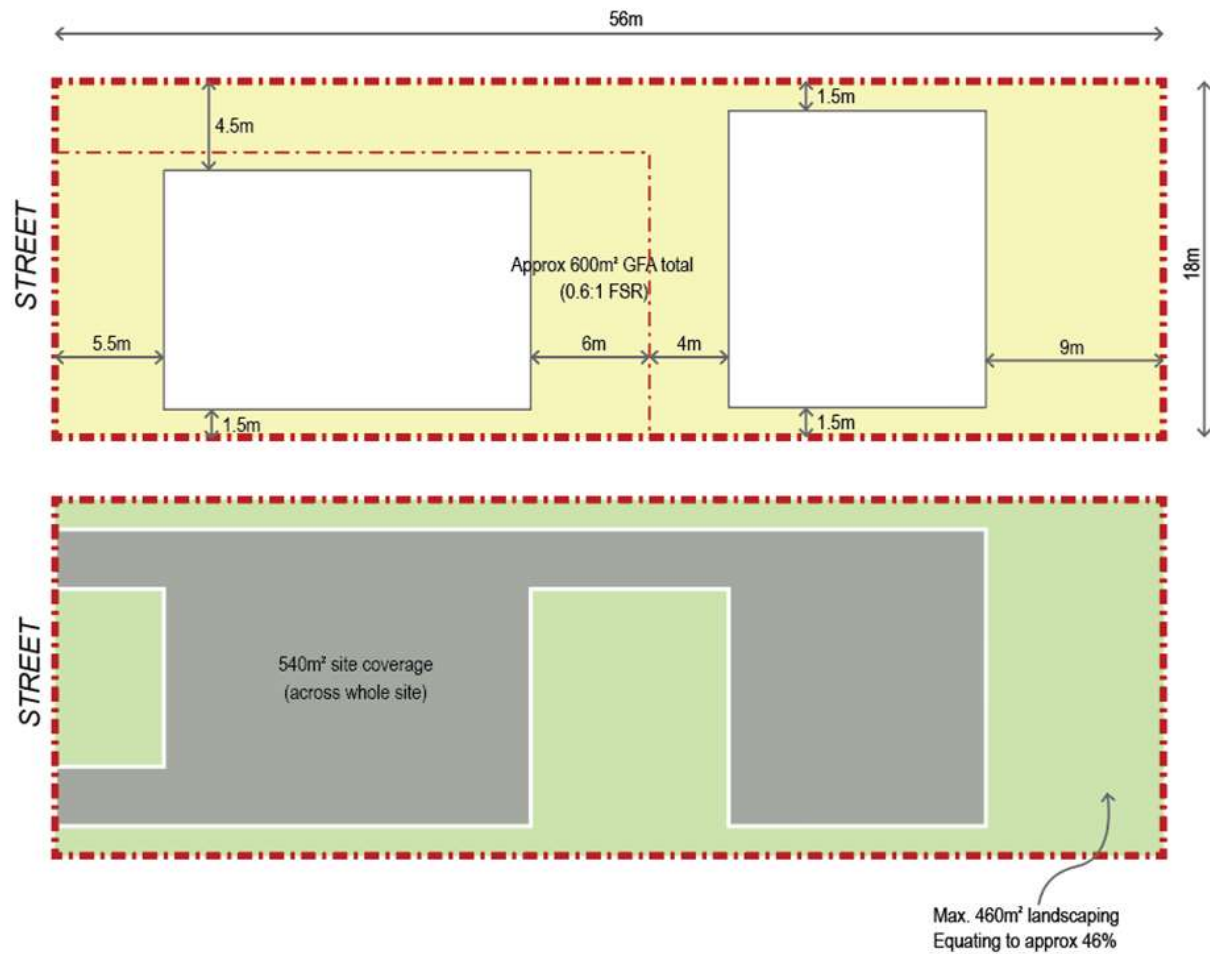
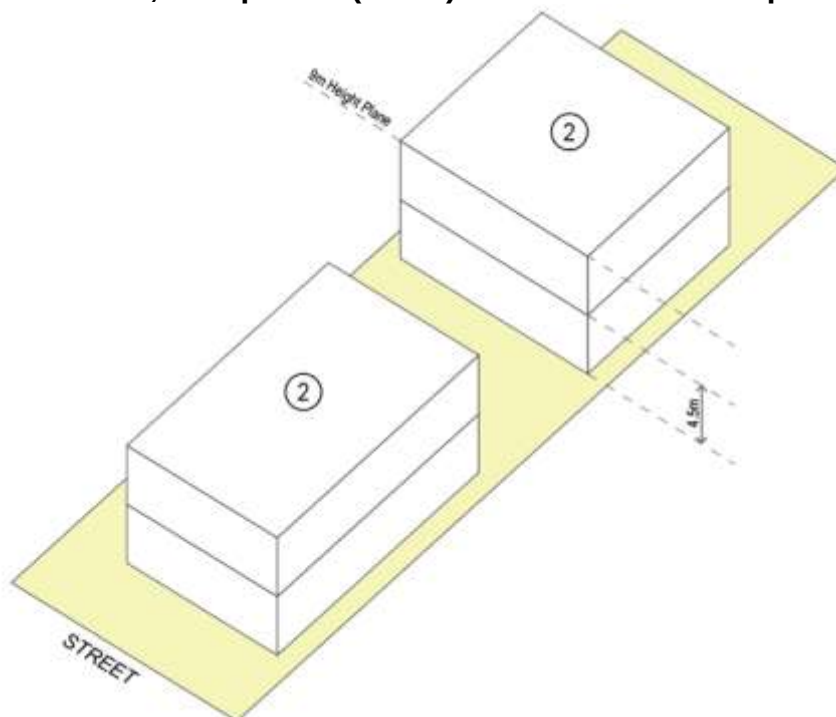


