



Amended Planning Proposal for the

**New City Plan
(Kogarah LEP 2012 – Amendment No.2)**

For the Kogarah Bay and Blakehurst Wards of the Georges River
LGA

June 2016

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BACKGROUND

Kogarah Local Environmental Plan 2012 (KLEP 2012) represented a conversion of the Kogarah LEP 1998 to the Department of Planning's Standard Instrument LEP and was gazetted in January 2013.

That Plan was not a review of the statutory planning controls as it was a conversion of the existing plan to the new Standard Instrument LEP format. At the time of preparing Kogarah LEP 2012 there was no strategic review of zonings and development standards (height, floor space ratio, minimum allotment sizes etc.) and no strategic review of policy relating to employment lands or housing was undertaken.

The Community Strategic Plan, '*Bright Future, Better Lifestyle 2030*' identified the need to provide diverse, sustainable, adaptable and affordable housing options throughout the Kogarah Local Government Area (LGA). Issues such as housing choice, availability and access to public transport and services were all identified as key factors in facilitating positive housing outcomes for current and future residents of the Kogarah LGA. The Community Strategic Plan recognises that housing is not just about a physical roof over heads - it is about lifestyle, wellbeing and creating and maintaining the better lifestyle that our residents value in the City of Kogarah.

Council has now completed the relevant background studies to undertake a strategic review of Kogarah LEP 2012. This Planning Proposal aims to implement the recommendations of the recent studies and Council strategies that have been undertaken, which include the following:

- Kogarah 2031 Housing Strategy;
- Kogarah Employment Lands and Economic Development Strategy; and
- Open Space Review.

Council resolved at its meeting on the 28 July 2014 to prepare a Planning Proposal which amends Kogarah Local Environmental Plan (LEP) 2012. The proposed amendments have been prepared as options for additional housing opportunities across the City to meet the future needs of our community. The Planning Proposal proposes to amend zonings and land use tables, introduce height and floor space ratio controls (principal development standards) and review and amend the associated maps.

The Gateway Determination for the Planning Proposal for the New City Plan was issued by the Minister for Planning on 15 December 2014 and this allowed Council to proceed with the public exhibition of the New City Plan and undertake formal government agency consultation.

Council, at its meeting on 23 February 2015, resolved to exhibit the New City Plan and associated documentation in accordance with the requirements of the Gateway Determination dated 15 December 2014 and the Engagement Strategy, as endorsed by Council.

At its meeting of 27 July 2015, Council considered a report on the status of the Planning Proposal to make amendments to Kogarah Local Environmental Plan (LEP) 2012, known as the New City Plan, and overview of submissions. Council resolved that the report be

received and noted. At that meeting it was also resolved that a Public Forum be held for community members to address Council regarding the New City Plan.

In accordance with that resolution, an Extraordinary Council Meeting was held on 31 August 2015 which included the Public Forum for Council to receive further representations. At that meeting Council resolved (Minute No. 114/2015):

- a) *That the report on the Council Officer's response to submissions on the New City Plan, annexed to the report, be received.*
- b) *That addresses on the New City Plan made to Council during Public Forum at the Extraordinary Meeting of 31 August 2015 be considered.*

A further report was presented to Council, at an Extraordinary Council meeting on 4 April 2016. This report responds to submissions received as a result of the public exhibition of the Planning Proposal for the New City Plan, including the Public Forum and consultation with public authorities. A copy of the reports presented to Council and Council's resolutions are included at **Appendix I – Council Reports and Resolutions**.

This Planning Proposal contains an explanation of the intended effect and justification for a proposed amendment to the Kogarah Local Environmental Plan 2012. The Planning Proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant Department of Planning Guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

The Planning Proposal applies to the whole Kogarah LGA.

PART I OBJECTIVE OR INTENDED OUTCOMES

This section of the Planning Proposal sets out the objectives or intended outcomes of the Planning Proposal.

The main objectives of the Planning Proposal are to amend Kogarah LEP 2012 to:

- (a) Provide opportunities for the future redevelopment of specific land for dual occupancy development, multi-unit residential development and shop-top housing which:
 - o is in close proximity to transport nodes and commercial centres;
 - o encourages the use of public transport;
 - o provides for diversity and choice in housing across the LGA; and
 - o is consistent with the with the Directions and Actions in *A Plan for Growing Sydney*
- (b) Include the following specific actions with regard to increasing housing choice:
 - (i) Rezoning land in and around centres to increase residential development capacity.
 - (ii) Introduce the R4 – High Density Residential zone and associated land use tables in areas close to the Kogarah and Hurstville Town Centres to allow increased residential development.
 - (iii) Provide increased development potential (height and floor space ratio) in areas to encourage a range of residential development.
 - (iv) Introduce principal development standards (height of buildings and floor space ratio) for land across the LGA.
 - (v) Provide greater flexibility for dual occupancy development in the R2 – Low Density zone.
 - (vi) Provide greater flexibility for the subdivision of land in the R2 – Low Density zone.
 - (vii) Delete the E4 – Environmental Living zone and associated land use tables.
 - (viii) Introduce a local provision to permit seniors housing in the form of self-contained dwellings on large sites in the R2 – Low Density zone.
- (c) Achieve the outcomes of the *Kogarah Employment Lands and Economic Development Strategy* through the review of height and floor space ratio requirements for existing commercial zones and the introduction of a B6 – Enterprise Corridor zone and associated land use table for sites along the Princes Highway.
- (d) Amend Schedule 1 – Additional Permitted Uses of Kogarah LEP 2012 by rationalising properties identified within the Schedule.
- (e) Amend Schedule 2 – Exempt Development to align Kogarah LEP 2012 with recent amendments to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP).

