

Ref No: D19/240420

Amended Planning Proposal

Georges River Local Environmental Plan
(PP2019/0004)

June 2020 – For Finalisation

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Section A: Overview

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979 (EP&A Act)*, the *Environmental Planning and Assessment Regulation 2000* and the following advisory documents prepared by the New South Wales Department of Planning, Industry and Environment (DPIE):

- “A guide to preparing planning proposals” (December 2018); and
- “A guide to preparing local environmental plans” (December 2018).

The purpose of this Planning Proposal is to initiate the preparation of a new consolidated Local Environmental Plan for the Georges River Local Government Area (LGA), the *Georges River Local Environmental Plan 2020 (GRLEP 2020)*.

This Planning Proposal has been revised in accordance with Section 3.35 of the *EP&A Act 1979* in response to the issues raised in submissions received during public exhibition.

1. Georges River Local Government Area

On 12 May 2016, the Minister for Local Government announced the newly formed Georges River Council (Council), which was formed out of the amalgamation of the former Kogarah Council and the former Hurstville City Council.

The Georges River LGA is 38 square kilometres with approximately 153,450 people (2016) residing in the area (refer to **Figure 1**).

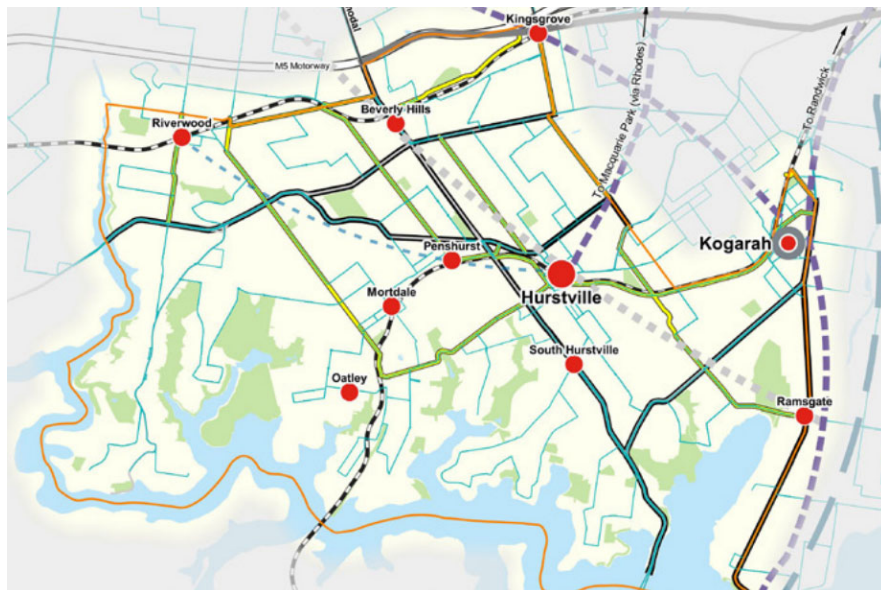


Figure 1: Georges River Local Government Area (Source: Georges River Local Strategic Planning Statement)

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The Georges River LGA is located in Southern Sydney and includes the suburbs of Allawah, Beverley Park, Beverly Hills (part), Blakehurst, Carlton (part), Carss Park, Connells Point, Hurstville, Hurstville Grove, Kingsgrove (part), Kogarah (part), Kogarah Bay, Kyle Bay, Lugarno, Mortdale, Narwee (part), Oatley, Peakhurst, Peakhurst Heights, Penshurst, Ramsgate (part), Riverwood (part), Sans Souci (part) and South Hurstville.

The Council is bounded by Sutherland Shire Council, Canterbury-Bankstown Council and Bayside Council.

2. Existing Planning Controls

The planning controls for the Georges River LGA currently comprise:

Three LEPs:

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

Four DCPs:

- *Kogarah Development Control Plan 2013*;
- *Hurstville Development Control Plan No.1* (Applies to land within the Peakhurst, Mortdale and Hurstville Wards);
- *Hurstville Development Control Plan No.2 Amendment Number 5* (Applies to sites within the Hurstville City Centre identified as Deferred Land in the *HLEP 2012*); and
- *Hurstville Development Control Plan No.2 Amendment Number 9* (Applies to land within the Hurstville City Centre, excluding the Deferred Land in the *HLEP 2012*).

Kogarah Local Environmental Plan 2012 (KLEP 2012) and *Hurstville Local Environmental Plan 2012 (HLEP 2012)* are in the standard form, as prescribed in the *Standard Instrument (Local Environmental Plans) Order 2006*. *Hurstville Local Environmental Plan 1994 (HLEP 1994)* is not in the standard form as it was made prior to the standardisation of LEPs and applies only to the land deferred from the *HLEP 2012* (Deferred Land). Please see **Figure 2** for a map of the Deferred Land.

The Deferred Land, which sits under the *HLEP 1994*, is zoned 3(b) City Centre Business. There are no development controls in the *HLEP 1994* that apply to the 3(b) City Centre Business zone. *Hurstville Development Control Plan No.2 Amendment Number 5* contains the relevant planning and design guidelines, including the maximum height of building and FSR development standards.

This Planning Proposal seeks to incorporate the Deferred Land known as the Treacy Street Car Park within the *GRLEP 2020* by translating the existing 3(b) City Centre Business zone to the corresponding B4 Mixed Use zone under the *Standard Instrument LEP* and adopting the development standards applied to the site by the *Hurstville Development Control Plan No.2 Amendment Number 5*. No changes to the controls are proposed as the existing heights and FSRs will be carried over into the *GRLEP 2020*.

Figure 2: "Deferred Land" map (Source: Georges River Council)

3. South District

The Georges River Council is part of the Greater Sydney Commission's (GSC) South District (refer to **Figure 3**), which comprises Canterbury-Bankstown Council, Sutherland Shire Council and Georges River Council.

The South District comprises the smallest number of councils within the Greater Sydney Region. This has its advantages as it allows for greater collaboration and cooperation between the three councils on strategic issues.

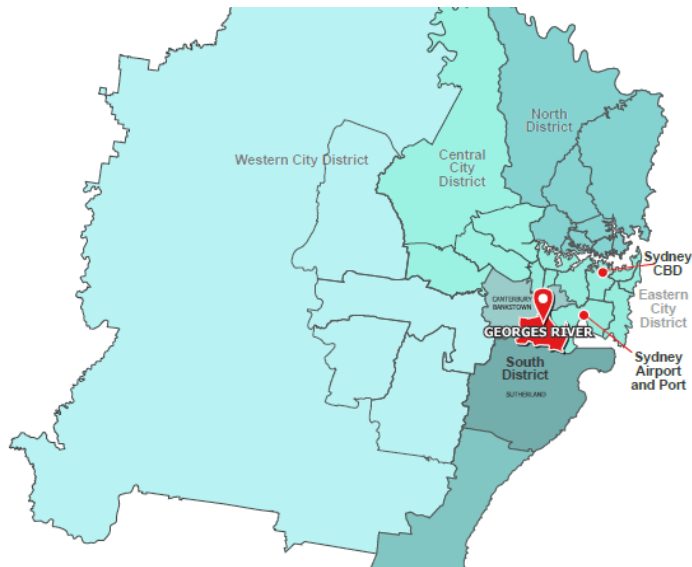


Figure 3: South District (Source: Georges River Local Strategic Planning Statement)

4. Strategic Context

The *Greater Sydney Region Plan* and *South District Plan* (both adopted March 2018) provide strategic planning guidance for the region and outline the need for councils to update their local environmental plans.

The *South District Plan* also sets out a requirement for councils to prepare a Housing Strategy for the local government area.

Recent amendments to the *Environmental Planning & Assessment Act 1979* include a requirement that councils must prepare a Community Participation Plan and a Local Strategic Planning Statement (LSPS) for the local government area.

To inform the preparation of the LEP, Council has prepared a number of studies and strategies including:

- Local Housing Strategy Evidence Base (March 2019)
- Local Housing Strategy (draft, [exhibited concurrently with this Planning Proposal](#))
- Georges River Industrial Land Review (July 2018)
- Inclusive Housing Strategy and Delivery Programme Stage 1 (March 2019)
- Inclusive Housing Strategy (draft, [exhibited concurrently with this Planning Proposal](#))
- Heritage Review ([March 2020](#))
- Hurstville City Centre Urban Design Strategy (May 2018)
- Tidal Inundation Study (November 2018)
- Foreshore Review – Strategic Directions Paper (December 2018)
- Commercial Centres Strategy Part 1 (February 2020)
- Open Space, Recreation and Community Facilities Strategy 2019 - 2036 ([August 2019](#))
- Create Georges River Cultural Strategy 2019-2029 ([September 2019](#))
- Infrastructure Integration Advice Roadmap (September 2019)

The objectives and outcomes of these strategies are summarised in Sections 6 – 8.

5. Local Strategic Planning Statement

To provide an alignment between the district and local levels of strategic planning, the State Government introduced legislation in March 2018 requiring councils to prepare a local strategic planning statement for the LGA which will set out:

- (a) the 20 year vision for land use in the local area;
- (b) the special characteristics which contribute to the local identity;
- (c) the shared community values that are to be maintained and enhanced; and
- (d) how growth and change will be managed into the future.

The *Georges River Local Strategic Planning Statement 2040* (LSPS) sets out a land use vision for the future of the LGA, strengthens the character of the LGA's suburbs and builds upon the social, environmental and economic values of the Georges River community. It is also a key resource in highlighting the changes which will shape Georges River's future and

the actions that both Council and the State Government will take to create a future City which is desirable to its community, visitors and investors.

The LSPS builds on the community's aspirations and expectations expressed in Council's *Community Strategic Plan 2018 -2028*. It is also aligned with the *Greater Sydney Region Plan* and *South District Plan*; and other State Government planning priorities. Council has undertaken a range of strategic background studies which inform the actions identified in the LSPS. The LSPS commits Council to a range of actions which will deliver the longer term land use vision for the LGA. Some of the actions will result in land use changes as outlined in this Planning Proposal. Others will result in future studies and investigations which may subsequently result in other land use changes or further action.

The LSPS explains how Council will implement the planning priorities and actions at a local level on a short, medium and long term timeframe and how the Georges River Principal Local Environmental Plan will be staged to deliver the vision for the Georges River LGA as outlined in the LSPS.

The LSPS will be implemented progressively until 2040 and reviewed by each incoming Council against the measures nominated in the LSPS's five themes.

Council received the Letter of Support from the GSC for the LSPS on 4 March 2020 and was formally made on 10 March 2020.

The LSPS was placed on public exhibition between 26 June 2019 and 7 August 2019. Council received 137 submissions from the community and public authorities. The key issues identified are summarised below:

Access and Movement

- Identifying and protecting key internal and external freight routes is important to supporting local, district and regional economies.
- The provision of express train services to Riverwood to accommodate both current demand and future precinct growth.
- Improved support transport options including better bus interchange facilities needed across the LGA and car parking.
- A focus on active transport and the provision of connected and appropriate infrastructure which is sheltered from the elements.
- The provision of 24 hour train services for shift workers was regarded as essential to facilitating access to jobs.
- Provision needs to be made for emergency and service vehicles in medium and high density developments.

Infrastructure and collaboration

- It is essential to plan for and respond to change, including the required infrastructure to support change ideally delivered ahead of growth.
- The community values the LSPS engagement and genuine engagement processes. People want to see more of this and they want to see the results of any engagement and how Council responds.

- Collaboration is required between Council, the Federal Government and private sector service providers to deliver telecommunications infrastructure across the LGA.
- Council should develop a Smart Street Policy, to align with Transport 2056.

Housing and neighbourhoods

- Maintaining the character of the existing suburbs, particularly trees and green open space and walkability is important.
- There were mixed views on additional residential development with some seeking the realisation of development potential and others seeking a halt to development.
- A mix of housing, especially housing that is suitable for older members of the community, such as single-level housing is desirable.
- The provision of affordable housing is considered a more universal concept and more appropriate than targeted key worker housing.
- The provision of additional housing and jobs along new State Government transport links needs to be considered.
- A bigger focus on heritage and culture, including Aboriginal.

Economy and Centres

- Local jobs are highly valued.
- Young people are interested in gaining local work experience and part-time jobs.
- Land should be protected for local services, businesses and light industry rather than new housing.
- Diversity of businesses in clearly designated commercial and industrial zones which are not encroached by housing need to be encouraged.
- More public plazas are sought after and the provision of social spaces in neighbourhoods and centres.
- Noise and pollution levels around major centres needs to be addressed and managed appropriately through development.
- Local tourism infrastructure needs to be identified and provided in a strategic manner.

Environment and Open Space

- Green and open spaces are highly valued and should be protected and enhanced, with no loss of existing infrastructure.
- Expanded open space and green space are important factors to mitigate climate change and are particularly important for people in high rise developments.
- Maintaining and increasing the tree canopy is overwhelmingly important and removed trees need to be replaced with appropriate native species and additional trees on public land.
- The Georges River needs to be accessible and the foreshore area is a priority for additional open space with connected green walking and bike tracks.
- There is support for a community recycling Centre, together with education about its use.

Implementation

- Review of the LSPS should align better with the 5 year LEP review period rather than in the first year of each Council term.

- The LSPS has been updated in response to the submissions and was reported to Council on 28 October 2019. At this meeting, Council resolved to endorse the revised LSPS for submission to the GSC for their approval to formally adopt the *LSPS 2040* for the Georges River LGA.

6. Georges River Principal Local Environmental Plan

At its meeting dated 26 February 2018, Council resolved to prepare a principal LEP for the Georges River LGA which gives effect to the *South District Plan*.

As noted above, the LSPS proposes a staged approach to preparing the principal Georges River LEP due to the detailed investigations required to support the full suite of changes proposed. This approach was endorsed by Council at its meeting on 23 April 2019 and 28 October 2019.

The staged approach to preparing the Georges River LEP is outlined as follows:

- Stage 1 – Housing and Harmonisation (this Planning Proposal)
 - Harmonise the existing LEPs
 - Seek to achieve housing targets through up-zoning certain areas
- Stage 2 – Housing Choice (scheduled for 2021)
 - Seek to promote inclusive and affordable housing
 - Investigate big house conversions and build to rent
- Stage 3 – Jobs and Activation (scheduled for 2022)
 - Review development standards in centres
 - Infrastructure delivery mechanisms
 - Hurstville City Centre and Beverly Hills Local Centre masterplanning
- Stage 4 – Housing and Future Growth (scheduled for 2025 and beyond)
 - Undertake a new housing strategy as required

The first stage of the Georges River LEP is to harmonise the existing LEPs as currently three LEPs apply to the LGA. This stage, being the principal LEP, is required to ensure a consistent approach to planning and development is applied across the LGA, and new controls are introduced to give effect to the Planning Priorities and Actions of the *South District Plan* and the LSPS.

Whilst the *KLEP 2012* and *HLEP 2012* are in the standard form, both instruments have different objectives, zoning patterns, local provisions and development controls. The *HLEP 1994* was made prior to the Standard Instrument LEP and is not easily comparable to the *KLEP 2012* or *HLEP 2012*. However, this Planning Proposal seeks to incorporate one of the three Deferred Lands within the *GRLEP 2020*. Further information is provided in **Section B – Part 2** of this report.

On 7 September 2018, Council received funding from the NSW Government for an accelerated review of the Georges River LEP which aligns with the priorities outlined in the *South District Plan*. The NSW Government funding requires Council to submit this Planning Proposal for the Georges River LEP to the DPIE for gazettal by 30 June 2020.

7. Supporting Research and Policy Development

The LSPS and this Planning Proposal have been informed by an extensive evidence base comprising of specialist reports that have been prepared in response to the knowledge gaps identified through Council's LEP review process.

These strategies and studies respond to the four themes of infrastructure and collaboration, liveability, productivity, and sustainability that underpin the *Region Plan* and *South District Plan*.

A summary of the key strategies and studies that have informed the preparation of this LEP and resulted in notable changes are outlined below.

7.1 Draft Local Housing Strategy

Council's *Local Housing Strategy* intends to set a clear plan for housing in the Georges River LGA over the next 10 and 20 years. The Strategy provides the link between Council's visions for housing and the Actions of the *South District Plan* by presenting Council's response to how the housing target will be delivered locally. At its meeting dated 24 February 2020, Council resolved to publicly exhibit the draft *Local Housing Strategy* as a supporting document to the *GRLEP 2020*.

The *South District Plan* sets a five-year (2016 to 2021) housing target of 4,800 additional dwellings for the Georges River LGA. However, the Plan provides Council with the opportunity to develop the 6-10-year housing targets by demonstrating capacity for steady housing supply into the medium term. The Plan also emphasises the need to plan for the 20-year strategic housing target. An additional 13,400 dwellings is prescribed by the State Government (*DPIE 2016 Dwelling Projections*) as the 2036 housing target for the Georges River LGA.

The first stage of the *Georges River Local Housing Strategy*, the *Local Housing Strategy Evidence Base*, has now been completed. This *Evidence Base* conducts a review of the current and future population and housing trends for the LGA for the purpose of reviewing the 2036 housing target.

The *Evidence Base* was endorsed by Council at its meeting on 24 June 2019 for public exhibition, and was publicly exhibited with the draft LSPS from 26 June to 7 August 2019.

Through its review process, the *Evidence Base* identifies a revised 20-year housing target of an additional 14,000 new dwellings. It also identifies that under existing planning controls, the LGA will be able to provide over 12,000 new dwellings which means that the planning framework will need to be adjusted to address the shortfall of approx. 2,000 dwellings in housing the future 2036 population.

The *Evidence Base* also highlights the significant shifts in housing consumption patterns in recent years and reveals the housing preferences that are occurring due to demographic and social change in Georges River Council's population. Over the next 20 years, the most significant growth will occur in the 'couples with children' household whilst 'couples without children' and 'lone person' household types are also forecasted to increase, driven by migration and an ageing population.

Informed by the *Evidence Base*, the draft *Local Housing Strategy* has been prepared based on the following key findings and policy implications:

- Meet the *South District Plan* housing targets;
- Respond to the *LSPS 2040* Planning Priorities and Actions;
- Identify additional housing opportunities through the harmonisation of the existing Hurstville and Kogarah LEPs;
- Support ageing in place;
- Encourage housing choices;
- Facilitate the delivery of a diverse range of housing;
- Consider mechanisms that deliver affordable and inclusive housing; and
- Continue to encourage housing growth along transport corridors.

A number of gaps and issues are identified by the draft *Local Housing Strategy* in response to the key findings from the *Evidence Base* and outcomes of the LSPS community engagement program. To address these gaps and issues, a number of housing objectives have been developed to set out the future policy direction for housing in the Georges River LGA. These housing objectives are supported by a set of actions with the intent of informing the preparation of the Georges River LEP through the four stage approach. The key actions that have been critical in informing the preparation of the draft *GRLEP 2020* include:

- Create additional housing capacity by up-zoning appropriate areas;
- Ensure up-zoned areas are selected in accordance with the criteria to guide growth outlined in the *LSPS 2040*;
- Facilitate a broader range of housing types across the Georges River LGA to promote housing choice, including mechanisms to make housing more affordable;
- Establish a hierarchy of residential zones that restricts low, medium and high density development to their respective zones;
- Harmonise the existing minimum lot size requirements applied to residential areas;
- Promote and protect local heritage;
- Facilitate good design through LEP mechanisms; and
- Promote principles of sustainable practice and environmentally sensitive design in major developments.

The draft *Local Housing Strategy* was exhibited with this Planning Proposal from 1 April 2020 to 31 May 2020 (inclusive) in accordance with the Council resolution dated 24 February 2020. Council will finalise this Strategy following outcomes of the DPIE's assessment.

7.2 Housing Investigation Areas Paper

To ensure the Georges River LGA is able to provide capacity for additional housing into the medium term, the LSPS 2040 identifies a number of residential areas to be investigated for their suitability in delivering additional housing capacity. These areas are known as Housing Investigation Areas (HIAs) and are identified to be up-zoned as part of the *GRLEP 2020* to accommodate additional dwellings to assist in meeting the LGA's 6-10 year housing target while providing the community with greater housing choice:

- 1) Hillcrest Avenue – Hurstville
- 2) North and West of Peakhurst Park – Peakhurst
- 3) Apsley Estate – Penshurst
- 4) Culwulla Street – South Hurstville
- 5) Rowe Street – South Hurstville

The investigation included in-depth analysis and consideration of the feedback and comments received from the targeted engagement sessions conducted with the property owners within and adjoining the HIAs.

The detailed justification for the selection of the five HIAs is provided in the *Housing Investigation Areas Paper* including considerations of:

- Consistency with the *Greater Sydney Region Plan* and *South District Plan*
- Consistency with Council's *Local Strategic Planning Statement (LSPS) 2040*
- Results of the LSPS 2040 community consultation
- Results of the targeted community consultation
- Traffic analysis of the proposed uplift
- Analysis of the proposed built form outcomes

The Paper also itemises the actions required to implement the proposed HIAs through this Planning Proposal as well as the necessary traffic interventions to support the uplift.

The *Housing Investigation Areas Paper* ~~was~~ exhibited as a supporting document to this Planning Proposal.

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7.3 Draft Inclusive Housing Strategy

Council resolved on 27 November 2017 to commence the preparation of an Affordable Rental Housing Policy and associated implementation plan for the Georges River LGA in response to the Liveability Actions within the *South District Plan*. The Council resolution required the:

- a. Preparation of a framework for an Affordable Rental Housing Policy for the Georges River LGA, including the preparation of an Affordable Rental Housing Target Scheme, which considers the actions from the Draft *Greater Sydney Region Plan* and the Revised Draft *South District Plan*.
- b. Identification and assessment of housing issues within the City and the identification of mechanisms to increase the supply of affordable housing for households on low to moderate incomes in housing stress.

- c. Provision of outcomes of the strategic research and implementation of the resultant Policy provisions via Council's planning framework (such as LEPs, DCPs, VPAs, Section 94 Contributions Plans, etc) to increase the supply of affordable rental housing in the City.

Council in December 2018 commenced the preparation of the *Inclusive Housing Strategy* and the supporting Delivery Plan for the Georges River LGA as part of a staged approach.

The key aims of the *Inclusive Housing Strategy* are:

- To facilitate the provision of housing options to meet the needs of a wide range of users, including seniors, people with a disability, students, key workers, health visitors in the Kogarah Health and Education Precinct and the very low, low and moderate income households within the residential market;
- To develop planning controls and mechanisms that prevent the loss of existing and the delivery of new supplies of affordable housing;
- To advocate for, and build partnerships to increase affordable and liveable housing; and
- To explore options for managing affordable housing.

The *Inclusive Housing Strategy - Stage 1 Report - Assessment of housing needs* was completed and endorsed by Council for public exhibition at its meeting dated 24 June 2019. The *Stage 1 Report* highlights issues relating to housing cost, housing stress and the LGA's demography. It was publicly exhibited as a supporting document with the draft LSPS from 26 June to 7 August 2019.

In early 2019, the application of the *State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes) (SEPP 70)* was expanded to include all NSW councils with the intent of encouraging all NSW councils to investigate and develop an Affordable Housing Contributions Scheme (AHCS) to promote the delivery and maintenance of affordable housing.

The preparation of the final stage of the *Inclusive Housing Strategy* and the supporting Delivery Plan is underway. The Delivery Plan includes the preparation of the AHCS, which will set out how, where, and at what rate development contributions can be collected by Council for affordable housing.