Figure 6 – Modelling of Two Storey Dual Occupancy (front and back) on a 1,000sqm site (FSPA) – Built Form Envelope



- (c) Introduce a new local provision *Clause 6.19 Tree protection and landscaping in Zones R2 and R3* as follows:

Clause 6.19 Tree protection and landscaping in Zones R2 and R3

- (1) *The objective of this clause is to ensure any development undertaken on land in the R2 Low Density Residential and the R3 Medium Density Residential zones maintains and enhances the landscaped character of the neighbourhood and contributes to the tree canopy of the local government area.*
- (2) *Before granting development consent to development on land to which this clause applies, the consent authority must consider the following —*
- (a) the extent to which the development integrates to protect existing trees, natural landscape feature (such as rock, outcrops, remnant bushland and natural watercourses) and a well-designed landscaped setting (such as new trees, shrubs and lawns and usable open space areas),*
 - (b) an assessment of the current health, condition and structure of the tree(s) on the land,*
 - (c) an assessment of the contribution made by the existing tree(s) on the land to the natural landscape or local character of the locality including environmental, heritage, cultural and amenity factors,*
 - (d) the extent to which the design of the development minimises or avoids potential conflict between trees, landscape features and structures on site and on any neighbouring property,*
 - (e) the building construction methods will minimise the impact on trees and their root systems on site and on any neighbouring property,*
 - (f) existing trees on the site and any adjoining land can be retained with Tree Protection Zone (TPZ) being 12 x trunk diameter (DBH) when measured at 1.4 metres from ground level. (this is the calculation of the TPZ area),*
- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied:*
- (a) where there are no trees on a site, one tree reaching a mature height of 8 metres is planted,*
 - (b) when one tree is removed, two or more advanced approved species (45L pot size or greater) are to be planted or, the payment of an offset fee (per tree) calculated by an endorsed method of valuation (e.g. Thyer Method of Valuation),*
 - (c) the site has deep soil planting areas and landscaped areas to allow for replanting of replacement trees and the creation of a landscape setting.*

102. The intent of introducing the additional local provision *Clause 6.19 Tree protection and landscaping in Zones R2 and R3* is to ensure any development undertaken on land in the R2 Low Density Residential and the R3 Medium Density Residential zones maintains and enhances the landscaped character of the neighbourhood and contributes to the tree canopy of the LGA.
103. This clause will not only apply to the FSPA. Instead, it will apply to all developments in the R2 and R3 zones to ensure the existing tree canopy coverage is enhanced across the LGA.
104. Developments must consider the contribution made by existing trees to the natural landscape or local character of the locality including environmental, heritage, cultural and amenity factors. The development must also be sited in a well-designed landscaped setting that is integrated to protect the existing tree, including the implementation of Tree Protection Zones.

105. At the minimum, this clause requires one mature tree to be provided per site. Where the removal of an existing tree can be justified, this clause requires that two replacement trees of an appropriate species and size be planted onto the subject site, or an offset fee be paid to Council to ensure the replacement trees are located elsewhere in the LGA to ensure there is a net increase in tree canopy coverage.
106. The application of this local provision will be supported by Council's *Tree Management Policy* which was implemented in April 2019. This Policy recognises the importance of the tree canopy throughout the LGA and implements measures to achieve minimum 40% urban tree canopy by 2038 in accordance with the target specified by the *Greater Sydney Region Plan*.

Option No.2 – Proceed with the as exhibited FSPA with no additional requirements

107. This option involves proceeding with the as exhibited extent of the FSPA and the exhibited wording of *Clause 6.7 Foreshore scenic protection area* in accordance with the principles of equity and consistency so that only areas with higher sensitivities to change as identified by the *Foreshore Strategic Directions Paper* are retained within the proposed FSPA.
108. An explanation of the justification for this approach and the impacts on development potential under this option is outlined above in **Paragraphs 82-97**.
109. This option does not address additional protection of tree canopy or encourage new developments to be supported by an enhanced landscaped setting consistently across the LGA. Accordingly, it is considered that this option will not adequately address the concerns raised by submissions.

