

Attachment F

Public authority submissions

Planning Proposal – June 2020 (for finalisation)

Georges River Local Environmental Plan 2020

From: [maryann loraine-grews](#) on behalf of [Airspace Protection](#)
To: [Anne Qin](#)
Subject: RE: Request for Pre-Exhibition Discussion - Georges River Local Environmental Plan 2020
Date: Thursday, 27 February 2020 7:49:21 AM
Attachments: [~WRD0000.jpg](#)
[image002.png](#)

Good morning Anne,

Sydney Airports comments are, that every development will be assessed individually for potential impacts to prescribed airspace and airport operations.

Thank you.

Kind regards
Maryann

Maryann Loraine-Grews
Airspace Protection Approvals Coordinator

—
T +61 2 9667 9396
E Maryann.Loraine-Grews@syd.com.au
sydneyairport.com.au





NSW RURAL FIRE SERVICE

Georges River Council
PO Box 205
HURSTVILLE BC NSW 1481

Your reference: Georges River Local Environmental
Plan 2020
Our reference: SPI20200430000077

ATTENTION: Anne Qin

Date: Friday 15 May 2020

Dear Sir/Madam,

Strategic Planning Instrument
Draft LEP – Planning Proposal
Georges River Local Environmental Plan 2020

I refer to your correspondence dated 31/03/2020 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

A review of the NSW RFS mapping confirms that the five (5) sites identified by the Council, i.e. Hillcrest Avenue, Hurstville; North and West of Peakhurst Park, Peakhurst; Apsley Estate, Penshurst; Culwulla Street, South Hurstville; and Rowe Street, South Hurstville are not mapped as bush fire prone. The proposed upzoning of these areas for increased residential density will not have any impact on the bush fire prone land within the local government area, and as such, the NSW RFS raises no objection to the planning proposal.

For any queries regarding this correspondence, please contact Rohini Belapurkar on 1300 NSW RFS.

Yours sincerely,

Kalpana Varghese
Team Leader, Dev. Assessment & Planning
Planning and Environment Services

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

From: [Safeguarding](#)
To: [Anne Qin](#)
Subject: RE: Request for Pre-Exhibition Discussion - Georges River Local Environmental Plan 2020 [SEC=UNOFFICIAL]
Date: Thursday, 12 March 2020 1:08:22 PM

UNOFFICIAL

Hello Anne

Thank you for your recent email seeking the Department's pre-exhibition comment on the draft Georges River LEP.

My comments will specifically address Sections 6.7 and 6.8 of the draft LEP which relate to aviation matters.

Section 6.7 (5) – to align phraseology with the Commonwealth *Airports Act 1996* and Airports (Protection of Airspace) Regulations 1996 (APARs) the Department suggests the term “development approvals” be amended to “controlled activity” approvals. It is not the Department's role to approve off-airport development but to provide approval for the intrusion of a controlled activity into prescribed airspace.

Section 6.8 (3) (b) and (c) – reference to the Australian Standard 2021 could be pared back to just AS2021 or updated to reflect the most recent version which is AS2021-2015.

Section 6.8 (4) definitions – ANEF contour – clarification – ANEF contours for the leased federal airports, including Sydney Airport, are included in an airport's Master Plan which is reviewed periodically. As part of the master planning process the ANEF contours are assessed for technical accuracy and endorsed by Airservices Australia (not the Department).

In a broader context, it should be noted that under Regulation 8 of the APARs Council is required to notify Sydney Airport of relevant development applications. In order to meet the state imposed statutory timeframes for development applications Council may wish to amend 6.7 (2) to reflect this “notification” process **but in issuing approvals for these developments note the approval is conditional on the proponent receiving the required controlled activity approval from the Department.** For example –

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.

Hope this information is of assistance. Happy to discuss.

Regards

Donna Kerr
Policy & Regulatory Officer
Airspace Protection & Safeguarding
Airspace Policy & International Programs Branch
Aviation & Airports Division

t: 02 6274 7009
e: Donna.Kerr@infrastructure.gov.au

GPO Box 594, Canberra ACT 2601

The department proudly acknowledges the Traditional Owners and Custodians of Australia, and their continuing connections to the land, waters and communities. We pay our respects to them and to their Elders past, present and emerging.





01 June 2020

Dear Sir / Madam,

RE: Exhibition of Georges River Draft Local Environmental Plan 2020

Thank you for the opportunity to provide comment on draft GRLEP2020. The Sutherland Shire broadly supports the objectives of Draft GRLEP 2020. Due to timeframes required to report to Council, the attached submission has not been endorsed by the elected Council. Further confirmation will be provided once Council has considered the matter which will occur on 27 July 2020.

Infrastructure: Road & Rail:

Sutherland Shire is dependent upon the transport infrastructure in Georges River to access jobs and services across Greater Sydney. Sutherland Shire Council questions the capacity of existing infrastructure to accommodate anticipated population growth across the South District and the Eastern City District. Whilst it is acknowledged that the Traffic Impact Assessment by Transport and Traffic Planning Associate establishes there is capacity within the existing road network to accommodate the uplift proposed in this amendment, the additional 12,000 dwellings to be provided by 2036 will result in cumulative impacts on existing road and rail.

A key challenge for the South District is the limited capacity of the transport infrastructure to support significant population growth. As part of Sutherland LSPS, a priority was developed to ensure collaboration between government agencies for infrastructure projects. As Georges River and Sutherland Shire share the T4 Illawarra Line, which also serves Bayside Council, it important for collaboration to take place in order for growth to be aligned with infrastructure capacity.

Local Provisions:

Wetlands and waterways have a critical function in the ecological processes that determine the environmental quality of our shared waterways. The inclusion of the following local provisions are supported by the Sutherland Shire Council:

- 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

The incorporation of these local provisions will encourage better outcomes in the foreshore area, and assist in protecting the natural environment, particularly along the Georges River. This will help balance the needs of the community and impacts on the environment.

Thank you for the opportunity to comment on draft GRLEP2020.

Your Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Carlon', with a stylized, cursive script.

Mark Carlon

Manager Strategic Planning

Our ref: DOC20/266075

Ms Gail Connolly
General Manager
Georges River Council
PO Box 205
HURSTVILLE BC NSW 1481

Attention: Stephanie Lum, Coordinator, Strategic Planning
stephanie.lum@georgesriver.nsw.gov.au

Planning Proposal – Consolidation of former Hurstville and Kogarah Local Environmental Plans into a single Georges River Local Environmental Plan

Dear Ms Connolly

Thank you for the opportunity to comment on the planning proposal to consolidate the three Local Environmental Plans (LEP) applying to the former Hurstville and Kogarah local government areas into a single *Georges River Local Environmental Plan 2020*.

