

Ref No: D19/240536

APPENDIX 6 – Consistency with S9.1 Ministerial Directions

Amended Planning Proposal

Georges River Local Environmental Plan
(PP2019/0004)

June 2020 – For Finalisation

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Direction	Consistency	Comment
1. Employment and Resources		
1.1 Business and Industrial Zones <i>Objectives:</i> (a) <i>encourage employment growth in suitable locations,</i> (b) <i>protect employment land in business and industrial zones, and</i> (c) <i>support the viability of identified centres.</i>	Yes	The Planning Proposal is consistent with this direction as it protects industrial and commercial zoned land and encourages their growth and viability by introducing new controls. The Planning Proposal seeks to increase the maximum building height for the IN2 Light Industrial zone to improve development viability and encourage industrial development. The proposed controls provide for a flexibility of uses to assist in attracting investment and redevelopment of industrial lands. In addition, the increase in height controls will promote increased industrial floor space as the current FSR of 1:1 cannot be fully achieved within the existing height limit of 10m. The Planning Proposal also seeks to increase minimum subdivision lot sizes to prevent the fragmentation of industrial land and retain large lot sizes to provide employment opportunities and allow the operation of a diverse range of industrial uses, such as warehousing which requires large floor plates. It is also proposed to permit creative and innovative industries, food and drink premises, and restaurants and cafes within the IN2 zone to provide flexibility within the zone, promote job creation and to meet the needs of those who work within or visit the industrial precincts. The Planning Proposal introduces a minimum non-residential FSR requirement for shop top housing developments to minimise the net loss of employment floor space across all centres through redevelopment. This will encourage and promote job creation, through

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		the provision of additional commercial office space, which may attract new business to the centres. It is considered that additional retail will assist in transforming these centres, providing increased activation opportunities, which could also enhance the night-time economy. The Planning Proposal also introduces Clause 6.15 “Development in certain business zones” which prohibits residential and tourism and visitor accommodation on the ground floor of any new development within the B1, B2, B4 and B6 zones. This clause will encourage non-residential land uses such as retail on the ground floor, providing opportunities for greater activation. The Planning Proposal also seeks to protect land for important infrastructure that not only services the community but provides employment. For example, the Planning Proposal seeks to retain and expand the SP2 Hospital and SP2 Educational Establishments zones to protect land currently used for this infrastructure.
1.2 Rural Zones	N/A	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries <i>Objective:</i> <i>To ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</i>	Yes	There are no mining, petroleum production and extractive industries in the LGA. The Planning Proposal is consistent with this direction as it will not have any impact on Mining, Petroleum and Extractive Industries.
1.4 Oyster Aquaculture <i>Objectives:</i> (a) <i>To ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal.</i> (b) <i>To protect Priority Oyster Aquaculture Areas and oyster</i>	Yes	Although oyster aquaculture is permissible under the GRLEP 2020 in the proposed R3 and R4 zones, there is no existing oyster aquaculture development in the LGA. The Planning Proposal is consistent with this direction as it will not have any impact on Oyster Aquaculture.

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<i>aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oyster and oyster consumers.</i>		
1.5 Rural Lands	N/A	Not applicable
2. Environment and Heritage		
2.1 Environment Protection Zones <i>Objective: To protect and conserve environmentally sensitive areas.</i>	Yes	The Planning Proposal seeks to retain the existing E1 and E2 zones under the Hurstville and Kogarah LEPs. Further, environmental protection standards that apply to the land are enhanced by introducing a minimum landscaped area requirement of 70% for the E2 zone to facilitate the protection and conservation of environmentally sensitive areas. <u>The Planning Proposal introduces the following local provisions to improve the health of natural waterways, protect environmentally sensitive areas, increase the tree canopy and enhance the landscaped setting within the LGA:</u> <u>- Clause 6.4: "Stormwater management": - the objective of this clause is to minimise the impacts of urban stormwater on urban land, native bushland and receiving waters.</u> <u>- Clause 6.5: "Foreshore area and coastal hazards and risks": - the objective of this clause is to protect people and property from coastal hazards like sea level rise, ensure development will not impact on natural foreshore processes and encourage opportunities for public access to and along the foreshore.</u> <u>- Clause 6.6: "Riparian lands and waterways": - the objective of this clause is to protect and maintain the LGA's riparian lands and waterways including considerations of water quality, ecological processes and Aboriginal cultural heritage values.</u>