The draft Delivery Plan is based on the following goals:

- Facilitate housing choice;
- Establish a policy position that supports the delivery of inclusive housing; and
- Facilitate the provision of affordable housing based on the following targets:
 - 2020 to 2025: deliver 14 affordable dwellings per year (equating to approx. 70 dwellings over 5 years)
 - 2025 to 2030: deliver 24 affordable dwellings per year (equating to approx. 120 dwellings over 5 years)
 - 2030 to 2040: deliver 34 affordable dwellings per year (equating to approx. 340 dwellings over 10 years)

The draft *Inclusive Housing Strategy* and the supporting Delivery Plan will inform the Stage 2 (Housing Choice) LEP in the staged LEP process. This Planning Proposal does not propose the implementation of delivery mechanisms for affordable housing. However, the Strategy will establish a policy position that affordable housing will be provided through planning proposals and the associated voluntary planning agreement process in the short term with exploration of provisions for affordable housing through infill development in future LEPs.

The draft *Inclusive Housing Strategy* was exhibited with this Planning Proposal from 1 April 2020 to 31 May 2020 (inclusive) in accordance with the Council resolution dated 24 February 2020. Council will finalise this Strategy following the DPIE's assessment of the *Local Housing Strategy*.

Deleted: At its meeting dated 24 February 2020, Council resolved to publicly exhibit the draft *Inclusive Housing Strategy* as a supporting document to the *GRLEP 2020*.

7.4 Commercial Centres Strategy

The *Georges River Commercial Centres Strategy* is currently being prepared in two parts (Part 1 and Part 2) to support the staged approach to drafting the principal Georges River LEP.

The *Part 1 Centres Analysis* was endorsed by Council at its meeting dated 24 June 2019 for public exhibition, and was publicly exhibited with the draft LSPS from 26 June to 7 August 2019. *Part 1 Centres Analysis* was formally adopted by Council at its meeting on 24 February 2020.

The primary purpose of this Part is to inform the preparation of the *GRLEP 2020* and its accompanying development control plan. This Part conducts a stocktake of all 48 commercial centres in the LGA through a holistic approach with the intention of harmonising the existing planning frameworks that govern the future development of these centres.

Part 1 of the Strategy conducts a detailed economic analysis which projects the long term employment floor space demand of all centres based on the future population growth, through the preparation of the *Commercial Centres Economic Study*. This evidence base has informed the development of a centres hierarchy based on the existing provision of retail floor space within each centre. The hierarchy is comprised of 6 classifications with the following breakdown:

- 2 Strategic centres
- 7 Local centres
- 5 Villages
- 10 Small villages
- 24 Neighbourhood centres
- 1 B6 Enterprise Corridor

Part 1 also looks at the inconsistencies and deficiencies of the current planning framework with recommendations to harmonise the permissible land uses, to introduce land uses that will promote employment in response to the emerging economic trends and drivers, and to investigate the appropriate mix required between employment and residential floor space in mixed use developments.

Part 2 of the Strategy is currently being prepared to inform Stage 2 of the LEP process. Through a place-based planning approach, this Part will consider the roles and functions of

the commercial centres and provide centre-specific objectives, built form controls and guidelines and investigate the potential expansion of appropriate centres.

7.5 Industrial Land Review

The *Industrial Land Review* was endorsed by Council at its meeting dated 17 December 2018. It provides a detailed analysis of industrial precincts in the LGA, including a detailed demand and supply analysis of industrial lands and assessment of the suitability of each industrial precinct for local and/or strategic industrial uses.

The findings highlight the need for industrial land to be retained and managed across the Georges River LGA in line with the policy direction of the *South District Plan*.

It also provides Council and landowners with a clear strategic direction for the development of employment lands across the LGA to ensure that sufficient land is zoned to accommodate future employment growth, particularly in light of pressure from landowners to rezone industrial land.

7.6 Foreshore Study

The *Foreshore Study* is comprised of two studies that review the existing planning controls in the foreshore localities of the Georges River through the lenses of environmental hazards and local character. The key drivers for this Study are broadly summarised as follows:

- Land use conflicts caused by the attraction of foreshore living and the loss of scenic and environmental values through increased development and subdivision;
- Climate change and coastal inundation impacts such as sea level rise and the risk to life and damage to property; and
- Lack of coordinated directions for foreshore management within Council due to the introduction of new State legislations which require local policy responses to climate change and sea level rise.

The *Foreshore Study* will be exhibited with this Planning Proposal as a supporting document.

Tidal Inundation Study

This Study determines the tidal inundation level in the Georges River foreshore at present and for future timeframes through hydraulic modelling to map the extent of sea level rise. Sea level rise is recognised as a significant coastal hazard with associated social, financial and environmental risks. The extent of tidal inundation level identified by this Study has informed the areas affected by future sea level rise shown on the proposed Coastal Hazard and Risk Line Map.

Foreshore Strategic Directions Paper

This Paper evaluates the current policy framework to identify key issues, emerging directions and key principles that will form the foundation for the preparation of new foreshore planning controls.

As part of this Paper, a visual character assessment was undertaken of the foreshore localities to the ridgelines (as viewed from the water) and waterways along the land and water interface. As a result, the study area is categorised into distinct character areas (refer to **Figure 4** below) to allow for the designation of a rating system in terms of the overall character value and the area's sensitivity to change such as tree clearing, larger scale development, altered geology through cut and fill, and the replacement of incongruous development with contemporary styles.

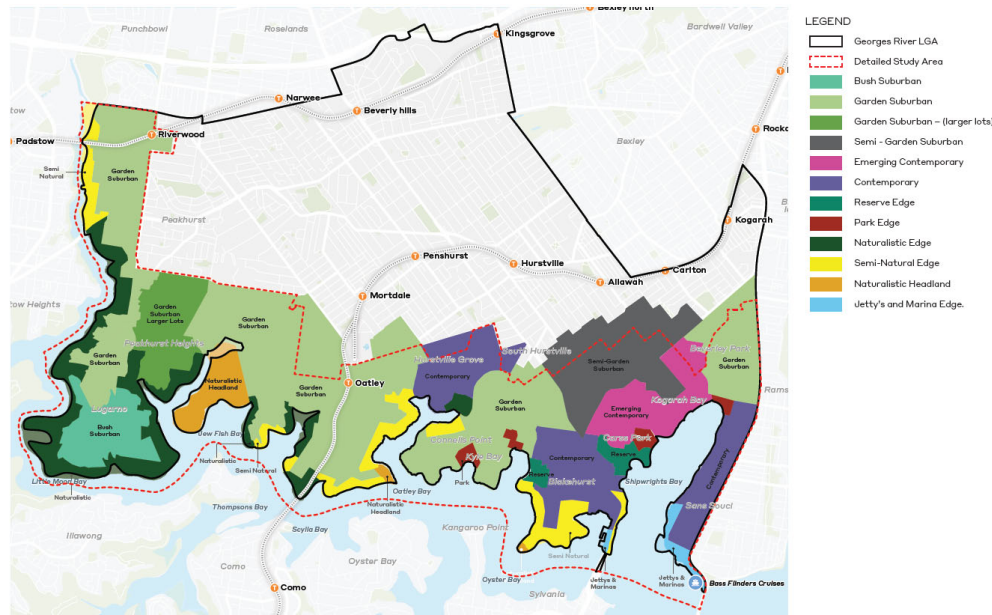


Figure 4: Foreshore character typologies

The common characteristics and attributes of the character areas that are considered as having a High or Very High sensitivity rating are high levels of tree coverage, steep or undulating terrain with distinctive ridgelines, all with minimal visible built form.

These character typologies with High or Very High sensitivity ratings listed below generally have an interface with the Georges River and are predominantly located along the waterfront and towards the west of the study area:

- Bush Suburban
- Garden Suburban (larger lots)
- Reserve Edge
- Park Edge
- Naturalistic Edge
- Semi-Natural Edge
- Naturalistic Headland

Character areas to the east of Georges River are largely assessed as having a lower sensitivity rating. This is due to the flatter topography, lower vegetation coverage as a result of contemporary developments and the dominant built form character.

The detailed character analysis conducted by this Paper informed the preparation of the foreshore scenic protection area extent ~~that was exhibited for community consultation~~.

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7.7 Infrastructure Integration Advice Roadmap

Preparation of advice to Council for infrastructure integration has been completed to inform Council's LSPS and the principal Georges River LEP.

The *Infrastructure Integration Advice Roadmap* conducts a gap analysis which identifies data gaps in relation to economic, social and green infrastructure outcomes.

The Roadmap will assist Council in understanding the critical infrastructure that is required to support housing and employment growth over the short, medium and long term in alignment with the LSPS Actions. The data gaps that have not been able to be addressed in *LSPS 2040* will be reviewed and considered as part of future policy work and/or work programs in accordance with the commitment given at Council's meeting on 28 October 2019.

7.8 Heritage Review

Council has prepared a review of the heritage items listed in Schedule 5 Environmental Heritage of the *HLEP 2012*. No review was conducted for heritage items under the *KLEP 2012* due to the recent review that was undertaken as part of the preparation of Amendment No.2 to the *KLEP 2012*, known as the New City Plan, which was gazetted on 26 May 2017.

The review comprises of three stages:

- Stage 1 - Review of heritage items in the Hurstville CBD (approx. 47 items)
- Stage 2 - Review of remaining heritage items (approx. 105 items)
- Stage 3 - Revise statement of significance for all heritage items recommended for re-listing

The *Heritage Review* ~~was~~ exhibited as a supporting document to this Planning Proposal.

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7.9 Hurstville City Centre Urban Design Study

The *Hurstville City Centre Urban Design Strategy* reviews the existing planning controls in the Hurstville City Centre and recommends amended planning controls to in part provide a logical approach to the built form controls, identify opportunities for additional housing capacity within the Hurstville City Centre and reinforce the role of Hurstville as a gateway to southern Sydney.

7.10 Open Space, Recreation and Community Facilities Strategy 2019-2036

The *Open Space, Recreation and Community Facilities Strategy* provides a high-level direction for the provision of community centres, libraries, open space, sport and recreation facilities, athletics and aquatic facilities in the LGA. The purpose of the Strategy is to examine existing services and current demand, and determine the infrastructure needed based on projected future population and demographic estimates for the LGA until 2036.

7.11 Create Georges River Cultural Strategy 2019-2029

The *Cultural Strategy* provides a strategic focus for Council to develop and support arts and culture within the LGA and sets out a framework for strengthening cultural activities and initiatives. Planning policies and legislation will assist in achieving the actions within the *Cultural Strategy*, including through the actions in the LSPS and planning controls in the Georges River Principal LEP.

Section B: The Planning Proposal

8. Part 1: Objectives or Intended Outcomes

The outcome of this Planning Proposal is a consolidated principal Georges River LEP which implements the first stage of the staged LEP approach. With a focus on housing and harmonisation, this LEP will ensure that a single, consistent approach is applied to planning and development across the LGA.

The objectives of this Planning Proposal are to:

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

9. Part 2: Explanation of the Provisions

The provisions in this Planning Proposal are in accordance with the *Standard Instrument (Local Environmental Plans) Order 2006* and are intended to harmonise and consolidate the planning controls within the following LEPs currently in force across the Georges River LGA:

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

Where there is a fundamental difference between the LEPs, particularly in the case of the land use tables and principal development standards, the *Standard Instrument LEP (SILEP)* approach prevails and/or the provision has been adjusted so that a 'best fit' approach applies.

This Planning Proposal has been prepared in accordance with a number of overarching principles as outlined below:

- Achieve equity across the LGA through the harmonisation process, particularly in respect to development potential and the management of environmental hazards and risks;

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

The proposed contents of the *GRLEP 2020* are as follows:

Part 1 – Preliminary

• Clause 1.1 - Name of Plan

The Plan will be called the *Georges River Local Environmental Plan 2020*.

• Clause 1.1AA Commencement

The Plan will commence on the day on which it is published on the NSW legislation website.

• Clause 1.2 – Aims of Plan

The aims of the Plan are a consolidation of the existing aims of the *HLEP 2012* and *KLEP 2012* and new aims. The new aims ensure that the desired future direction for the LGA as identified by the LSPS vision is directly captured in the *GRLEP 2020*.

Considerations such as housing choice, the viability and vibrancy of centres, a well-designed and vegetated urban environment, the protection of the natural environment, the provision of social infrastructure and an emphasis on transit-oriented development are all captured within the proposed aims of the Plan.

The proposed aims of the Plan ~~below have been amended in response to submissions received during the public exhibition:~~

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- To provide for housing choices to cater for changing demographics and population needs,
- To provide for a range of business uses which promote employment and economic growth and contribute to the viability and vibrancy of centres,

- c) To promote and facilitate an ecologically and economically sustainable, well designed and vegetated urban environment in which the needs and aspirations of the community are realised,
- d) To provide for a range of recreational, social, cultural and community service opportunities to meet the needs of the Georges River community,
- 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,
- f) To promote a high standard of urban design and built form,
- 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,
- h) To protect, maintain and improve waterway health to achieve the community environmental values and uses for waterways.
- i) To facilitate infrastructure to support new development,
- j) To promote and facilitate transit oriented development that encourages the use of public transport, cycling and walking.

- **Clause 1.3 - Land to which Plan applies**

The land to which the Plan applies will be shown on the Land Application Map and includes the whole of the Georges River LGA.

- **Clause 1.4 Definitions**

This clause will be as per the *SILEP*. The clause references the Dictionary to be included at the end of the Plan to define certain words and expressions.

- **Clause 1.5 Notes**

This clause will be as per the *SILEP*. This is an advisory clause only.

- **Clause 1.6 Consent authority**

Council will be the consent authority for the purpose of the Plan (subject to the Act).

- **Clause 1.7 Maps**

This clause will be as per the *SILEP*.

- **Clause 1.8 Repeal of planning instruments applying to land**

This clause will be as per the *SILEP*.

- **Clause 1.8A Savings provisions relating to development applications**

This clause will be as per the *SILEP*.

- **Clause 1.9 Application of SEPPs**

This clause will be as per the *SILEP*.

- **Clause 1.9A Suspension of covenants, agreements and instruments**

This clause will be as per the *SILEP*.

Part 2 – Permitted or prohibited development

Part 2 provides information on permitted and prohibited development, including land use zones and the application area for zones. Reference is also made to the Land Use Table, which outlines the zone objectives, permitted land uses and prohibited land uses. Most items in this part are compulsory clauses under the *SILEP* and must be included in the *GRLEP 2020*.

- **Clause 2.1 - Land use zones**

This Planning Proposal does not seek to introduce any new zones or remove any existing zones as applicable to the Georges River LGA. It does however propose to rezone areas, as discussed later in this Planning Proposal. A comparison of the land use zones included within the existing LEPs and proposed in the *GRLEP 2020* is provided in **Table 1** below:

Table 1 – Existing vs Proposed Land Use Zones

GRLEP 2020 Land Use Zone	HLEP 2012	KLEP 2012
Residential zones		
R2 Low Density Residential	Yes	Yes
R3 Medium Density Residential	Yes	Yes
R4 High Density Residential	No	Yes
Business zones		
B1 Neighbourhood Centre	Yes	Yes
B2 Local Centre	Yes	Yes
B3 Commercial Core	Yes	No
B4 Mixed Use	Yes	Yes
B6 Enterprise Corridor	No	Yes
Industrial zones		
IN2 Light Industrial	Yes	Yes
Infrastructure zones		
SP2 Infrastructure	Yes	Yes
Recreational zones		
RE1 Public Recreation	Yes	Yes

GRLEP 2020 Land Use Zone	HLEP 2012	KLEP 2012
RE2 Private Recreation	Yes	No
Environmental zones		
E1 National Parks and Nature Reserves	Yes	No
E2 Environmental Conservation	No	Yes
Waterway zones		
W2 Recreational Waterways	Yes	Yes

- **Clause 2.2 - Zoning of land to which Plan applies**

This clause will be as per the *SILEP*. The clause states that land is within the zones shown on the Land Zoning Map.

Whilst this Planning Proposal does not seek to introduce any new zones or remove any existing zones, it does propose to update the existing residential zones so an appropriate residential hierarchy is developed to ensure development typologies reflect the objectives of the respective zone. The proposed hierarchy of residential density is outlined as follows:

- Low density: dwelling houses and dual occupancies
- Medium density: attached dwellings and multi dwelling housing (also terraces and manor houses once the *Low Rise Medium Density Housing Code* comes into effect)
- High density: residential flat buildings

Residential flat buildings are currently permitted as the prevailing typology in the R3 Medium Density Residential zones under the existing LEPs due to the generous building height and floor space ratio applied. The *GRLEP 2020* proposes to achieve a hierarchy of residential density through the translation of all existing R3 Medium Density Residential zoned land with a height of 12m or greater in both the *HLEP 2012* and *KLEP 2012* to the R4 High Density Residential zone where residential flat buildings are currently permitted as the prevailing typology. These areas are shown in **Figure 5** below. No changes are proposed to the existing heights and FSRs of these areas.

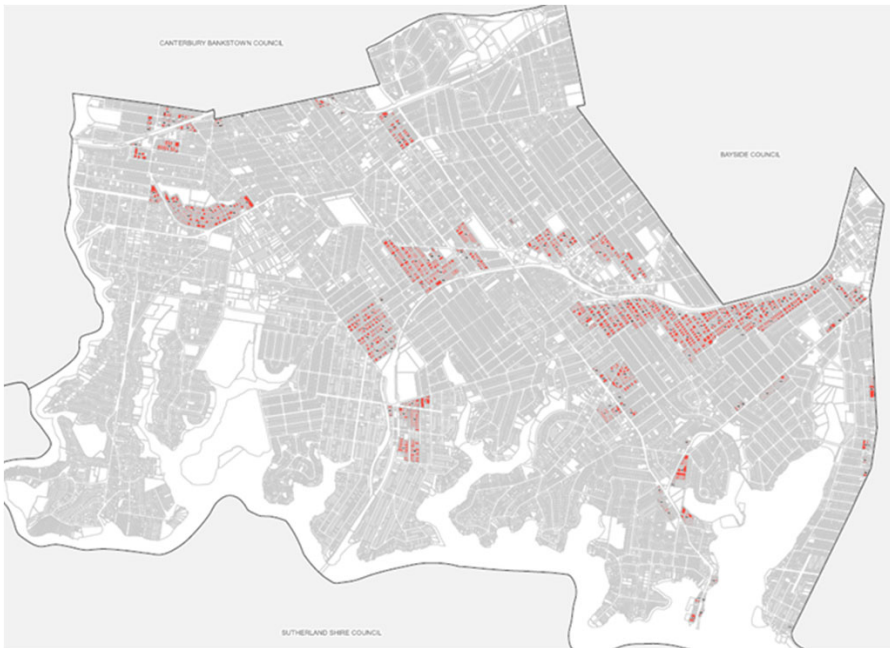


Figure 5: Location of proposed up-zonings from R3 to R4

It should be noted that the existing LEPs contain some 'true' medium density areas in the R3 Medium Density Residential zones as characterised by a maximum building height of 9m. These areas will be retained as R3 Medium Density Residential zones under the *GRLEP 2020*.

This Planning Proposal also incorporates the proposed zoning of the Housing Investigation Areas (refer to [7.2](#) above) as identified by the draft *Local Housing Strategy*. The Housing Investigation Areas will contribute to the provision of [additional](#) R3 Medium Density Residential [and R4 High Density Residential](#) zoned land in the Georges River LGA.

Deleted: Error! Reference source not found. [Table 1](#)

SP2 Infrastructure Rezoning

This Planning Proposal also seeks to harmonise and rezone some of the existing SP2 Infrastructure zones as follows:

- Rezone land that is currently identified as SP2 "Church" under the *HLEP 2012* to the adjoining zone to ensure a consistent approach across the LGA. If the adjoining zone does not permit places of public worship as a land use then the property has been added to Schedule 1 of the LEP to enable place of public worship as an additional permitted use;
- Rezone land that is currently identified as SP2 "Aged Care" under the *HLEP 2012* to the adjoining zone as seniors housing is permissible under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*;

- Rezone land that is currently identified as SP2 “Community Purposes” under the *HLEP 2012* to the adjoining zone to ensure a consistent approach across the LGA;
- Review land that is currently identified as SP2 “Health Services Facilities” under the *KLEP 2012* and only retain SP2 “Hospitals” as per the *HLEP 2012* to protect hospitals as significant infrastructure in the LGA;
- Identify land across the LGA that is currently not zoned as SP2 but is owned by education providers and operating as a school and rezone these properties to SP2 “Educational establishments” to formalise the use of these lands as schools and retain their use; and
- Identify land across the LGA that is currently owned by education providers operating as a school with an associated place of public worship venue and to rezone these properties to SP2 “Educational establishments and place of public worship” to formalise the use of these lands as schools with an associated place of public worship.

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Note: The Riverwood Community Centre (31 Thurlow Street, Riverwood) is owned and operated by Council. The proposed rezoning of the existing SP2 “Community Purposes” zone to a R4 High Density Residential zone will not affect the future operation of this community facility as this is a permissible land use in the proposed zone. At the time of writing this report, Council does not have any future directions to change the site’s function as a community facility. It should be noted that Council is in the process of preparing a draft Community Property Strategy which reviews all existing Council-owned community properties.

Deferred Matter

With respect to the three Deferred Matter sites under the *HLEP 2012*, this Planning Proposal seeks to translate the *HLEP 1994* provisions into the Standard Instrument LEP form for the Treacy Street Car Park site only and allocate the equivalent *Standard Instrument LEP* zone of B4 Mixed Use. The remaining Deferred Lands known as the Hurstville Civic Precinct and the Westfield site will not be incorporated into the *GRLEP 2020* and will remain under the *HLEP 1994*.

Treacy Street Car Park – proposed B4 Mixed Use

The Treacy Street Car Park site (refer to **Figure 6** below) was the subject of a Planning Proposal that received a Gateway Determination from the Department of Planning and Environment on 8 August 2017. However, it was deferred by Council at its meeting dated 26 March 2018 due to an unresolved request to enter into a Voluntary Planning Agreement with the Minister for Planning for the provision of public benefits on the site.

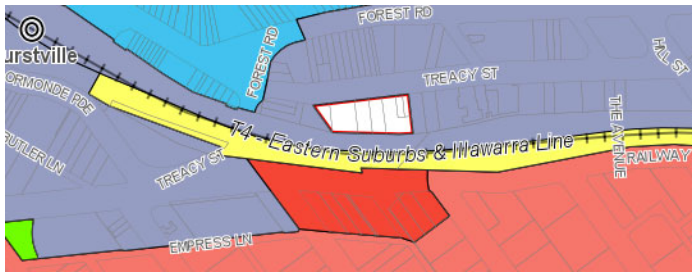


Figure 6: Location of the Treacy Street Car Park site

At the Council meeting dated 26 March 2019, it was resolved:

- (a) That Council not proceed with Planning Proposal PP2015/0006 for 37-41 Treacy Street Hurstville (Treacy Street Car Park) until the completion of key strategies and studies to enable a holistic approach to the growth and development of the Hurstville CBD.
- (b) That the General Manager advises the Department of Planning and Environment of the decision not to proceed with the Planning Proposal as the site will be incorporated into a future planning proposal prepared for the Hurstville City Centre.

The previous Planning Proposal PP2015/0006 for this site sought to apply the following land use zone and development standards:

- Amend the Land Zoning Map to remove the “deferred matter” from the site and zone the site B4 Mixed Use;
- Amend the Height of Building Map to specify a maximum building height of 55m; and
- Amend the Floor Space Ratio Map to specify a maximum FSR of 7:1 (including a minimum non-residential FSR of 1:1).