We have reviewed the planning proposal and note the following amendments which relate to heritage:

- including protection and preservation of the natural, built, cultural and Aboriginal heritage of Georges River, to build upon and enhance the character of local areas, as an aim of the LEP
- under Clause 4.3 – Height of Buildings, ensuring that developments provide appropriate height transition to items and areas of heritage significance
- under Clause 4.4 – Floor Space Ratio, ensuring that developments provide appropriate built form transition to items and areas of heritage significance
- aligning Clause 5.10 – Heritage Conservation with the Standard Instrument LEP
- introducing a new local Clause 6.2 – Earthworks, which ensures that earthworks which require development consent will not have a detrimental impact on cultural or heritage items or features of the surrounding land, among its provisions, and
- introducing a new local Clause 6.17 – Creative Industries in Zone IN2, to foster a diverse range of industries, including cultural heritage institutions, in the IN2 Light Industrial zone.

We also note that the planning proposal intends to make a number of amendments to Schedule 5 – Environmental Heritage, as a result of a Heritage Review of the former Hurstville local government area, including:

- removal of four local heritage items, which have either been demolished, heavily altered or been adversely impacted by recent development
- amendments to the curtilage of 19 local heritage items, including existing ‘façade only’ listings and the amalgamation of group items, and
- amendments to the descriptions of 84 local heritage items to provide property names or a greater level of detail.

We note that Council identified that the Inventory Sheets for some local items contained information which contradicted the LEP listing for the item. We understand that Council has now updated the State Heritage Inventory to reflect the LEP.

We consider that the amendments identified above will either have a positive heritage impact or are administrative in nature. As such, we do not raise an objection to any of the proposed changes.

We have reviewed our records and note that the amalgamated Georges River Council area contains:

- seven State Heritage Register items, and
- 78 Registered Aboriginal Sites.

Council should ensure that any amendments made to its planning controls will not have a negative impact on these heritage items and sites. We can provide additional information and advice if required.

If you have any questions regarding this matter please contact James Sellwood, Senior Heritage Programs Officer, Statewide Programs at Heritage NSW, Department of Premier and Cabinet by phone on 02 9274 6354 or via email at james.sellwood@environment.nsw.gov.au.

Yours sincerely



Rochelle Johnston
Manager, Statewide Programs
Heritage NSW
Department of Premier and Cabinet

As delegate of the Heritage Council of NSW

14 May 2020

Heritage NSW

The former Office of Environment and Heritage (Heritage Division) is now Heritage NSW.

Correspondence should be sent to us via email at HeritageMailbox@environment.nsw.gov.au. If you need to provide hard copies, please send to Heritage NSW, Locked Bag 5020, Parramatta NSW 2124.

Please update your records as using an incorrect name and address could cause significant delays or non-delivery of your correspondence.



TfNSW Reference: SYD20/0049/01
Council Reference: SF20/881

The General Manager
Gail Connolly
Georges River Council
PO Box 205
Hurstville BC NSW 1481

Attention: Stephanie Lum

Dear Ms Connolly,

REVIEW OF (STAGE 1) DRAFT GEORGES RIVER LOCAL ENVIRONMENT PLAN (LEP) 2020

Transport for NSW (TfNSW) advises that legislation to bring Roads and Maritime Services and TfNSW together as one organisation came into effect on 1 December 2019 so we can deliver more integrated transport services across modes, and better outcomes to customers and communities across NSW.

This letter represents the views of the new TfNSW organisation.

To implement the *Georges River Local Strategic Planning Statement*, along with other strategies such as the Draft Local Housing Strategy, the Commercial Centres Strategy and Industrial Land review, Council is proposing a staged response to its LEP amendments, with Stage 1 currently under review. We understand the full staged approach in relation to preparing the Georges River LEP to be as follows:

- Stage 1 – Housing and Harmonisation (not inclusive of the HLEP2012)
- Stage 2 – Housing Choice (scheduled for 2021)
- Stage 3 – Jobs and Activation (scheduled for 2022)
- Stage 4 – Housing and Future Growth (scheduled for 2025 and beyond)

TfNSW notes that the Draft LEP 2020 Planning Proposal (Stage 1) primarily actions the harmonisation of the main existing LEPs applicable to the former council areas of Kogarah (*Kogarah Local Environmental Plan 2012*) and Hurstville (*Hurstville Local Environmental Plan 2012*) to provide a consistent planning approach across the LGA. We understand that the remaining Deferred Land known as the Hurstville Civic Precinct and the Westfield site will not be incorporated into the GRLEP 2020 at this stage and will remain under the *Hurstville Local Environmental Plan 1994*.

This Stage 1 planning proposal also seeks to achieve shorter term housing targets through rezoning certain areas, and proposes non-residential floor area provisions for mixed use development in certain business areas to better protect this land for warehousing and other business uses. The introduction of a minimum lot size requirement for IN2 industrial is proposed, as well as a building height increase in Kingsgrove and parts of Peakhurst to 16m to provide more diversity of product.

TfNSW has reviewed the Draft LEP 2020 (Stage 1) Planning Proposal documents and has collated comments from across the Transport cluster, which are provided at Attachment A for Council's

consideration. TfNSW would be happy to facilitate a meeting to discuss the comments with Council, as well as early discussion on future stages.

Thank you for the opportunity to provide advice on the subject planning proposal. Should you have any questions or further enquiries in relation to this matter, Amanda Broderick would be pleased to take your call on phone 8849 2391 or email: development.sydney@transport.nsw.gov.au

Yours sincerely



Cheramie Marsden
Senior Manager Strategic Land Use
Land Use, Networks & Development, Greater Sydney

Attachment A: Detailed Comments

Property and Transport Reservations

All existing TfNSW corridors and reservations need to be maintained and appropriately reflected in the Land Zoning and Land Reservation Acquisition maps as SP2 Infrastructure. TfNSW will provide shapefiles of its reservations under separate correspondence to assist Council in reflecting these requirements. No new reservations or SP2 zones relating to TfNSW are to be added without prior written approval.

Transport Infrastructure

TfNSW supports Council undertaking appropriate studies to support further stages of the LEP review, noting this is when more substantial housing and employment uplift is proposed to occur.

It is important that commercial centres strategy carefully considers local freight access to centres. Efficient movement of freight requires a strategy that integrates it with the efficient movement of people, especially in and around the city centre whilst protecting urban amenity and freight access. Local distribution centres for example, might be beneficial in the B4 zone, providing Council the flexibility to promote and approve local freight hubs in key urban centres where freight demand is high, kerb and road space is constrained and freight movements have the potential to impact amenity and place-making objectives. Local freight hubs can support freight consolidation and the use of sustainable alternative modes, such as walking and cycling, for last mile delivery (such as online shopping or parcel freight) as well as support place outcomes.