Option No.3 – Retain the FSPA in the former Hurstville LGA and extend the FSPA into the former Kogarah LGA

110. This option involves the extension of the FSPA to the former Kogarah LGA but retaining the existing extent of the FSPA in the former Hurstville LGA.
111. This option would address the community's concerns of maintaining the status quo in the former Hurstville LGA and remove the potential development potential for dual occupancies afforded by the exhibited Planning Proposal to 742 lots within this locality.
112. The retention of these areas within the proposed FSPA would result in these areas being subject to more stringent controls including:
- Minimum subdivision lot size of 700sqm for dwelling houses – based on a desktop analysis of the subject properties, a total of 31 lots will lose the potential to subdivide as result of the increase in minimum subdivision lot size. This is considered to be inconsistent with Ministerial Direction 3.1 Residential Zones which stipulates that a planning proposal must not contain provisions which will reduce the permissible residential density of land;
 - Minimum lot size of 1,000sqm for dual occupancies;
 - Minimum 25% of site area must be provided as landscaped area; and
 - All residential accommodation, with the exception of secondary dwellings, will be subject to the provisions of Clause 6.11 Design excellence which will require all DAs to

be accompanied by an additional report containing a peer review of the design by an urban designer or a registered architect appointed from Council's panel of design experts against the heads of consideration listed in this clause.

113. Despite the retention of the FSPA coverage within the former Hurstville LGA, this option does not provide the opportunity to provide additional protection of the existing tree canopy or the ability to ensure new developments are supported by a landscaped setting consistently across the whole LGA.
114. This option is also inconsistent with the overarching principle of this Planning Proposal to achieve equity across the LGA through the harmonisation process. The retention of the existing FSPA will allow the former Kogarah LGA to continue to benefit from greater development potential while a significant portion of the former Hurstville LGA is restricted by the FSPA and the associated increased dual occupancy lot size requirement.
115. Furthermore, many of the areas located within the existing FSPA in the former Hurstville LGA exhibit the same character typology as adjoining areas that are located outside of the existing FSPA. The retention of the existing FSPA is considered to be inconsistent with the findings of the *Foreshore Strategic Directions Paper*.

Preferred Options to Amend the Planning Proposal – FSPA

116. Option 1 is proposed as the preferred approach as it is able to respond to the key issue arising from the submissions to the draft GRLEP 2020 in relation to the loss of trees and the landscaped character of the LGA, particularly within the FSPA, while implementing the outcomes of the character analysis conducted by the *Foreshore Strategic Directions Paper* to ensure equity and consistency in controls across the LGA.
117. The combination of proposed amendments to the Planning Proposal comprising of enhanced landscape considerations in the objectives of the R2 and R3 zones, increasing the minimum landscaped area requirement for dual occupancies in Clause 6.13 and the introduction of the new tree protection and landscaping local provision through Clause 6.19 will ensure new developments are sited in a landscaped setting that is integrated to protect existing trees and increase existing tree canopy coverage.
118. Accordingly, it is considered that Option 1 will:
 - Acknowledge the importance of maintaining and enhancing the character of the natural environment, especially in the private domain where recent development activities have seen extensive removal of trees and landscaping to accommodate larger dwelling houses, dual occupancies and/or secondary dwellings in the low density areas; and
 - Address the concern for the loss of the 'green and leafy' character, which was identified by the community through the various the LSPS 2040 engagement programs as a valued characteristic of the LGA and echoed by many of the submissions to the draft GRLEP 2020 as a LGA-wide issue associated with overdevelopment.

Key Issue – Open Space Acquisition at 11-21 Monaro Avenue, Kingsgrove

Background and Rationale

119. Council's *Open Space, Recreation and Community Facilities Strategy 2019 – 2036* identifies a 76,000sqm (or 7.6ha) shortage of active open space in the LGA, particularly in the north of the LGA in suburbs like Beverly Hills, Kingsgrove, Narwee and Riverwood.

120. This Strategy also identifies an existing open space provision rate of 2.7 hectares per 1,000 people, or 27sqm per person across the LGA, which is considered to be comparable with most nearby councils.
121. When the average household size of 2.84 persons is applied in accordance with the 2016 Census statistics, this equates to an average open space provision rate of approximately 76.68sqm per dwelling across the LGA.
122. The importance of providing of both active and passive open space has been repeatedly reinforced by the community throughout the LSPS 2040 consultation process, especially additional open space of various sizes and functions to cater to the demands of the growing population.
123. Based on a desktop analysis of the total amount of open space in each Ward (refer **Table 7** below), the Hurstville Ward located at the north-eastern corner of the LGA, which comprises of the suburbs of Beverly Hills, Hurstville (north of the railway line) and Kingsgrove (refer **Figure 7** below), has the least amount of open space available to its residents, which is closely followed by the Mortdale Ward comprising of the suburbs of Mortdale, Narwee and Penshurst.
124. It should be noted that both of the Hurstville and Mortdale Wards are comprised of suburbs located at the northern portion of the LGA, where the Strategy identifies a shortage of open space.