- (f) Amend Schedule 5 – Environmental Heritage to delete Item No 1117, being the Mortdale Railway Station and car sheds, Illawarra Railway between Coleborne Avenue, Ellen Subway and 195-235 Hurstville Road, Mortdale (Lot 100, DP1141151).
- (g) Rezone rear portion of Lot 4 & 5, DP 7814 (No 279) Rocky Point Road, Sans Souci, which has been sold off by Telstra from SP2- Infrastructure to R2 – Low Density Residential
- (h) Delete the RE2 – Private Recreation zone and associated land use tables from Kogarah LEP 2012.
- (i) Introduce a new E2 – Environmental Conservation zone and land use table in accordance with the Open Space Review.
- (j) Rezone the following that are in the ownership of key infrastructure and educational providers to SP2 - Infrastructure to reflect their current use:

Affected Properties	Proposed Zoning
Block bounded by Palmerston Street, Victor Street, Gladstone Street and Victoria Street, Kogarah	SP2 – Educational Establishments
Nos 70-72 and Nos 80-82 Jubilee Avenue, Nos 91-105 and 109-111 Rocky Point Road and 40-46 & 52 Ercildoune Avenue, Beverley Park	SP2 – Health Services Facilities
Nos 17-19 Broughton Street, Sans Souci	SP2 – Educational Establishments
No 170 Connells Point Road, Connells Point	SP2 – Educational Establishments
29A Greenacre Road, South Hurstville	SP2 – Educational Establishments
Lot 1, DP122877 & Lot 1, DP122875 (known as No 30 Maher Street), Hurstville	SP2 – Educational Establishments
Nos 51-69 Woids Avenue, No 50 Bellevue Parade and No 56 Bellevue Parade, Allawah	SP2 – Educational Establishments
Part of No 4 & 10 Water Street, Sans Souci	SP2 – Emergency Services Facilities

- (k) Rezone sites that are in the ownership of Kogarah City Council and/or the Crown which are utilised as open space to Zone RE1 – Public Recreation in accordance with the recommendations of the Open Space Review.
- (l) Rezone sites that are currently zoned RE1 – Public Recreation but are not utilised as open space to a more appropriate zone in accordance with the recommendations of the Open Space Review.
- (m) Amend Schedule 4 to reclassify the following land from “community” land to “operational” land:
 - o 21A Queens Road, Connells Point (Lot E, DP 373733);

PART 2 EXPLANATION OF PROVISIONS

The Planning Proposal incorporates a number of general amendments to Kogarah LEP 2012.

This section sets out the means through which the objectives described in Part I will be achieved, in the form of controls on development in an LEP.

To achieve the objectives outlined in Part I this Planning Proposal seeks to amend Kogarah Local Environmental Plan 2012 (KLEP) as follows:

2.1 Amendments to Written Instrument – Kogarah LEP 2012

A number of changes are proposed to Clauses within the written LEP instrument.

As part of the exhibition of the Planning Proposal, Council exhibited a copy of the draft clauses and maps, even though as part of the Gateway process it is not usually a requirement that the LEP clauses be prepared, as this is undertaken in the later stages of the process.

Some of these changes relate to amendments to existing clauses, while it is also proposed to insert a number of new clauses, including a new Local Provision which aims to encourage seniors housing in the form of self-contained dwellings so as to increase the supply and diversity of housing that meets the needs of seniors in the R2 – Low Density Residential zone.

Council, at an Extraordinary Council Meeting on 4 April 2016 also resolved to include a number of additional Local Provisions, in response to submissions which were received during the exhibition of the Planning Proposal. The incorporation of these additional Local Provisions is discussed in more detail below.

Table I below provides an overview of the changes proposed to the written instrument, Kogarah LEP 2012, as exhibited in the Planning Proposal:

Table 1: Overview of Amendments to Kogarah LEP – Written Instrument (as exhibited)

Relevant Clause (KLEP 2012)	Proposed Amendment	Refer to
2.1 Land use zones	Delete the following zone/s from KLEP 2012: • E4 – Environmental Living zone (Section 2.2.1) • RE2 – Private Recreation zone (Section 2.2.2) Introduce the following zones into KLEP 2012: • R4 – High Density Residential zone (Section 2.2.3) • B6 – Enterprise Corridor zone (Section 2.2.4) • E2 – Environmental Conservation zone (Section 2.2.5)	Section 2.2 below for further discussion on the land use zones. Appendix 2 for Draft Land Use Tables, as amended
2.5 Additional permitted uses for particular land	This clause refers to a Schedule (Schedule 1) at the end of the Plan and states that certain development on certain land nominated in the Schedule is permitted even though the development is not included in the Land Use Table for the zone. There are no changes proposed to Clause 2.5, however significant amendments are proposed to Schedule 1 – Additional Permitted Uses. Council, at an Extraordinary Meeting on 4 April 2016 also resolved to make a number of changes to Schedule 1, as a result of submissions received during the exhibition of the Planning Proposal. These changes to Schedule 1 are discussed in detail in Section 2.5 below and in Appendix 3.	Section 2.5 below for further discussion on the amendments to Schedule 1 – Additional Permitted Uses. Appendix 3 for discussion on review of Schedule 1 and Schedule 1 as proposed to be amended.
Land Use Table	Make changes to the following Land Use Tables: • Zone R2 – Low Density Residential • Zone R3 – Medium Density Residential • Zone IN2 – Light Industrial • Zone SP2 – Infrastructure • Zone RE1 – Public Recreation Introduce into KLEP 2012 Land Use Tables	Section 2.3 below for further discussion on the land use tables Appendix 2 for draft Land Use Tables, as amended.