Freight rail forms an essential and invaluable component of NSW's freight and logistics network and in turn for the NSW economy. The Illawarra rail line is an important rail freight corridor in Georges River LGA. In considering amendments to the LEP, Council needs to consider and plan for the continuation of freight rail operations, noting they:

- have a unique noise profile, when compared to passenger rail and road noise;
- have other off-site impacts, including vibration;
- are likely to result in increased movements (particularly at night) as the State Government continues to encourage freight rail as an alternative to congested road networks;
- have long-standing and fixed corridors that cannot be moved without prohibitive costs to Government;
- have irregular, and in some cases, infrequent movements; and
- make a substantial and significant contribution in economic terms.

TfNSW would appreciate the opportunity to continue to work collaboratively with Council on associated transport studies and precinct planning to deliver place based outcomes, and identification of practicable transport infrastructure and funding responsibilities. As Council would appreciate, this should consider and identify required transport infrastructure to support growth as well as an implementation strategy, including: timing, land components, costings, delivery responsibilities, and funding mechanisms.

LEP Amendment:

- It is noted that the Draft LEP 2020 Planning Proposal (Stage 1) will include a new minimum non-residential floor space control within business zones that permit residential development (Clause 4.4B). The intention of the provision is that it will result in the protection of non-residential uses and will reduce the loss of employment floor space through redevelopment. TfNSW generally supports this provision in mixed use developments around transport nodes to protect local employment, provide better place-based outcomes, and assist in achieving a 30 minute city.

- The Draft LEP 2020 Planning Proposal (Stage 1) also proposes changes to residential controls to provide a consistent planning approach across the LGA and start to contribute to housing targets through realigning the zoning and housing typologies in certain areas. This includes rezoning the existing R3 land with a permissible height of 12m or great to an R4 zone to create a hierarchy of residential zones whilst retaining the existing FSR and height of buildings. Based on access to services and the need to provide more housing choice, precincts in Aspley Estate, Rowe Street, north and west of Peakhurst Park and Culwulla Street are proposed to be rezoned from R2 to R3. As the R3 zone permits multi dwelling housing, whereas the R2 zone does not, Council estimates this rezoning will equate to an estimated additional 325 dwellings in these areas. A small area in Hillcrest Avenue is proposed to be rezoned from R2 to R4, permitting residential flat buildings, equating to an additional 9 dwellings.
- TfNSW is supportive of providing housing within walking distance to transport infrastructure, such as train stations and frequent bus services, encouraging the efficient use of existing public infrastructure.
- Any development at Treacy Street Car Park which is proposed for B4 Mixed Use, must have regard to the function of the rail corridor as an important freight corridor. The adjacent Illawarra rail line is part of the National Land Transport Network and a vital connection between Sydney and the Illawarra region.
- As Council would be aware, the NSW transport cluster owns a number of land parcels within the Georges River LGA, with some of these parcels currently underutilised until required for operation purposes, and others identified as surplus. As part of any future planning and LEP amendment, TfNSW would appreciate the 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.



Our ref: DOC20/310967

Your ref: D20/75536

Ms Meryl Bishop
Georges River Council
PO Box 205
HURSTVILLE NSW 1481

Attention: Ms Stephanie Lum

Dear Ms Bishop

Subject: EES comments on the Public Exhibition of draft Georges River Local Environmental Plan 2020

Thank you for your letter of 1 April 2020 requesting comments on the public exhibition of the draft Georges River Local Environmental Plan 2020 (draft LEP 2020).

EES has reviewed the draft LEP 2020 and provides its recommendations and comments at Attachment A.

Please note that EES has not provided comments on Aboriginal cultural heritage matters. This does not represent EES support for the proposal and this matter may still need to be considered by the consent authority.

If you have any queries regarding this matter, please do not hesitate to contact Janne Grose, Senior Conservation Planning Officer on 02 8837 6017 or at janne.grose@environment.nsw.gov.au

Yours sincerely

A handwritten signature in black ink that reads 'S. Harrison'.

26/05/20

Susan Harrison

**Senior Team Leader Planning
Greater Sydney Branch
Environment, Energy and Science**

Attachment A

Subject: EES comments on draft Georges River Local Environmental Plan 2020

The Environment, Energy and Science Group (EES) has reviewed the following documents:

- Draft Georges River Local Environmental Plan 2020 (LEP)
- Planning Proposal Report (PPR)
- Combined LEP mapping
- Housing Investigation Areas Paper (HIAP) – April 2020

and provides the following comments.

Background

The PPR notes the Georges River Council was formed out of the amalgamation of the former Kogarah Council and the former Hurstville City Council. The planning controls for the Georges River LGA currently include three LEPs:

- *Kogarah Local Environmental Plan (KLEP) 2012*;
- *Hurstville Local Environmental Plan (HLEP) 2012*; and
- *Hurstville Local Environmental Plan (HLEP) 1994*.

Flood

The flood planning clause 6.3 of the proposed LEP is based on the flood planning clause of the Kogarah City Council LEP. The flood planning area is based on 100 Year ARI flood map. The flood planning level is based on 100 Year ARI flood level plus a freeboard of 0.5m.

The former Hurstville City Council completed the Hurstville LGA overland flood study in 2015 where the flooding conditions were assessed for the full range of flood events including the PMF event. The former Kogarah City Council completed the flood studies for Beverley Park and Kogarah Bay Catchments, and the flood information is available up to the PMF level. The proposed LEP maps include the flood planning map based on an 100Year ARI event.

Biodiversity

The Georges River Local Government Area (LGA) has extensive areas with high environmental values (HEVs). HEVs reflect current statutory and planning policy (mostly at the State government level) for the protection of the environment in planning matters. Areas of HEV should be given consideration in all strategic land use planning processes, including growth strategies and regional and local plans. The HEV criteria encompass: areas protected for conservation; native vegetation of high conservation value; threatened species and populations; wetlands, rivers, estuaries and coastal features of high environmental value; and areas of geological significance.

The attached maps show some indicative HEVs for the Georges River LGA including:

- seven threatened ecological communities i.e. Coastal Saltmarsh, Freshwater Wetlands on Coastal Floodplains, Littoral Rainforest, River-flat Eucalypt Forest, Swamp Oak Floodplain Forest, Swamp Sclerophyll Forest and Sydney Turpentine-Ironbark Forest (see the attached map 'NSW-listed threatened ecological communities and habitat of known occurrences of threatened plants')
- known habitat for threatened plants (Magenta Lilly Pilly (*Syzygium paniculatum*), Downy Wattle (*Acacia pubescens*) and the *Acacia prominens* (Gosford Wattle) endangered population in the Hurstville and Kogarah LGAs) (see the 'NSW-listed threatened ecological communities and habitat of known occurrences of threatened plants' map)

- coastal wetlands and littoral rainforests identified under the State Environmental Planning Policy (Coastal Management) 2018 (see the 'Coastal Wetlands and Littoral Rainforest State Environmental Planning Policy (Coastal Management) 2018' map)
- high value fauna habitat (including shorebird habitat, see the 'Fauna habitat' map) and
- a priority investment area for the Cumberland subregion (see the 'Salt Pan Creek priority investment area identified in the Cumberland subregion BioMap study' map).