Figure 7 – Location of Wards and Suburbs



Table 7 – Breakdown of Open Space by Ward

Ward	Blakehurst	Hurstville	Kogarah Bay	Mortdale	Peakhurst
Area of Open Space (ha)	124.93	26.14	57.76	29.99	235.37
Approx. Number of Dwellings	9,778	11,819	13,553	10,287	9,355
Open Space per Dwelling (sqm)	127.77	22.12	42.62	29.15	251.60
% of Total Open Space	26.3%	5.5%	12.2%	6.3%	49.6%

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125. The Hurstville Ward is also the Ward with the smallest amount of open space available per dwelling with only 22.12sqm of open space available compared to the average open space provision rate of approximately 76.68sqm per dwelling across the LGA. Furthermore, only 5.5% of the total amount of open space in the LGA is accommodated within this Ward.
126. For the purpose of the above analysis, open space is comprised of land that are zoned RE1 Public Recreation, E1 National Parks and Nature Reserves and E2 Environmental Conservation. The number of dwellings provided is indicative only and includes all rateable properties under the 'residential' and 'mixed use' categories within Council's records.
127. The subject acquisition of 6 properties located at 11-21 Monaro Avenue, Kingsgrove is one of three areas of open space acquisition proposed by the draft GRLEP 2020 in response to the LSPS 2040 vision to deliver additional open space across the LGA.
128. The subject area comprises half of the eastern street block surrounding Peter Low Reserve (refer **Figure 8** below).

Figure 8 – Location of 11-21 Monaro Avenue, Kingsgrove

129. Due to the physical restrictions of its location, Peter Low Reserve is affected by a number of limitations including:
- Landlocked by residential dwellings on all three sides;

- Poor visibility to the general public;
- Reduced accessibility to the general public as result of poor visibility;
- Accessed via three narrow laneways on Monaro Avenue, New England Drive and Kinsel Avenue;
- Narrow laneways limits usage by the broader community;
- Experiences little to no passive surveillance from public streets; and
- Relies on active surveillance from the rear of 36 houses.

130. The subject properties have been selected for acquisition for the purpose of expanding the existing Reserve and are identified as the most appropriate due to the following reasons:

- Direct visual sight lines will be provided to the largest portion of the park from a public street (McGregor Street) which is consistent with the four Crime Prevention Through Environmental Design (“CPTED”) principles:
 - surveillance
 - access control
 - territorial reinforcement
 - space management
- Promotes physical connectivity between the public domain and the Reserve by increasing the entry point from a narrow laneway to a wide street frontage accessed by both McGregor Street and Monaro Avenue;
- Visibility of the park to the wider community will be greatly improved;
- Public surveillance into the park will be provided to the largest portion of the park;
- Enables improved accessibility to the park for the wider community as the Reserve will no longer be landlocked;
- The Reserve is within the 800m walkable catchment of the Kingsgrove Local Centre;
- Expansion of an existing reserve will enable the design of a park that will have sufficient area to host a number of activities such as inclusive play areas and outdoor barbeque facilities; and
- Expansion of the Reserve will assist in providing more open space towards the centre of the Hurstville Ward where there is the least amount of open space available to its residents.

131. The timeframe of acquisition depends on a number of factors including the availability of funding and the priority established by the Development Contributions Plan. Council currently does not have plans to acquire these properties in the immediate future. It should be noted that there are number of acquisitions for open space identified in the existing *HLEP 2012 and KLEP 2012* that are yet to occur since the making of these plans.

132. There are a number of funding sources available that enable Council to acquire land for open space. These funding sources are outlined below:

- (a) **Development contributions** (also known as Section 7.11 and 7.12 contributions) – Development Contribution Plans can identify the estimated cost of the land acquisitions and project the development contributions that may be received over time from future developments in the local area to fund the proposed acquisition. Since development contributions are levied on individual developments as they occur, the timeframe to collect contributions is typically distributed across the life of the Development Contribution Plan which may be 10 to 20 years.

Council has received development contributions over time for the acquisition of land for open space identified in the existing *Hurstville Section 94 Development Contributions Plan 2012* and *Kogarah Section 94 Development Contributions Plan No. 5 – Open Space* to respectively support the *HLEP 2012* and *KLEP 2012*.

The contributions received by Council to date under these plans for the acquisition of open space are proposed to be transferred into Council's new Georges River Development Contributions Plan that is currently being prepared.

- (b) **Future Georges River Development Contributions Plan** – Council is currently preparing a new Contributions Plan for the whole LGA to consolidate the existing *Hurstville Section 94 Development Contributions Plan 2012* and the suite of *Kogarah Section 94 Development Contributions Plans*.

This plan will identify a range of facilities and services that are required to meet the demands of the future population in the LGA, including open space land acquisitions and the embellishment of open space.