Relevant Clause (KLEP 2012)	Proposed Amendment	Refer to
	for the following zones: • Zone R4 – High Density Residential • Zone B6 – Enterprise Corridor • Zone E2 – Environmental Conservation	
<i>Part 3 Exempt And Complying Development</i>		
3.1 Exempt development	This clause allows certain minor development to be undertaken without development consent, in addition to development specified by the Codes SEPP. Schedule 2 – Exempt Development identifies development that was not included in the Codes SEPP that is considered to have minimal environmental impact. There are no changes proposed to Clause 3.1, however amendments are proposed to Schedule 2 – Exempt Development to align with the amendments made to the Codes SEPP in February 2014.	Section 2.6 below for further discussion on the amendments to Schedule 2 – Exempt Development. Appendix 4 for Schedule 2, as amended
<i>Part 4 Principal Development Standards</i>		
4.1 Minimum subdivision lot size	This clause indicates the minimum lot size requirements for the subdivision of land. The various minimum lot sizes are shown on the <u>Lot Size Map</u>. The minimum lot sizes currently in Kogarah LEP 2012 are proposed to be amended. The intention of the amendment is to encourage the subdivision of land, to allow for smaller allotments across the LGA. A review of the existing development standards relating to minimum subdivision lot size has been undertaken and it is recommended that the following amendments be made to Clause 4.1 of KLEP 2012 and the associated maps to reflect the following: • Minimum allotment size on land zoned R2- Low Density Residential and are situated on the waterfront – 700m² • Minimum allotment size on land zoned	Section 2.4 below for further discussion on the amendments to Clause 4.1 Appendix 5 – Draft Kogarah LEP 2012 Clauses for amended clause 4.1

Relevant Clause (KLEP 2012)	Proposed Amendment	Refer to
	R2- Low Density Residential and are not situated on the waterfront – 550m² Minimum allotment size on land zoned R3- Medium Density Residential and R4 – High Density Residential – 850m²	
4.1A Minimum lot sizes for dual occupancies, multi dwelling housing, residential flat building and seniors housing	This clause identifies the minimum lot sizes required for the relevant types of development. It is proposed to amend Clause 4.1A to remove reference to dual occupancy (attached) and insert Seniors Housing into the Zone R2 - Low Density Residential with the minimum area being 1000m². It is proposed to insert a new clause relating to the minimum lot size for dual occupancy development (Refer to Clause 4.1B below).	Appendix 5 – Draft Kogarah LEP 2012 Clauses for amended clause 4.1A
4.1B Minimum lot sizes for dual occupancy	Insert a new clause relating to the minimum lot size for dual occupancy development. The objective of this clause is to provide for housing diversity and affordability in residential zones. The clause introduces a <u>Minimum Lot Sizes for Dual Occupancy Development Map</u> which identifies the minimum lot sizes for dual occupancy development. It is proposed that dual occupancy development will be permitted on lots greater than 650m² for allotments in Zone R2 – Low Density Residential and R3 – Medium Density Residential, with the exception of properties fronting the foreshore and within a Heritage Conservation Area (HCA), where the minimum allotment size is 1000m² Dual occupancy (detached) will only be permitted on allotments that have 2 road frontages and each dwelling must have	Section 2.10.4 below for detailed discussion Appendix 5 – Draft Kogarah LEP 2012 Clauses for new clause 4.1B

Relevant Clause (KLEP 2012)	Proposed Amendment	Refer to
	frontage to a road.	
4.1C Minimum subdivision lot size for dual occupancy development	It is proposed to insert a new clause relating to the minimum subdivision requirements for dual occupancy development. The objective of this clause is to ensure that dwellings on lots created by the subdivision of a dual occupancy development do not exceed the maximum permissible FSR for the site.	Appendix 5 – Draft Kogarah LEP 2012 Clauses for new clause 4.1C
4.3 Height of buildings	This clause was previously not adopted by Council. A thorough review of the height requirements for the LGA has been undertaken and it is proposed to now adopt the clause relating to Height of Buildings. Council, at an Extraordinary Council Meeting on 4 April 2016 resolved to make some changes with respect to the Height of Buildings. These changes have been made as a result of submissions received during the exhibition of the Planning Proposal and are considered to be minor. Further discussion on the proposed changes to the Height of Buildings is discussed in more detail below. Generally, the height of buildings within each zone are proposed to be as follows: R2 – Low Density zone – 9m R3 – Medium Density zone – 9m – 21m R4 – High Density zone – 33m B1 – Neighbourhood Centre zone – 9m B2 – Local Centre zone – 21m – 33m B4 – Mixed Use zone – 39m B6 – Enterprise Corridor zone – 12 - 15m IN2 – Light Industrial – 10m SP2 – Infrastructure – no height requirements RE1 – Public Recreation zone – no height requirements E2 – Environmental Conservation zone – no height requirements W2 – Recreational Waterways zone – no height requirements.	Appendix 5 – Draft Kogarah LEP 2012 Clauses for new clause 4.3. Refer to the Height of Buildings (HOB) Map.