This Planning Proposal proposes to translate the existing 3(b) – City Centre zoning of the site to B4 Mixed Use under the *GRLEP 2020* as B4 Mixed Use is the equivalent *Standard Instrument LEP* land use zone for the 3(b) – City Centre zone under *HLEP 1994*. This proposed B4 Mixed Use zone is also applied in accordance with the zoning that was approved by the DPIE in its Gateway Determination, demonstrating the appropriateness of the land use zone translation.

However, it should be noted that the proposed translation of this site into the *GRLEP 2020* does not seek to implement the development standards sought by the previous Planning Proposal PP2015/0006 due to the unresolved mechanism of providing public benefit on the site in association with the proposed uplift in height and FSR.

Accordingly, this Planning Proposal does not seek to provide any additional uplift in development standards for this site. Instead, *GRLEP 2020* seeks to implement the existing height and FSR applied to this site under the *Hurstville Development Control Plan Number 2 - Amendment No. 5* (HDCP No.2 Amd 5) as shown in **Figures 7 and 8** below.

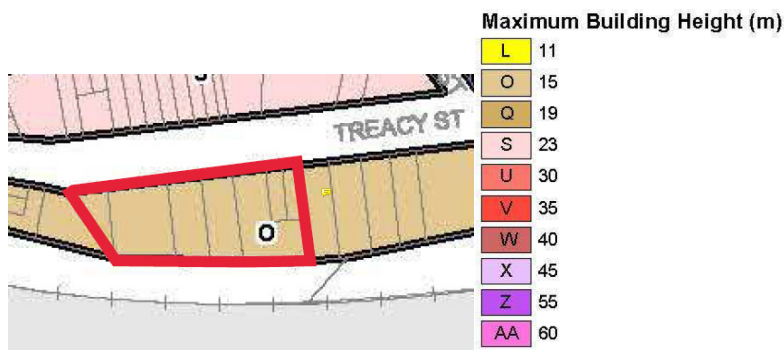


Figure 7: 15m maximum building height (HDCP No.2 Amd 5)

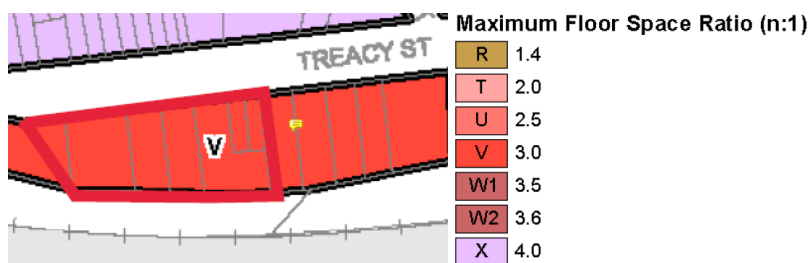


Figure 8: 3:1 maximum FSR (HDCP No.2 Amd 5)

Hurstville Civic Precinct – retain as Deferred Land

The Hurstville Civic Precinct site (refer to **Figure 9** below) is the subject of a current Planning Proposal. Therefore, it is proposed to retain this site as Deferred Land under the HLEP 1994.

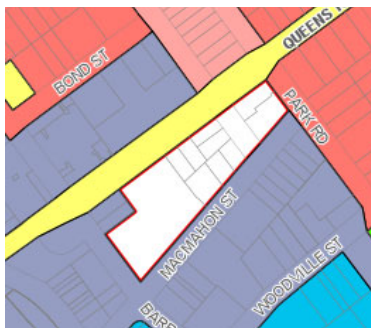


Figure 9: Location of the Hurstville Civic Precinct site

Westfield – retain as Deferred Land

The Westfield site (refer to **Figure 10** below) is the subject of a Planning Proposal which was withdrawn by the proponent prior to the completion of the assessment process. Therefore, it is proposed to retain this site as Deferred Land under the HLEP 1994.

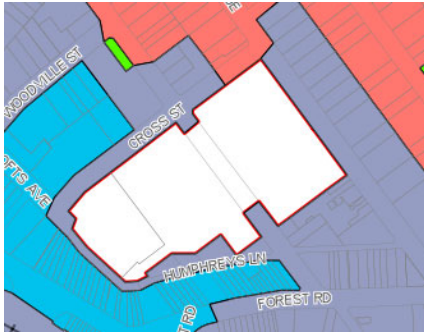


Figure 10: Location of the Westfield site

Other endorsed Planning Proposals

For Gateway Determination, this Planning Proposal for the *GRLEP 2020* sought to incorporate any amendments to the existing LEPs proposed by other planning proposals that Council had resolved to adopt and have received a Gateway Determination from the DPIE.

The proposed amendments to the *HLEP 2012* for the site located at 53-75 Forest Rd, 108-126 Durham Street and 9 Roberts Lane, Hurstville, known as the Landmark Square Precinct (refer **Figure 11** below) was endorsed by the DPIE under the reference *PP_2017_GRIVE_005_01* and the legal wording of the amendments are currently being drafted by the NSW Parliamentary Counsel's Office.



Figure 11: Location of the Landmark Square Precinct

However, due to the draft status of the Landmark Square Planning Proposal, this Planning Proposal for the *GRLEP 2020* will not implement the proposed amendments to the Landmark Square Precinct. This revision has been made in

response to condition (g) in the Schedule of Conditions within the Gateway Conditions. The existing IN2 Light Industrial and R2 Low Density Residential zones will be retained and the associated development standards for the respective zones will be applied.

- **Clause 2.3 – Zone objectives and land use tables**

This clause will be as per the *SILEP*. The clause references the Land Use Table and requires the consent authority to have regard to the objectives for development in a zone when determining a development application. There are mandatory objectives prescribed by the *SILEP* for all zones. Council can include additional local objectives where appropriate to supplement the mandatory objectives to cover additional local issues such as land use conflicts, environmental impacts and amenity issues.

The proposed objectives for each land use zone are a combination of the core zone objectives as mandated by the *SILEP*, an update of the consolidated objectives from the existing LEPs, and new objectives that reflect the *LSPS 2040* vision. In accordance with the LEP Practice Note PN 09-005, no more than two to three local zone objectives are proposed.

In summary, the local zone objectives seek to:

- Promote a high standard of urban design and built form [that enhances the local character and achieves a high level of residential amenity in residential zones](#);
- Provide housing within a landscaped setting in residential zones;
- Encourage development that maximises public transport patronage and promotes walking and cycling in the high density residential zone;
- Ensure developments contribute to the vibrancy and economic viability of commercial centres in business zones;
- Encourage the provision of community facilities and public infrastructure in business zones;
- Encourage a range of uses that support the repair, reuse, recycling, remanufacturing and reprocessing of waste in the industrial zone; and
- Ensure land is protected and provided for community purposes in the infrastructure zone.

It should be noted that in response to submissions received during public exhibition, separate objectives relating to a landscaped setting and urban design and built form in the R2 and R3 Zones have been inserted to emphasise the importance of housing in a landscaped setting. An additional objective to encourage a range of uses that support the repair, reuse, recycling, remanufacturing and reprocessing of waste has also been included in the IN2 Zone.

- **Clause 2.4 – Unzoned Land**

This clause will be as per the *SILEP*. The clause states that consent is required for development on unzoned land.

- **Clause 2.5 – Additional permitted uses for particular land**

This clause will be as per the *SILEP*. This clause allows the consent authority to grant consent for particular development not otherwise permitted in a zone. This clause refers to Schedule 1 which will include all additional permitted uses that currently apply to land within the Georges River LGA. The proposed changes to Schedule 1 are discussed later in this report.

- **Clause 2.6 – Subdivision – consent requirements**

This clause will be as per the *SILEP*. The clause requires development consent for land to be subdivided, and specifically excludes subdivision of land comprising secondary dwellings unless each resulting lot achieves the applicable minimum lot size.

- **Clause 2.7 – Demolition requires development consent**

This clause will be as per the *SILEP*. The clause requires development consent for demolition of a building, unless identified as exempt development under Schedule 2 or the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

- **Clause 2.8 – Temporary use of land**

This clause allows development consent to be granted for a temporary use provided it does not compromise future development of the land, or cause any detrimental economic, social, amenity or environmental effects.

This Planning Proposal seeks to include 52 days within a 12 month period as the maximum period of development consent for a temporary use in any zone in the *GRLEP 2020*. This is aligned with Action A54 of the LSPS to encourage temporary events through Council's LEP 2020.

- **Open and closed zones**

In preparing the Land Use Table, Council has considered whether a zone should be open or closed. An open zone is one where a broad variety of land uses can be considered, allowing greater flexibility of activities in the zone. A closed zone is one where the diversity of land uses is more restrictive to protect the amenity of the zone and manage environmental impact.

This Planning Proposal seeks to adopt an 'open zone' approach for business and industrial zones as these zones require greater flexibility to encourage a range of

uses and allow for innovative uses to progress. Where this Planning Proposal seeks to adopt an 'open' approach, the Land Use Table for that zone will:

- specifically list any mandated or other uses that may be undertaken without consent under Item 2 'Permitted without consent'
- specifically list any mandated or other land uses as prohibited under Item 4 'Prohibited'
- specifically list any mandated or other uses in Item 3 'Permitted with consent' to achieve the zone objectives. In addition, the zone table will include the words 'Any development not specified in Item 2 or 4.'

This Planning Proposal seeks to implement a 'closed zone' approach for residential, infrastructure, recreation, environmental and waterway zones to restrict certain land uses to protect the amenity of these areas and manage environmental impact. Where this Planning Proposal seeks to adopt a 'closed' approach, the Land Use Table for that zone will:

- specifically list any mandated or other uses that may be undertaken without consent under Item 2 'Permitted without consent'
- specifically list any mandated or other land uses as permitted with consent under Item 3 'Permitted with consent' to achieve the zone objectives
- specifically list any mandated land uses as prohibited in item 4 and add 'Any development not specified in Item 2 or 3'.

The adopted approach to the Land Use Table for the *GRLEP 2020* is based on the recommended approach in the DPIE's LEP Practice Note PN 11-002 and the principle of maintaining consistency and permissibility retention across the existing LEPs as much as possible:

Table 1 – Open and Closed Zones

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Zone	Approach to Land Use Table
Residential Zones	
R2 Low Density Residential	Closed
R3 Medium Density Residential	Closed
R4 High Density Residential	Closed
Business Zones	
B1 Neighbourhood Centre	Open
B2 Local Centre	Open
B3 Commercial Core	Open
B4 Mixed Use	Open
B6 Enterprise Corridor	Open
Industrial Zones	
IN2 Light Industrial	Open
Infrastructure Zones	

Zone	Approach to Land Use Table
SP2 Infrastructure	Closed
Recreational Zones	
RE1 Public Recreation	Closed
RE2 Private Recreation	Closed
Environmental Zones	
E1 National Parks and Nature Reserves	Closed
E2 Environmental Conservation	Closed
Waterway Zones	
W2 Recreational Waterways	Closed

- **Land Use Table**

This Planning Proposal seeks to merge the Land Use Table provisions in the existing LEPs to form a combined and consistent suite of land use zones.

In preparing the Land Use Table, a general rule of permissibility retention has been used. This means that the permissible land uses in most zones proposed for the *GRLEP 2020* are a combination of the permissible land uses of the existing LEPs. The proposed Land Use Table is not inconsistent with the existing LEPs.

The proposed Land Use Tables are set out (with objectives) in **Appendix 1**.

There are a number of notable changes (as summarised below) to the Land Use Table proposed in response to community feedback during the public exhibition of the LSPS, to align with the LSPS vision and in response to the conditions of the Gateway Determination.

Residential zones

In the R2 Low Density Residential zone:

- Permit boat sheds due to the significant number of R2 zoned properties located on the waterfront;
- Prohibit medium density dwellings such as attached dwellings and multi dwelling housing in accordance with the principle of developing a hierarchy of residential zones where medium density development is removed from the low density zone to protect its character and amenity;
- Prohibit places of public worship due to the adverse amenity impacts considered to be generated by these uses. However, the existing places of public worship will retain their use through the inclusion of these sites in Schedule 1 Additional permitted uses;

- Prohibit recreation facilities (indoor) to protect the amenity and character of low density residential areas from the increased traffic and noise impacts generated by an indoor recreation facility like a squash court, table tennis centre, bowling alley, ice rink or any other building or place of a similar nature. Furthermore, these developments often require large floor plates and are similar in bulk and scale to industrial buildings, which is not appropriate to the character of the LGA's low density residential zones where the maximum building height is specified at 9m.

In the R3 Medium Density Residential zone:

- Prohibit residential flat buildings in accordance with the principle of developing a hierarchy of residential zones where high density development is removed from the medium density zone to protect the character and amenity of the area;
- Prohibit recreation facilities (indoor) to protect the amenity and character of low density residential areas from the increased traffic and noise impacts generated by an indoor recreation facility like a squash court, table tennis centre, bowling alley, ice rink or any other building or place of a similar nature. Furthermore, these developments often require large floor plates and are similar in bulk and scale to industrial buildings, which is not appropriate to the character of the LGA's medium density residential zones where the maximum building height is specified at 9m;
- Prohibit hotel or motel accommodation to protect the amenity and character of these residential areas. The *GRLEP 2020* proposes a maximum building height of 9m for the R3 Medium Density Residential zone, which is considered to be unviable for a hotel or motel accommodation development. Furthermore, the *Commercial Centres Strategy* identifies the demand for hotel and motel accommodation in the LGA's commercial centres, especially the strategic centres of Hurstville and Kogarah to cater to the demands of both international and domestic visitors. Therefore, this land use is proposed to be prohibited in the new 'true' medium density residential zone to facilitate the provision of hotel or motels in the LGA's business zones. It should also be noted that through the translation of existing R3 zoned areas to R4 High Density Residential, hotel or motel accommodation is proposed to be permitted in the R4 zone as explained in the following paragraph.

In the R4 High Density Residential zone:

- Permit hostels, hotel and motel accommodation, restaurants or cafes, serviced apartments, shops, and small bars to facilitate the creation of active places in areas with high residential density to improve the liveability of apartment living and promote social interactions. These areas are located in accessible locations that encourage walking and have the potential to become destinations for shopping, dining and meeting people.

Business zones

One of the key differences between the existing *HLEP 2012* and *KLEP 2012* is their approach to the permissibility of various land uses in the business zones. Despite both existing LEPs adopting an 'open zone' approach in the business zones, *HLEP 2012* explicitly prohibits a number of land uses that are unlikely to be established in the urban environments of the LGA's commercial centres, for example, open cut mining and rural industries. In contrast, *KLEP 2012* adopts a more liberal approach and does not prohibit these types of developments due to location and context restrictions.

By adopting a 'best fit' approach in harmonising the land use tables of the two existing LEPs, a number of land use terms that are permissible under the *KLEP 2012* are nominated as prohibited development in *GRLEP 2020* to ensure all permitted developments are appropriate to their local context and environment. These land use terms and the explanation for their prohibition is detailed in **Table 2** below:

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Table 2 – Justification of Land Uses Prohibited by GRLEP 2020 in Business Zones

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Land Uses	Existing Permissibility	Justification for GRLEP 2020 Prohibition
• Agriculture (<i>group term</i>) • Air transport facilities (<i>group term</i>) • Airstrip • Cemeteries • Crematoria • Depots • Exhibition homes • Exhibition villages • Freight transport facilities • Industrial retail outlets • Industrial training facilities • Recreation facilities (major) • Recreation facilities (outdoor) • Research stations • Truck depots • Waste or resource management facilities (<i>group term</i>) • Waste or resource transfer stations • Water supply systems (<i>group term</i>) • Wholesale supplies	Permitted by KLEP 2012 in the B1, B2 and B4 zones	Prohibited as there are no existing nor future demand for these types of uses in the LGA's mixed use business zones. These land uses are not considered to be appropriate uses for the fine grain, urban context of the LGA's existing commercial centres. <i>Note: water reticulation systems (under the water supply systems group term) are permissible without consent under the SEPP Infrastructure 2007 when carried out by a public authority.</i>
• Boat building and repair facilities • Boat launching ramps • Boat sheds • Camping grounds • Charter and tourism boating facilities • Extractive industries • Farm buildings • Forestry • Highway service centres • Jetties • Marinas • Mooring pens	Permitted by KLEP 2012 in the B1, B2 and B4 zones	Prohibited as there is no land suitable to accommodate these types of uses in the LGA's existing commercial centres. For example, there are no farm lands and natural watercourses located within the LGA's mixed use business zones.

Land Uses	Existing Permissibility	Justification for GRLEP 2020 Prohibition
• Moorings • Open cut mining • Rural industries (<i>group term</i>) • Wharf or boating facilities		
• Attached dwellings • Dual occupancies • Dwelling houses • Multi dwelling housing • Residential flat buildings • Rural workers' dwellings • Secondary dwellings • Semi-detached dwellings	Permitted by KLEP 2012 in the B1, B2 and B4 zones	Prohibited as these residential land uses cannot be accommodated above employment generating uses in the form of shop top housing. The primary objective of the business zones is to provide a range of businesses, services and employment generation opportunities. The permissibility of residential land uses without any component of employment floor space is contrary to the objective of the business zones. <i>Note: shop top housing remains permissible across all B1, B2, B4 and B6 zones under the draft GRLEP 2020.</i>
• Port facilities • Sewerage systems (<i>group term</i>) • Water recreation structures	Permitted by KLEP 2012 in the B1, B2, B3 and B4 zones	Prohibited as there is no land suitable to accommodate these types of uses in the LGA's existing commercial centres. <i>Note: sewage reticulation systems (under the sewerage systems group term) are permissible without consent under the SEPP Infrastructure 2007 when carried out by a public authority.</i>
• Cellar door premises	Permitted by KLEP 2012 in the B1 zone	Prohibited as there are no vineyards in the LGA's B1 zones.
• Pubs • Landscaping material supplies • Roadside stalls • Rural supplies • Specialised retail premises • Timber yards • Entertainment facilities • Function centres • Passenger transport facilities • Registered clubs • Backpackers' accommodation • Hotel or motel accommodation	Permitted by KLEP 2012 in the B1 zone	Prohibited as the B1 zoned land across the LGA are mostly surrounded by R2 zoned land. Given the low density residential context, these land uses are likely to generate significant amenity impacts to the surrounding R2 zones including increased noise and traffic impacts. Furthermore, the LGA's B1 zones are constrained in size, often around 1,000sqm to 2,000sqm in site area. The restricted site area of the B1 centres cannot adequately accommodate the large floor plates required by these land uses.

Land Uses	Existing Permissibility	Justification for GRLEP 2020 Prohibition
Advertising structures	Permitted by KLEP 2012 in the B1 zone	Prohibited as the bulk and scale of these structures are not compatible with the low density character of the LGA's B1 zones and its surrounding low density residential context. The large scale of advertising structures is likely to generate significant amenity impacts to the surrounding R2 zones including overshadowing and obstruction of vista.
- Correctional centres - High technology industries - Storage premises - Vehicle repair stations	Permitted by KLEP 2012 in the B1 and B2 zones	Prohibited as these land uses are likely to generate significant amenity impacts including increased noise and traffic impacts as well as high risk of contaminate pollution. These land uses are considered to be inappropriate for the fine grain, urban context of the LGA's neighbourhood and local centres.
- Sex services premises - Warehouse or distribution centres (<i>group term</i>)	Permitted by KLEP 2012 in the B2 and B4 zones	Prohibited as the absence of active street frontages associated with these land uses do not positively contribute to the vibrancy of the LGA's commercial centres.
Farm stay accommodation	Permitted by KLEP 2012 in the B1 and B4 zones	Prohibited as there are no farm lands in the LGA.

To facilitate employment growth and the creation of attractive, lively and productive centres, the draft *GRLEP 2020* also proposes to permit a number of land uses that are currently prohibited under the existing *KLEP 2012* and *HLEP 2012*. These are detailed as follows:

- Permit artisan food and drink industries in all business zones to create lively centres by expanding the types of retail and food offered.
- The B1 Neighbourhood Centre zone permits service stations to remove these uses from Schedule 1 Additional permitted uses under the *HLEP 2012* and to recognise these as an integral land use in servicing the local community.
- The B3 Commercial Core zone permits tourist and visitor accommodation to accommodate the significant presence of international students and visitors staying within the Hurstville City Centre.

- The B4 Mixed Use zone permits helipads to support the existing medical presence in the Kogarah Town Centre and Hurstville City Centre by enabling helicopters as a form of emergency transportation.
- In the B6 Enterprise Corridor zone, permit function centres, neighbourhood supermarkets, restaurants or cafes, and small bars to facilitate the activation within this zone.

Industrial zone

Similar to the business zones, the existing *HLEP 2012* and *KLEP 2012* also presents different approaches to permitting various land uses in the IN2 Light Industrial zone. Despite both existing LEPs adopting an 'open zone' approach in the IN2 zone, *HLEP 2012* explicitly prohibits a number of land uses that are unlikely to be established in the urban environments of the LGA's industrial precincts, for example, open cut mining and rural industries. In contrast, *KLEP 2012* adopts a more liberal approach and does not prohibit these types of developments due to location and context restrictions.

By adopting a 'best fit' approach in harmonising the land use tables of the two existing LEPs, a number of land use terms that are permissible under the *KLEP 2012* are nominated as prohibited development in *GRLEP 2020* to ensure all permitted developments are appropriate to their local context and environment. These land use terms and the explanation for their prohibition is detailed in **Table 3** below:

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Table 3 – Justification of Land Uses Prohibited by GRLEP 2020 in the IN2 Zone

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Land Uses	Existing Permissibility	Justification for GRLEP 2020 Prohibition
• Agriculture (<i>group term</i>) • Air transport facilities (<i>group term</i>) • Airstrip • Caravan parks • Cemeteries • Exhibition homes • Exhibition villages • Helipads • Recreation facilities (major) • Biosolids treatment facilities • Sewage treatment plants • Water recreation structures	Permitted by KLEP 2012	Prohibited as there are no existing nor future demand for these types of uses in the LGA's industrial areas. These land uses are not considered to be urban services activities. The primary objective of the IN2 zone is to provide a wide range of light industrial, warehouse and related land uses. The permissibility of these land uses is contrary to the objective of this zone.
• Boat launching ramps • Boat sheds • Camping grounds • Cellar door premises • Charter and tourism boating facilities • Extractive industries • Farm buildings • Forestry • Highway service centres • Jetties	Permitted by KLEP 2012	Prohibited as there are no land suitable to accommodate these types of uses in the LGA's industrial areas. For example, there are no farm lands and natural watercourses located within the LGA's IN2 zones.