EES can provide HEV data to Council. Other biodiversity related factors, such as the occurrence of native vegetation communities, native vegetation integrity and habitat suitability for threatened species, along with local biodiversity corridors, will also be important for consideration at the local planning stage.

Draft LEP

Table of Contents

EES recommends the Table of Contents in the LEP is amended so that:

- The Land Use Table lists each Zone
- Part 4 lists each of the Principal development standards
- Part 5 lists each of the Miscellaneous provisions
- Part 6 lists each of the additional local provisions

Aims of Plan

EES notes the inclusion of the following Aims in the draft LEP:

c) to promote and facilitate an ecologically and economically sustainable and vegetated urban environment in which the needs and aspirations of the community are realised,

(e) to protect and preserve the natural, built, cultural and Aboriginal heritage of Georges River, to build upon and enhance the character of local areas,

(g) to protect, preserve and enhance the natural landform, vegetation and open space, especially foreshores or bushland, in order to maintain landscape amenity and public access and use,

EES recommends the Aims of the Plan are amended to specifically:

- 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

Council may wish to consider for example, the Aims in the following gazetted LEPs:

LEP	Clause
Ku-ring-gai LEP 2015	(b) to protect, enhance and sustainably manage the biodiversity, natural ecosystems, scenic values, water resources and ecological processes within the catchments of Ku-ring-gai for the benefit of current and future generations,

	(c) to maintain and improve water quality within the catchments of Ku-ring-gai, (d) to facilitate adaptation to climate change,
Ashfield LEP 2013	(h) to ensure that development has proper regard to environmental constraints and minimises any adverse impacts on biodiversity, water resources, riparian land and natural landforms
Hornsby LEP 2013	(h) to protect and enhance the scenic and biodiversity values of environmentally sensitive land, including bushland, river settlements, river catchments, wetlands and waterways
Wingecarribee LEP 2010	l) to develop an ecologically sustainable future for Wingecarribee through the conservation, rehabilitation and regeneration of native vegetation (particularly threatened species populations and ecological communities), soil, waterways, riparian land and water quality (surface and groundwater)

2.8 Temporary use of land

EES recommends the following amendment is included at sub-clause 2.8 (3)(c) to make specific reference to biodiversity values, remnant vegetation, waterways and riparian land:

- (3) Development consent must not be granted unless the consent authority is satisfied that:
- (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land ***including biodiversity values, remnant vegetation, waterways and riparian land***, or increase the risk of natural hazards that may affect the land, and

Land Zoning Map

EES recommends the land use zone map is amended to label the actual zone on the map (ie E1, E2 etc) so it is clear which colour on the map applies to which zone.

Land Use Table

The protection and improvement of biodiversity, remnant native vegetation, waterways and catchment health etc in the LGA depends on residential, industrial and recreation zoned land etc protecting these natural assets. EES recommends specific objectives are included under the relevant land use zones:

- To ensure that development is sympathetic to the natural environment and ecological processes of the area – (see for example Hawkesbury LEP 2012 objectives for Zones R2 and R3)
- to protect, maintain and rehabilitate waterways and riparian land.

Zone R2 Low Density Residential - Zone R3 Medium Density Residential and Zone R4 - High density Residential

As waterways/riparian land/remnant vegetation adjoin, or are in the R2, R3 or R4 zones, EES recommends a specific objective is included under these zones:

- ***to protect, maintain and rehabilitate waterways, riparian land and remnant native vegetation.***

- **To maintain or improve the water quality of receiving water catchments**

The R2 Zone proposes to permit with consent boat sheds and jetties and the R3 and R4 zones propose to permit jetties in and along the bed and banks of waterways. The proliferation of such development on the bed and banks of waterways needs to be minimised.

Council needs a provision in place for considering and managing the potential proliferation of boatsheds to guide Council's assessment of potential cumulative impacts.

Zone RE1 Public Recreation

Most of the open space in the Georges River LGA is zoned RE1 Public Recreation. EES notes the draft Georges River LEP proposes the following objectives, and permissible and prohibited developments, for the RE1 zone:

1 Objectives of zone

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

2 Permitted without consent

Environmental facilities, Environmental protection works.

3 Permitted with consent

Aquaculture; Boat launching ramps; Centre-based child care facilities; Emergency services facilities; Information and education facilities; Jetties; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Signage; Take away food and drink premises; Water recreation structures; Water storage facilities.

4 Prohibited

Any development not specified in item 2 or 3.

As native vegetation, waterways and riparian land can occur in, or adjacent to the RE1 zoned land, the objectives should also protect these natural assets for environmental purposes and not just for recreational purposes as currently proposed in the LEP. EES recommends the RE1 zone objectives are amended to include the following additional objectives:

- **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**

Council may wish to consider RE1 zone objectives which are included in the following LEPs for this purpose:

Hawkesbury LEP 2012	To protect and enhance the natural environment for environmental purposes
Hornsby LEP 2013	To protect and maintain areas of bushland that have ecological value
Campbelltown LEP 2015	To preserve and rehabilitate bushland, wildlife corridors and natural habitat, including waterways and riparian lands, and facilitate public enjoyment of these areas

Ku-ring-gai LEP 2015	To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values
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The zoning of open space needs to balance recreational and environmental needs.

There are extensive areas in the LGA that have been identified as having high environmental values (HEVs), and there are other important bushland sites that have been identified by Council too e.g. see <https://www.georgesriver.nsw.gov.au/Environment/Trees-and-Biodiversity/Bushland>. Many of these are zoned RE1 Public Recreation but the objectives and permissible development types listed above are incompatible with these areas and sites.

EES recommends the zoning of open space in the Georges River LGA is reviewed and revised, so that areas with HEVs and other important biodiversity values are appropriately zoned. EES considers the E2 Environmental Conservation zone to be the most appropriate zone for these areas (see <https://www.legislation.nsw.gov.au/#/view/EPI/2006/155a/partlanduseta/included30>).

EES notes the adjoining Sutherland Shire Council has zoned most of the land along the Georges River foreshore as E2 Environmental Conservation (*Georges River Strategic Directions Paper*, Ethos Urban December 2018).

EES also notes that the zoning of larger open spaces could be tailored to suite the set of values occurring at a site, for example, one site could have areas zoned RE1 Public Recreation and E2 Environmental Conservation, to meet both the recreational and environmental needs of the community.

The characteristics of the western boundary of the LGA (along Salt Pan Creek) makes this area a prime candidate for rezoning. This is because:

- the vast majority is occupied by coastal wetlands and their proximity areas under the Coastal Management SEPP
- the upper Salt Pan Creek has been identified as a core investment area for the Cumberland subregion
- there are many open spaces zoned RE1 Public Recreation that contain, or are adjacent to, threatened ecological communities, including Riverwood Park and Wetlands, Lillian Road Reserve (and the adjacent strip of land zoned RE1, which does not appear to have a Lot number), Basil Street Reserve, Clarendon Road Reserve, Murdoch Crescent Reserve and Evatt Park Foreshore Reserve and
- it contains sections of Georges River National Park.