It is proposed that the contributions received by Council under the current Kogarah and Hurstville Development Contribution Plans will be transferred into the new Georges River Development Contributions Plan. This will provide a funding source for the land acquisitions that are identified in this Plan as well as the contributions levied on future development.

- (c) **Voluntary Planning Agreements (“VPAs”)** – VPAs a potential source of funding for open space land acquisitions. VPAs are used in the planning system as a tool for delivering infrastructure and public facilities and services in connection with planning proposals and DAs. VPAs can provide monetary contributions as well as works and land. Council have entered into a number of VPAs that provide both monetary contributions for public facilities and the provision of works.
- (d) **Council's General Revenue** – General Revenue funds assist in funding Council's projected capital program. Council prepares Long Term Financial Plans to provide a financial projection of the next ten years based on the *Community Strategic Plan and Delivery Program*. As part of this process, Council identifies the projects that are required to be undertaken which may include the acquisition of land for open space.

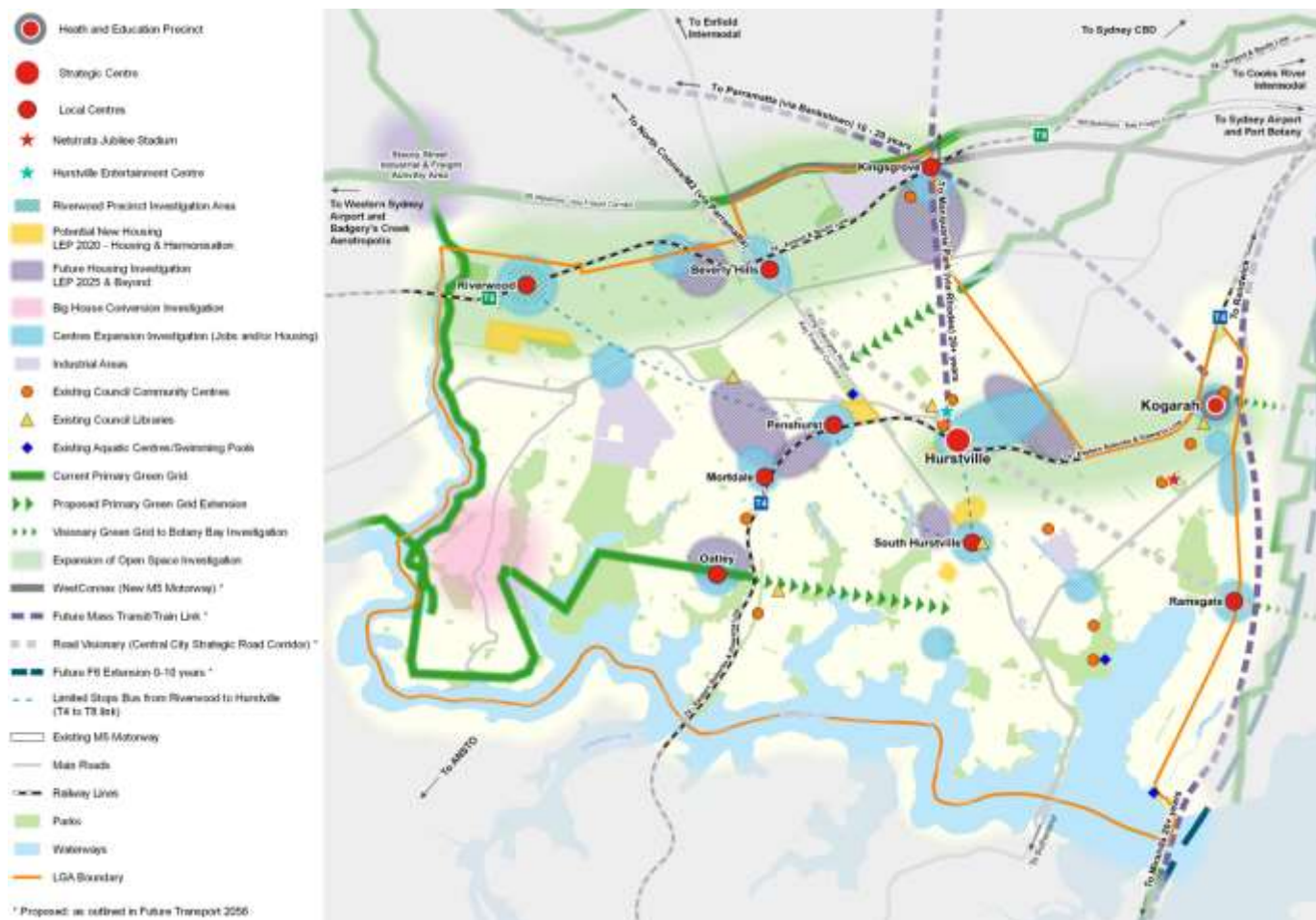
133. When acquisition is required, negotiation between Council and the property owner will be conducted in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*. Furthermore, owners of residential properties that have been rezoned and designated for future acquisition may approach Council at any time and request Council to purchase the property.