Land Uses	Existing Permissibility	Justification for GRLEP 2020 Prohibition
- Marinas - Mooring pens - Moorings - Open cut mining - Rural industries (<i>group term</i>)		
Office premises	Permitted by KLEP 2012	Council has not conducted any detailed investigations to identify the suitability of industrial areas for office premises. This land use is proposed to be prohibited until further review is conducted.
- Business premises (<i>group term</i>) - Small bars - Specialised retail premises - Correctional centres - Entertainment facilities - Registered clubs	Permitted by KLEP 2012	Prohibited as these land uses are not considered to be urban services. The primary objective of the IN2 zone is to provide a wide range of light industrial, warehouse and related land uses. The permissibility of these land uses is contrary to the objective of this zone. <i>Note: correctional centres are permissible with consent under the SEPP Infrastructure 2007 when carried out by a public authority.</i>
- Health services facilities (<i>group term</i>) - Respite day care centres	Permitted by KLEP 2012	Prohibited due to the sensitive nature of these land uses. The presence of these developments in the IN2 zone will adversely restrict the operation of industrial and urban services activities. The primary objective of the IN2 zone is to provide a wide range of light industrial, warehouse and related land uses. The permissibility of these land uses is contrary to the objective of this zone.
Early education and care facilities (<i>group term</i>)	Permitted by HLEP 2012 and KLEP 2012	Prohibited due to the sensitive nature of this land use. The presence of these developments in the IN2 zone will adversely restrict the operation of industrial and urban services activities. The primary objective of the IN2 zone is to provide a wide range of light industrial, warehouse and related land uses. The permissibility of this land use is contrary to the objective of this zone.
- Home businesses - Home occupations	Permitted by HLEP 2012	Prohibited as all forms of residential accommodation are prohibited in the IN2 zone. Accordingly, home businesses and occupations cannot be established in this zone.

It should be noted whilst the IN2 Light Industrial zone prohibits business premises to ensure industrial uses remain as the primary land use in this zone, funeral homes are excluded from this prohibition as they are considered to be an appropriate land use due to the absence of sensitive land uses in this zone.

Public recreation zone

In the RE1 zone, prohibit registered clubs to ensure these lands are reserved for the purpose of providing public open space. However, the registered clubs will retain their use through the inclusion of these sites in Schedule 1 Additional permitted uses.

Part 3 Exempt and complying development

- **Clause 3.1 – Exempt development**

This Planning Proposal does not seek to introduce any new controls for exempt development. This Planning Proposal will not include any of the existing exempt development listed in the *KLEP 2012* or *HLEP 2012* and rely upon the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

- **Clause 3.2 – Complying development**

This Planning Proposal does not seek to introduce any new controls for complying development. It relies upon the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and is consistent with the approach of the *KLEP 2012* and *HLEP 2012* which did not include any additional types of complying development.

- **Clause 3.3 – Environmentally sensitive areas excluded**

This clause will be as per the *SILEP*. The clause defines an 'environmentally sensitive area' where exempt or complying development must not be carried out.

Part 4 – Principal development standards

Part 4 of the *GRLEP 2020* provides key development standards relating to the use of land. Many of the provisions are optional under the *SILEP*, but if adopted contain standard content that can be tailored to local conditions. This Planning Proposal seeks to include a range of principal development standards in the *GRLEP 2020* based on the overarching principles identified earlier in this Planning Proposal.

An overview of the proposed clauses to be included in Part 4 of the *GRLEP 2020* is provided below. The key changes to the principal development standards and their detailed justification is provided in **Appendix 3**.

- **Clause 4.1 - Minimum subdivision lot size**

This clause allows Council to identify minimum subdivision lot sizes for the LGA on the Lot Size Map in the *GRLEP 2020*.

The *HLEP 2012* and *KLEP 2012* contain different objectives for this clause. This Planning Proposal seeks to include a consolidated and consistent set of clause objectives in the *GRLEP 2020*, as follows:

- a) to ensure that new lots created have sufficient area for development to comply with the relevant development standards and controls,
- b) to ensure that subdivision reflects the subdivision pattern of the area,
- c) to ensure lot size reflects the land's environmental capability with consideration to topography and other natural features.

This Planning Proposal seeks to adopt the following minimum lot sizes for dwelling houses in the R2 zone:

- Within the Foreshore Scenic Protection Area (FSPA) – 700sqm
- All other areas – 450sqm

This Planning Proposal seeks to retain the 1,000sqm minimum subdivision lot size within the R4 zone to prevent the fragmentation of lots.

This Planning Proposal seeks to introduce a minimum subdivision lot size of 1,000sqm within the former Hurstville LGA industrial zones except for the Kingsgrove Industrial Precinct and part of the Peakhurst Industrial Precinct which will be subject to a 2,500sqm minimum subdivision lot size.

It is also proposed to amend the minimum subdivision lot size from 750sqm to 1,000sqm in the following IN2 zoned areas in the former Kogarah LGA:

- Halstead Street, South Hurstville
- King Georges Road, Blakehurst
- Carlton Industrial Estate

The *KLEP 2012* current applies a minimum lot size for all B1, B2 and B6 zoned properties. This Planning Proposal does not seek to translate this control into the *GRLEP 2020* and will adopt the *HLEP 2012* approach which does not apply minimum subdivision lot sizes in business zones.

- **Clause 4.1AA – Minimum subdivision lot size for community title schemes**

This Planning Proposal does not propose to adopt this clause, which is consistent with the existing LEPs.

- **Clause 4.1A – Minimum subdivision lot size for dual occupancies**

This clause imposes a minimum subdivision lot size for dual occupancies. Currently the clause is only adopted within the *KLEP 2012*. This Planning Proposal seeks to apply this clause to the whole LGA in the *GRLEP 2020*, specifically within the R2, R3 and R4 zones. The proposed development standards include:

Table 4: Proposed Dual Occupancy Provisions

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	Area	Minimum Area
Minimum subdivision lot size	Within the FSPA	430sqm
	All other areas	300sqm

- **Clause 4.1B – Minimum lot sizes and special provisions for certain dwellings**

This clause imposes minimum lot sizes and lot widths for a range of development types. Currently the clause is only adopted for minimum lot sizes within the *KLEP 2012*. This Planning Proposal seeks to include minimum lot sizes and lot widths for the entire LGA.

The Planning Proposal seeks to adopt the existing lot width controls within the *Interim DCP* in the LEP to ensure that local character is maintained and achieved in future developments whilst also giving the lot width requirement at the front building line greater legal weight and discourage variations. As outlined in the wording of this clause at **Appendix 1**, there are a number of exclusions and additional provisions which are applicable, including additional requirements for properties within the FSPA.

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Table 5: Proposed Clause 4.1B Provisions for Properties outside the FSPA

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Dwelling Type	Zone	Min Lot Size	Min Lot Width
Attached dwellings	R3 Zone	800 sqm	21m
	R4 Zone		
Dual occupancies	R2 Zone	650 sqm	Dual occupancies (attached) – 15m
	R3 Zone		Dual occupancies (detached front and back) – 18m
	R4 Zone		Dual occupancies (detached side by side) – 22m
Multi dwelling housing	R3 Zone	800 sqm	18m
	R4 Zone		

- **Clause 4.2 – Rural subdivision**

This Planning Proposal does not propose to adopt this clause, which is consistent with the existing LEPs.

- **Clause 4.3 – Height of buildings**

This clause allows Council to identify building heights for the Georges River LGA on a Height of Buildings Map in the LEP.

Currently the *HLEP 2012* and *KLEP 2012* contain different objectives for this clause. This Planning Proposal seeks to include a consolidated and consistent set of clause objectives in the *GRLEP 2020* as follows:

- a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
- b) to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas,
- c) to ensure that developments provide appropriate height transition to adjoining land use zones,
- d) to ensure that developments provide appropriate height transition to items and areas of heritage significance.

This Planning Proposal does not seek to amend the height provisions for residential development. It is proposed to incorporate the existing heights, which range from 9m to 33m, into the *GRLEP 2020*. It is proposed to rezone all existing R3 zoned land with heights of 12m or greater to the R4 zone but retain their existing height limit.

Under this Planning Proposal, one site in the LGA, located at 821 Forest Road, Peakhurst will be zoned RE2. This site currently does not have a height limit under the *HLEP 2012* but it is proposed to allocate a 12m height limit to this site to ensure development on this site is compatible with the surrounding area.

It is also proposed to amend the height controls of the IN2 zone to 12m except for the Kingsgrove Industrial Precinct and part of Peakhurst Industrial Precinct where the height control will be increased to 16m. The increase in heights enables industrial lots to achieve an FSR of 1:1 and provide flexibility in built form for different land uses. Further justification for this amendment can be found in **Appendix 3**.

The increase to 16m is appropriate at Kingsgrove as it has a limited interface with residential zones. Whilst the Peakhurst Industrial Precinct does have a residential interface, this Planning Proposal seeks to apply the lower height control of 12m to the perimeter of the Precinct.

No changes are proposed to the existing height of business zoned land.

- **Clause 4.3A – Exceptions to height of buildings**

This clause outlines exceptions to the height of buildings provision, including:

- R3 and R4 zones – the maximum height for dual occupancies is 9m.
- Multi-dwelling housing – the maximum height is 5m for any dwelling that is adjacent to a rear boundary. This control is proposed to complement the objectives of this clause in ensuring appropriate transition is provided between

medium and low density residential zones, including mitigating any overshadowing and privacy impacts on adjoining properties.

- **Clause 4.4 – Floor space ratio**

This clause allows Council to identify floor space ratios for certain zones or development types within the Georges River LGA on the Floor Space Ratio Map in the LEP.

Currently the *HLEP 2012* and *KLEP 2012* contain different objectives for this clause. This Planning Proposal seeks to include a consolidated and consistent set of clause objectives in the *GRLEP 2020* as follows:

- a) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the local area,
- b) to ensure that developments provide appropriate built form transition to adjoining land use zones,
- c) to ensure that developments provide appropriate built form transition to items and areas of heritage significance,
- d) to control development density and intensity of land use, taking into account:
 - i) the environmental constraints and values of the site, including retaining the scenic, visual, and landscape qualities of the area, and
 - ii) the amenity of adjoining land and the public domain, and
 - iii) the availability of infrastructure to service the site, and
 - iv) the capacity of the road network to accommodate the vehicular and pedestrian traffic the development will generate.

This Planning Proposal seek to amend the height provisions for residential development as discussed below in Clause 4.4A (Exceptions to floor space ratio for certain dwellings).

An FSR control will also be introduced to the one RE2 site proposed under the *GRLEP 2020* at 821 Forest Road, Peakhurst. This site currently does not have a FSR under the *HLEP 2012* but it is proposed to allocate a 1:1 FSR to this site to ensure development on this site is compatible with the surrounding area.

No changes are proposed to the existing FSR of IN2 zoned land and business zoned land.

- **Clause 4.4A – Exceptions to floor space ratio for certain dwellings**

This clause will replace the existing “Clause 4.4A – Exceptions to floor space ratio for residential accommodation in Zone R2” in the *KLEP 2012*.

Despite Clause 4.4, this clause outlines a number of exceptions to floor space ratios for certain dwellings. The floor space ratio will be determined based on the location of the dwelling and the size of allotment. The exceptions will also retain the small lot

housing provisions, as currently adopted by the *KLEP 2012*, to ensure the streetscape and character of these areas are preserved.

The proposed FSRs to be included in the *GRLEP 2020* are shown in **Table 6**.

Table 6: Proposed FSR provisions

Zone/Development Type	Proposed FSR
Dwelling houses (lots ≤650sqm)	0.55:1 (no change)
Dwelling houses (lots >650sqm)	Adopt Hurstville LEP's sliding scale provision with amendment to reflect new 650sqm dual occupancy minimum lot size
Dual Occupancy (lots 650sqm to ≤1,000sqm)	0.6:1
Dual Occupancy (lots >1,000sqm to 1,500sqm)	GFA sliding scale formula = (Site area - 1,000) × 0.3 + 600
Dual Occupancy (lots >1,500sqm to 2,000sqm)	GFA sliding scale formula = (Site area - 1,500) × 0.2 + 750
Dual Occupancy (lots >2,000sqm)	GFA sliding scale formula = (Site area - 2,000) × 0.1 + 850
R3 Zone	0.7:1
R4 Zone	No change

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- **Clause 4.4B – Non-residential floor space ratios**

This clause will replace the existing “Clause 4.4A Non-residential floor space ratios”, in the *HLEP 2012*. It is proposed to be applied to all business zones that permit residential development.

The objective of this new clause is to encourage an appropriate mix of residential and non-residential uses in order to ensure a suitable level of non-residential floor space is provided to promote employment.

A minimum non-residential FSR requirement is proposed in accordance with the centres hierarchy developed in Part 1 of the *Commercial Centres Strategy*, rather than the zoning of the centre. The proposed centres hierarchy is based on the existing provision of retail floor space within each centre. Further justification for the inclusion of this control can be found in **Appendix 3**.

- **Clause 4.5 – Calculation of floor space ratio and site area**

This clause will be as per the *SILEP*. The clause sets out additional provisions for the purposes of applying floor space ratios to development sites.

- **Clause 4.6 – Exceptions to development standards**

This clause will be as per the *SILEP*. The clause allows for development consent to be granted even though the development would contravene a development standard imposed by this or any other environmental planning instrument.

In this case, the term “development standards” is defined by the *EP&A Act* as follows:

development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:

- (a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,
- (b) the proportion or percentage of the area of a site which a building or work may occupy,
- (c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,
- (d) the cubic content or floor space of a building,
- (e) the intensity or density of the use of any land, building or work,
- (f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,
- (g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,
- (h) the volume, nature and type of traffic generated by the development,
- (i) road patterns,
- (j) drainage,
- (k) the carrying out of earthworks,
- (l) the effects of development on patterns of wind, sunlight, daylight or shadows,
- (m) the provision of services, facilities and amenities demanded by development,
- (n) the emission of pollution and means for its prevention or control or mitigation, and
- (o) such other matters as may be prescribed.

With consideration of the above, a number of local provisions are proposed to be excluded from the application of Clause 4.6 due to the similarity in their application to *Clause 5.4 Controls relating to miscellaneous permissible uses*, which cannot be varied through Clause 4.6 as mandated by the *SILEP*. It is proposed that the following provisions be excluded from the application of this clause:

- Clause 6.14 – Development for the purposes of dual key dwellings in Zones R2 and R3
- Clause 6.16 – Take away food and drink premises and restaurants or café in Zone IN2

It is proposed that the development standards within these provisions be prevented from being varied under Clause 4.6 to ensure appropriate development outcomes in residential and industrial areas.

An explanation of these provisions is provided below in Part 6 – Additional Local Provisions of this Planning Proposal.

Part 5 – Miscellaneous provisions

Part 5 of the *SILEP* provides a series of miscellaneous provisions, of which some are compulsory and some are optional.

This Planning Proposal seeks to retain the miscellaneous provisions identified in the existing LEPs with the exception of the following optional *SILEP* clauses which do not currently add any value to the merit-based development assessment process:

- **Clause 5.3 Development near zone boundaries**

Clause 5.3 currently only applies to the SP2 Infrastructure zone in both existing LEPs and enables land uses which are permissible within an adjoining zone to be permissible within a SP2 zone. The permissibility of non-infrastructure land uses in the SP2 zone may compromise the provision of infrastructure to service the community.

Accordingly, the retention of this clause within the *GRLEP 2020* is considered to be inconsistent with the intent of the LSPS which seeks to deliver infrastructure, services and facilities.

- **Clause 5.6 Architectural roof features**

Clause 5.6 is in both existing LEPs to permit roof features that exceed the maximum building height if they display architectural design excellence.

This clause is proposed to be removed in the *GRLEP 2020* as architectural design excellence considerations in general will be subject to the provisions of a new design excellence local provision. The proposed local provision provides a more comprehensive assessment of the merits of a development, including those that seek to exceed the maximum building height. Further detail regarding the proposed design excellence local provision is provided below in Part 6 – Additional Local Provisions of this Planning Proposal.

An explanation of proposed clauses to be included in Part 5 of the *GRLEP 2020* is provided below.

- **Clause 5.1 Relevant acquisition authority**

This clause will be as per the *SILEP*.

The *HLEP 2012* and *KLEP 2012* include land acquisitions for RE1 Local open space, RE1 Regional open space and SP2 Classified road. These land acquisitions have been translated into the *GRLEP 2020* with the exception of sites that have already been acquired by the relevant authority. These have been removed from the Land Reservation Acquisition Map in the LEP.

This Planning Proposal also seeks to include ~~three~~ new land acquisitions by Council for local road widening and the provision of open space as follows:

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Local Road Widening

- A 3m wide local road widening along Roberts Lane, Hurstville, to enable two-way vehicle access, access for service vehicles such as delivery and waste collection trucks, and the provision of a continuous pedestrian footpath with street planting on Roberts Lane to support the future redevelopment of the Landmark Square Precinct, an area subject to a separate planning proposal for increased densities at the eastern bookend of the Hurstville City Centre.

Land reservation acquisition is only applied to 53 Forest Road, 9 Roberts Lane and 108 Durham Street, and excludes the portion located at 61-65 Forest Road as this portion is proposed to be dedicated to Council as part of the Voluntary Planning Agreement associated with the Landmark Square Precinct Planning Proposal (refer to **Figure 12** below).



Figure 12: Local road widening along Roberts Lane

Local Open Space

In response to the LSPS vision to deliver additional open space across the LGA, especially in areas of housing growth, this Planning Proposal includes ~~two~~ new areas for RE1 Local open space acquisition by Council.

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1. ~~26 – 30 Culwulla Street, South Hurstville~~ (refer to **Figure 13** below) which is situated in Housing Investigation Area No. 4. Acquisition of the proposed properties will enable creation of a larger park in an area identified for housing growth and enable through site access between Culwulla Street and Joffre Street.

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The proposed land acquisitions are in addition to the existing acquisitions at No. 25 and 29 Joffre Street which are identified on the Land Reservation Acquisition Map under the KLEP 2012 (refer **Figure 14** below). No. 27 Joffre Street has already been acquired by Council.

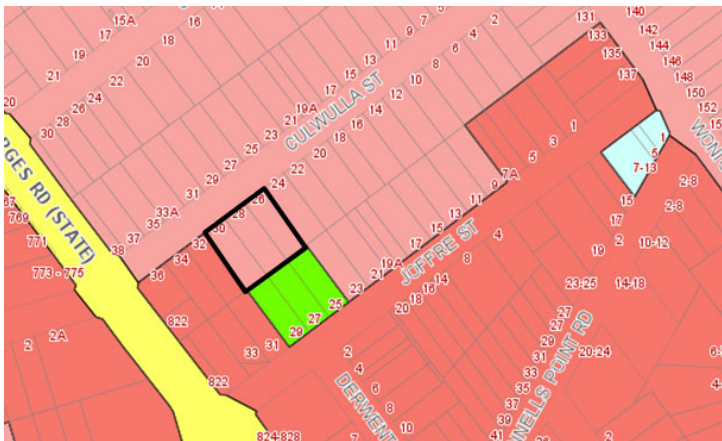


Figure 13: Location of 26-30 Culwulla Street, South Hurstville

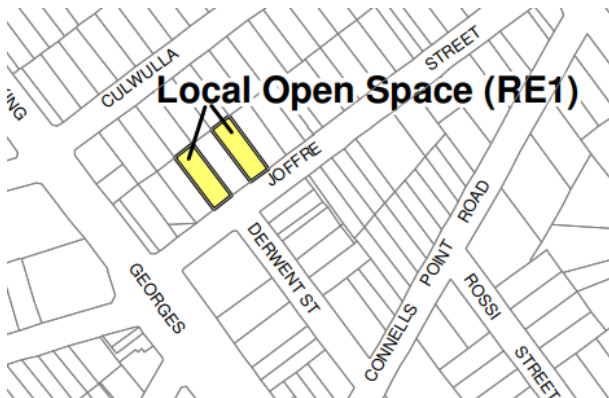


Figure 14: Extract of the existing Land Reservation Acquisition Map identifying No. 25 and 29 Joffre Street (KLEP 2012)

2. **7 Hedley Street, Riverwood and 13-15 Keith Street, Peakhurst** (refer to **Figure 15** below) which are located at the north eastern end of Peakhurst Park. Acquisition of the proposed properties will enable expansion of the park in an area identified for housing growth (Housing Investigation Area No. 3) and facilitate improved access to the park.

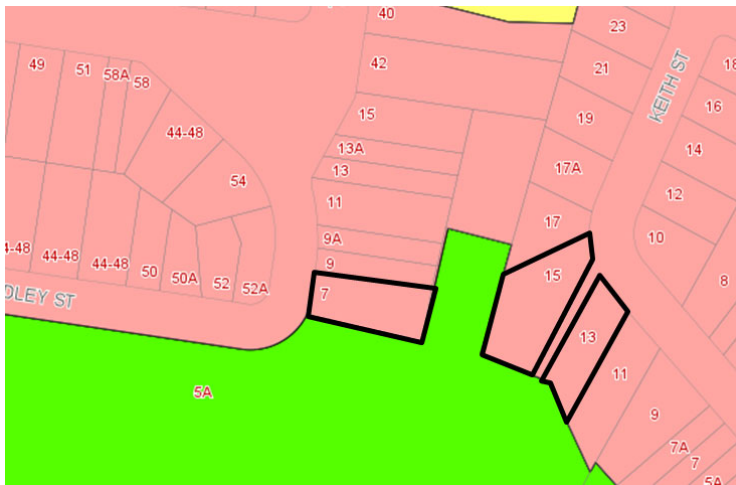


Figure 15: Location of 7 Hedley Street, Riverwood and 13-15 Keith Street, Peakhurst

The funding sources for the current acquisitions as specified by the existing LEPs and additional acquisitions proposed by the *GRLEP 2020* will be considered as part of the preparation of the Georges River Development Contributions Plan. The new development contributions plan is currently being prepared in parallel with the *LSPS 2040* and *GRLEP 2020* and is anticipated to be finalised in 2020.

Post-Exhibition Amendment

In response to the submissions received during public exhibition, the proposed open space acquisition located at 11-21 Monaro Avenue, Kingsgrove (refer **Figure 16** below) has been removed from this amended Planning Proposal. In recognition of the existing need for additional open space in the northern portion of the LGA, Council will continue to pursue and investigate all opportunities to provide such open space, including the provision of additional land in the vicinity of Peter Low Reserve as part of the draft LEP 2021/2022.

Accordingly, the subject properties at 11-21 Monaro Avenue, Kingsgrove have had their R2 Low Density Residential zone reinstated in this amended Planning Proposal, along with the relevant development standards including minimum lot size, minimum dual occupancy lot size, maximum building height and maximum FSR controls applicable to the R2 zone.

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<#>11 – 21 Monaro Avenue, Kingsgrove (refer to **Figure 15** below) which comprises half of the eastern street block surrounding Peter Lowe Reserve. Acquisition of the proposed properties will enable the expansion of the existing reserve and facilitate improved access to the park, safety and public surveillance.¶

¶

These properties have been identified as the most appropriate for acquisition due to their location being at the end of McGregor Street. McGregor Street offers on-street car parking which makes it a suitable entrance to the Reserve. The acquisition of these properties will also provide direct visual sight lines to the largest portion of the park to ensure a sufficient level of public surveillance into the Reserve.¶

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Figure 15: Location of 11-21 Monaro Avenue, Kingsgrove¶

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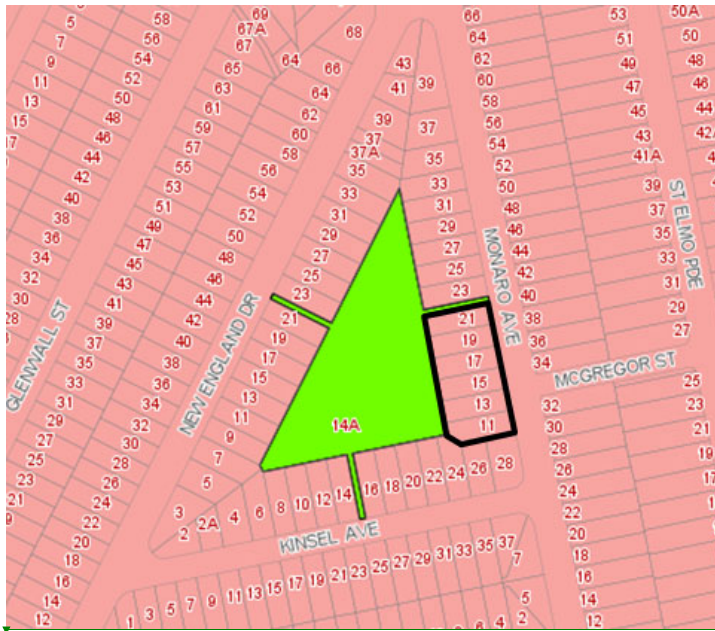


Figure 16: Location of 11-21 Monaro Avenue, Kingsgrove

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- **Clause 5.2 Classification and reclassification of public land**

This clause will be as per the *SILEP*. The clause enables Council to classify or reclassify public land as operational land or community land in accordance with the *Local Government Act 1993*. The land to be reclassified or classified is described in Schedule 4 of the LEP.