Other prime candidates include Myles Dunphy Reserve, Lime Kiln Bay Reserve, Edith Bay Wetlands and Quarry Reserve, along with remnant bushland sites listed on Councils website <https://www.georgesriver.nsw.gov.au/Environment/Trees-and-Biodiversity/Bushland>.

Zone E2 - Environmental Conservation

The PPR notes that the Planning Proposal does not propose to rezone areas (page 21). EES considers the preparation of the Georges River LEP provides a great opportunity to rezone areas of biodiversity value in the LGA as E2 – Environmental Conservation and recommends the draft Land Zoning Maps are amended to rezone RE1 zoned land as discussed above as E2.

EES's preference is for the riparian land/remnant vegetation along George River and Salt Pan Creek to be zoned E2 - Environmental Conservation zone but notes that Kyle William Recreation Reserve along the foreshore of Kyle Bay is the only area of remnant vegetation that is proposed to

be zoned E2 in the LGA. Other remnant vegetation in the LGA is either zoned E1, RE1 or R2.

It is recommended the E2 zone includes a specific objective to protect, maintain and rehabilitate waterways and riparian land within the E2 zoned land.

Zone W2 Recreational Waterways

The zoning of estuarine waters needs to be consistent with the Coastal Management SEPP. EES notes that all the estuarine waters of the LGA are proposed to be zoned W2 - Recreational Waterways, with the objectives and permissible activities being:

1 Objectives of zone

- *To protect the ecological, scenic and recreation values of recreational waterways.*
- *To allow for water-based recreation and related uses.*
- *To provide for sustainable fishing industries and recreational fishing*

3 Permitted with consent

Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Environmental facilities; Environmental protection works; Jetties; Kiosks; Marinas; Mooring pens; Moorings; Roads; Water recreation structures.

There are significant areas within this proposed zone that are identified as coastal wetlands and littoral rainforests under the Coastal Management SEPP. The management objectives for this coastal management area are (see

<https://www.legislation.nsw.gov.au/#!/view/act/2016/20/part2/sec6#/part2/sec6/subSec2>):

- a) to protect coastal wetlands and littoral rainforests in their natural state, including their biological diversity and ecosystem integrity,
- b) to promote the rehabilitation and restoration of degraded coastal wetlands and littoral rainforests,
- c) to improve the resilience of coastal wetlands and littoral rainforests to the impacts of climate change, including opportunities for migration,
- d) to support the social and cultural values of coastal wetlands and littoral rainforests,
- e) to promote the objectives of State policies and programs for wetlands or littoral rainforest management.

Importantly, there is little synergy between these two sets of objectives and the associated activities of the proposed LEP.

Since the aim of the Coastal Management SEPP (clause 3) “is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016*, including the management objectives for each coastal management area ...” EES recommends the extent of the proposed W2 Recreational Waterways zone is revised, to strike a balance between providing for the recreational use of the Georges River and Salt Pan Creek, and providing for the protection and rehabilitation of coastal wetlands and littoral rainforests in the LGA.

To this end, EES notes the adjoining Sutherland Shire LEP 2015 has applied both the W1 Natural Waterways and W2 Recreational Waterways to the Georges River, with selective use of the latter. This approach will likely benefit the Georges River LGA, as the objectives and permissible development types of W1 Natural Waterways (as per the Standard Instrument – Principle Local Environmental Plan) are much more conducive to protecting coastal wetlands and littoral rainforests than those of W2 Recreational Waterways i.e. under the Standard Instrument,

aquaculture, kiosks and marinas are permitted with consent in W2 Recreational Waterways, but only aquaculture is permitted for W1 Natural Waterways, and one of the objectives for W1 Natural Waterways is “To prevent development that would have an adverse effect on the natural values of waterways in this zone”.

The cumulative impact of development such as marinas, boat launching ramps, boat sheds, jetties, kiosks, mooring pens, water recreation structures etc which are permitted with consent in the W2 zone in and along the bed and banks of the Georges River and Salt Pan Creek. needs to be assessed, including the impact on remnant native vegetation and/or the rehabilitation of native vegetation and the stability of the bed and banks.

EES considers the locating of such development on the bed and banks of W2 waterways needs to be minimised. Council needs a provision in place for considering and managing the potential proliferation of such development and to guide Council’s assessment of potential cumulative impacts of such development.

EES questions whether marinas, boat launching ramps, boat sheds, jetties, kiosks, mooring pens, water recreation structures are consistent with the objective of the W2 waterway zone to protect the ecological and scenic values of these waterways and how the proliferation of such development will be restricted.

EES’s preference is for kiosks to be located outside waterways and riparian land.

Part 3 Exempt and Complying development

3.3 Environmentally sensitive areas excluded

The PPR notes this clause will be as per the Standard Instrument LEP and that the clause defines an ‘environmentally sensitive area’ where exempt or complying development must not be carried out (page 37).

Clause 3.3 (1) in the draft LEP outlines exempt and complying development must not be carried out on any environmentally sensitive area and Clause 3.3(2) lists the environmentally sensitive areas which includes:

(j) land that is a declared area of outstanding biodiversity value under the Biodiversity Conservation Act 2016 or declared critical habitat under Part 7A of the Fisheries Management Act 1994.

Clause 3.3 of the Standard Instrument – Principal LEP notes additional areas may be added to the list. EES recommends waterways and riparian land and land in the E2 and W2 zones is added to the list of environmentally sensitive areas to prevent the proliferation and potential impact of such development on riparian land and E2 and W2 zoned land.

The locating of exempt and complying development within riparian lands will adversely affect the current and future values and functions of the riparian land including existing riparian vegetation or the re-establishment of riparian vegetation. Council may wish to consider the inclusion of:

- Clause 3.3 (2)(jc) in Penrith LEP 2010 which applies to “land that is, or is near, the river, or is in the riverine corridor, wetlands or conservation areas sub catchments, within the meaning of [Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River \(No 2—1997\)](#)”.
- Clause 3.3(2)(jd) in Kiama LEP 2011 which applies to land identified a riparian land and watercourses in the LEPs clause 6.5.
- Clause 3.3 (2)(ja) in the Penrith LEP 2010 which applies to. “land in Zone E2 Environmental Conservation, Zone W2 Recreational Waterways”

- Clause 3.3 (2)(jc) in Campbelltown LEP 2015 which applies to land that is in Zone E2 Environmental Conservation

Part 4 Principal development standards

4.1 Minimum subdivision lot size

EES recommends draft Objective (1)(c) is amended as follows:

- (c) to ensure lot sizes **and dimensions** reflects the land's environmental capability with consideration to topography **to allow development to be sited to protect and/or enhance** other-natural features **including remnant vegetation, waterways and riparian land**

Part 5 Miscellaneous Provisions

5.14 Pond-based, tank-based and oyster aquaculture [compulsory]

Subclause 2(b)(i) refers to pond-based aquaculture or tank-based aquaculture in Zone R5 Large Lot Residential but this zone does not apply in the LGA and it is recommended reference to it is removed to avoid confusion

Subclause 2(b)(ii) refers to pond-based aquaculture in Zone E3 Environmental Management or Zone E4 Environmental Living but as these zones do not apply in the LGA it is recommended reference to these zones is removed.