Options to Amend the Planning Proposal – Open Space Acquisition at Monaro Avenue, Kingsgrove

134. A total of 166 submissions were received in relation to the proposed open space land reservation acquisitions at 11-21 Monaro Avenue, Kingsgrove, with 164 submissions objecting to the proposed acquisition. Council was also made aware of an online petition that contained 1,220 signatures objecting to the acquisition.
135. The majority of submissions that object to the proposed acquisition raise concerns regarding the unreasonable hardship that the existing landowners will face during the acquisition process.

136. The community is also strongly opposed to the acquisition of homes for the purpose of creating additional open space when the draft GRLEP 2020 does not propose any increased residential density within the 800m walkable catchment of the Reserve, which is considered to be inconsistent with the LSPS 2040 commitment to ensure growth is accompanied by additional open space.
137. To assist the Panel in determining a way forward with regards to the open space acquisitions at 11-21 Monaro Avenue, the following options are provided for consideration.
- Option 1 – Proceed with the as exhibited acquisition at 11-21 Monaro Avenue, Kingsgrove*
138. This option involves proceeding with the inclusion of 11-21 Monaro Avenue on the Land Reservation Acquisition Map as per the exhibited Planning Proposal.
139. Detailed explanation of the rationale for the proposed acquisitions for open space at 11-21 Monaro Avenue within the draft GRLEP 2020 is provided above in **Paragraphs 119-133**.
140. This option will assist in securing the provision of open space in an area of the LGA that has a significant shortage of open space.
141. Peter Low Reserve is located within close proximity to a residential area which has been identified by the LSPS 2040 as a future housing investigation precinct scheduled for LEP 2025 and beyond (refer Structure Plan in **Figure 9** below).
142. Furthermore, the existing Reserve is also located within the 800m walkability catchment of the Kingsgrove Local Centre, which has been identified by the LSPS 2040 Structure Plan as a centre that needs to be investigated for potential expansion with the aim of creating additional employment and/or housing.

Figure 9 – LSPS 2040 Structure Plan



Option 2 – Defer the proposed open space acquisitions at 11-21 Monaro Avenue, Kingsgrove and purchase land on open market

143. This option proposes the following:

- Removal of the proposed land reservation acquisition of 11-21 Monaro Avenue from the draft GRLEP 2020;
- Acquire open space in the vicinity of Peter Low Reserve through negotiations with landowners seeking to sell their property or via purchasing sites for sale on the open market; and
- Defer the proposed land reservation acquisition of 11-21 Monaro Avenue to a future LEP to support future growth.

144. This option acknowledges that unlike the other two areas of open space acquisitions proposed by the draft GRLEP 2020 to support the upzoning of the adjacent Housing Investigation Areas, Peter Low Reserve is located within a low density residential setting with no upzonings currently proposed in its vicinity.

145. However, the deficiency of available open space in the northern portion of the LGA cannot be ignored, particularly in the Hurstville Ward. The key principle of achieving equity across the LGA requires Council to further pursue and investigate opportunities to provide additional open space in this locality.

146. With consideration of the known deficiency in open space, this option will allow Council to explore the acquisition of additional open space in the Hurstville Ward, in particular through the expansion of existing parks and reserves including Peter Low Reserve.

147. If Council is unable to increase the amount of open space in the northern portion of the LGA within the next 2 to 3 years, the acquisition of land for additional open space in the vicinity of the subject area will be considered in LEP 2022 to support the growth proposed by the Beverly Hills masterplan and the review of the Kingsgrove Local Centre to provide additional employment and housing opportunities.

Option 3 – Abandon the program of open space acquisition in the Hurstville Ward

148. This option involves abandoning all investigations of open space acquisitions in the Hurstville Ward, including in and around Peter Low Reserve, in response to the opposition received from the local community.
149. This option will result in significant inequity within the LGA in relation to access to quality open space.
150. As identified above in **Table 7**, Hurstville Ward has the least amount of open space available per dwelling and only 5.5% of the LGA's open space is located within this Ward, compared to the provision of 49.6% of the LGA's open space in the Peakhurst Ward.
151. If no additional open space acquisitions are ever to be investigated in the Hurstville Ward, there will be a continued shortage of both passive and active open space for one of the most densely populated Ward in the LGA.

Preferred Options to Amend the Planning Proposal – Open Space Acquisition at Monaro Avenue, Kingsgrove

152. Option 2 is proposed as the preferred approach as it is able to respond to the key issue arising from the submissions to the draft GRLEP 2020 in relation to the opposition to the acquisition process and the absence of significant housing growth within the locality to warrant the need for additional open space.
153. This option will allow Council to address the deficiency of land for open space in the northern portion of the LGA, particularly in the vicinity of Kingsgrove, through a holistic approach as part of future LEPs when additional housing opportunities as investigated in accordance with the Structure Plan of the LSPS 2040.
154. It will also address the concerns for the stress and hardship associated with the acquisition process by enabling Council to acquire land through negotiations with landowners seeking to sell their land or purchasing sites for sale on the open market.