This Planning Proposal does not seek to classify or reclassify any public land. Accordingly, Schedule 4 of the *GRLEP 2020* will not be populated but may be used during the life of the LEP should changes to public land classification be adopted by Council.

- **Clause 5.4 Controls relating to miscellaneous permissible uses**

This clause is prescribed by the *SILEP* and enables Council to insert numerical standards for certain types of development to reflect the unique characteristics of the LGA.

Existing controls are retained where they are consistent in both the *HLEP 2012* and *KLEP 2012*.

The controls prescribed for the following miscellaneous permissible uses under the existing LEPs are inconsistent and require harmonisation under the *GRLEP 2020*.

- Industrial retail outlets
- Kiosks

- Neighbourhood shops
- Secondary dwellings
- Artisan food and drink industry exclusion

The more generous of the two existing controls for industrial retail outlets, kiosks, neighbourhood shops, and artisan food and drink industries has been adopted to support employment generating land uses.

However, a maximum 10% of total floor area as specified by the *HLEP 2012* is retained in the *GRLEP 2020* for secondary dwellings. This is intended to achieve consistency with the requirement specified by the *State Environmental Planning Policy (Affordable Rental Housing) 2009* by ensuring that the total floor area of the secondary dwelling does not exceed 60sqm.

This Planning Proposal seeks to adopt the following development standards for miscellaneous permissible use controls in the *GRLEP 2020* as tabulated below:

Table 7: Miscellaneous Permissible Uses

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Land Use	Development Standard
Bed and breakfast accommodation	No more than 3 bedrooms.
Home businesses	Maximum 30 square metres of floor area.
Home industries	Maximum 30 square metres of floor area.
Industrial retail outlets	The retail floor area must not exceed: (a) 20% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or (b) 400 square metres, whichever is the lesser.
Farm stay accommodation	No more than 3 bedrooms.
Kiosks	The gross floor area must not exceed 15 square metres.
Neighbourhood shops	The retail floor area must not exceed 100 square metres.
Neighbourhood supermarkets	The gross floor area must not exceed 100 square metres.
Roadside stalls	The gross floor area must not exceed 8 square metres.
Secondary dwellings	The total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater: (a) 60 square metres, (b) 10% of the total floor area of the principal dwelling.
Artisan food and drink industry exclusion	In an industrial or rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed:

Land Use	Development Standard
	(a) 20% of the gross floor area of the industry, or (b) 400 square metres, whichever is the lesser.

- **Clause 5.7 - Development below mean high water mark**

This clause will be as per the *SILEP*.

- **Clause 5.8 - Conversion of fire alarms**

This clause will be as per the *SILEP*. The clause specifies when consent is required for the conversion of fire alarm systems, and which development is complying development.

- **Clause 5.10 Heritage conservation**

This clause is compulsory and will be as per the *SILEP*. The objective of the clause is to conserve the environmental heritage of the LGA, including individual items, conservation areas, archaeological sites, Aboriginal objects and Aboriginal places of heritage significance. The clause is consistent across the existing LEPs. Heritage items and conservation areas will be listed and described in Schedule 5 of the *GRLEP 2020* and shown on the Heritage Map. Further details on the proposed changes to the heritage items listed are outlined below in the explanation of Schedule 5.

- **Clause 5.11 Bushfire hazard reduction**

This clause is compulsory and will be as per the *SILEP*. The clause makes it clear that bush fire hazard reduction work which is authorised by the *Rural Fires Act 1997* can be carried out without consent.

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- **Clause 5.12 Infrastructure development and use of existing buildings of the Crown**

This clause is compulsory and will be as per the *SILEP*. The clause specifies that nothing in the Plan in any way restricts or prohibits permitted or exempt development undertaken by or on behalf of a public authority under *State Environmental Planning Policy (Infrastructure) 2007*.

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- **Clause 5.19 Pond-based, tank-based and oyster aquaculture**

This clause is compulsory and will be as per the *SILEP* and is required following the repeal of *State Environmental Planning Policy No 62—Sustainable Aquaculture*. The clause seeks to encourage sustainable oyster, pond-based and tank-based aquaculture in the State. Location and operational requirements for permissible pond-based and tank-based aquaculture development are set out in Schedule 6 of the LEP.

Part 6 – Local Provisions

Part 6 of the *SILEP* provides the opportunity for additional specialised provisions to be inserted to address local issues.

This Planning Proposal seeks to include a range of local provisions in the *GRLEP 2020* based on the Overarching Principles as outlined above in this report.

In preparing the proposed local provisions, a number of clauses are able to be harmonised through the utilisation of model local provisions released by the DPIE where applicable and the retention of local provisions in the existing LEPs. At the same time, this Planning Proposal proposes significant amendments to some existing local provisions and proposes a number of new specialised provisions to give effect to the South District Plan and to meet the LSPS vision for the LGA.

The following clauses contained in the *HLEP 2012* or *KLEP 2012* will not be adopted within the *GRLEP 2020*:

- Clause 6.5 Gross floor area of dwellings in residential zones (*HLEP 2012*) as this clause has been replaced by Clause 4.4A (Exceptions to floor space ratio for certain dwellings).
- Clause 6.6 Active street frontages (*HLEP 2012*) as the intent of this clause is now achieved by the expansion of the minimum non-residential FSR and the proposed Clause 6.14 (Development in certain business zones).
- Clause 6.8 Seniors housing – self-contained dwellings in Zone R2 (*KLEP 2012*) as the intent and application of this clause has now been expanded and replaced by Clause 6.14 (Dual key dwellings in Zones R2 and R3) which seeks to encourage self-contained dual key dwellings of up to 75sqm within the principal dwelling to increase housing supply and diversity.
- Clause 6.9 Development in Zone B6 (*KLEP 2012*) as the intent of this clause is now incorporated within the proposed Clause 6.15 (Development in certain business zones).

All proposed local provisions have been prepared with the understanding that Clause 4.6 may be utilised to excuse non-compliance with a development standard, including those specified in Part 6 of the LEP. In this case, the term “development standards” is defined by the *EP&A Act* as provided above.

As discussed above, the following local provisions are proposed to be excluded from the application of Clause 4.6 due to the similarity in their application to *Clause 5.4 Controls relating to miscellaneous permissible uses*, which cannot be varied through Clause 4.6 as mandated by the *SILEP*, and to ensure appropriate development outcomes in residential and industrial areas:

- Clause 6.14 – Development for the purposes of dual key dwellings in Zones R2 and R3
- Clause 6.16 – Take away food and drink premises and restaurants or café in Zone IN2

All proposed local provisions, along with their justification, are provided in **Appendix 4**. An overview of proposed clauses to be included in Part 6 of the *GRLEP 2020* is provided below.

- **Clause 6.1 Acid sulfate soils**

This clause seeks to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The proposed clause is based on the model local clause provided by the DPIE and is generally consistent across the existing LEPs except that the *KLEP 2012* adopts a smaller distance (100m rather than the standard 500m) for works on Class 5 Land. This Planning Proposal seeks to adopt the 500m distance control for Class 5 land works in the *GRLEP 2020*, as specified in the model clause to provide a consistent approach across the whole LGA.

- **Clause 6.2 Earthworks**

This clause seeks to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses and amenity, cultural or heritage items or features of the surrounding land. It also allows earthworks of a minor nature without requiring separate development consent.

This clause currently only applies to the former Kogarah LGA under the *KLEP 2012* but it is proposed to extend its application to the entire Georges River LGA, to ensure consistency in the assessment of earthworks and the impact of works on the integrity of adjoining properties.

This local provision will mean that any development application will need to consider the impact of proposed excavation on matters, such as soil stability, soil erosion, the amenity and structural integrity of adjoining properties, and the health and vitality of existing trees. Developments will also need to be designed to complement the slope of the land to minimise the need for cut and fill and their potential height and bulk.

- **Clause 6.3 Flood planning**

This clause seeks to minimise the flood risk to life and property associated with the use of land, whilst allowing development that is compatible with the flood hazard, taking into account projected changes as a result of climate change to avoid significant adverse impacts on flood behaviour and the environment.

The clause is currently only adopted in the *KLEP 2012* which identifies “flood planning areas” on the Flood Planning Map. This Planning Proposal seeks to expand the application of this clause to the whole LGA to ensure that all developments incorporate appropriate measures to manage flood hazards consistently across the LGA. The proposed clause retains the existing flood planning area mapping under the *KLEP 2012* and no additional flood planning areas are proposed to be added.

The proposed Flood Planning Map is provided in **Appendix 7**.

- **Clause 6.4 Stormwater management**

This clause is not present in either *HLEP 2012* or *KLEP 2012*. This Planning Proposal seeks to introduce a clause relating to stormwater management, applicable to all land in the LGA, to ensure the impacts of urban stormwater runoff is minimised to protect and improve the environmental health of the LGA's waterways, namely the Georges River and Salt Pan Creek.

If a development is proposed on land to which this clause applies, consideration must be given to the impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and the downstream stormwater system and incorporate design measures to maximise on-site infiltration of water and on-site stormwater detention or retention to reduce the development's reliance on mains supplied water if practicable.

- **Clause 6.5 Foreshore area and coastal hazards and risks**

This clause seeks to control development within the foreshore area to protect people and property from coastal hazards like sea level rise, and ensure development will not impact on natural foreshore processes.

This Planning Proposal seeks to amalgamate the existing local provisions that relate to development in the foreshore area, riparian lands and waterways as listed below:

- Clause 6.3 Limited development on foreshore area (*HLEP 2012*)
- Clause 6.3 Limited development on foreshore area (*KLEP 2012*)

The objective of this clause is to regulate development for the purpose of minimising conflicts with natural foreshore processes and the foreshore environment. The inclusion of the coastal hazard area based on the findings of the *Georges River Tidal Inundation Study 2018* will ensure that there is a focus on addressing coastal hazards and risk through the development assessment process as the local provisions of the existing LEPs do not provide a clear link to policy on coastal hazard and risks.

This clause applies to the following areas:

- Foreshore areas – shown as the pink area between the foreshore building line and the mean high water mark on the Foreshore Building Line Map (consolidation of existing maps); and
- Areas affected by future sea level rise – shown as year 2050 and year 2100 extents on the Coastal Hazard and Risk Line Map.

The proposed maps are provided in **Appendix 7**.

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If a proposed development falls within land to which this clause applies, consideration must be given towards the impacts of sea level rise and tidal inundation as a result of climate change and other coastal hazards.

- **Clause 6.6 Riparian land and waterways**

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This clause seeks to protect and maintain the water quality and ecological habitats of the LGA's significant waterways of the Georges River and Salt Pan Creek.

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The clause is translated from the existing Clause 6.2 Riparian land and watercourses under the *HLEP 2012*, which identifies "sensitive lands" on the Riparian Land and Watercourses Map. This Planning Proposal seeks to expand the application of this clause to the whole LGA to ensure that all developments along the riverfront give considerations to the environmental impacts on the river.

This clause applies "sensitive lands" along the water's edge across the whole LGA – shown as a 40m buffer zone from the mean high water mark on the Riparian Lands and Waterways Map.

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The proposed map is provided in **Appendix 7**.

If a proposed development falls within land to which this clause applies, the development must be designed and sited to manage any significant adverse environmental impacts on the adjoining waterways and consideration must be given to the impacts on the water quality of the Georges River and/or Salt Pan Creek.

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In response to the submission received from the NSW Environment, Energy and Science (EES) during public exhibition, the subject of this clause has been amended from "watercourses" to "waterways" to allow for the inclusion of other waterbodies such as creeks and natural wetlands. Additional considerations of local riparian vegetation and Aboriginal cultural heritage values have also been inserted into the clause.

- **Clause 6.7 Foreshore scenic protection area**

This clause seeks to control development within the foreshore area 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.

Whilst this is an existing clause under the *HLEP 2012*, additional considerations regarding the protection and maintenance of the landscaped character within the foreshore scenic protection area ("FSPA") are proposed to be included in the *GRLEP 2020*.

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This Planning Proposal also seeks to extend the existing FSPA under the *HLEP 2012* to the whole LGA to include the former Kogarah LGA in accordance with the principle of achieving equity across the LGA to consistently regulate built form outcomes, reduce impacts of development and reinforce the dominance of vegetation and landscape over hard surfaces in the foreshore localities.

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The proposed extent of the FSPA in the former Kogarah LGA has primarily been informed by the location of the foreshore localities identified within the existing Kogarah DCP and supplemented by the character typologies with higher sensitivities to change as identified by the *Foreshore Strategic Directions Paper*. This is due to the correlation between the existing larger lot size requirements in the foreshore localities and the FSPA.

It should also be noted that whilst the character area of “Jetty’s and Marina Edge” is identified as having lower sensitivity to change in the Paper, these areas are included in the proposed FSPA for the purpose of consistently applying the FSPA to all waterfront localities across the Georges River foreshore, in accordance with the principle of achieving equity through harmonisation.

The exhibited Planning Proposal sought to reduce the extent of the existing FSPA in the former Hurstville LGA in accordance with the principles of equity and consistency. The extent of this FSPA was based on the character typologies with higher sensitivities to change as identified by the *Foreshore Strategic Directions Paper* as discussed above.

During the public exhibition of the draft *GRLEP 2020*, Council received over 400 submissions objecting to the removal of properties within the existing FSPA under the *HLEP 2012* due to the loss of vegetation and biodiversity associated with overdevelopment as a result of the increased dual occupancy development potential.

In response, the Georges River Local Planning Panel (“LPP”), as the planning proposal authority, at its meeting dated 25 and 26 June 2020 resolved to amend the proposed FSPA to retain the existing extent of the FSPA identified by the *HLEP 2012*. These areas are included in addition to the exhibited extent of the FSPA in this amended Planning Proposal. The exhibited extent of the FSPA and the areas that have been added to the proposed FSPA in response to the submissions received are shown in **Figure 17** below.

The purpose of retaining the existing *HLEP 2012* extent of the FSPA within *GRLEP 2020* is to allow Council to further define the role, mapped extent and zoning of the FSPA consistently across the LGA as part of the preparation of the draft LEP 2021/2022. The LPP recommends that the future investigation has regard to those properties and ridge lines visible to and from the Georges River and its tributaries, and associated environmental protection applying to those areas in order to better reflect the objectives of the subject clause, which may include the consideration of additional environmental protection zones or modifications to the amended FSPA.

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The extent of the existing FSPA in the former Hurstville LGA has been reduced in accordance with the principles of equity and consistency. The extent of the proposed FSPA is based on the character typologies, covering areas with higher sensitivities to change, as identified by the *Foreshore Strategic Directions Paper* as discussed above.¶

¶

However, it should be noted that whilst the character area of “Garden Suburban (Large Lots)” is identified as having higher sensitivity to change by the Paper, this area has been excluded from the proposed FSPA as most of the residential properties located in this character area are not included within the existing FSPA under the *HLEP 2012*.¶

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The inclusion of these properties within the FSPA would impose more stringent development controls such as an increased lot size for dual occupancy developments, thereby significantly reducing the development potential of this area which will reduce the LGA’s capacity to meet the projected housing targets.¶

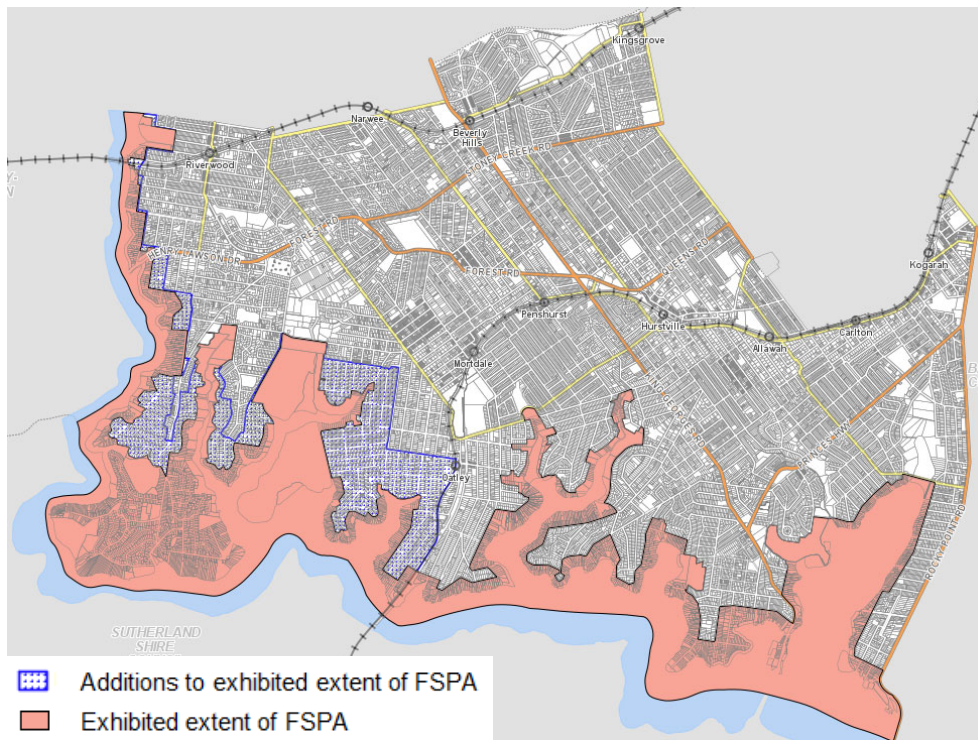


Figure 17: Additions to the exhibited FSPA extent

The amended extent of the FSPA is shown on the Foreshore Scenic Protection Area Map as provided in **Appendix 7**.

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Under this clause, developments within the proposed FSPA will have to respond to the existing environmental, social and character values of the foreshore by ensuring development is compatible with the desired future neighbourhood character and minimise potential impacts on views to and from the Georges River, foreshore reserves, residential areas and public places.

Furthermore, in response to the submission received from the EES during public exhibition, the proposed development considerations in this clause have been amended to avoid and minimise disturbances on flora and fauna and enhance native vegetation and habitat.

- **Clause 6.8 Airspace operations**

This clause seeks to ensure that development does not interfere with aircraft operations and the community is protected from undue risk from airport operations. The *HLEP 2012* and *KLEP 2012* contain an airspace operations provision but it is proposed to adopt the model local clause provided by the DPIE for the *GRLEP 2020* to ensure the clause reflects the requirements and objectives of Air Services Australia and a consistent approach is adopted for the LGA.

This Planning Proposal does not seek to change the intent or operation of the clause as it currently applies to land identified on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Systems Operations Surface for all airports.

- **Clause 6.9 Development in areas subject to aircraft noise**

This clause seeks to ensure that development does not interfere with aircraft operations and that noise sensitive development is prevented from being located near Sydney Kingsford Smith Airport and its flight paths.

It is intended that this clause will be based on the model local clause provided by DPIE which is similar to the clause adopted in the *KLEP 2012*. This Planning Proposal does not seek to change the intent or operation of the clause as it currently applies to land near Sydney Kingsford Smith Airport or land identified within the ANEF contour.

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- **Clause 6.10 Essential services**

This clause requires that development consent must not be granted to development unless the consent authority is satisfied that services essential for the proposed development are available or that adequate arrangements have been made to make them available when required. This Planning Proposal seeks to include a similar clause in the *GRLEP 2020* to the one currently in the *HLEP 2012*. It does not seek to change the intent or operation of the clause.

- **Clause 6.11 Design excellence**

In response to the LSPS vision for well-designed development, this clause has been introduced to deliver a high standard of architecture and urban design across the LGA. It applies to new developments and substantial redevelopments of 12m or taller in the business, industrial and high density residential zones, as well as developments in the FSPA such as dwelling houses, dual occupancies, bed and breakfast accommodation, health services facilities and marinas.

No design competition is required by this clause. Instead, the consent authority must ensure that the subject development satisfies the heads of consideration listed in this clause, which include the suitability of the land for development, the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, bulk, massing and modulation of buildings.

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In response to the submission received from the NSW Environment Protection Authority (EPA) during public exhibition, the provision relating to the consideration of waste management facilities has been strengthened to encourage the management and minimisation of waste as per the EPA's recommended wording.

It should be noted that the original requirement of a peer-review process has been removed in accordance with the outcomes of the LPP meeting dated 25 and 26 June 2020.

- **Clause 6.12 Environmental sustainability in certain business, industrial and residential zones**

The objective of this clause is to ensure that all development involving the erection of a new building, the substantial redevelopment or the substantial refurbishment of an existing building or the conversion of an existing building that is 1,500sqm or greater in gross floor area located on land in the business, industrial and high density residential zones embrace the best practice principles of environmentally sustainable development.

The clause requires a statement of verification to be submitted with the development application by an Australian Building Sustainability Association accredited assessor demonstrating that the development satisfies environmentally sustainable principles such as water efficiency, reducing the urban heat island effect and reducing energy demands.

- **Clause 6.13 Landscaped areas in certain residential and environmental protection zones**

The natural environment is an asset highly valued by the Georges River community. To ensure development, especially in the private domain, is accompanied by an appropriate level of landscaping, this clause has been introduced to specify minimum landscaping requirements in the residential and E2 zones.

This clause seeks to ensure landscaping is a significant part of the local character by requiring the retention and provision of vegetation that contributes to biodiversity and enhances the tree canopy of the LGA, whilst minimising urban run-off, the visual impact of development and the urban heat island effect.

The proposed minimum landscaped area requirements are provided in **Table 8** below.

Table 8 – Proposed minimum landscaped area requirement

Development	Proposed requirement	Example
Dwelling house (non-FSPA)	20%	90sqm is required on a 450sqm site
Dwelling house (FSPA)	25%	175sqm is required on a 700sqm site
Dual occupancy (non-FSPA)	25%	81.25sqm per lot (or 162.5sqm total) is required on a 650sqm site.
Dual occupancy (FSPA)	30%	150sqm per lot (or 300sqm total) is required on a 1,000sqm site.
Medium density development (e.g. multi dwelling housing)	20%	160sqm is required on a 800sqm site

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Development	Proposed requirement	Example
R4 zones (excludes SEPP 65 development)	10%	100sqm is required on a 1,000sqm site
E2 zone (only one site in the LGA)	70%	16,520sqm is required on the 23,600sqm site

For the purposes of calculating landscaped area, the *Standard Instrument LEP* definition is to be applied, being a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

In response to concerns raised in community submissions during the public exhibition period, the minimum landscaped area requirement for dual occupancies has been increased from 20% to 25% in non-FSPA areas and 25% to 30% in the FSPA to ensure new developments are accompanied by new planting and vegetation. Refer to **Appendix 4** for feasibility modelling and testing.