Subclause 2(b)(iii) refers to tank-based aquaculture in Zone E3 Environmental Management or Zone E4 Environmental Living but as these zones do not apply in the LGA it is recommended reference to these zones is removed

Subclause 2(b)(iv) refers to pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, and Zone W3 Working Waterways but as these zones do not apply in the LGA and it is recommended reference to these zones is removed

Part 6 Additional local provisions

Clause 6.2 Earthworks

EES supports the inclusion of Clause 6.2 in the LEP so that development applications must consider the impact of proposed earthworks/excavation on matters, such as soil stability, soil erosion, and the health and vitality of existing trees but recommends the following amendments are included:

- (1) The objectives of this clause ~~is~~ are to ensure that earthworks for which development consent is required will not have a detrimental impact on:
 - (a) environmental functions and processes, neighbouring uses and amenity, cultural or heritage items or features of the surrounding land
 - (b) **biodiversity values, remnant vegetation, waterways and riparian land**
- (3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:
 - (a) the likely disruption of, or any detrimental effect on, **waterways, riparian land**, drainage patterns and soil stability in the locality of the development

- (g) the effect of the development on **biodiversity values**, the health and vitality of trees **and remnant native vegetation** on the land and adjoining lands

Clause for Biodiversity protection

EES recommends the draft Georges River LEP is 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 zoning

It is well-established that ecologically sustainable development requires the effective integration of social, economic and environmental considerations in decision-making processes, and that a healthy, productive and resilient environment is dependent, in part at least, on the protection and conservation of biodiversity.

The inclusion of a dedicated biodiversity provision in the LEP is considered best practice and would better align the policy with key environmental legislation like the *Biodiversity Conservation Act 2016* and the *Coastal Management Act 2016*. It would also mean the LEP was consistent with local planning priority P17 of the *Georges River Local Strategic Planning Statement 2040* (LSPS 2040) i.e. “P17. Tree canopy, bushland, landscaped settings and biodiversity are protected, enhanced and promoted” (page 23 of the LSPS 2040).

EES notes “No studies relating to biodiversity and vegetation have informed the preparation of the draft LEP as no new biodiversity and vegetation provisions have been proposed in the draft LEP. Council will be undertaking a biodiversity study for the LGA as part of its broader strategic program relating to the natural environment. The findings of this study may inform a future amendment to the LEP, including a biodiversity provision.” (page 2 of the *FAQ SHEET Vegetation and Tree Protection*). EES recommends this study occurs as a priority, and that it informs a biodiversity provision in the very near future. The HEVs described above reflect some of the issues that should be addressed, including the occurrence of threatened species, populations and ecological communities, and high ecological value waterways and water dependent ecosystems. The conservation of native vegetation located away from the foreshore area, should also be addressed.

EES also recommends the biodiversity study is developed in such a way that it can provide valuable input to the prioritisation of investments in biodiversity across the LGA, as well as informing the rezoning of areas with HEVs and other biodiversity values, especially those that are currently zoned RE1 Public Recreation.

Following on from this, EES recommends developing a local offsetting strategy to address impacts that do not exceed the Biodiversity Offset Scheme thresholds, and mapping areas of urban tree canopy that provide benefits for urban cooling and native species habitat. For council’s information, some modelling has been undertaken of urban tree canopy cover for the Greater Sydney Region and this is available at <https://datasets.seed.nsw.gov.au/dataset/greater-sydney-region-urban-vegetation-cover-to-modified-mesh-block>).

EES recommends the LEP includes a Biodiversity provision like clause 6.3 in Ku-ring-gai LEP 2015.

Clause 6.6 Riparian lands and ~~watercourses~~ waterways

EES suggests Clause 6.6 uses the word ‘waterway’ rather than ‘watercourses’ as the definition for waterway in the Dictionary is more encompassing and includes watercourses (rivers, creeks, streams, chain of ponds etc), wetlands and waterbodies both artificial and natural.

The Riparian Lands and Watercourses Map only maps riparian land along the Georges River and Salt Plan Creek. EES suggests other waterways in the LGA such as: Dairy Creek, Myles Dunphy Creek, Poulton Creek etc are also included on the map.

EES recommends the following amendments are made to Clause 6.6:

- (1) The objective of this clause is **are**:
 - (a) to protect and maintain **or improve** the following:
 - (i) water quality within **waterways and the quality of water entering waterways**,
 - (ii) the stability of the bed and banks of **waterways**,
 - (iii) aquatic and riparian **species, communities, populations and** habitats,
 - (iv) ecological processes within **and continuity and connectivity between-waterways** and riparian areas
 - (v) **the natural flow regime**
 - (vi) **Aboriginal cultural heritage values of waterways and riparian lands**.
 - (b) **to provide for the rehabilitation of existing degraded, piped or channelised waterways to mimic a near natural state, where practicable.**
- (2) This clause applies to land identified as "Sensitive Land" on the Riparian Lands and Watercourses Map
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:
 - (a) whether the development is likely to have any adverse impact on the following:
 - i) the water quality ~~and flows~~ within the ~~watercourse~~ **waterway and the quality of water entering waterways**,
 - ii) **the natural flow paths of waterways and the natural flow regime, including groundwater flows to the waterway**
 - iii) the stability of the bed, **shore** and banks of the **waterway**,
 - iv) integrity of coastal wetlands located within the vicinity of the land including the aquatic and riparian species, habitats and ecosystems of the ~~watercourse~~ **waterway**,
 - v) pollution or siltation of the waterway arising from the development
 - vi) impact on indigenous trees and other vegetation, including opportunities for additional planting **of local native riparian vegetation**, ~~and~~
 - vii) **the free passage of native aquatic and terrestrial organisms within or along any waterway and riparian land**
 - viii) **the underlying and surrounding groundwater resources and groundwater dependent ecosystems**
 - (b) **any future rehabilitation of the waterway and riparian land to mimic a natural system**
 - (c) whether or not the development is likely to increase water extraction from the ~~watercourse~~ **waterway**, and
 - (d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - (a) **the development is consistent with the objectives of this clause**
 - (b) the development is designed, sited and will be managed to avoid any **potential** ~~significant~~ adverse environmental impacts, or

- (c) if the impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (d) if the impact cannot be minimised—the development will be managed to mitigate that impact.

