

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

16/09810

Dear Ms Connolly *Gail*

Kogarah Local Environmental Plan 2012 (Amendment 2)

I refer to Council's submission under the *Environmental Planning and Assessment Act 1979* (the Act) requesting finalisation of the Kogarah Local Environmental Plan (LEP) 2012 (Amendment 2).

I can advise, as delegate of the Greater Sydney Commission, I have made the LEP under section 59(2) of the Act and under section 34(5) it will take effect when published on the NSW Legislation website.

In considering your request, I have made the following amendments to the final version of the LEP:

- 53 Halstead Street (AL: A DP339086) has been retained as IN2 Light Industrial zone;
- educational establishments have not been included as permissible uses in R2 Low Density Residential zone and R3 Medium Density Residential zone;
- 1A Gray Street, Kogarah has been retained as SP2 Infrastructure zone;
- inclusion of 'restaurant or café' has not been included as a permissible use within the Blakehurst Precinct (Blakehurst Waterfront);
- new FSR Incentive in B4 Mixed Use zone has not been included for amalgamated sites (Gray Street, Railway Parade, and English Street Kogarah);
- zoning, building heights and floor space ratios as exhibited have been retained for Blakehurst Precinct (Centre and Waterfront), Carlton Precinct (Enterprise Corridor, Princes Highway Centre and Princes Highway Area zoned R3); South Hurstville Precinct (South Hurstville Centre);
- clause 6.5 Airspace Operations has been updated to the most recent NSW Planning model clause; and
- a savings provision has been included to capture Development Applications currently lodged but not determined that would otherwise become prohibited development under the amendment.

I note a number of amendments were made by Council to the plan following exhibition to address community concerns. It is important that the right balance between supplying additional housing and local amenity is achieved.

The Department has carefully considered the issues raised by the community, such as overshadowing and loss of privacy, in regard to the increased height and density around commercial centres. These concerns are best addressed at the individual development application stage through a merit assessment against the planning and design principles of Councils current Development Control Plan (DCP) and the Apartment Design Guide.

I understand that Council has developed a Draft Urban Design Strategy for the Kogarah North Precinct which includes a detailed set of urban design principles underpinned by the Apartment Design Guide (ADG). I am advised that the Strategy will be adopted as an interim measure to assess development applications following notification of the LEP until Council amends its DCP. I strongly encourage that Council prioritise amending its development control plan to implement the principles of the Strategy.

Those post exhibition changes made by Council have not been supported nor included in the LEP due to lack of evidence and because they would require re-exhibition of the LEP. These matters can be considered through a separate Planning Proposal process informed by community consultation. I understand that this matter has been discussed with Council staff.

If you require further information in relation to this matter, please contact Martin Cooper, Team Leader, Sydney Region East on 9274 6582.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

25/05/2017