Key Issue – Existing 'places of public worship' in the R2 Low Density Residential zone omitted from Schedule 1

155. The draft GRLEP 2020 proposes to prohibit 'places of public worship' in the R2 Low Density Residential zone in response to the widespread community concerns received during the DA assessment process for places of public worship DAs regarding the adverse amenity impacts likely to be generated by these venues.
156. The key concerns received by Council on places of public worship DAs primarily relate to:
- The management of noise and other operational impacts to the surrounding residential amenity in the low density neighbourhoods;
 - The introduction of a non-residential land use; and

- The adverse impacts on local streets as result of the increased car parking and traffic associated with a place of public worship venue.
157. Since Council's amalgamation, Council staff has worked with Councillors to prepare a set of planning directions and controls to guide the location of places of public worship developments in response to the widespread community concerns for these DAs to put in place appropriate development solutions and operational requirements.
158. To support the draft GRLEP 2020, the Georges River DCP 2020 will incorporate the above planning directions and controls to ensure the operation of places of public worship venues are appropriately managed.
159. Despite the proposed prohibition of places of public worship as a land use within the R2 zone, all existing venues located within the R2 zone have been identified and are added to *Schedule 1 Additional permitted uses* under the draft GRLEP 2020 to continue the permissibility of development for the purpose of a place of public worship on these existing sites. The inclusion of these properties within Schedule 1 will not restrict future expansions or redevelopments on the specified land.
160. If additional land is purchased within the R2 zone for the purpose of expanding a place of public worship, a planning proposal to include this site in Schedule 1 would be required to be lodged with Council for consideration and determination.
161. Since the intent of the proposed prohibition is to prevent the establishment of new venues of places of public worship in existing low density residential areas due to the adverse impacts likely to be generated by these venues on the amenity of low density neighbourhoods, the subject land use will continue to be permissible across the following zones:
- R3 Medium Density Residential
 - R4 High Density Residential
 - B1 Neighbourhood Centre
 - B2 Local Centre
 - B3 Commercial Core
 - B4 Mixed Use
 - B6 Enterprise Corridor
 - IN2 Light Industrial
162. Furthermore, existing places of public worship associated with existing educational establishments are proposed to be rezoned to the amalgamated zone of 'SP2 Educational Establishment and Place of Public Worship'.
163. During the public exhibition of the draft GRLEP 2020, a number of submissions were received which identified a number of allotments which are currently used for the purpose of places of public worship but were omitted from the proposed Schedule 1 list.
164. In response to the submissions received, a number of allotments are required to be added to Schedule 1 Additional permitted uses under *Item 11 Use of certain land for a place of public worship* as these properties are currently occupied by a place of public worship within the R2 Low Density Residential zone:
- 1142 Forest Road, Lugarno, being Lot 9, DP 13473 (Lugarno Anglican Church);

- 3A Old Forest Road, Lugarno, being Lot 18, DP 13473 (Lugarno Anglican Church);
- 3A Old Forest Road, Lugarno, being Lot 19, DP 13473 (Lugarno Anglican Church); and
- 20 River Road, Oatley, being Lot 2, Section 5, DP 2297 (Oatley Gospel Chapel).

165. Furthermore, an additional amendment is recommended with respect to Schedule 1 in response to the submissions received. The existing parish hall located at 19 Warrawee Place, Beverly Hills (Lots 42, 43 and 44, DP 13496) is recommended to be removed from *Item 11 Use of certain land for a place of public worship* as these properties are currently being utilised by the adjacent Regina Coeli Catholic Primary School. Accordingly, the zoning of these properties will be amended to the proposed SP2 Educational Establishment & Place of Public Worship to reflect the existing use of the site as a school hall for the adjacent Regina Coeli Catholic Primary School.

Post-Exhibition Amendment to Rectify Anomaly

166. As outlined above in **Table 1**, Gateway Condition 1(q) required the prohibition of ‘office premises’ as a permissible land use in the IN2 Light Industrial zone.
167. However, the operation of the proposed *Clause 6.17 Creative Industries in Zone IN2* relies on the permissibility of office premises within the two industrial precincts located at Penshurst Lane, Penshurst (refer **Figure 10**) and Halstead Street, South Hurstville (refer **Figure 11**).

Figure 10 – Industrial Precinct at Penshurst Lane, Penshurst



Figure 11 – Industrial Precinct at Halstead Street, South Hurstville



168. Clause 6.17 seeks to support the ongoing viability of the above precincts by fostering a diverse range of uses including creative and innovative industries such as media, advertising, fine arts and craft, design, film and television, music, publishing, performing arts, cultural heritage institutions or other related purposes.
169. The term 'creative industries' is not currently recognised as land use terms by the *Standard Instrument LEP*. Many of the associated uses like design and publishing are categorised under the 'office premises' land use term.
170. Accordingly, an amendment is proposed to include all properties located within the above industrial precincts in Schedule 1 Additional permitted uses to enable development for the purposes of an office premise to be permitted with development consent under *Item 13 Use of certain land for an office premise*.

