

Appendix B – Detailed Response to Environment, Energy and Science (EES) Group Submission

EES Group has made a submission which is generally supportive of the draft Georges River LEP 2021, but does raise several matters and recommendations to update the planning proposal. These are discussed in further detail below.

Agency Issue	Panel's Response	Department's Response
Table of Contents The submission recommends that the planning proposal's table of contents be amended to read like a LEP so that it lists each part and associated clause.	In response, the Panel noted this recommendation and stated that the draft Georges River LEP 2021 would be published in accordance with the Standard Instrument.	The Department notes this matter and considers the Panel's response to be adequate.
Clause 1.2 - Aims of the Plan The submissions recommends that additional aims to the LEP should be added, to include elements that: • protect and promote biodiversity within the LGA; • protect and conserve waterways, riparian land and groundwater dependent ecosystems; • maintain and improve water quality; and • facilitate adaption to climate change	In response, the Panel: • has amended the aims to include an object which seeks to protect and preserve waterways at the post-exhibition stage. This post-exhibition amendment is further discussed in Section 3.3.1 – the Panel's post-exhibition amendments of the finalisation report; and • considers that the other suggested amendments are suited to the individual clauses that pertain to these issues. The Panel considers clause 1.2 is used to outline the overarching objectives of the plan.	The Department considers the Panel's response to be adequate, noting the Panel's post-exhibition amendment and that the issues raised are addressed throughout the draft Georges River LEP 2021.
Clause 2.8 Temporary Use of Land The submissions recommends that the clause is amended to make specific reference to biodiversity values, remnant vegetation, waterways and riparian land.	In response, the Panel noted the recommendation but also noted that the Standard Instrument mandates the wording for this clause.	The Department considers the Panel's response to be adequate, noting the Standard Instrument mandates the wording for Clause 2.8 – Temporary Use of Land.

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Land zone mapping The submission recommends the land use zone map is amended to label the actual zone on the map, so it is clear which colour on the map applies to which zone.		The Department notes this matter and considers that the mapping will be prepared in accordance with the Standard Technical Requirements for Spatial Datasets and Maps. This will ensure the mapping is clear and reflects the intent of the planning proposal.
Land Use Table Issue 1 – the Residential zones The submission recommends including 'protect, maintain and rehabilitate waterways, remnant native vegetation and riparian land' as objectives for all the residential zones.	In response, the Panel noted this recommendation and considered that: - these objectives are covered in the individual clauses that pertain to these issues and any development for residential that triggers these clauses will be assessed against the individual clauses; and - adding these objectives to the residential land use tables would be unnecessarily duplicative.	The Department considers the Panel's response to be adequate, noting that the draft Georges River LEP 2021 includes provisions to ensure residential development addresses remnant native vegetation and riparian land.
Land Use Table Issue 2 – RE1 Public Recreation zone objectives The submission recommends amending the RE1 zone objectives to include: <i>'to maintain or improve the water quality of receiving water catchments</i> <i>to protect and enhance the natural environment (including biodiversity, remnant vegetation, wildlife corridors and natural habitat, waterways and riparian</i>	In response, the Panel has noted the recommendation, but considers that: - the significance of the water quality of the receiving water catchments is acknowledged in Clause 6.4 Stormwater Management of the draft Georges River LEP 2021; and - the LSPS commits to developing a biodiversity strategy that is informed by a LGA wide biodiversity study. Future amendments concerning environmental	The Department considers the Panel's response to be adequate, noting: - that the draft Georges River LEP 2021 includes provisions to ensure adequate water quality treatments and outcomes; and - the LSPS proposes work to inform future updates, thus ensuring the ongoing protection of the natural environment.

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<i>land) for environmental purposes'</i>	conservation will be informed by this work.	
Zoning of Open Space The submission recommends existing RE1 zoned land that possess 'high environmental values' should be rezoned to E2 Environmental Conservation (E2) to protect the natural environment. The submission notes Sutherland Shire Council has zoned most of the land along the Georges River foreshore as an E2 zone. The submission also suggests the areas which should be considered for an E2 zoning, including: • Riverwood Park and Wetlands; • Lillian Road Reserve (and the adjacent strip of land zoned RE1); • Basil Street Reserve; • Clarendon Road Reserve; • Murdoch Crescent Reserve; • Evatt Park Foreshore Reserve; • Myles Dunphy Reserve; • Lime Kiln Bay Reserve; and • Edith Bay Wetlands and Quarry Reserve.	In response, the Panel has noted the recommendation, but consider that the LSPS commits to the development of a biodiversity strategy that is informed by a LGA wide biodiversity study. Future amendments for environmental conservation will be informed by this work.	The Department considers the Panel's response to be adequate, noting that the LSPS proposes future work to inform updates to the draft Georges River LEP 2021 to ensure the ongoing protection of the natural environment. The Department considers it appropriate that any proposed rezoning of land to E2 be informed by a comprehensive evidence base. This will ensure ecologically significant land is appropriately zoned and protected. In this regard, the Department encourages Council to work collaboratively with EES on the LGA wide biodiversity study.
Extent of Recreational Waterways The submission recommends that the extent of the W2 Recreational Waterways (W2) zoning	In response, the Panel have noted the recommendation and consider that all development within the 100m buffer of any coastal wetland or littoral rainforest must comply with controls	The Department considers the Panel's response to be adequate, noting that: • the LSPS proposes future work to inform updates to the draft