- **Clause 6.14 Development for the purposes of dual key dwellings in Zones R2 and R3**

As a local response to facilitating the delivery of affordable rental housing in more locations across the LGA, this clause seeks to enable the development of an 'internal secondary dwelling' up to a maximum of 75sqm GFA that is wholly contained within the building envelope of an existing principal dwelling.

This clause has been developed in response to the findings of the *Evidence Base* for the *Local Housing Strategy* which identifies that the LGA needs to provide a greater diversity of dwellings to accommodate both the ageing population who are looking to downsize in their local area and the younger working age group who are looking for affordable accommodation.

To incentivise the conversion of under-utilised spaces within under occupied dwellings, such as an empty-nester's larger family home, a proposed 'internal secondary dwelling' may be up to 75sqm GFA. An example of a dual key dwelling development would be the conversion of a 'rumpus room' into a separate dwelling.

As dual key dwellings would be wholly contained with the existing building envelope, they would have no impact on the streetscape character of low and medium density neighbourhoods.

It should be noted that since secondary dwellings are a permissible land use within the proposed R2 Low Density Residential and R3 Medium Density Residential zones under the *GRLEP 2020*, an alternative term is required to identify this form of 'internal secondary dwelling' to ensure the two development typologies can be differentiated.

The term "dual key dwelling" is proposed, referencing the dual key apartment product where there is a self-contained studio accessed by a shared hallway inside the main

apartment. Alternative references such as “studios” were considered but not adopted due to the similarities between the term and “studio apartments”.

It is proposed that this provision be excluded from the application of Clause 4.6 Exceptions to development standards to ensure the density of the development is appropriate in low and medium density residential areas.

- **Clause 6.15 Development in certain business zones**

This clause is intended to replace the existing Active Street Frontage local provision in the *HLEP 2012* and be applied to all business zones across the LGA where shop top housing is permitted.

The aims of this clause are to promote uses that attract pedestrian traffic at street level and provide active, commercial uses at the street frontage as any development within the B1, B2, B4 and B6 Zones must not include a residential land use or tourist and visitor accommodation on the ground floor of a building that is facing a street.

This clause also implements the requirement for a minimum of 500sqm of non-residential floor space to be provided at the ground floor of developments in the B6 Enterprise Corridor zone to facilitate the development of large floor plates that are capable of accommodating a range of employment uses, including specialised retail premises and light industrial uses.

It should be noted that this clause is intended to complement the minimum non-residential FSR requirement in its application so that opportunities are maintained for business and retail development in commercial centres.

- **Clause 6.16 Take away food and drink premises and restaurants or café in Zone IN2**

This clause seeks to meet the needs of those who work within or visit the industrial precincts while ensuring that the town centres retain the focus for business and retail activity by limiting the size of food and drink retailing in the industrial zone.

It is proposed that a maximum of 20% of the GFA of the industrial activity located on the same land or 200sqm, whichever is the lesser, may be permitted for food and drink retailing in the IN2 zone.

It is proposed that this provision be excluded from the application of Clause 4.6 Exceptions to development standards to ensure industrial uses remain the core land use in the IN2 Light Industrial zone.

- **Clause 6.17 Creative Industries in Zone IN2**

This local provision is intended to encourage a diverse range of industries (including creative and innovative industries) that do not compete with commercial centres and do not compromise industrial and urban services within the IN2 Light Industrial zone.

The proposed provision will apply to two areas: the Penshurst Lane, Penshurst (refer to **Figure 18** below) and Halstead Street, South Hurstville (refer to **Figure 19** below) industrial precincts.

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Figure 18: Penshurst Lane, Penshurst industrial precinct

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Figure 19: Halstead Street, South Hurstville industrial precinct

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Council's *Industrial Land Review 2018* has identified that these areas are compromised by their location in terms of attracting industrial uses and investment. The types of industrial activities that can be located in these precincts are constrained due to the amenity impacts of traditional industrial land uses on the surrounding low density residential land.

This clause seeks to foster a diverse range of industries within the above precincts, including creative and innovative industries such as media, advertising, fine arts and craft, design, film and television, music, publishing, performing arts, cultural heritage institutions or other related purposes.

- **Clause 6.18 Location of sex services premises**

This clause seeks to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.

This Planning Proposal seeks to include this clause in the *GRLEP 2020* which is based on the current provision in the *HLEP 2012* and *KLEP 2012*. The proposed clause does not seek to change the intent or operation of the existing clause.

- **Clause 6.19 Tree protection and landscaping in Zones R2 and R3**

This is a new local provision which is currently not included within the *KLEP 2012* or *HLEP 2012*.

This clause has been developed in response to the key issues raised by the community during the public exhibition of the draft *GRLEP 2020*, concerning the loss of tree canopy and the gradual diminishment of natural characteristics as a result of recent development activities where tree removals have been approved to make way for larger dwelling houses, dual occupancies and/or secondary dwellings in the low density residential areas.

The intent of this clause is to ensure any development undertaken on land in the R2 Low Density Residential and the R3 Medium Density Residential zones maintains and enhances the landscaped character of the neighbourhood and contributes to the tree canopy of the LGA. This clause will also enable Council to enforce the removal of exotic tree species and require the provision of locally endemic species as replacements.

Further justification is provided in **Appendix 4**.

Schedule 1 Additional permitted uses

This Schedule identifies additional land uses that are permitted on a site that are not identified in the Land Use Table or other planning instruments, such as a State Environmental Planning Policy.

This Planning Proposal seeks to continue the range of additional permitted uses for identified sites and locations in the existing LEPs by consolidating the schedules of additional permitted uses under the *HLEP 2012* and *KLEP 2012*.

The Planning Proposal also proposes a number of key amendments to Schedule 1 as follows:

- In accordance with the *Georges River Local Environmental Plan Amendment (Miscellaneous) 2019* (Planning Proposal for the Low Rise Medium Density Housing Code), delete Items 17 and 18 (Use of certain land for multi dwelling housing) from Schedule 1 of *KLEP 2012* to prevent manor houses, multi dwelling housing (terraces), villas and townhouses from being built through a development application;
- In accordance with the legal advice received from Counsel, insert all sites in the R2 Low Density Residential zone where there is an existing place of public worship to

ensure its permissibility following the prohibition of places of public worship in the R2 Low Density Residential zone of the *GRLEP 2020*.

The following additional four allotments have been included in this revised Planning Proposal to permit a place of public worship in response to community submissions:

- 1142 Forest Road, Lugarno, being Lot 9, DP 13473 (Lugarno Anglican Church);
- 3A Old Forest Road, Lugarno, being Lot 18, DP 13473 (Lugarno Anglican Church);
- 3A Old Forest Road, Lugarno, being Lot 19, DP 13473 (Lugarno Anglican Church); and
- 20 River Road, Oatley, being Lot 2, Section 5, DP 2297 (Oatley Gospel Chapel);

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

- In accordance with the LSPS vision for Jubilee Stadium to be a regionally significant sporting and entertainment hub, insert 'entertainment facility' as an additional permitted use at Jubilee Stadium due to the prohibition of entertainment facilities across the RE1 Public Recreation zone;
- Insert 'registered clubs' as an additional permitted use in the RE1 Public Recreation zone where there is an existing registered club to ensure its continued permissibility following the prohibition of this land use in the RE1 Public Recreation zone of the *GRLEP 2020*. This is applicable to two clubs in the LGA:
 - Old Park Sports Club – 7 Holley Road, Beverly Hills
 - Beverley Park Golf Club – 87A Jubilee Avenue, Beverley Park; and
- Addition of *Item 13 Use of certain land for an office premise* as a post-exhibition amendment to ensure creative industries can be located within the industrial precincts at Penshurst Lane, Penshurst and Halstead Street, South Hurstville. Refer **Figures 18 and 19** above for the location of these precincts.

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Schedule 2 Exempt development

Schedule 2 allows Council to nominate additional exempt development to those specified in SEPPs, such as the *Codes SEPP*. This Planning Proposal seeks to delete the existing exempt development provisions and rely on the provisions of the *Codes SEPP*.

Schedule 3 Complying development

Similar to Schedule 2, Schedule 3 allows Council to nominate additional complying development to those specified in SEPPs, such as the *Codes SEPP*. No complying development is specified within the existing LEPs.

This Planning Proposal seeks to rely on the provisions of the *Codes SEPP* and does not introduce any new complying development.

Schedule 4 Classification and reclassification of public land

Schedule 4 provides a location for Council to capture information on the classification and reclassification of public land as either community or operational land in accordance with the *Local Government Act 1993*. This Schedule will appear blank for the *GRLEP 2020* but may be used during the life of the LEP should changes to public land classification be adopted by Council.

The details of land classification and reclassifications are recorded in Council's register of land under section 53(2) of the *Local Government Act*. As no new land classifications are proposed, Schedule 4 will not be populated.

Schedule 5 Environmental heritage

This Planning Proposal seeks to merge the Schedule 5 planning provisions under the existing LEPs to form Schedule 5 under the *GRLEP 2020*.

Under the *GRLEP 2020* it is proposed to delete the following 4 heritage items following review of the current *HLEP 2012* heritage items as part of the *Heritage Review*:

- 78 Bonds Road, Peakhurst as the existing fabric is almost all new and the item includes substantial additions.
- 127-137 Forest Road, Hurstville due to the adverse impact of recent redevelopment, the significance of the item has been impacted causing loss of the physical, spatial and aesthetic context of the original building.
- 237 Forest Road, Hurstville as the original building has either been demolished and re-built or heavily altered.
- 510 Forest Road, Penshurst (Penshurst Public School) as the original school building has been demolished and the site is being redeveloped by the NSW State Government.

Additionally, a number of heritage items are to have their description amended to reflect their significance in relation to their built form and setting in accordance with the recommendations of the *Heritage Review*. This amendment proposes the removal of the

façade only description of the heritage items under *HLEP 2012* by amending their descriptions to include the whole of the heritage building in *GRLEP 2020*.

Whilst the façade is a visually prominent feature of a heritage item, the proposed description intends to clarify the item's significance in a holistic manner by incorporating the fabric of the item including its façade, built form and setting. This amendment is incorporated with the intent of ensuring any future development is designed to sympathetically respond to the heritage character through appropriate design solutions, adaptive re-use and interpretation.

Furthermore, the *Heritage Review* also proposes a number of Item Name amendments to include the setting of the item within the description of heritage dwelling houses. This amendment is introduced in response to the direction of the *SILEP* which requires the provision of "a brief description of those things that are part of the heritage significance of the item". Accordingly, the Item Name is amended to include a description of all components on the site with heritage significance, for example, the garden, fences, paths and driveways that are located on the same lot as the heritage item, because the setting equally contributes to the heritage significance of the property.

It should be noted that this Planning Proposal does not seek to amend any of the heritage items currently located within the former Kogarah LGA which was subject to a heritage review in 2012.

Schedule 6 Pond-based and tank-based aquaculture

This Schedule provides further information on aquaculture activities, including site location and operational requirements. All items in this Schedule are compulsory in *SILEP* and must be included in the *GRLEP 2020*.

Dictionary

The Dictionary provides definitions for land uses and terms in the *SILEP*. The Dictionary cannot be amended and must be included in the *GRLEP 2020*.

Maps

This Planning Proposal seeks to combine mapping from the existing LEPs as relevant to the provisions adopted by the *GRLEP 2020* into a consolidated set of maps. The proposed *GRLEP 2020* maps are provided in **Appendix 7** as map sheets which have been prepared in accordance with the DPIE's Standard Technical Requirements for Spatial Datasets and Maps.

It should be noted that this amended Planning Proposal includes the rectification of seven (7) sets of mapping errors that have been identified by Council staff as result of a thorough review of the exhibited maps. Accordingly, these errors were reported to the LPP meeting dated 25 and 26 June 2020 where it was resolved that the following amendments are to be made to the exhibited maps.

1. 33 Dora Street, Hurstville (Height of Buildings Map)

The Height of Buildings Map in the *HLEP 2012* indicates a maximum permissible height of 30 metres for 33 Dora Street, Hurstville as shown in **Figure 20** below, while the exhibited height map for the draft *GRLEP 2020* indicated a maximum permissible height of 15 metres for the site as shown in **Figure 21** below.



Figure 20: Extract of the existing *HLEP 2012* Height of Buildings Map for 33 Dora Street, Hurstville

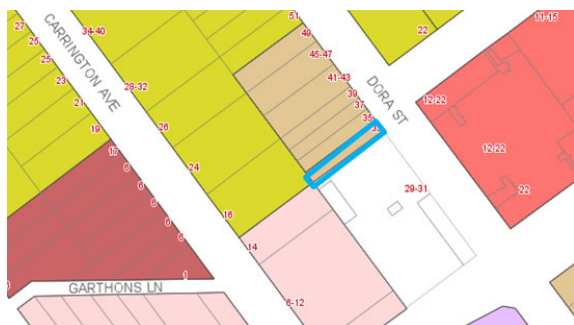


Figure 21: Extract of the exhibited draft *GRLEP 2020* Height of Buildings Map for 33 Dora Street, Hurstville

During the preparation of the maps for the exhibition of the draft *GRLEP 2020*, the Height of Buildings Map was amended for the subject site to rectify an existing anomaly as the adjoining sites at 35-49 Dora Street also have a maximum FSR of 3:1 but a height of 15 metres. However, this height change is inconsistent with Council's approach of retaining all existing development standards within the commercial centres. Accordingly, the existing 30 metre height under the *HLEP 2012* is reinstated as per **Figure 20**.

2. 360-362 Forest Road and 34 MacMahon Street, Hurstville (Floor Space Ratio Map)

The Floor Space Ratio Map in the *HLEP 2012* indicates a maximum permissible FSR of 6:1 for 360-362 Forest Road and 34 MacMahon Street, Hurstville as shown in **Figure 22** below, while the exhibited FSR map for the draft *GRLEP 2020* indicated a maximum permissible FSR of 3.5:1 for the site as shown in **Figure 23** below.

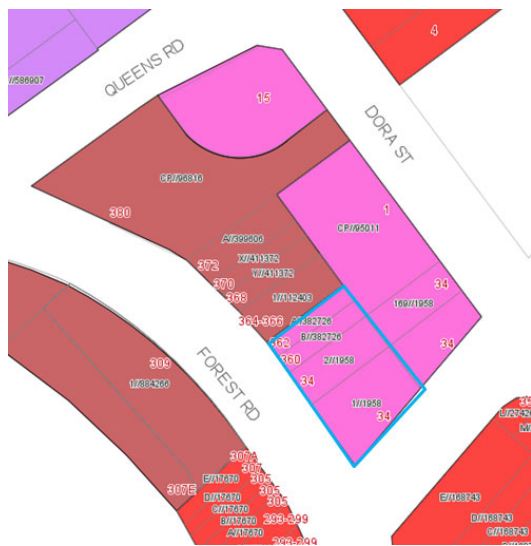


Figure 22: Extract of the existing HLEP 2012 Floor Space Ratio Map for 360-362 Forest Road and 34 MacMahon Street, Hurstville



Figure 23: Extract of the exhibited draft GRLEP 2020 Floor Space Ratio Map for 360-362 Forest Road and 34 MacMahon Street, Hurstville

The inadvertent mapping error was identified in a review of the maps for the finalisation of the draft GRLEP 2020 and the Floor Space Ratio Map has been amended to reinstate the existing 6:1 FSR for subject sites as per **Figure 22**.

3. 12-16 and 26 Princes Highway, 60B Gray Street and 5 Rocky Point Road, Kogarah (Floor Space Ratio Map)

The Floor Space Ratio Map in the KLEP 2012 indicates a maximum permissible FSR of 2:1 for 12-16 and 26 Princes Highway, 60B Gray Street and 5 Rocky Point Road, Kogarah as shown in **Figure 24** below, while the exhibited FSR map for the draft GRLEP

2020 did not indicate a maximum permissible FSR for the site as shown in **Figure 25** below.



4. 333-339 and 357-365 Stoney Creek Road, Kingsgrove (Lot Size for Dual Occupancy Development Map)

The Lot Size for Dual Occupancy Development Map exhibited for the draft *GRLEP 2020* indicated a 650sqm minimum lot size for dual occupancy development for 333-339 and 357-365 Stoney Creek Road, Kingsgrove as shown in **Figure 26** below.

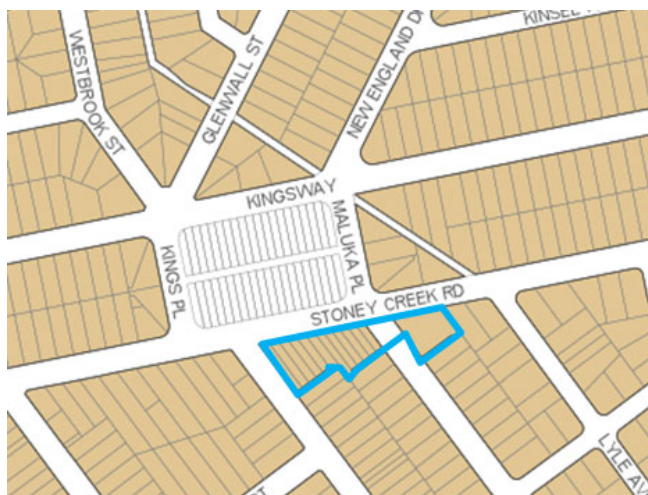


Figure 26: Extract of the exhibited draft GRLEP 2020 Lot Size for Dual Occupancy Development Map for 333-339 and 357-365 Stoney Creek Road, Kingsgrove

The B2 Local Centre zone for the site is proposed to be retained in which dual occupancies are prohibited. Accordingly, there should be no minimum lot size for dual occupancies control for the site.

The inadvertent mapping error was identified in a review of the maps for the finalisation of the draft *GRLEP 2020* and the Lot Size for Dual Occupancy Development Map has been amended to remove the minimum lot size for dual occupancies for the subject sites.

5. 2-16 Lime Kiln Road and 1041-1041C Forest Road, Lugarno (Lot Size for Dual Occupancy Development Map and Lot Size Map)

The Lot Size for Dual Occupancy Development Map exhibited for the draft *GRLEP 2020* indicated a 1,000sqm minimum lot size for dual occupancy development for 2-16 Lime Kiln Road and 1041-1041C Forest Road, Lugarno as shown in **Figure 27** below.

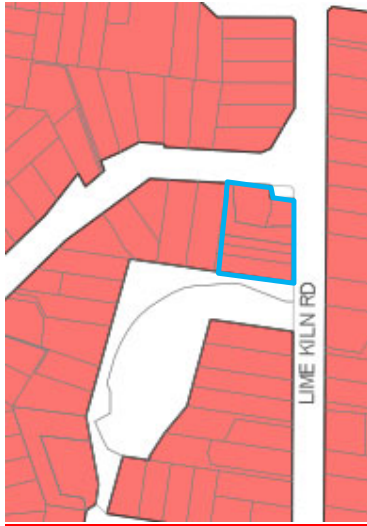


Figure 27: Extract of the exhibited draft GRLEP 2020 Lot Size for Dual Occupancy Development Map for 2-16 Lime Kiln Road and 1041-1401C Forest Road, Lugarno

The B1 Neighbourhood Centre zone for the site is proposed to be retained in which dual occupancies are prohibited. Accordingly, there should be no minimum lot size for dual occupancies control for the subject site.

Similarly, the Lot Size Map exhibited for the draft GRLEP 2020 indicated a 700sqm minimum lot size for 2-16 Lime Kiln Road and 1041-1041C Forest Road, Lugarno as shown in **Figure 28** below.



Figure 28: Extract of the exhibited draft GRLEP 2020 Lot Size Map for 2-16 Lime Kiln Road and 1041-1401C Forest Road, Lugarno

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The B1 Neighbourhood Centre zone for the site is proposed to be retained. Accordingly, there should be no minimum lot size control for business zoned land.

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The inadvertent mapping error was identified in a review of the maps for the finalisation of the draft *GRLEP 2020* and the Lot Size for Dual Occupancy Development Map and Lot Size Map have been amended to remove the minimum lot size for dual occupancies and minimum subdivision lot sizes for the subject sites.

6. 29A Jacques Avenue, Peakhurst (Height of Buildings Map, Floor Space Ratio Map, Lot Size Map and Lot Size for Dual Occupancy Development Map)

The draft *GRLEP 2020* proposes to retain the existing RE1 Public Recreation zone under the *HLEP 2012* for 29A Jacques Avenue, Peakhurst. Accordingly, development standards including building height, FSR, subdivision lot size and dual occupancy lot size should not be specified for RE1 zoned land.

However, the exhibited draft *GRLEP 2020* maps indicated development standards on the site as shown below in **Figures 29-32**.



Figure 29: Extract of the exhibited draft GRLEP 2020 Floor Space Ratio Map for 29A Jacques Avenue, Peakhurst

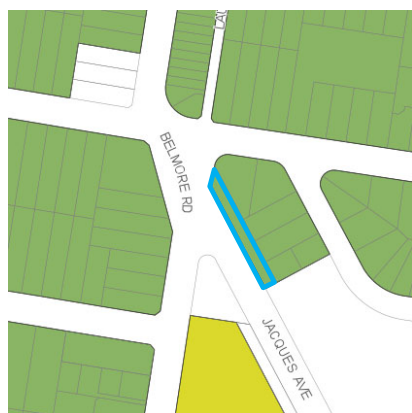


Figure 30: Extract of the exhibited draft GRLEP 2020 Height of Buildings Map for 29A Jacques Avenue, Peakhurst



Figure 31: Extract of the exhibited draft GRLEP 2020 Lot Size Map for 29A Jacques Avenue, Peakhurst

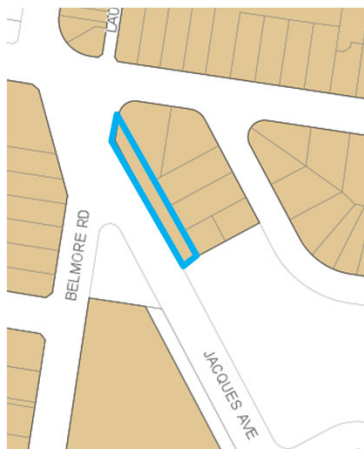


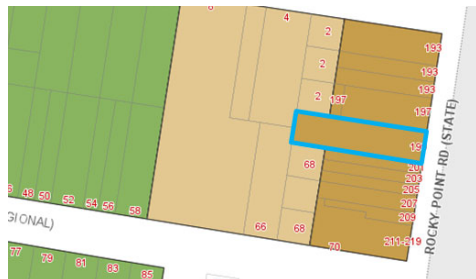
Figure 32: Extract of the exhibited draft GRLEP 2020 Lot Size for Dual Occupancy Development Map for 29A Jacques Avenue, Peakhurst

7. 199 Rocky Point Road, Ramsgate (Height of Buildings Map and Floor Space Ratio Map)

The Height of Buildings Map and Floor Space Ratio Map in the KLEP 2012 indicates a maximum permissible height of 21 metres and FSR of 2.5:1 for 199 Rocky Point Road, Ramsgate as shown in **Figures 33 and 34** below. However, the Height of Buildings Map and Floor Space Ratio Map exhibited for the draft GRLEP 2020 indicated a maximum permissible height of 15 metres and 21 metres and FSR of 2.5:1 and 1.5:1 for the site as shown in **Figures 35 and 36** below.