Clause 6.7 Foreshore scenic protection area

The proposed clause 6.7 has improvements for biodiversity, but EES recommends more could be considered by council.

EES notes that while the proposed Foreshore Scenic Protection Area (FSPA) provision is not a biodiversity provision, it does contain “considerations regarding the protection and maintenance of the biodiversity within the FSPA” (page 3 *FAQ SHEET Foreshore Scenic Protection Area*). Most notably, the objectives of this draft clause specifically address the protection, maintenance and improvement of native vegetation and habitats, and encourages the recovery and repopulation of threatened species, communities, populations and their habitats. EES notes the drafting of this clause was based on clause 6.3 (Biodiversity protection) of the Ku-ring-gai LEP 2015, and the current FSPA clause within the Hurstville LEP 2012 (Appendix 4 – Additional Local Provisions Justification, March 2020).

While the proposed FSPA clause considerably extends all aspects of the existing clause in the HLEP 2012, including those aspects relating to biodiversity and the increased spatial extent of the provision, the Georges River LEP requires a biodiversity provision as discussed above.

By restricting the strongest biodiversity related objectives of the proposed LEP to the FSPA clause, there will be many areas with HEVs and remnant bushland sites (as listed on Councils website <https://www.georgesriver.nsw.gov.au/Environment/Trees-and-Biodiversity/Bushland>) that will not benefit from this provision, for example, Johnstone Street Reserve, Depot Road Reserve, Pearce Avenue Reserve and a significant portion of Myles Dunphy Reserve. These reserves are zoned RE1 Public Recreation or IN2 Light Industrial and neither the zone objectives, or the types of development allowed with consent, are compatible with these areas. Furthermore, the proposed FSPA clause does not provide for climate change adaptation, which is integral to the long-term protection and maintenance of biodiversity.

EES recommends the objectives of this clause are amended to include an additional objective:

- (g) to protect and maintain the ecological processes that support native vegetation and native flora and fauna; and climate change adaptation.

and subclause 6.7(3) is amended as follows:

(3) Before determining a development application for development on land to which this clause applies, the consent authority is satisfied that the development facilitates the following:

- (a) **the development is consistent with the objectives of this clause**
- (b) protection of the natural environment, including topography, rock formations, canopy vegetation or other ~~significant~~ **remnant native** vegetation
- (c) **avoids and minimises** ~~minimising~~ disturbance and adverse impacts on remnant vegetation communities, habitat and threatened species and populations,
- (d) maintenance **and enhancement** 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,
- (e) achievement of no net loss of significant vegetation or habitat,

Clause 6.13 Landscaped areas in certain residential and environmental protection zones

EES notes this new provision which is not currently included in the *HLEP 2012* or *KLEP 2012* will require development in residential and environmental protection zones to provide landscaped areas that:

- enable the establishment of plantings of an appropriate scale and density to maintain and enhance the streetscape and the desired future character of the locality;
- enables the establishment of indigenous vegetation and habitat for native fauna; and
- conserves significant natural features of the site.

As the clause seeks to retain and provide vegetation that contributes to biodiversity and enhance the tree canopy of the LGA, minimise urban run-off, and reduce the urban heat island effect, EES recommends the clause also applies to the business zones, the industrial zone and RE1 zoned land so that minimum landscaping requirements in these zones is also specified.

End of Submission



DOC20/265789-12

General Manager
Georges River Council
(Attention: Stephanie Lum)
PO Box 205
HURSTVILLE NSW 1481

Email: mail@georgesriver.nsw.gov.au

Dear Sir/Madam

Comments on Georges River Draft Local Environment Plan 2020

I am writing in response to Council's request for comment regarding Council's Draft Local Environment Plan (LEP) and supporting studies received by the Environment Protection Authority (EPA) on 2 April 2020.

The EPA has reviewed the submitted information and has attached comments (**Attachment A**) to help strengthen the LEP in its delivery of Council's Local Strategic Planning Statement (LSPS). These comments include using Council's LEP to help drive Circular Economy Directions that will underpin Council's future direction for waste management. They are also intended to drive design excellence for waste and resource recovery, strengthen the delivery of waterway health outcomes and help protect land uses from land use conflict.

The EPA is able to meet at a mutually convenient time to discuss the attached comments, if required. This includes working with Council and Department of Planning, Industry and Environment (DPIE) on how the LEP (and any supporting controls) could best help Council's direction in transitioning to a Circular Economy.

Should you require further information regarding the above, please phone Mr Paul Wearne on (02) 4224 4100.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Peter Bloem', followed by a small blue dot.

29/05/20

PETER BLOEM
Manager Regional Operations
Environment Protection Authority

Attachments A

Phone 131 555
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Attachment A

Using Council's LEP to help Drive Circular Economy Directions

As indicated in Council's Local Strategic Planning Statements (LSPS), waste management is both an environmental challenge and an economic opportunity, with new approaches to reusing material and resources in a Circular Economy. The LEP review provides an opportunity to explore how the provisions could help transition Council in this direction and support Planning Priority P18. *An environmentally friendly approach is applied to all development.* Providing such a direction in the LEP would also help underpin and help strengthen proposed future controls proposed in Action A95 of Council's LSPS. It would also help contribute to the delivery of Council's metrics for increased proportion of all waste diverted from landfill to 70 per cent by 2040 (Baseline of 52 per cent in 2018).

Work being undertaken by the NSW Government in response to growth across Greater Sydney, to help support the District Plans and [NSW Circular Economy Policy](#), is recognising facilities that help deliver a Circular Economy, as being important infrastructure. These facilities are needed to help embrace Circular Economy activities across our new places. This will also contribute to future Circular Economy employment opportunities and needed approaches for our future management of waste. The NSW Government is currently developing the 20 Year Waste Strategy which will explore a range of approaches and opportunities to help further enable a Circular Economy.

In this regard "*Circular Economy infrastructure*" would encompass facilities that store, transfer, sort, reprocess or repurpose materials and goods to retain their productive value and prevent their disposal to landfill. Examples of Circular Economy infrastructure would include reuse and repair facilities, sharing and leasing facilities, reverse vending machines, community recycling centres, collection points for producer responsibility schemes, water reuse schemes, material bulking, sorting, storing facilities, material reprocessing and remanufacturing, washing or pelletising facilities, reverse logistics facilities, some thermal treatment of waste, anaerobic digestion and chemical treatment of waste, etc.

To help support Council's direction in transitioning to a Circular Economy, the LEP would benefit inclusion of supporting objectives and an understanding of the roles that land use could provide in enabling Circular Economy activities. Such an approach would strengthen the role of commercial and industrial land in delivering Council's directions for Circular Economy but could also provide further opportunities that could prevail in both neighbourhood and mixed used land use settings.

For example, in Mixed Use/Neighbourhood Zones, Council may wish to consider activities such as, community gardens, reverse vending machines or container deposit scheme collection points, repair café and reuse or sharing facility/shop. While for Business and Industry Zones this could be expanded to also include activities such as material bulking / sorting / storing facilities, material reprocessing and remanufacturing, washing or pelletising facilities, reverse logistics facilities, etc where appropriate.