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should be revised to provide a balance between recreational uses and the protection and rehabilitation of coastal wetlands and littoral rainforests in the LGA. The submission considers that the W1 Natural Waterways (W1) zoning should be introduced as it's more conducive to protecting coastal wetlands and littoral rainforests. The submission also notes uses of concern in the W2 zone, which include: • boatsheds; • marinas; • kiosks; • boat launching ramps; and • mooring pens.	set out in the <i>State Environmental Planning Policy (Coastal Management) 2018</i> (Coastal Management SEPP). The Panel have also noted that further investigations need to be undertaken to support this suggested amendment. Consequently, the Panel consider that it would be more appropriate to undertake this work as a future amendment.	Georges River LEP 2021 to ensure the ongoing protection of the natural environment; and • the proposed W2 zoning harmonises the existing zoning under the Legacy LEPs. The Department considers it appropriate that any proposed rezoning of waterways to W1 be informed by a comprehensive evidence base. This will ensure ecologically significant waterways are appropriately zoned and protected. In this regard, the Department encourages Council to work collaboratively with EES on the LGA wide biodiversity study.
Clause 3.3 - Environmentally Sensitive Areas Excluded The submission considers that locating exempt and complying development within riparian lands will adversely affect the current and future values and functions of the riparian land. This includes existing riparian vegetation or the re-establishment of riparian vegetation. The submission recommends that environmentally sensitive areas where exempt and complying development applies under the LEP should be extended to include riparian lands and any areas zoned E2 or W2.	In response, the Panel have noted this matter, but consider that the provisions of the <i>State Environmental Planning Policy (Exempt and Complying Development) 2008</i> (Codes SEPP) already apply such to exclude exempt and complying development from locations within a river front or protected ecological areas like E2 zoned land.	The Department considers the Panel's response to be adequate, noting that exempt and complying development must occur in accordance with the Codes SEPP. This includes a requirement that complying development cannot be undertaken on ecologically or environmentally sensitive land.

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Clause 4.1 - Minimum Subdivision Lot Size The submission recommends that proposed objective 1(c) be amended as bolded below: • <i>'to ensure lot sizes and dimensions reflects the land's environmental capability with consideration to topography to allow development to be sited to protect and/or enhance other natural features including remnant vegetation, waterways and riparian land'.</i>	In response, the Panel noted the recommendation, but considered: • that that the suggested reference to dimensions is considered inconsistent with the intent of the control to regulate lot size; • this suggestion is captured in proposed Clause 4.1B; • any development within the vicinity of remnant vegetation, waterways and riparian lands will be assessed against the individual clauses that relate to these; and • that selecting only these three environmental constraints would likely dilute the overall objective to consider all natural features.	The Department notes this matter and considers the Panel's response to be adequate.
Clause 5.14 - Pond-based, Tank-based and Oyster Aquaculture The submission recommends removal of references to the R5 Large Lot Residential (R5), E3 Environmental Management (E3), E4 Environmental Living (E4), W1 and W3 Working Waterways (W3) zones as these do not apply to the draft Georges River LEP 2021.	In response, the Panel noted that proposed Clause 5.14 utilises the wording of the Standard Instrument. The Panel anticipates these references will be removed at the legal drafting stage.	The Department considers the Panel's response to be adequate, noting that the drafting of the instrument by Parliamentary Counsel will ensure consistency with the Standard Instrument.
Clause 6.2 - Earthworks The submission recommends that the clause be amended so that 'biodiversity values', 'remnant vegetation', 'waterways' and 'riparian	In response, the Panel noted the recommendation, but considers that: • these matters are addressed by the relevant parts of the draft Georges River LEP 2021	The Department considers the Panel's response to be adequate, noting that the draft Georges River LEP 2021 includes provisions to ensure earthworks address these issues.