During the preparation of the maps for the exhibition of the draft GRLEP 2020, these maps were amended to rectify an existing anomaly as the adjoining sites at the rear of the site have a maximum height of 15 metres and FSR of 2.5:1. However, these height and FSR changes are inconsistent with Council's approach of retaining all existing development standards within the commercial centres. Accordingly, the existing 21

metre maximum permissible height limit and 2.5:1 maximum permissible FSR under the KLEP 2012 are reinstated as per **Figures 33 and 34.**



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Figure 33: Extract of the existing KLEP 2012 Height of Buildings Map for 199 Rocky Point Road, Ramsgate



Figure 34: Extract of the existing KLEP 2012 Floor Space Ratio Map for 199 Rocky Point Road, Ramsgate



Figure 35: Extract of the exhibited draft GRLEP 2020 Height of Buildings Map for 199 Rocky Point Road, Ramsgate



Figure 36: Extract of the exhibited draft GRLEP 2020 Floor Space Ratio Map for 199 Rocky Point Road, Ramsgate

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Note: The proposed maps have been prepared for the purpose of assisting in the interpretation of the proposed planning controls in the GRLEP 2020. Whilst Council has taken care to ensure the mapping information is accurate, minor modifications may be required to correct any numerical, typographical, mapping and formatting errors.¶

10. Part 3: Justification

Section A – Need for the planning proposal

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

This Planning Proposal has been instigated as a result of the amalgamation between the former Hurstville and Kogarah Councils on 12 May 2016 which has necessitated a consolidated local environmental plan for the Georges River LGA.

Amendments to the *EP&A Act* require councils to prepare a LSPS for the LGA. The LSPS sets out the land use vision for the LGA by 2040. This Planning Proposal outlines how Georges River will implement the LSPS vision through a new principal LEP.

As noted above, the LSPS proposes a staged approach to preparing the principal Georges River LEP due to the detailed investigations required to support the full suite of changes proposed. This approach was endorsed by Council as its meeting on 23 April 2019 and 28 October 2019.

The staged approach to preparing the Georges River LEP is outlined as follows:

- Stage 1 – Housing and Harmonisation (this Planning Proposal)
 - Harmonise the existing LEPs
 - Seek to achieve housing targets through up-zoning certain areas
- Stage 2 – Housing Choice (scheduled for 2021)
 - Seek to promote inclusive and affordable housing
 - Investigate big house conversions and build to rent
- Stage 3 – Jobs and Activation (scheduled for 2022)
 - Review development standards in centres
 - Infrastructure delivery mechanisms
 - Hurstville City Centre and Beverly Hills Local Centre masterplanning
- Stage 4 – Housing and Future Growth (scheduled for 2025 and beyond)
 - Undertake a new housing strategy as required

The Georges River LSPS was placed on exhibition between 26 June 2019 and 7 August 2019. Council received 137 submissions from the community and public authorities. The key issues identified are summarised in Section 1 above.

The LSPS has been updated in response to the submissions and was reported to Council on 28 October 2019. At this meeting, Council resolved to endorse the revised LSPS for submission to the GSC for their approval to formally adopt the *LSPS 2040* for the Georges River LGA. Council received the Letter of Support from the GSC on 4 March 2020 and the *LSPS 2040* was formally made on 10 March 2020.

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

The subject Planning Proposal is the only means of delivering a new principal Georges River Local Environmental Plan, which is consistent with the *LSPS 2040*.

This Planning Proposal will provide a harmonised set of planning controls across the LGA and will ensure residents and the development industry have access to an integrated document that will guide the sustainable development of the LGA. A single LEP for the LGA will provide a consistent approach to planning and development and introduce new provisions that implement the LSPS vision, including preserving landscaped areas within residential zones, promoting design excellence, providing housing diversity and encouraging the provision of employment floor space.

Section B – Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

An assessment of the proposal against the objectives and actions of the *Greater Sydney Region Plan – A Metropolis of Three Cities* and the *South District Plan* is detailed in **Appendix 2**. The assessment demonstrates that this Planning Proposal either assists in achieving the objectives and actions of the *South District Plan* or is consistent with the directions of the *Greater Sydney Region Plan*.

Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

As set out in Section A, this Planning Proposal seeks to implement the LSPS vision through the Georges River Principal LEP in its various stages.

An assessment of the actions of the LSPS which this Planning Proposal seeks to achieve in the *GRLEP 2020* is detailed in **Appendix 2**. Longer term LSPS actions will be implemented through the later stages of the Georges River Principal LEP.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

This Planning Proposal has been considered against the relevant SEPPs and is determined to be consistent with the relevant provisions as set out in **Appendix 5**.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Planning Proposal has been considered against the relevant Ministerial Directions and is determined to be consistent as set out in **Appendix 6**.

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

This Planning Proposal will not adversely affect critical habitat, threatened species, populations or ecological communities or their habitats.

All of the land that is proposed to be rezoned under this Planning Proposal to allow increased residential density (i.e. the Housing Investigation Areas) is currently zoned residential and is urban land and therefore would have minimal impact on critical habitats or threatened species. In addition, this Planning Proposal seeks to strengthen landscaping requirements within residential and environmental zones for the purpose of promoting an enhanced landscaped setting across the LGA. Furthermore, the addition of the tree protection local provision as a post-exhibition amendment will further maintain and enhance the landscaped character of the R2 and R3 zones and contribute to the tree canopy of the LGA.

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Land currently zoned for environmental conservation and/or waterways is to be retained without change and therefore the existing protection and management of this land will continue. The proposed changes to the permissible land uses under the respective zonings are minimal and appropriate and therefore there are no adverse impacts from this.

The Foreshore Scenic Protection Area is currently only identified within the former Hurstville LGA as shaded blue in **Figure 37.**

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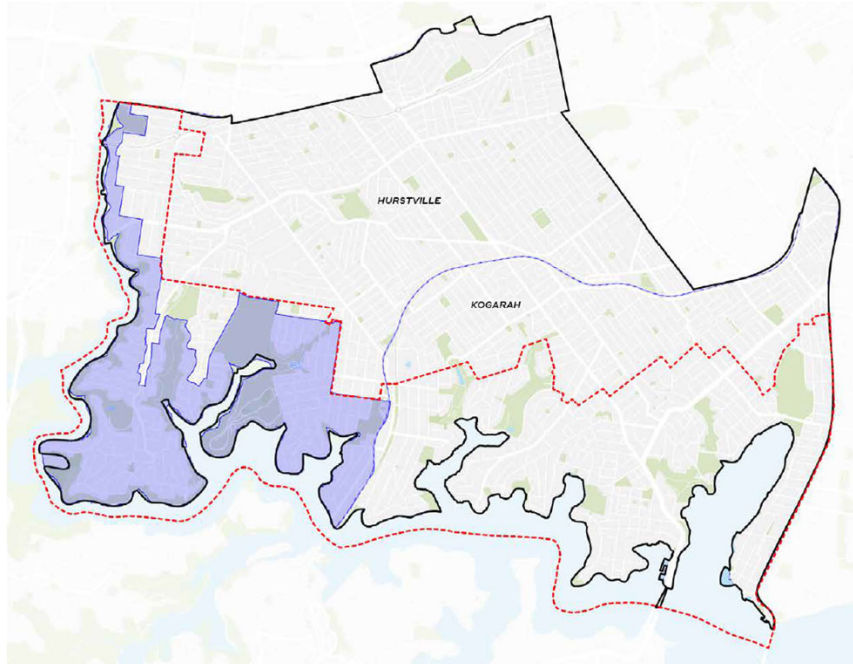


Figure 37. Existing Hurstville Foreshore Scenic Protection Area

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This Planning Proposal 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 watercourses 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.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

This Planning Proposal primarily seeks to strengthen controls to mitigate potential environmental effects due to development, with the introduction of several new local provisions, as outlined below.

This Planning Proposal seeks to ensure that the landscape character within residential suburbs is preserved which will ensure that vegetation contributes to biodiversity and tree canopy. This Planning Proposal will achieve these objectives by introducing Clause 6.13: "Landscaped areas in residential and environmental protection zones". This provision will not apply to residential flat buildings where landscaping requirements are detailed within the *Apartment Design Guide*. The inclusion of this provision within the *GRLEP 2020* will strengthen and enhance the environment and assist in mitigating the impact of increased residential density in the identified up-zoned areas.

Furthermore in response to community submissions, an additional local provision relating to tree protection and landscaped area is proposed to be introduced through Clause 6.19: "Tree protection and landscaping in Zones R2 and R3" to ensure any development undertaken on land in the R2 Low Density Residential and the R3 Medium Density Residential zones maintains and enhances the landscaped character of the neighbourhood and contributes to the tree canopy of the LGA.

In addition to the above, it is also proposed to introduce Clause 6.7: "Foreshore scenic protection area", the objective of which is to protect the natural environment, minimise disturbance to native vegetation and consider the impact on views to/from the Georges River. Additionally, Clause 6.4: "Stormwater management" and Clause 6.12: "Environmental sustainability in certain business, industrial and residential zones" will be introduced to ensure that developments responsibly manage the impacts of urban stormwater run-off and are consistent with the principles of best practice environmentally sensitive design, especially in industrial, business and high density residential zones.

Q9. Has the planning proposal adequately addressed any social and economic effects?

This Planning Proposal seeks to provide greater certainty to landowners by aligning controls across the LGA creating positive social and economic effects.

The potential loss of employment floor space through infill development has been identified by the *Commercial Centres Strategy Part 1* as a key issue for the Georges River LGA. This

Planning Proposal seeks to include a minimum non-residential floor space within mixed use zones to ensure the protection of employment lands and reduce the continued loss of employment floor space through redevelopment.

This Planning Proposal seeks to increase heights within the industrial zones to promote employment and redevelopment opportunities. The current height control of 10m is a barrier to redevelopment as it does not enable high clearance warehouse space, provide maximum flexibility for redevelopment nor allow developments to achieve the full FSR potential.

The *Industrial Land Review* identifies Kingsgrove and Peakhurst industrial areas as the two largest industrial areas which still have undeveloped potential, both are growing and are suitable for industrial development, thus supporting the increased height limit of 16m. The social impact of these increased heights has been adequately addressed by applying lower heights to the areas adjoining residential zoned land.

This Planning Proposal seeks to include two local provisions relating specifically to industrial lands:

1. Clause 6.16 Take away food and drink premises and restaurants or café in Zone IN2 – this local provision restricts the gross floor area of restaurants, cafes and take away food and drink premises in the IN2 zones while ensuring the day to day needs of the workers are met without inhibiting the provision of industrial land for industrial uses; and
2. Clause 6.17 Creative industries in Zone IN2 – this local provision seeks to encourage creative industries within the IN2 zones in two areas; Penshurst Lane, Penshurst and Halstead Street, South Hurstville to broaden the range of permitted uses whilst promoting job creation.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

This Planning Proposal provides additional housing through the up-zoning of existing low density residential areas in highly accessible areas which are serviced by shops, schools, open space and community facilities. The areas proposed to be up-zoned are located within walking distance to transport infrastructure, such as train stations and frequent bus services, encouraging the efficient use of existing public infrastructure.

To supplement the existing provision of open space, the Planning Proposal identifies the following additional sites for open space acquisition:

- 26 – 30 Culwulla Street, South Hurstville; and
- 7 Hedley Street, Riverwood and 13-15 Keith Street, Peakhurst (Peakhurst Park).

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11-21 Monaro Avenue, Kingsgrove (Peter Lowe Reserve);

Council's *Infrastructure Integration Advice Roadmap* has been prepared to conduct a gap analysis which identifies data gaps in relation to economic, social and green infrastructure outcomes. The Roadmap will assist Council in understanding the critical infrastructure that is required to support housing and employment growth over the short, medium and long term in alignment with the LSPS Actions. The data gaps that have not been able to be addressed

in *LSPS 2040* will be reviewed and considered as part of future policy work and/or work programs in accordance with the commitment given at Council's meeting on 28 October 2019.

Council is also currently preparing a consolidated development contributions plan for the whole Georges River LGA. The new plan will fund infrastructure required to support the anticipated growth resulting from the *GRLEP 2020*, including the consideration of funding sources for the existing and proposed land acquisitions.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Prior to the commencement of community consultation, the following public authorities were consulted in accordance with Condition No.3 of the Gateway Determination and the relevant S9.1 Ministerial Directions:

- Sydney Airport – in accordance with Direction 3.5 Development Near Regulated Airports and Defence Airfields
- Commonwealth Department of Infrastructure, Regional Development and Cities (DIRDC) – in accordance with Direction 3.5 Development Near Regulated Airports and Defence Airfields
- NSW Rural Fire Service – in accordance with Direction 4.3 Fire Prone Land

No objections or recommendations to amend the draft GRLEP 2020 were raised by Sydney Airport and the NSW Rural Fire Service.

DIRDC provided a number of recommendations to amend the proposed wording of *Clause 6.8 Airspace operations* and *Clause 6.9 Development in areas subject to aircraft noise*. The Planning Proposal was amended in accordance with the comments received from DITCRD. The amended Clauses were exhibited as part of the Planning Proposal.

In accordance with Condition No.5 of the Gateway Determination, the following public authorities were provided with a copy of the Planning Proposal and the relevant supporting material during the public exhibition period of the Planning Proposal from 1 April 2020 to 31 May 2020:

- Bayside Council
- City of Canterbury Bankstown
- Sutherland Shire Council
- Office of Environment, Energy and Science
- NSW Land and Housing Corporation
- NSW Health
- NSW Department of Education
- Sydney Water Corporation
- Environment Protection Authority
- Heritage, Department of Premier and Cabinet
- Transport for NSW

Council did not receive a response from the following public authorities:

- Bayside Council
- City of Canterbury Bankstown
- NSW Land and Housing Corporation
- NSW Health
- NSW Department of Education
- Sydney Water Corporation

A summary of the comments received and a response to the submission is provided below:

- **Sutherland Shire Council**

Concern is raised regarding the capacity of existing infrastructure to accommodate the anticipated population growth across the South District and the Eastern City District. It is important for cross-Council collaboration to take place in order for growth to be aligned with infrastructure capacity.

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

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

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

- **Heritage, Department of Premier and Cabinet**

No objections to the proposed changes as the amendments proposed by the draft GRLEP 2020 will either have a positive heritage impact or are administrative in nature.

Council response: support for the Planning Proposal is noted.

- **Transport for NSW (TfNSW)**

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

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

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

Deleted: As this Planning Proposal has not been forwarded to the Minister for Planning and Public Spaces for a Gateway Determination, the appropriate State and Commonwealth public authorities have not yet been consulted.[¶] However, State and Commonwealth public authorities will be consulted in accordance with a Gateway Determination and will be given at least 28 days to comment on this Planning Proposal.

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

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• **Office of Environment, Energy and Science (EES)**

EES recommended a number of amendments to the draft GRLEP 2020 to promote greater biodiversity protection in the LGA. The EES recommendations and Council's response are tabulated in **Table 9** below.

Table 9: Amendments suggested by the EES

<u>EES Recommendation</u>	<u>Council Response</u>
<u>Table of Contents</u> <u>The Table of Contents should be amended to list each Land Use Table, principal development standard, miscellaneous provision and additional local provision.</u>	<u>EES recommendation is noted. It is anticipated that the gazetted LEP will be available on the NSW Legislation website in the <i>Standard Instrument LEP</i> format where each clause will be itemised.</u>
<u>Clause 1.2 Aims of the Plan</u> <u>The Aims should be amended to include elements that:</u> <u>Protect and improve biodiversity / remnant native vegetation in the LGA</u> <u>Protect and conserve waterways, riparian land and groundwater dependent ecosystems</u> <u>Maintain and improve water quality</u> <u>Facilitate adaptation to climate change</u>	<u>EES recommendation is noted, and the aim relating to the protection and conversation of waterways has been included in the post-exhibition amendments. However in accordance with the DPIE Planning Circular PN09-005, the role of Clause 1.2 is to set out the overarching aims of the plan while the objectives of land use zones, development standards and local provisions contain more detail to form a hierarchy of policy intention.</u> <u>The subject elements specifically relate to a number of proposed local provisions, including foreshore scenic protection area, riparian lands and watercourses, stormwater management and coastal hazards local provisions. These elements are considered to be detailed expansions of the exhibited Aims of the draft GRLEP 2020.</u>
<u>Clause 2.8 Temporary use of land</u> <u>Include biodiversity values, remnant vegetation, waterways and riparian land as examples of "features of the land".</u>	<u>EES recommendation is noted, however the exhibited Clause 2.8 utilises the <i>Standard Instrument LEP</i> wording which cannot be altered.</u>
<u>Land Use Tables</u> <u>Introduce the following objectives to all residential zones (R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential):</u> <u>To protect, maintain and rehabilitate waterways, riparian land and remnant native vegetation</u> <u>To maintain or improve the water</u>	<u>EES recommendation is noted. However based on existing Council-endorsed studies and policies, the majority of the residential zones areas in the LGA are not located on or adjacent to waterways.</u> <u>The significance of protecting, maintaining and rehabilitating waterways, riparian lands and remnant native vegetation and the quality of water catchments are acknowledged by the draft GRLEP 2020 through the following local</u>

<u>EES Recommendation</u>	<u>Council Response</u>
<u>quality of receiving water catchments</u>	provisions: • <u>Clause 6.4 Stormwater management</u> • <u>Clause 6.5 Foreshore area and coastal hazards and risks</u> • <u>Clause 6.6 Riparian land and watercourses</u> • <u>Clause 6.7 Foreshore scenic protection area</u>
<u>Land Use Tables</u> <u>Council needs a provision in place for considering and managing the potential proliferation of boatshed to guide Council's assessment of potential cumulative impacts.</u>	<u>EES recommendation is noted. However the development controls applicable to boat sheds, marinas, jetties and other development types on the bed and banks of waterways will be outlined in the Georges River Development Control Plan (DCP) 2020, which is currently being prepared.</u>
<u>Land Use Tables</u> <u>Introduce the following additional objectives to the RE1 Public Recreation zone:</u> • <u>To maintain or improve the water quality of receiving water catchments</u> • <u>To protect and enhance the natural environment (including biodiversity, remnant vegetation, wildlife corridors and natural habitat, waterways and riparian land) for environmental purposes</u>	<u>EES recommendation is noted. However most of the RE1 zoned lands in the LGA are not identified to contain riparian lands and watercourses based on existing Council-endorsed studies and policies. The significance of the water quality of receiving water catchments is acknowledged by the draft GRLEP 2020 through <i>Clause 6.4 Stormwater management</i>.</u> <u>With regards to the objective relating to biodiversity, it should be noted that Council is yet to prepare a LGA-wide biodiversity study. The LSPS 2040 commits to developing a biodiversity strategy informed by a LGA-wide biodiversity study. The outcomes of this study may result in the inclusion of biodiversity provisions in a future LEP amendment.</u>
<u>Zoning of Open Space</u> <u>Existing RE1 Public Recreation zoned areas that possess High Environmental Values (HEVs) such as biodiversity should be rezoned to E2 Environmental Conservation to protect the natural environment.</u>	<u>EES recommendation is noted. However Council is yet to prepare a LGA-wide biodiversity study. The LSPS 2040 commits to developing a biodiversity strategy informed by a LGA-wide biodiversity study. The outcomes of this study may result in biodiversity provisions included in a future LEP. The rezoning of existing RE1 zoned areas with notable biodiversity values to the E2 zone will be investigated after the completion of a biodiversity study.</u>
<u>Extent of Recreational Waterways</u> <u>The extent of the W2 Recreational Waterways zone should be revised to provide a balance between recreational uses and the protection and rehabilitation of coastal wetlands and littoral rainforests in the LGA. W1 Natural Waterways should be introduced as it is more conducive to protecting coastal wetlands and littoral rainforests.</u>	<u>EES recommendation is noted. However the location of coastal wetlands and littoral rainforests are identified by the <i>State Environmental Planning Policy (Coastal Management) 2018</i>. This SEPP also prescribes controls for development in areas that contain coastal wetlands and littoral rainforests as well as the associated 100m buffer zones.</u> <u>The existing Hurstville and Kogarah LEPs do not currently identify any W1 zoned areas. Given that the key objective of draft GRLEP 2020 is to harmonise the existing LEPs and retain existing</u>

<u>EES Recommendation</u>	<u>Council Response</u>
	controls where the status quo can be maintained, all existing W2 zoned areas are proposed to be retained. Further investigation, such as a survey of the watercourses within the LGA, is required to explore the extent of the boundary of the existing W2 zoned areas.
<u>Kiosks within Recreational Waterways</u> Kiosks should be located outside waterways and riparian lands.	EES recommendation is noted, however “kiosks” are mandated by the <i>Standard Instrument LEP</i> as a permissible land use term within the W2 zone.
<u>Clause 3.3 Environmentally sensitive areas excluded</u> The list of environmentally sensitive areas where exempt and complying development under the LEP should be extended to also include the following areas: • Riparian lands • Any area zoned E2 Environmental Conservation • Any area zoned W2 Recreational Waterways	EES recommendation is noted. However the draft GRLEP 2020 does not nominate any exempt and complying development in addition to those specified in the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> (“Codes SEPP”). Accordingly, the provisions of the Codes SEPP apply to all exempt and complying development in the LGA, including the list of areas where exempt and complying development may not be carried out. Clause 1.19 of the Codes SEPP itemises the restrictions that affect the permissibility of complying development, including the location of land within a river front area and within a protected area like the E2 zone.
<u>Clause 4.1 Minimum subdivision lot size</u> The proposed objective 1(c) “to ensure lot size reflects the land’s environmental capability with consideration to topography and other natural features” should be amended to include consideration of “dimensions” and to include an additional consideration “to allow development to be sited to protect and/or enhance natural features including remnant vegetation, waterways and riparian land”.	EES recommendation is noted. However the reference to “dimensions” is considered to be inconsistent with the intent of the control to regulate lot size. Dimensional requirements like lot width are introduced in <i>Clause 4.1B Minimum lot sizes and special provisions for certain dwellings</i> . As previously noted, remnant vegetation, waterways and riparian lands are known to affect a limited number of areas within the residential zoned lands across the LGA. The selective addition of these three environmental constraints is likely to dilute the intent of the proposed objective to consider all natural features, including existing non-native trees and landscaping across all residential zoned land in the LGA.
<u>Clause 5.14 Pond-based, tank-based and oyster aquaculture</u> References to the following land use zones should be removed as these zones do not apply in the LGA: • R5 Large Lot Residential • E3 Environmental Management • E4 Environmental Living • W1 Natural Waterways • W3 Working Waterways	EES recommendation is noted. The exhibited Clause 5.17 utilises the <i>Standard Instrument LEP</i> wording. It is anticipated that references to these zones will be removed during the legal drafting of GRLEP 2020.