Relevant Clause (KLEP 2012)	Proposed Amendment	Refer to
	It should be noted that for some areas within zones, building heights are proposed to differ. These are indicated on the Height of Buildings (HOB) map.	
4.4 Floor space ratio	This clause was previously not adopted by Council. A thorough review of the floor space ratio (FSR) requirements for the LGA has been undertaken and it is proposed to now adopt the clause relating to Floor space ratio. Generally, the floor space ratio within each zone are proposed to be as follows: • R2 – Low Density zone – consistent with sliding scale requirements which allow a maximum of 0.55:1 (see further discussion in below – refer to clause 4.4A) • R3 – Medium Density zone – 0.7:1 – 2:1 • R4 – High Density Residential – 4:1 • B1 – Neighbourhood Centre zone – 1:1 - 2:1 • B2 – Local Centre zone – 1.3:1 – 4:1 • B4 – Mixed Use zone – 4:1 - 4.5:1 • B6 – Enterprise Corridor zone – 2:1 • IN2 – Light Industrial zone – 1:1 • SP2 – Infrastructure – no FSR requirements • RE1 – Public Recreation zone – no FSR requirements • E2 – Environmental Conservation zone – no FSR requirements • W2 – Recreational Waterways zone – no FSR requirements It should be noted that for some areas within these zones the FSR differs. A detailed discussion of these areas/sites is included in the Kogarah 2031 Housing Strategy.	Section 2.4.2 below for discussion on FSR. Appendix 5 – Draft Kogarah LEP 2012 Clauses for new clause 4.4

Relevant Clause (KLEP 2012)	Proposed Amendment	Refer to
4.4A Exceptions to floor space ratio for residential accommodation in the R2 – Low Density Residential zone	This is a new clause specific to Kogarah to retain the sliding scale FSR requirements for development in the R2- Low Density Residential zone that are currently contained in Kogarah DCP 2013.	Section 2.4.2 below for further discussion Appendix 5 – Draft Kogarah LEP 2012 Clauses for new clause 4.4A
4.5 Calculation of floor space ratio and site area	This clause was previously not adopted by Council. This clause provides a method of calculating FSR in a consistent manner by defining FSR and setting out rules for the calculation of site area for the purposes of applying permitted FSRs. The Department of Planning’s LEP Practice Note (PN08-001) requires that this clause be adopted if clause 4.4 is adopted. As it is proposed to adopt Clause 4.4, it is now proposed to insert the Standard Instrument LEP clause with no variations into Kogarah LEP 2012	Appendix 5 – Draft Kogarah LEP 2012 Clauses for new clause 4.5
<i>Part 5 – Miscellaneous Provisions</i>		
5.2 Classification and reclassification of public land	This clause enables Council to classify or reclassify land. All Council owned land is required to be classified as ‘community’ or ‘operational’ land and is identified in Schedule 4 of Kogarah LEP 2012. It was proposed to amend Schedule 4 – Classification and reclassification of public land to reclassify three (3) sites which were proposed to be reclassified from “community” to “operational” land. As a result of a Public Hearing held in accordance with section 29 of the Local Government Act, Council resolved that it would only be proceeding with the reclassification of one (1) parcel of land, that	Section 2.13 for discussion on classification of land Appendix 6 – Reclassification of Council owned land

Relevant Clause (KLEP 2012)	Proposed Amendment	Refer to
	being No 21A Queens Road, Connells Point (Lot E, DP 373733). Further discussion on the outcome of the Public Hearing is included below.	
5.3 Development near zone boundaries	This clause only relates to the land which is required under the Practice Note, being the SP2 Infrastructure zone. This clause allows land zoned SP2 Infrastructure to be developed using land uses of the adjacent zone at a relevant distance, determined by Council. At this stage it is recommended that all other zones be excluded from the clause. It is proposed to review Clause 5.3 to remove reference to Zone E4 – Environmental Living and include reference to new zones, being the Zones R4 – High Density Residential and B6 – Enterprise Corridor The Zone E2 – Environmental Conservation has already been included in Clause 5.3(3)(a).	Appendix 5 – Draft Kogarah LEP 2012 Clauses for draft clause 5.3
5.6 Architectural roof features	This clause was previously not adopted by Council This Clause specifies that roof features which are decorative elements are permitted, with consent, even if they exceed the heights shown on the Height of Buildings Map. Any roof features must not include floor space area. It is proposed to now adopt the clause relating to architectural roof features.	Appendix 5 – Draft Kogarah LEP 2012 Clauses for new clause 5.6
<i>Part 6 – Additional Local Provisions</i>		
6.7 Location of sex services premises	This Clause aims to ensure that development for the purposes of sex services premises minimises land use conflicts and amenity impacts.	Appendix 5 – Draft Kogarah LEP 2012 Clauses for