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		- Clause 6.7: "<u>Foreshore scenic protection area</u>" – the objective of this clause is to protect, maintain and improve the scenic amenity, significant views, diversity and condition of native vegetation and habitats, and environmental, social and character values of the Georges River foreshore in line with the overarching principles of this LEP. - Clause 6.11: "<u>Design excellence</u>" – the objective of this clause is to deliver a high standard of sustainable architecture and urban design. In particular, the application of this clause includes development in the FSPA to ensure development respects the significant environmental, social and character values of the Georges River foreshore. - Clause 6.12: "<u>Environmental sustainability in certain business, industrial and residential zones</u>" – the objective of this clause is to ensure that development in industrial, business and high density residential zones is consistent with principles of best practice environmentally sensitive design. - Clause 6.13: "<u>Landscaped areas in residential and environmental protection zones</u>" – the objective of this clause is to ensure that the landscaped character of residential suburbs is preserved, minimise urban run-off by maximising permeable areas, minimise the visual impact of development, and ensure that vegetation which contributes to biodiversity and tree canopy is retained. This clause aims to reduce the urban heat island effect by increasing urban vegetation and permeable surfaces. - Clause 6.19: "<u>Tree protection and</u>

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		<u>landscaping in Zones R2 and R3" – the objective of this cause 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. This clause will also enable Council to enforce the removal of exotic tree species as part of development applications and provide locally endemic species as replacements.</u> ▼ Accordingly, this Planning Proposal is consistent with this direction.
2.2 Coastal Protection <i>Objective:</i> <i>To protect and manage coastal areas of NSW.</i>	Yes	The Planning Proposal is consistent with and has been prepared with consideration to the objects of the <i>Coastal Management Act 2016</i> and the objectives of the coastal management areas. In particular, the Planning Proposal proposes provisions relating to the foreshore area and coastal hazards that seek to mitigate the impacts of sea level rise and tidal inundation as a result of climate change. In addition, a local provision relating to the management of stormwater has been introduced to minimise the effects of urban stormwater runoff for the purpose of protecting and improving the environmental health of the LGA's waterways. These provisions will not contradict or hinder the application of <i>State Environmental Planning Policy (Coastal Management) 2018</i>. The Planning Proposal does not seek to enable increased development or permit more intensive land uses on land that are: • Identified as being affected by the sea level rise coastal hazard • Identified as coastal wetland • Identified as littoral rainforest.

Deleted: This Planning Proposal also seeks to extend the foreshore scenic protection area across the LGA, to protect environmentally sensitive areas, increase the tree canopy and enhance biodiversity within the LGA. In addition, this Planning Proposal seeks to include local provisions for the foreshore area and coastal hazards which will ensure the protection of ecological habitats, riparian lands and watercourses and ensure that development does not impact on the natural foreshore processes. These new local provisions will strengthen the environmental controls applicable to new development across the LGA and mitigate or prevent any adverse environmental impacts of development.

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		Further, the proposed maps do not seek to increase or decrease the land identified within the following maps under the <i>Coastal Management SEPP</i>: • Coastal wetlands and littoral rainforests area • Coastal environment area • Coastal use area The abovementioned foreshore related provisions are proposed by the <i>GRLEP 2020</i> in response to the broad aims of the <i>Georges River Estuary Coastal Zone Management Plan 2013</i>, which has been developed under the NSW Government's Estuary Management Program. In particular, this Planning Proposal introduces provisions that seek to: 1. Optimise the water quality within the Georges River Estuary 2. Protect, enhance and restore aquatic habitats and foreshore vegetation 3. Protect and enhance public access to the foreshore 4. Minimise the negative impacts of development in the catchment on waterway health 5. Manage bank erosion and sedimentation 6. Manage existing built foreshore assets while maximising environmental values 7. Identify, acknowledge and protect natural and cultural heritage 8. Plan for and adapt to climate change and sea level rise Accordingly, the Planning Proposal is consistent with this direction.
2.3 Heritage Conservation <i>Objective:</i> <i>To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i>	Yes	Council has undertaken a review of the heritage items under the <i>Hurstville LEP</i>. The <i>Heritage Review</i> recommends four heritage items be removed as they no longer satisfy the Criteria for local heritage significance either due to redevelopment or demolition.