Summary of Post-Exhibition Amendments

171. In summary, the following amendments are proposed to vary the Planning Proposal for the draft GRLEP 2020 in response to the submissions received during public exhibition:
- Clause 1.2 Aims of Plan – insertion of an additional aim relating to the protection, maintenance and improvement of waterway health in response to EPA submission;
 - Zone R2 Low Density Residential zone – separation of “a landscaped setting” from “urban design and built form” to emphasise the importance of housing situated in a landscaped setting as a desirable characteristic as a standalone zone objective in response to community submissions;
 - Zone R3 Medium Density Residential zone – separation of “a landscaped setting” from “urban design and built form” to emphasise the importance of housing situated in a landscaped setting as a desirable characteristic as a standalone zone objective in response to community submissions;
 - Zone IN2 Light Industrial – insertion of an additional zone objective to encourage a range of uses that support repair, reuse, recycling, remanufacturing and reprocessing in response to EPA submission;

- Clause 5.1 Relevant acquisition authority and the associated Land Reservation Acquisition Map – removal of the proposed acquisitions for local open space applied to 11-21 Monaro Avenue, Kingsgrove to defer open space acquisition for consideration in a future the Georges River LEP once further investigation is conducted with future housing growth;
- Clause 6.6 Riparian Lands and Waterways – amendment of the subject of this clause from “watercourses” to “waterways” to include other waterbodies such as creeks and natural wetland, as well as inclusion of additional considerations of local native riparian vegetation and Aboriginal cultural heritage values of waterways in response to EES submission;
- Clause 6.7 Foreshore scenic protection area – amendment of the prescribed development considerations to emphasise the subject provision’s objectives to “protect, maintain and improve” the FSPA through the additional requirements of avoiding disturbance and enhancing existing native vegetation in response to EES submission;
- Clause 6.11 Design excellence – amendment of the waste management facilities consideration to strengthen the proposed controls in response to EPA submission;
- Clause 6.13 Landscaped areas in certain residential and environmental protection zones – increase the minimum landscaped area requirements for dual occupancies (non-FSPA) from 20% to 25% and dual occupancies (FSPA) from 25% to 30% to ensure new developments are accompanied by new planting and vegetation in response to community submissions;
- Clause 6.19 *Tree protection and landscaping in Zones R2 and R3* – introduction of this local provision to ensure any development undertaken on land in the R2 Low Density Residential and the R3 Medium Density Residential zones maintains and enhances the landscaped character of the neighbourhood and contributes to the tree canopy of the LGA in response to community submissions; and
- Schedule 1 Additional permitted uses:
 - Include the following allotments under *Item 11 Use of certain land for a place of public worship* in response to community submissions:
 - 1142 Forest Road, Lugarno, being Lot 9, DP 13473 (Lugarno Anglican Church);
 - 3A Old Forest Road, Lugarno, being Lot 18, DP 13473 (Lugarno Anglican Church);
 - 3A Old Forest Road, Lugarno, being Lot 19, DP 13473 (Lugarno Anglican Church); and
 - 20 River Road, Oatley, being Lot 2, Section 5, DP 2297 (Oatley Gospel Chapel);
 - Removal of the following allotments under *Item 11 Use of certain land for a place of public worship* in response to community submissions and rezone to SP2 Educational Establishment & Place of Public Worship:
 - 19 Warrawee Place, Beverly Hills, being Lots 42, 43 and 44, DP 13496; and

- Addition of *Item 13 Use of certain land for an office premise* to ensure creative industries can be located within the industrial precincts at Penshurst Lane, Penshurst and Halstead Street, South Hurstville.

172. This report recommends that the LPP endorses the above amendments as variations to the Planning Proposal in accordance with Section 3.35 of the EP&A Act and endorses the revised Planning Proposal to be forward to the DPIE under Section 3.36 of the EP&A Act for finalisation by 30 June 2020.

Next Steps

173. Subject to LPP's endorsement of the Planning Proposal for forwarding to the DPIE for finalisation, the anticipated next steps are outlined in **Table 8** below.

Table 8 – Project timeline

Task	Anticipated Timeframe
Reporting to the LPP (as the planning proposal authority) on Planning Proposal for finalisation	25 June 2020 (this report)
Submit revised Planning Proposal to the DPIE for finalisation	30 June 2020
Drafting of GRLEP 2020 to be completed by the NSW Parliamentary Counsel's Office	July 2020 to December 2020
GRLEP 2020 is gazetted	December 2020

174. All persons who made a submission to the Planning Proposal will be advised of the LPP's decision.