Relevant Clause (KLEP 2012)	Proposed Amendment	Refer to
	The Clause requires separation from residential zones and public transport nodes and prohibits sex services premises near or in view of sensitive land uses such as schools, parks and child care centres. This clause is proposed to be amended by removing reference to Zone E4 – Environmental Living and including reference to Zone R4 – High Density Residential and Zone E2 – Environmental Conservation.	amended clause 6.7
6.8 Seniors housing: self-contained dwellings	Council is seeking to provide additional opportunities in the waterfront areas to allow self-contained dwellings (as defined by the SEPP – Housing for Seniors or People with a Disability 2004) in all parts of the LGA, without the need for an assessment against the locational requirements in the SEPP. This is a new local provision that aims to encourage seniors housing in the form of self-contained dwellings so as to increase the supply and diversity of housing that meet the needs of seniors in the R2 – Low Density Residential zone.	Section 2.10.5 for further discussion Appendix 5 – Draft Kogarah LEP 2012 Clauses for proposed local provision, clause 6.8.
6.9 Development in the Zone B6 – Enterprise Corridor	The introduction of the B6 – Enterprise Corridor aims to ensure that bulky goods retail is clustered at a highly accessible location within close proximity to the Major Centre. Residential uses are also proposed to be permissible in this zone, however as the objective of the B6 – Enterprise Corridor zone is to encourage the redevelopment of commercial/bulky goods retailing development it is proposed to limit the amount of residential permitted in this zone. It is proposed to introduce a local provision to: (a) limit the amount of residential development to no more than 65% of the total gross floor area of the	Appendix 5 – Draft Kogarah LEP 2012 Clauses for proposed local provision, clause 6.9

Relevant Clause (KLEP 2012)	Proposed Amendment	Refer to
	proposed development, and (b) require that developments have a minimum ground floor commercial/retail/bulky goods floor plate of 500 square metres.	
Schedules		
Schedule 1 Additional permitted uses	Schedule 1 – Additional permitted uses identifies land that certain development is permitted on even though the development is not included in the Land Use Table for the zone. During the exhibition of the Planning Proposal, a number of submissions were received from affected property owners objecting to the removal of their property. Council, at an Extraordinary Meeting on 4 April 2016 resolved to make a number of amendments to Schedule 1, in response to submissions received. These changes are discussed in more detail below.	Section 2.5 below for further discussion Appendix 3 – review of Schedule 1 – Additional Permitted Uses
Schedule 2 – Exempt development	Wide ranging amendments were introduced to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) on 22 February 2014. These amendments included additional Exempt and Complying provisions. In accordance with clause 1.9 and 1.10 of the Codes SEPP these amendments have superseded some of the provisions of KLEP 2012, including the Advertising provisions. A review of the Exempt Development provisions contained in Kogarah LEP 2012 has been undertaken to remove duplication.	Appendix 4 – Amendments to Schedule 2 - Exempt Development
Schedule 4 – Classification and reclassification of public land	It is proposed to amend Schedule 4 to include one (1) additional site under Part 1 (Land classified, or reclassified, as operational land – no interests changed)	Section 2.13 below for further discussion Appendix 6 – Reclassification of Council

Relevant Clause (KLEP 2012)	Proposed Amendment	Refer to
		owned land
Schedule 5 – Environmental Heritage	It is proposed to amend Schedule 5 to delete Item No 1117 Mortdale Railway Station and car sheds, Mortdale being Lot 100, DP1141151.	Section 2.7 below for further discussion

2.2 Amendments to Land Use Zones – Kogarah LEP 2012

As outlined in Table 1 above the following amendments are proposed to the Land Use Zones:

Delete the following zone/s from KLEP 2012:

- E4 – Environmental Living zone
- RE2 – Private Recreation zone

Introduce the following zones into KLEP 2012:

- R4 – High Density Residential zone
- B6 – Enterprise Corridor zone
- E2 – Environmental Conservation zone

The following zones are proposed to be deleted for the reasons outlined below.

2.2.1 Deletion of the Zone E4 – Environmental Living zone

A review of the current E4 – Environmental Living zone has been undertaken as part of the development of the Kogarah 2031 Housing Strategy.

The E4 – Environmental Living zone was introduced into the conversion of KLEP 1998 to the Standard Instrument LEP as a solution to identifying land previously identified under KLEP 1998 as Waterfront Scenic Protection Area (WSPA) and Foreshore Scenic Protection Area (FSPA), which prohibited dual occupancy development.

The prohibition to dual occupancy development in the previous Foreshore Scenic Protection Areas (FSPA) and Waterfront Scenic Protection Areas (WSPA) was introduced in 2004 in response to previous dual occupancy development that had been undertaken in accordance with the then State Policy – Sydney Regional Environmental Plan No 12 – Dual Occupancy (SREP 12).

When dual occupancy development was first introduced through SREP 12 it was essentially unconstrained. This resulted in community concern because of both the large number of dual occupancies being built and the poor design outcomes that were often involved.

The preparation of Kogarah LEP 2013 represented a conversion of the then Kogarah LEP 1998, and as such a review of dual occupancy development controls was not undertaken at that time.

The future ability of our community to age-in-place will depend on the availability of alternative housing types across the LGA and policies to support alternative housing types

would allow older residents to redevelop their land to provide a more suitable form of accommodation, whilst not being financially prohibitive.

As well as an ageing population, younger residents and first home buyers are also creating pressure on the LGA's housing stocks. Changing perspectives in housing density are creating a shift in housing demand – research undertaken in other LGAs indicates that the motive for residents to redevelop their land for dual occupancy has changed.