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		The <i>Review</i> also recommends amending the curtilage of six existing heritage items to include their historic setting and curtilage. The <i>Review</i> also seeks administrative amendments to the descriptions of a number of items to clarify that both the built and setting elements are part of the heritage item's significance. All existing heritage items listed within the former Kogarah LGA are to be retained. The Planning Proposal incorporates the amendments recommended in the <i>Heritage Review</i> in Schedule 5 (Environmental Heritage) of the <i>GRLEP 2020</i>. Therefore, the Planning Proposal is consistent with this direction.
2.4 Recreation Vehicle Areas	N/A	Not applicable. This Planning Proposal does not have any impact on land to be developed for the purpose of a recreation vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	Not applicable
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones <i>Objectives:</i> (a) <i>To encourage a variety and choice of housing types to provide for existing and future housing needs</i> (b) <i>To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services</i> (c) <i>To minimise the impact of residential development on environment and resource lands.</i>	Yes	The Planning Proposal provides additional housing through the identification of five Housing Investigation Areas (HIAs) for uplift to provide more dwellings across the LGA. The proposed HIAs provide capacity to accommodate approx. 650 dwellings through the up-zoning of existing low density residential areas to medium density and high density in highly accessible areas which are serviced by shops, schools, public open space and community facilities. These areas are located within walking distance to transport

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		infrastructure, such as train stations and frequent bus services. The justification for the selection of these HIAs is provided in the <i>Housing Investigation Areas Paper</i> which is publicly exhibited with this Planning Proposal to support the recommendations of the draft <i>Local Housing Strategy</i>. Accordingly, the proposed rezonings are consistent with the requirements of this Ministerial Direction. The Planning Proposal also incorporates a new local provision – Clause 6.14 “Development for the purposes of dual key dwellings in Zones R2 and R3”. The purpose of this clause is to enable dual key dwellings to provide housing choice and diversity, and affordable housing, such as within under occupied large dwellings. Therefore, the Planning Proposal is consistent with this direction.
3.2 Caravan Parks and Manufactured Home Estates <i>Objectives:</i> (a) <i>To provide for a variety of housing types</i> (b) <i>To provide opportunities for caravan parks and manufactured home estates.</i>	Yes	The Planning Proposal is consistent with this direction as it will not have any impact on caravan parks and manufactured home estates as no provisions for these purposes are proposed.
3.3 Home Occupations <i>Objective:</i> <i>To encourage the carrying out of low-impact small businesses in dwelling houses.</i>	Yes	The Planning Proposal is consistent with this direction as home occupations are permissible without consent across all residential zones under the <i>GRLEP 2020</i>.
3.4 Integrating Land Use and Transport <i>Objective:</i> <i>To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i> (a) <i>Improving access to housing, jobs and services by walking,</i>	Yes	The proposed HIAs provide additional housing through the up-zoning of existing low density residential areas in highly accessible areas located within walking distance to commercial centres and transport infrastructure, such as train stations and frequent bus services. The locations of these areas have been chosen to

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<i>cycling and public transport</i> (b) <i>Increasing the choice of available transport and reducing dependence on cars</i> (c) <i>Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car</i> (d) <i>Supporting the efficient and viable operation of public transport services</i> (e) <i>Providing for the efficient movement of freight.</i>		provide existing and future residents the opportunity to access jobs and services by walking, cycling and public transport, reducing travel demand and dependence on cars. Accordingly, the Planning Proposal is consistent with this direction.
3.5 Development Near Licensed Aerodromes Objectives: (a) <i>to ensure the effective and safe operation of regulated airports and defence airfields;</i> (b) <i>to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and</i> (c) <i>to ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</i>	Yes	The Planning Proposal seeks to harmonise and consolidate the planning controls within existing LEPs. Development standards, particularly height of building controls, largely remain consistent with existing controls, with the exception of the maximum building height applied to the IN2 Light Industrial zoned areas of the LGA, where an increase is proposed from 10m (existing) to either 12m or 16m (proposed). This Planning Proposal also proposes two local provisions, namely Clause 6.8 (Airspace operations) and Clause 6.9 (Development in areas subject to aircraft noise), which will ensure development does not interfere with aircraft operations and that noise sensitive development is prevented from being located near Sydney Kingsford Smith and its flight paths. Council has conducted pre-exhibition discussions with Sydney Airport, the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development (DITCRD), and the Civil Aviation Safety Authority (CASA) regarding the proposed height increases in accordance with this direction. This Planning Proposal has been amended in accordance with the comments received with regards to the