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land' are considered. This includes amending the objectives of the clause.	that pertain to these issues; and any earthworks that triggers these clauses will be assessed against the relevant requirements.	
Clause for Biodiversity Protection The submission recommends: - a specific provision be included to protect biodiversity in the LGA; and - a Biodiversity Map be introduced, particularly as there are areas of remnant native vegetation, waterways and riparian areas in the LGA which are not currently protected by an E2 zoning. The submission considers this approach best practice and would better align the LEP with key environmental legislation like the <i>Biodiversity Conservation Act 2016</i> and the <i>Coastal Management Act 2016</i>. The submission also considers this would make the Georges River LEP 2021 consistent with LSPS planning priority P17 - Tree canopy, bushland, landscaped settings and biodiversity are protected, enhanced and promoted.	In response, the Panel has noted the recommendation, but considers that the LSPS commits to the development of a biodiversity strategy that is informed by a LGA wide biodiversity study. Future amendments concerning environmental conservation will be informed by this work.	The Department considers the Panel's response to be adequate, noting that the LSPS proposes future work to inform updates to the draft Georges River LEP 2021 to ensure the ongoing protection of the natural environment. The Department considers it appropriate that any proposed biodiversity protection clause and associated mapping be informed by a comprehensive evidence base. This will ensure ecologically significant land is appropriately protected. In this regard, the Department encourages Council to work collaboratively with EES on the LGA wide biodiversity study.
Clause 6.6 - Riparian Lands and Watercourses The submission suggests the following amendments to the proposed clause:	In response, the Panel: has made a post-exhibition amendment to replace 'watercourses' with 'waterways' so wetlands and	The Department considers the Panel's response to be adequate, noting that several post-exhibition amendments in response

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- replace 'watercourses' with the parent term 'waterways' so wetlands and waterbodies are captured; - the proposed Riparian Lands and Watercourse Map should include other waterways in the LGA, including: - Dairy Creek; - Myles Dunphy Creek; and - Poulton Creek. - the objectives and provisions of this clause should be amended to include the following additional considerations: - riparian species, communities and populations; - the continuity and connectivity between waterways; - the natural flow regime, including groundwater flows to the waterway; - aboriginal cultural heritage values of waterways and riparian lands; - rehabilitation of existing degraded, piped or channelized waterways to mimic a near natural state; and - free passage of native aquatic and terrestrial organisms within or along any waterway and riparian land.	waterbodies are captured; - noted the recommendation that the proposed Riparian Lands and Watercourse Map should include other waterways, but that Council does not currently have the information to identify the location of water banks for other natural watercourses in the LGA; and - has made post-exhibition amendments to include considerations for: - riparian species; - communities and populations; and - aboriginal cultural heritage values of waterways and riparian lands. This post-exhibition amendment is further discussed in Section 3.3.1 – the Panel's post-exhibition amendments of the finalisation report. The Panel has noted that the remaining recommendations are either covered by existing legislation or there is insufficient information to support the proposed amendments.	to this matter has been made; and the LSPS proposes future work to inform updates to the draft Georges River LEP 2021 to ensure the ongoing protection of the natural environment. The Department considers it appropriate that any proposed biodiversity protection clause and associated mapping be informed by a comprehensive evidence base. This will ensure ecologically significant land is appropriately protected. In this regard, the Department encourages Council to work collaboratively with EES on the LGA wide biodiversity study.

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Clause 6.7 - Foreshore Scenic Protection Area This submission recommends: • adding an additional objective in relation to biodiversity: ◦ <i>'To protect and maintain the ecological processes that support native vegetation and native flora and fauna; and climate change adaptation'</i> • amending the clause to remove reference to 'significant vegetation' and replace with 'remnant native vegetation'; and • provide additional wording to deliver greater protection for areas of ecological importance.	In response, the Panel: • noted the recommendation but consider that the LSPS commits to the development of a biodiversity strategy that is informed by a LGA wide biodiversity study. Future amendments concerning environmental conservation, will be informed by this work; • noted that the draft Georges River LEP 2021 includes sea level rise mapping; and • have a made a post-exhibition amendment to provide greater protection for areas of ecological importance. The post-exhibition amendments made by the Panel to the FSPA are discussed in Section 3.3.1 – the Panel's post-exhibition amendments of the finalisation report. However, the Panel considers that to replace 'significant vegetation' with 'remnant native vegetation' would exclude non-native trees, landscaping and non-remnant native vegetation.	The Department considers the Panel's response adequate, with the post-exhibition amendments noted.
Clause 6.13 Landscaped areas in certain residential and environmental protection zones	In response, the Panel has noted this recommendation, but considers that:	The Department considers the Panel's response to be adequate, noting that:

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This submission recommends that this clause should apply to the business, industrial and RE1 zones so that minimum landscaping requirements are also specified for development in these areas.	- the landscaping requirements for these zones are currently outlined in the Georges River Development Control Plan (the DCP); and - landscaping in RE1 zones will be assessed against the function and planning of each open space area. Due to the varying size of the RE1 zoned land across the LGA, further investigation is required if a minimum landscaped area benchmark is to be developed.	- prescribing a minimum landscaping requirement unnecessarily restricts the types of public open spaces in the RE1 zone, which can provide for the amenity and recreational needs of the community; and - minimum landscaping requirements in the business and industrial zones can be appropriately addressed through development controls in the DCP.