Also, in the past 20 years, Sydney property prices have risen considerably, placing increased pressure on first home buyers, young families and older people looking to downsize and have funds left over for their retirement.

There is an increasing demand for dual occupancy development in all areas across the LGA and Council is now proposing to permit dual occupancy development in those areas which were previously classified as FSPA and WSPA (zoned E4 – Environmental Living under KLEP 2013).

As a result the E4 – Environmental Living zone is proposed to be removed and replaced with the R2 – Low Density Residential zone, which permits dual occupancies, subject to sites meeting the minimum allotment requirements.

The Land Zoning Map (LZM) has been amended to reflect this change.

2.2.2 Deletion of the Zone RE2 – Private Recreation Zone

Under Kogarah LEP 2012, the RE2 – Private Recreation zone applies to one site in South Hurstville, being 29A Greenacre Road, South Hurstville (Lot 4, DP790242, known as the former South Hurstville Bowling Club. The subject site has been recently sold to the Catholic Archdiocese of Sydney, and they intend to redevelop the site for use as an educational establishment.

It is considered appropriate that the zone should reflect the future use of the site and as such it is proposed to rezone No 29A Greenacre Road, South Hurstville to SP2 – Educational Establishment.

Accordingly, the RE2 – Private Recreation zoning is now redundant and it proposed to be deleted from Kogarah LEP 2012.

The Land Zoning Map (LZM) has been amended to reflect this change.

2.2.3 Introduction of the Zone R4 – High Density Residential zone

The R4 – High Density Residential zone is generally intended for areas where primarily high density housing is to be provided. Other additional uses that provide facilities or services to residents are also included.

Council is proposing to apply the R4 – High Density Residential zone to land surrounding the Kogarah and Hurstville Town Centres, where residents can readily access services and public transport.

The zone aims to revitalise areas for high density living, close to public transport, hospitals, employment opportunities and shopping. This will ensure that more people can live in walking distance of such centres and, with more people living in such centres, a more lively and active atmosphere can be created in these centres.

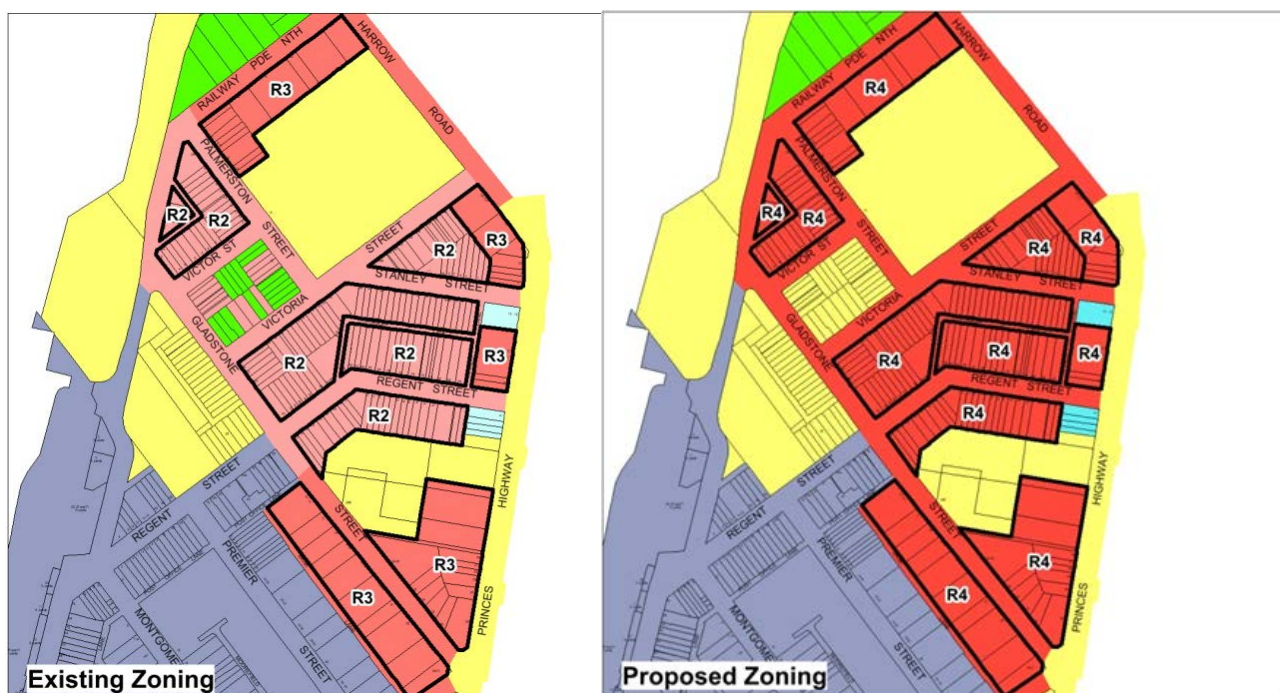
In the R4 zone, residential flats are appropriate and encouraged to create a more dense urban form than the other residential zones. It is proposed in the R4 – High Density zone to have heights up to 33m and a floor space ratio (FSR) of 4:1.

The zone also allows other housing options, such as multi-dwelling housing and uses compatible with the residential neighbourhood including child care centres, neighbourhood shops and places of public worship.