<u>EES Recommendation</u>	<u>Council Response</u>
<u>Clause 6.2 Earthworks</u> <u>The objectives of this clause should be amended to include the following additional objective:</u> <u>To ensure that earthworks for which development consent is required will not have a detrimental impact on biodiversity values, remnant vegetation, waterways and riparian land</u>	<u>EES recommendation is noted. However considerations of the impacts of development on waterways, riparian lands and remnant native vegetation have already been addressed by the draft GRLEP 2020 through the following local provisions:</u> <u>Clause 6.5 Foreshore area and coastal hazards and risks</u> <u>Clause 6.6 Riparian land and watercourses</u> <u>Clause 6.7 Foreshore scenic protection area</u>
<u>Clause 6.2 Earthworks</u> <u>The considerations of this clause should be amended to include the following additional matters:</u> <u>Waterways</u> <u>Riparian land</u> <u>Biodiversity values</u> <u>Remnant native vegetation</u>	<u>EES recommendation is noted, however as noted above, consideration of these environmental constraints have already been addressed by a number of exhibited local provisions.</u>
<u>Clause for Biodiversity Protection</u> <u>The draft LEP should be amended to include:</u> <u>A specific provision to protect biodiversity in the LGA</u> <u>A Biodiversity Map, particularly as there are areas of remnant native vegetation, waterways, riparian areas, etc in the LGA which are not currently protected by an E2 Environmental Conservation zoning</u>	<u>EES recommendation is noted. However Council is yet to prepare a LGA-wide biodiversity study. The LSPS 2040 commits to developing a biodiversity strategy informed by a LGA-wide biodiversity study. The outcomes of this study may result in biodiversity provisions included in a future LEP.</u> <u>Council currently relies on the mapping of remnant native vegetation provided by DPIE and the controls of State-level legislation for provisions relating to biodiversity, including:</u> <u>Biodiversity Conservation Act 2016</u> <u>Greater Metropolitan Regional Environmental Plan No. 2—Georges River Catchment</u> <u>State Environmental Planning Policy (Coastal Management) 2018</u> <u>State Environmental Planning Policy (Vegetation in Non Rural Areas) 2017</u> <u>State Environmental Planning Policy No. 19 – Bushland in Urban Areas</u>
<u>Clause 6.6 Riparian lands and watercourses</u> <u>The word “watercourses” should be replaced with the parent term “waterways” to include wetlands and waterbodies in addition to watercourses.</u>	<u>EES recommendation is adopted – the inclusion of additional areas such as wetlands and waterbodies will enable the protection of more riparian areas when future mapping becomes available. This change has been included in the post-exhibition amendments to the draft GRLEP 2020.</u>
<u>Clause 6.6 Riparian lands and watercourses</u> <u>The proposed Riparian Lands and Watercourses Map should also include</u>	<u>EES recommendation is noted. This suggestion was also raised by the LPP previously at its meeting dated 17 October 2019. However, Council currently does not have any information to</u>

<u>EES Recommendation</u>	<u>Council Response</u>
<u>other waterways in the LGA such as Dairy Creek, Myles Dunphy Creek, Poulton Creek, etc.</u>	<u>identify the location of water banks for other natural watercourses in the LGA. The DPIE's <i>Controlled activities on waterfront land - Guidelines for riparian corridors on waterfront land</i> specifies that the width of the vegetated riparian zone ("VRZ"), which makes up the riparian corridor, must be measured from the top of the highest bank on both sides of the watercourse. As such, Council at this time cannot include riparian corridor mapping of the other natural watercourses on the Riparian Lands and Watercourses Map.</u>
<u>Clause 6.6 Riparian lands and watercourses</u> <u>The objectives and provisions of this clause should be amended to include the following additional considerations:</u> <u>• Riparian species, communities and populations</u> <u>• The continuity and connectivity between waterways</u> <u>• The natural flow regime, including groundwater flows to the waterway</u> <u>• Aboriginal cultural heritage values of waterways and riparian lands</u> <u>• Rehabilitation of existing degraded, piped or channelized waterways to mimic a near natural state</u> <u>• Free passage of native aquatic and terrestrial organisms within or along any waterway and riparian land</u> <u>• Underlying and surrounding groundwater resources and groundwater dependent ecosystems</u>	<u>EES recommendation is partially adopted and the following considerations have been included in the post-exhibition amendments:</u> <u>• Riparian species, communities and populations</u> <u>• Aboriginal cultural heritage values of waterways and riparian lands</u> <u>However, the following provisions have not been included due to the absence of existing Council studies and strategies to verify the nature and locations of where these considerations should be enforced:</u> <u>• The continuity and connectivity between waterways</u> <u>• The natural flow regime, including groundwater flows to the waterway</u> <u>• Rehabilitation of existing degraded, piped or channelized waterways to mimic a near natural state</u> <u>• Free passage of native aquatic and terrestrial organisms within or along any waterway and riparian land</u> <u>• Underlying and surrounding groundwater resources and groundwater dependent ecosystems</u> <u>It should be noted that the above considerations are currently prescribed by the following State-level legislations and policies, which contains controls and requirements that cannot be duplicated by LEPs and other local controls:</u> <u>• <i>Fisheries Management Act 1994</i></u> <u>• <i>National Parks and Wildlife Act 1974</i></u> <u>• <i>NSW Groundwater Quality Protection Policy</i></u> <u>• <i>Greater Metropolitan Regional Environmental Plan No. 2—Georges River Catchment</i></u> <u>• <i>State Environmental Planning Policy (Coastal Management) 2018</i></u>

<u>EES Recommendation</u>	<u>Council Response</u>
	<u>Accordingly, consideration of the aforementioned provisions will be conducted in accordance with the requirements of the relevant State-level legislation as part of the development access process.</u>
<u>Clause 6.7 Foreshore scenic protection area</u> <u>The objective should be amended to include an additional objective in relation to biodiversity:</u> <u>To protect and maintain the ecological processes that support native vegetation and native flora and fauna; and climate change adaptation.</u>	<u>EES recommendation is noted. However as detailed above, Council currently does not have a biodiversity study that identifies the ecological processes presenting within the FSPA. As such, Council at this time cannot include the suggested objective in the FSPA clause.</u> <u>With regards to climate change adaptation, the draft GRLEP 2020 already includes sea level rise mapping within the Coastal Hazard and Risk Map under <i>Clause 6.5 Foreshore area and coastal hazards and risks</i>. It is unnecessary to duplicate this objective across the whole FSPA where there are properties that are unaffected by sea level rise.</u>
<u>Clause 6.7 Foreshore scenic protection area</u> <u>The prescribed development considerations should be amended as follows (suggestions are shown in <i>bold italicised text</i>):</u> <u>(a) protection of the natural environment, including topography, rock formations, canopy vegetation or other <i>significant remnant native</i> vegetation,</u> <u>(b) <i>avoids and minimises minimising</i> disturbance and adverse impacts on remnant vegetation communities, habitat and threatened species and populations,</u> <u>(c) maintenance <i>and enhancement</i> of native vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors,</u>	<u>EES recommendation is partially adopted – the suggested additions to subclause (b) and (c) are adopted to emphasise the objectives “to protect, maintain and improve” and have been included in the post-exhibited amendments.</u> <u>However, the replacement of “significant” with “remnant native” vegetation is not adopted as all significant vegetation (like non-native trees and landscaping) are required to be considered, instead of being limited to a select few species of remnant native vegetation.</u>
<u>Clause 6.13 Landscaped areas in certain residential and environmental protection zones</u> <u>This clause should also apply to the business zones, industrial zone and RE1 zoned land so that minimum landscaping requirements are also specified for developments in these zones.</u>	<u>EES recommendation is noted. However Council has not completed sufficient modelling and analysis for all business and industrial zoned land in the LGA to identify the most appropriate landscaping requirements for the various commercial and industrial development typologies.</u> <u>Landscaped area requirements for residential</u>

<u>EES Recommendation</u>	<u>Council Response</u>
	zones were previously specified by the DCPs. The elevation of landscaped area requirement into the LEP provides greater legal weight to these controls as any variation will require detailed justification via the Clause 4.6 variation mechanism. If a minimum landscaped area requirement is introduced for the business and industrial zones in the LEP without detailed built form and envelope testing, the integrity of this clause may be compromised by a large volume of Clause 4.6 variations. To minimise and manage the number of variations, landscaped area requirements for business and industrial zones will be specified in the accompanying Georges River DCP 2020, which is currently under preparation. With regards to the introduction of minimum landscaping requirements for the RE1 Public Recreation zone, the amount of landscaping provided will vary based on the function and planning of each open space. Due to the varying sizes of the RE1 zoned land across the LGA, further investigation is required if a minimum landscaped area benchmark is to be development. As such, Council cannot implement a minimum landscaped area for RE1 zones within the draft GRLEP 2020.

● Environment Protection Authority (EPA)

EPA recommended a number of amendments to the draft GRLEP 2020 to encourage the development of a circular economy in accordance with the NSW Circular Economy Policy Statement (February 2019) to minimise waste and reduce environmental impacts. The EPA recommendations and Council's response are tabulated in Table 10 below.

Table 10: Amendments suggested by the EPA

<u>EPA Recommendation</u>	<u>Council Response</u>
Clause 1.2 Aims of the Plan <u>The Aims should be amended to include:</u> <u>to protect, maintain and improve waterway health to achieve the community environmental values and uses for waterways</u> <u>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</u>	<u>EPA recommendation regarding waterways is adopted and has been included in the post-exhibition amendments.</u> <u>However, the reference to a Circular Economy is noted and will be explored for inclusion within the Georges River DCP 2020. This will also be investigated in Council's Waste Strategy which is currently being prepared. The outcomes of the Waste Strategy will be considered for implementation in a future LEP amendment.</u>

<u>EPA Recommendation</u>	<u>Council Response</u>
<u>negatively impact on liveability and the environment.</u>	
<u>Land Use Tables</u> <u>Introduce the following objective to all residential zones (R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential):</u> <u>To minimise conflict between land uses within this zone and land uses within adjoining zones.</u>	<u>EPA recommendation is noted, however the potential amenity impacts between any developments will be considered as part of the development assessment process.</u> <u>Any consideration of conflicts between land uses within adjoining zones will be mediated through controls such as increased building separation and other amenity considerations within the Georges River DCP 2020.</u>
<u>Land Use Tables</u> <u>In the B1 Neighbourhood Centre, B2 Local Centre and B3 Commercial Core zones:</u> <u>Introduce an additional objective:</u> <u>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.</u> <u>Explore the facilitation of developments including:</u> <u>Community garden</u> <u>Reverse vending machines</u> <u>Repair café</u> <u>Reuse or sharing facility/shop</u>	<u>EPA recommendation is noted. However the reference to a Circular Economy will be explored for inclusion within the Georges River DCP 2020.</u> <u>The suggested developments do not appear in the <i>Standard Instrument LEP</i> as land use terms. However, they may be considered as specific uses under the broad land use terms of 'community facilities' and 'light industries' which are proposed to be permissible across all business and industrial zones under the draft GRLEP 2020.</u> <u>Nonetheless, the facilitation of these developments will be explored for inclusion within the Georges River DCP 2020 where appropriate. This will also be investigated in Council's Waste Strategy which is currently being prepared. The outcomes of the Waste Strategy will be considered for implementation in a future LEP amendment.</u>
<u>Land Use Tables</u> <u>In the B4 Mixed Use zone:</u> <u>Introduce the following additional objectives:</u> <u>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</u> <u>To prevent and minimise any adverse effect of development on amenity and the environment</u> <u>To minimise conflict between land uses within this zone and land</u>	<u>EPA recommendation is noted, however the potential amenity impacts between any developments will be considered as part of the development assessment process.</u> <u>The introduction of <i>Clause 6.12 Environmental sustainability in certain business, industrial and residential zones</i> seeks to prevent and minimise the adversity impacts of development on the environment.</u> <u>The suggested developments do not appear in the <i>Standard Instrument LEP</i> as land use terms. However, they may be considered as specific uses under the broad land use terms of 'community facilities' and 'light industries' which are proposed to be permissible across all business and industrial zones under the</u>

<u>EPA Recommendation</u>	<u>Council Response</u>
<u>uses within adjoining zones.</u> • <u>Explore the facilitation of developments including:</u> ○ <u>Community garden</u> ○ <u>Reverse vending machines</u> ○ <u>Repair café</u> ○ <u>Reuse or sharing facility/shop</u>	<u>draft GRLEP 2020.</u> <u>Nonetheless, the facilitation of these developments will be explored for inclusion within the Georges River DCP 2020 where appropriate. This will also be investigated in Council's Waste Strategy which is currently being prepared. The outcomes of the Waste Strategy will be considered for implementation in a future LEP amendment.</u>
<u>Land Use Tables</u> <u>In the B6 Enterprise Corridor zone, explore the facilitation of developments including:</u> • <u>Reverse vending machines</u> • <u>Repair café</u> • <u>Reuse or sharing facility/shop</u> • <u>Material bulking, sorting and storing facilities</u> • <u>Material reprocessing and remanufacturing</u> • <u>Washing or pelletising facilities</u> • <u>Reverse logistics facilities</u>	<u>EPA recommendation is noted. The suggested developments do not appear in the <i>Standard Instrument LEP</i> as land use terms. However, they may be considered as specific uses under the following broad land use terms which are proposed to be permissible in the B6 zone:</u> • <u>Light industries</u> • <u>Storage premises</u> • <u>Warehouse or distribution centres</u> • <u>Vehicle repair stations.</u> <u>Nonetheless, the facilitation of these developments will be explored for inclusion within the Georges River DCP 2020 where appropriate. This will also be investigated in Council's Waste Strategy which is currently being prepared. The outcomes of the Waste Strategy will be considered for implementation in a future LEP amendment.</u>
<u>Land Use Tables</u> <u>In the IN2 Light Industrial zone, introduce the following objectives:</u> • <u>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</u> • <u>To support a closed loop industrial ecology network that allows the precinct to circulate and reuse materials, products, energy and water</u> • <u>To prevent and minimise any adverse effect of development on the environment.</u> <u>Council should also consider the role of IN2 zoned land in helping to deliver types of Circular Economy infrastructure and activities.</u>	<u>EPA recommendation is partially adopted – the following objective is proposed to be added to support a closed loop industrial ecology network and circular economy: “To encourage a range of uses that support repair, reuse, recycling, remanufacturing and reprocessing”</u> <u>This objective is included in the post-exhibition amendments.</u> <u>The introduction of <i>Clause 6.12 Environmental sustainability in certain business, industrial and residential zones</i> seeks to prevent and minimise the adversity impacts of development on the environment.</u> <u>Given that the aforementioned circular economy activities are not categorised as defined land use terms by the <i>Standard Instrument LEP</i>, the facilitation of these developments will be explored for inclusion</u>

<u>EPA Recommendation</u>	<u>Council Response</u>
	within the Georges River DCP 2020 where appropriate. This will also be investigated in Council's Waste Strategy which is currently being prepared. The outcomes of the Waste Strategy will be considered for implementation in a future LEP amendment.
<u>Clause 6.2 Earthworks</u> <u>Effective measures should be put in place to ensure any fill material is fit for purpose by including the following additional consideration:</u> <u>(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.</u>	EPA recommendation is noted. However, the reference to specific orders such as the recourse recovery order issued by the EPA is a matter to be specified by a DCP. Accordingly, this will be explored for inclusion within the Georges River DCP 2020.
<u>Clause 6.11 Design excellence</u> <u>The consideration relating to waste management facilities should be strengthened to:</u> <u>(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.</u>	EPA recommendation to strengthen the waste management aspect of this clause is adopted and has been included in the post-exhibition amendments.
<u>Clause 6.12 Environmental sustainability in certain business, industrial and residential zones</u> <u>A reference to the principles of Circular Economy should be added to strengthen Council's sustainability direction:</u> <u>(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.</u>	EPA recommendation is noted. However the reference to a Circular Economy will be explored for inclusion within the Georges River DCP 2020. This will also be investigated in Council's Waste Strategy which is currently being prepared. The outcomes of the Waste Strategy will be considered for implementation in a future LEP amendment.

11. Part 4: Mapping

The following maps have been prepared as part of the *GRLEP 2020*. The proposed *GRLEP 2020* maps are provided in **Appendix 7**.

Land Application Map

Land Zoning Map

Lot Size Map

Lot Size for Dual Occupancy Development Map

Height of Buildings Map

Floor Space Ratio Map

Land Reservation Acquisition Map

Heritage Map

Acid Sulfate Soils Map

Coastal Hazard and Risk Map

Foreshore Building Line Map

Foreshore Scenic Protection Area Map

Riparian Lands and ~~Waterways~~ Map

Deleted: Watercourses

Flood Planning Map

Key Sites Map

Note: Whilst Council has taken care to ensure the mapping information is accurate, minor modifications may be required to correct any numerical, typographical and formatting errors.

12. Part 5: Community Consultation

The Planning Proposal was placed on public exhibition from 1 April 2020 to 31 May 2020 (inclusive) for a total of 61 days, which exceeds the minimum 28 day exhibition period requirement stipulated by Section 3.34 and Schedule 1 of the EP&A Act 1979, and the conditions of the Gateway Determination. Consultation with the relevant public authorities was also conducted during this time.

The draft *Local Housing Strategy* and draft *Inclusive Housing Strategy* were also exhibited with the Planning Proposal. Submissions received in relation to these strategies have also been considered as part of the draft GRLEP 2020 review process.

Prior to the COVID-19 pandemic, a comprehensive Communications and Engagement Program was developed by Council to provide accessible opportunities for the community to receive information and speak with Council representatives regarding the draft GRLEP 2020. The following methods of engagement and communication were proposed:

- Minimum 28 day exhibition period in accordance with the requirements stipulated by Schedule 1 of the EP&A Act;
- 8 advertisements in the St George Leader newspaper;
- Direct mail to all ratepayers with a plain-English information brochure;
- Direct mail to all property owners with a plain-English information brochure;
- 12 Fact Sheets on the following key elements of the draft GRLEP 2020 in plain-English:
 1. Local Environmental Plans overview
 2. Dwellings houses
 3. Dual occupancies
 4. Medium density residential
 5. High density residential
 6. Mixed use in centres
 7. Light industrial areas
 8. Infrastructure zones
 9. Landscaped areas
 10. Foreshore areas
 11. New local provisions
 12. Heritage items
- Targeted letters to the following property owners with relevant Fact Sheets attached:
 - Located within or immediately adjacent to the HIAs
 - Located within or adjoining the areas proposed to be removed from the FSPA
 - Located within the proposed FSPA
 - Affected by the proposed land reservation acquisitions
 - Affected by the proposed changes to Schedule 5 Environmental heritage
- Detail on how to access language assistance on all outgoing Council correspondences;
- Promotional video (including Chinese);
- Regular e-news updates and media releases on Council's website;
- Online exhibition on Council's YourSay website;
- Online interactive LEP maps (IntraMaps) showing existing and proposed controls for all properties in the LGA;
- Facebook posts;

- Dedicated LEP telephone hotline and email address to answer individual enquiries;
- Hard copy exhibition at Council's Customer Service and libraries;
- Council planning staff to take face-to-face enquiries at Council's Customer Service; and
- 7 face-to-face information sessions held in various locations across the 5 Wards of the LGA comprising of 6 general sessions and one topic-specific session to target the proposed changes to the FSPA.

The Communications and Engagement Program commenced on 26 February 2020 with the establishment of the draft GRLEP 2020 project page on the Georges River YourSay online engagement platform.

However, in response to the COVID-19 pandemic that affected Council's original consultation program, Council implemented a revised engagement program with additional engagement methods to extend the reach of the consultation to as many residents and property owners as practicable, including:

- Extension of the statutory exhibition period from 15 May 2020 to 31 May 2020, equating to a public exhibition period of 61 days in total;
- Creation of a 30-minute informational video which provides a visual and audio overview of the controls proposed by the draft GRLEP 2020;
- Creation of Frequently Asked Question sheets for the following topics responding to common enquiries received from the community during the exhibition period:
 - Land acquisition
 - Vegetation and tree protection
 - Foreshore scenic protection area
 - Water sensitive urban design
 - Netstrata Jubilee Stadium Precinct
 - Unanswered questions from digital webinars
 - How to use Intramaps
- Hosting of 3 digital webinars to listen and respond to questions from the community, consisting of:
 - 19 May 2020 – FSPA-specific session
 - 26 May 2020 – general topic session
 - 27 May 2020 – general topic session
- Recording and uploading of webinar presentations onto YourSay as an additional resource for the community; and
- Posting hardcopies of the draft GRLEP 2020 and supporting documents upon request from customers.

The public exhibition of this Planning Proposal was supported by a number of key Council strategies and studies, including but not limited to:

- *Local Strategic Planning Statement 2040*
- *Draft Local Housing Strategy*
- *Housing Investigation Areas Paper*
- *Draft Inclusive Housing Strategy*
- *Commercial Centres Strategy – Part 1*
- *Industrial Lands Review*
- *Foreshore Study*
- *Infrastructure Integration Advice Roadmap*
- *Heritage Review*

Deleted: It is anticipated that this Planning Proposal will be exhibited for a minimum period of 28 days in accordance with the provisions of the EP&A Act 1979 and the *Environmental Planning & Assessment Regulation 2000* and any requirements of the Gateway Determination.¶

Deleted: will

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Exhibition material, including plain English explanatory information, fact sheets, description of the objectives and intended outcomes, copy of the Planning Proposal and relevant maps will be available for viewing during the exhibition period on Council's website and hard copies available at Council offices and libraries. Targeted consultation through mechanisms, including but not limited to targeted letters and information sessions, are proposed to be conducted.¶
Notification of the public exhibition will be through:¶
Newspaper advertisement in The Leader;¶
Exhibition notice on Council's website;¶
Community engagement project on Council's YourSay website;¶
Notices in Council offices and libraries;¶
Letters/brochures to landowners and residents in the LGA – this will include letters to landowners of properties affected by a proposed change in the planning controls; and¶
Letters to State and Commonwealth Government agencies identified in the Gateway Determination.¶

13. Part 6: Project Timeline

The anticipated project timeline for completion of this Planning Proposal is shown below:

Task	Anticipated Timeframe
Reporting to the Georges River Local Planning Panel (as the planning proposal authority) on Planning Proposal for endorsement	6 February 2020
Commencement date (date of Gateway Determination)	10 March 2020
Anticipated timeframe for the completion of required technical information	March 2020
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	April-May 2020
Commencement and completion dates for public exhibition period (minimum of twenty eight (28) days)	1 April- 31 May 2020 (inclusive)
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	June 2020
Reporting to the planning proposal authority on the outcomes of community consultation and for finalisation	25-26 June 2020
Date of submission to the DPIE to finalise the LEP	30 June 2020

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14. Conclusion

The purpose of this Planning Proposal is to prepare a consolidated principal Georges River LEP which implements the first stage of the staged LEP approach.

With a focus on housing and harmonisation, this LEP will ensure that a single consistent approach is applied to planning and development across the LGA.

This Planning Proposal:

- Gives effect to the *South District Plan* by addressing its Planning Priorities and Actions;
- Implements the *LSPS 2040* vision for the LGA addressing its Planning Priorities and Actions;
- Meets the *South District Plan* housing targets;
- Identifies additional housing opportunities through the harmonisation of existing LEPs;
- Retains and manages industrial and urban services land;
- Provides a regulatory environment that enables economic opportunities;
- Protects future transport and infrastructure corridors;
- Facilitates opportunities for creative and artistic industries; and
- Identifies, conserves and enhances environmental heritage.

15. Appendices

Appendix 1	Draft instrument - <i>Georges River Local Environmental Plan 2020</i>
Appendix 2	Consistency with the <i>Greater Sydney Region Plan</i> , <i>South District Plan</i> and Council's <i>Local Strategic Planning Statement 2040</i>
Appendix 3	Development standards justification
Appendix 4	Additional local provisions justification
Appendix 5	Consistency with State Environmental Planning Policies (SEPPs)
Appendix 6	Consistency with S9.1 Ministerial Directions
Appendix 7	<i>GRLEP 2020</i> Mapping