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		drafting of the proposed Clause 6.8 (Airspace operations) and Clause 6.9 (Development in areas subject to aircraft noise). Accordingly, the Planning Proposal is consistent with this direction. <i>Note: The Defence Regulations 2016 identifies twelve declared Defence Aviation Areas (DAA) across Australia. The Nowra Airfield Defence Aviation Area is the only declared DDA in NSW. Consultation with the Department of Defence is not required for this Planning Proposal as the Georges River LGA is not located within or near the Nowra Airfield.</i>
3.6 Shooting Ranges	N/A	The Planning Proposal does not affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.
3.7 Reduction in non-hosted short term rental accommodation period	N/A	Not applicable
4. Hazard and Risk		
4.1 Acid Sulfate Soils Objective: <i>To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</i>	Yes	The Planning Proposal seeks to adopt the model Acid Sulphate Soils clause within the <i>GRLEP 2020</i>. The objective of the clause is to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage. Accordingly, the Planning Proposal is consistent with this direction.
4.2 Mine Subsidence and Unstable Land Objective <i>To prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</i>	N/A	Not applicable
4.3 Flood Prone Land Objectives <i>(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and</i>	Yes	Currently, only the <i>KLEP 2012</i> contains a flood planning clause. The Planning Proposal seeks to retain the flood planning clause as a local provision (Clause 6.3 – Flood planning) to ensure that all developments incorporate

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<i>the principles of the Floodplain Development Manual 2005, and</i> (b) <i>to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</i>		appropriate measures to manage flood hazards consistently across the LGA. The proposed clause retains the existing flood planning area mapping under the <i>KLEP 2012</i> and no additional flood planning areas are proposed to be added. Accordingly, the Planning Proposal is consistent with this direction.
4.4 Planning for Bushfire Protection Objectives (a) <i>to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</i> (b) <i>to encourage sound management of bush fire prone areas.</i>	Yes	The proposed up-zonings that will result in residential intensification under this Planning Proposal are located in existing urban areas and are not located in areas known to be bushfire affected. Accordingly, the Planning Proposal is consistent with this direction. Furthermore, following receipt of the Gateway Determination, Council consulted with the NSW Rural Fire Service regarding the proposed controls in accordance with this direction. <u>No objection or recommendation to amend the Planning Proposal was raised by the NSW Rural Fire Service.</u>
5. Regional Planning		
5.1 Implementation of Regional Strategies	N/A	Not applicable
5.2 Sydney Drinking Water Catchments	N/A	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	Not applicable
5.5 Revoked	N/A	Not applicable
5.6 Revoked	N/A	Not applicable
5.7 Revoked	N/A	Not applicable
5.8 Revoked	N/A	Not applicable
5.9 North West Rail Link Corridor Strategy	N/A	Not applicable
5.10 Implementation of Regional Plans	N/A	Not applicable
5.11 Development of Aboriginal Land Council land	N/A	Not applicable

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6. Local Plan Making		
6.1 Approval and Referral Requirements <i>Objective:</i> <i>To ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i>	Yes	The Planning Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. Accordingly, the Planning Proposal is consistent with this direction.
6.2 Reserving Land for Public Purposes <i>Objective:</i> <i>(a) To facilitate the provision of public services and facilities by reserving land for public purposes, and</i> <i>(b) To facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</i>	Yes	The Planning Proposal seeks to include three new land acquisitions by Council for the provision of open space and local road widening as follows: - 53 Forest Road, 9 Roberts Lane and 108 Durham Street to facilitate a 3m wide local road widening along Roberts Lane. - 26-30 Culwulla Street, South Hurstville to enable the creation of a larger park and facilitate through site access. - 7 Hedley Street, Riverwood and 13-15 Keith Street, Peakhurst (Peakhurst Park) to enable expansion of the park and facilitate improved access. The above land acquisitions are local acquisitions; therefore Council is the relevant public authority. Nonetheless, <u>Transport for NSW ("TfNSW") was consulted</u> as part of the public exhibition process in accordance with the conditions of the Gateway Determination. <u>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.</u> <u>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.</u>

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		Accordingly, the Planning Proposal is consistent with this direction by facilitating the provision of public services and facilities by reserving land for public purposes.
6.3 Site Specific Provisions <i>Objective: To discourage unnecessary restrictive site specific planning controls.</i>	Yes	No new site-specific provisions are proposed as part of the Planning Proposal. Accordingly, the Planning Proposal is consistent with this direction.
7. Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney <i>Objective: To give legal effect to the planning principles, directions and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i>	Yes	<i>A Plan for Growing Sydney</i> has been replaced by the Greater Sydney Commission's <i>Greater Sydney Region Plan – A Metropolis of Three Cities</i> . The Planning Proposal is consistent with the Objectives of <i>A Metropolis of Three Cities</i> , as detailed in Appendix 2 of the Planning Proposal.
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	Not applicable
7.3 Parramatta Road Corridor Urban Transformation strategy	N/A	Not applicable
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	Not applicable
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	Not applicable
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	Not applicable
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	Not applicable
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N/A	Not applicable
7.9 Implementation of Bayside West Precincts 2036 Plan	N/A	Not applicable
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	N/A	Not applicable

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