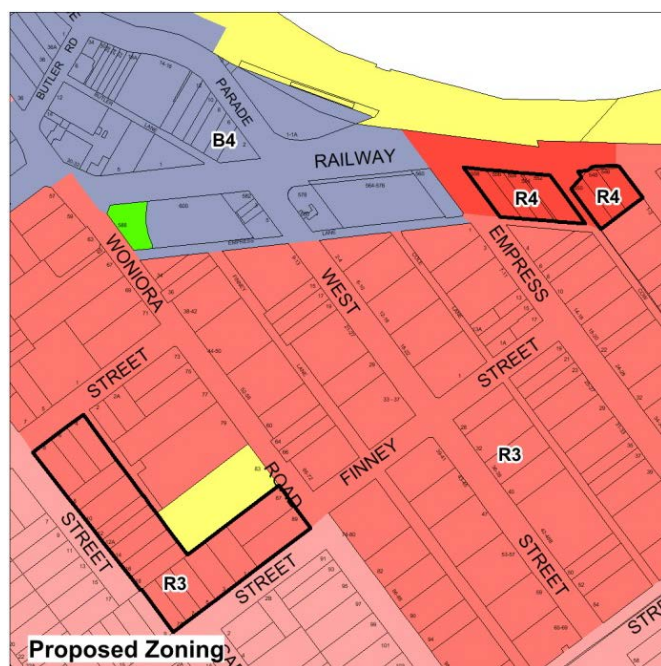
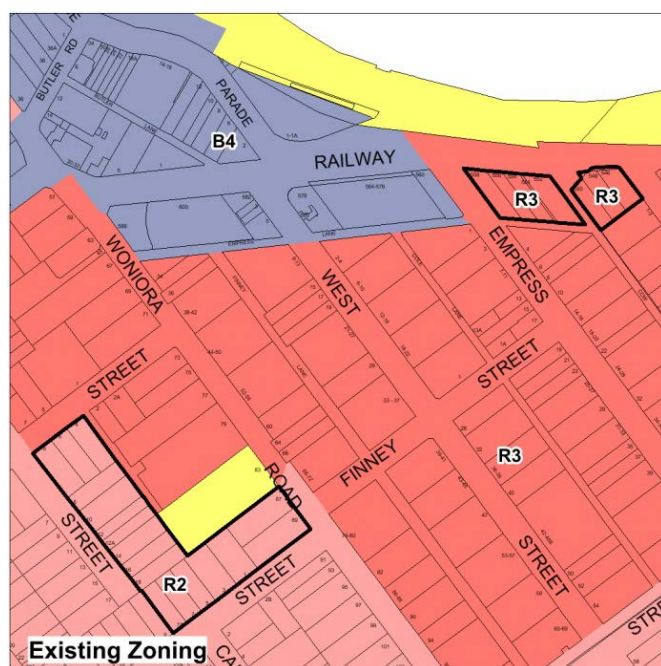
A copy of the Land Use Table for the Zone R4 – High Density Residential zone is included at **Appendix 2 – Draft Land Use Tables**.

The areas proposed to be zoned R4 – High Density Residential are identified in the Figures below:

Kogarah Town Centre



Hurstville Town Centre



2.2.4 Introduction of the Zone B6 – Enterprise Corridor

Consistent with the *Kogarah Employment Lands and Economic Development Strategy*, prepared by SGS Economics and Planning completed in March 2013, it is proposed to introduce a Zone B6 - Enterprise Corridor zone along the Princes Highway between O'Meara Street and Jubilee Avenue, plus half of the block (the former 'White Castle' site, known as No 297 Princes Highway, Carlton) between Francis and Westbourne Streets (Action 5.1).

The B6 - Enterprise Corridor zone enables a mix of employment uses including business, office and light industrial as well as bulky goods retailing.

B6 Enterprise Corridor in the Standard Instrument LEP is a zone that allows employment uses (usually low value), is suited to main road type areas, away from centres and can allow residential.

The objectives of the zone are:

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses). To maintain the economic strength of centres by limiting retailing activity.

The B6 – Enterprise Corridor zone aims to promote bulky goods retailing/commercial uses along the Princes Highway, limit general retailing to maintain the economic strength of the Centres and to enhance the visual appearance of the Princes Highway corridor.

It is considered that the proposed B6 - Enterprise Corridor zone would ensure that an appropriate planning framework is provided where the existing non-conforming uses currently situated along the Princes Highway become permissible within the zone, which would encourage a mix of compatible business uses and also reinforce the corridor as a commercial/employment precinct with supplementary residential development above.

It would also ensure that bulky goods retail is clustered at a highly accessible location with close proximity to the Kogarah Town Centre. Residential uses are proposed to be permissible in this zone, however as the objective of the B6 – Enterprise Corridor zone is to encourage the redevelopment of commercial/bulky goods retailing development, it is proposed to limit the amount of residential permitted in this zone.

A minimum of 0.7:1 commercial floor space is required to ensure that the primary objectives of the zone are realised and it is proposed to introduce a provision to limit the amount of residential development to no more than 65% of the total gross floor area of the proposed development.

Requests for consideration of increased residential development in this precinct were received during the exhibition of the Planning Proposal however these changes were not supported, as residential development is not the primary intent of the zone.

During the exhibition of the Planning Proposal, a significant number of submissions were received relating to the proposed height of development within the B6 – Enterprise Corridor zone, which was proposed at 21m.