It is unclear if the current land use terms that apply to permissibility in the LEP potentially restrict circular activities to only IN1 General Industry Zones and thus restrict the delivery of the range of Circular Economy opportunities and employment that could prevail in other zones where appropriate. While this industrial zone would provide an important place for more intensive waste and resource recovery facilities other zones including mixed use - business and light Industrial zones could also help enable less intensive and more appropriate Circular Economy infrastructure and activities to be sited in these locations.

In this regard, Council may want to explore the role of existing land use term definitions to help ensure the zones adequately capture some of these Circular Economy opportunities in each of the zones. For example, the definition of light industrial activity may be able to accommodate some of these activities while the definition of industrial activity could be better explored in other zones. This could also help inform A99 of Council's LSPS that involves investigating appropriate locations for and construct a community recycling centre.

The comments provided below further build upon the above concepts. This also includes suggested new provisions where Circular Economy is an important consideration by Council for new development and provision that help drive design excellence for waste and resource recovery.

Suggested amendments and inclusions to provisions in Council's LEP

Section 1.2 Recommend the following inclusion in Aims of Plan

To help support planning priorities in Council's LSPS including planning priorities for Council's waterways to be healthy and directions for waste include the following additional aims:

- *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.*

Such an aim would help recognise Council's future direction for the management of waste to also signal a shift towards a Circular Economy.

Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential

An important direction in both the District Plan and Council's LSPS is the need to protect existing employment lands, including industrial land uses. Historically many residential areas, such as those across the Georges River LGA, have established in areas that adjoin these industrial land uses. These residential areas have also been undergoing transformation in response to demographic change and housing needs and will only continue to change as proposed in some of the supporting strategies. These areas require planning especially where housing is proposed in areas near industrial/commercial/business lands in order to prevent land use conflict.

While industrial/commercial development has an important role in protecting the amenity of those surrounding sensitive land uses, there is also a reverse need to ensure the planning of these places also considers how the intrinsic value of industrial/business land can be protected in response to surrounding change. If not resolved, the consequence can be conflict where resolution can be challenging to resolve post development. To address this issue its recommended that the following additional objective be placed in the residential zones:

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Zone B1 Neighbourhood Centre and Zone B2 Local Centre Zone B3 Commercial Core

Enabling Circular Economy infrastructure opportunities, such as reuse and repair centres, community recycling facilities and reverse vending machines to establish in these zones will be needed to help support the broader community in these places. In this regard the following additional objective is recommended:

- *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.*

Council may wish to explore how the following Circular Economy infrastructure could be provided in these zones. These could include:

-community garden

- reverse vending machines or CDS collection point
- repair café
- reuse or sharing facility/shop.

Zone B4 Mixed Use

There are a range of challenges when delivering mixed use development that require careful planning. This includes increased housing in the vicinity of commercial uses or when delivering a night-time economy. For example, commercial activities can produce a range of noise related impacts (including mechanical ventilation, refrigeration, hotel/live music event noise, sirens and for shopping centers, night-time cleaning/blowers/truck movements). The objectives should include objectives to help deliver development that help prevent land use especially as centres transform over time. Resolving these conflicts once these places are established can be challenging.

In addition, enabling Circular Economy infrastructure opportunities such as reuse and repair centres, community recycling facilities and reverse vending machines to establish in these zones will be needed to help support the broader community in these places.

The following additional objectives are recommended:

- *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.*

Council may wish to explore how the following Circular Economy Infrastructure could be provided in these zones. These could include:

- community garden
- reverse vending machines or CDS collection point
- repair café
- reuse or sharing facility/shop.

Zone B5 Business Development, Zone B6 Enterprise Corridor and Zone B7 Business Park

Council's LSPS states that the Circular Economy provides an economic opportunity, with new approaches to reusing material and resources in a Circular Economy. Council may want to look at the role of Business Zones to help enable such activities. While the objectives are relatively broad, Council may wish to consider the types of Circular Economy infrastructure and activities that would be permissible in these zones. These could include:

- *reverse vending machines or CDS collection point*
- *repair café*
- *reuse or sharing facility/shop*
- *material bulking, sorting, storing facilities*
- *material reprocessing and remanufacturing*
- *washing or pelletising facilities*
- *reverse logistics facilities.*

IN2 Light Industrial

Council may wish to explore the role of IN2 Light Industrial in helping to activate these lands in not only the siting of Circular Economy infrastructure but also supporting Circular Economy activities. Council may also want to explore how its zonings for these uses could activate these lands to be Circular Economy hubs. A Circular Economy hub is a collection of businesses that come together on one site so that the by-products of business can be used as a resource in another business closing the loop on material use.

To support Circular Economy the following objectives would be recommended:

- *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.*

In addition to strengthen the zoning objectives in relation to preventing and minimising potential impacts on the environment, the following additional provision is also recommended:

- *To prevent and minimise any adverse effect of development on the environment.*

Council may wish to consider the role of Light Industrial Land in helping to deliver types of Circular Economy infrastructure and activities that would be permissible in these zones as discussed above in other zones.

6.2 Earthworks

The management of demolition waste, including fill materials, requires careful management in order to avoid land pollution and site contamination. Any potential hazards/risks such as asbestos or other contaminants must be fully understood and avoided. Effective measures must be put in place to ensure any fill material is fit for purpose. Controls such as supporting Waste Management Plans should also be required. These Plans should include documentation and validation processes of any fill materials and how waste is sorted and managed, including disposal where required. This includes but is not limited to the developer retaining appropriate documentation of all fill materials received at the site, including information regarding its source and composition.

The EPA has recently released the [*Construction and Demolition Waste: a Management toolkit; and Owner's Guide to Lawful Disposal of Construction and Demolition waste*](#) that can be referred to as a key guideline in any supporting controls.

To address this matter the following additional consideration should be included:

- 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.*

6.12 Environmental sustainability in certain business, industrial and residential zones

The following amendment may help to strengthen Council's sustainability direction in the above zone - linked to the *NSW Government Policy for a Circular Economy*. Recognising the Circular Economy principles also expands the range of opportunities/initiatives (for example, improving quality of collected materials and improving sorting of these materials so they are available for re-use, etc) that could be delivered by new development.

(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.*

(1) *In this clause: Circular Economy Principles are defined and included in the NSW Circular Economy Policy Statement [*NSW Circular Economy Policy Statement Too Good To Waste February 2019*](#).*

6.11 Design excellence

Council may also wish to consider strengthening its existing provision on waste management in delivering design excellence especially for new Residential Flat or Mixed-Use building. The following provision was developed by WSROC in its work, [Implementation Guidance Document Escalating Waste and Recycling Provisions](#) and is supported by EPA.

- (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.*