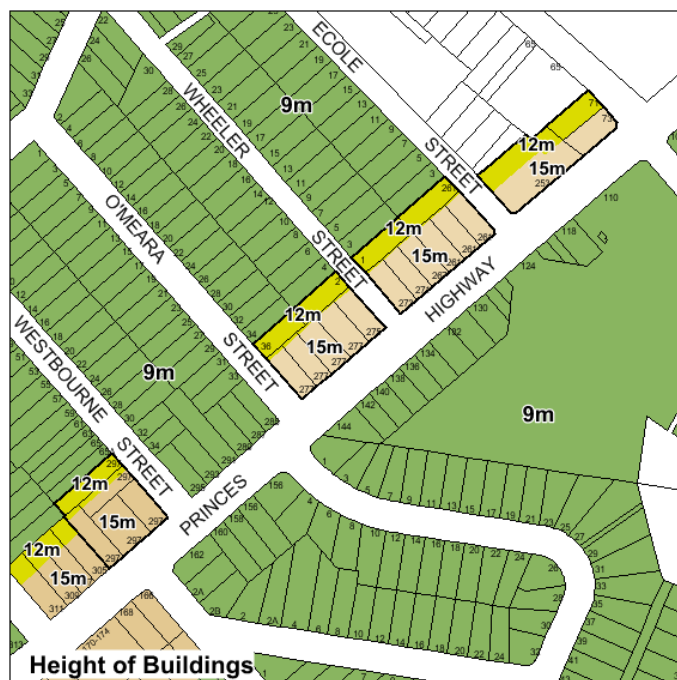
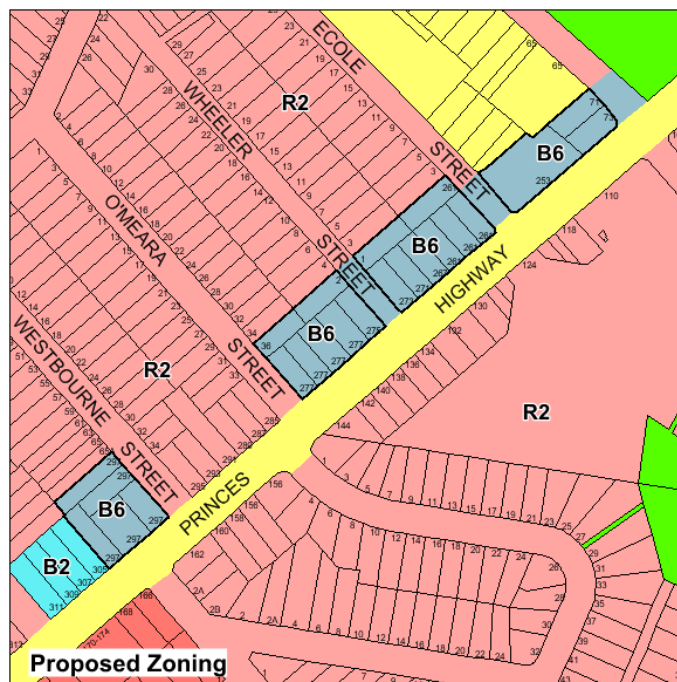
Council, at an Extraordinary meeting on 4 April 2016 resolved to make changes to the B6 – Enterprise Corridor zone in response to submissions received during the exhibition of the Planning Proposal, as follows:

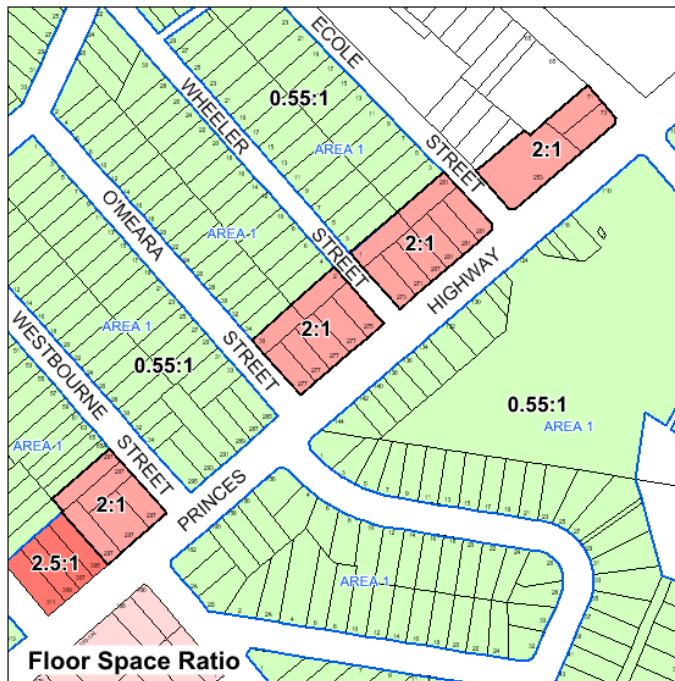
- Retain the existing R2 – Low Density Residential zone for Nos 285-295 Princes Highway, Nos 31-33 O'Meara Street and Nos 32-34 Westbourne Street, Carlton and amend the proposed height from 21m to 9m and the proposed FSR from 2:1 to 0.55:1
- Reduce the Height of Buildings in the proposed B6 – Enterprise Corridor zone. In this regard, the height is proposed to be reduced from the exhibited 21m to a split height of

15m fronting the Princes Highway, stepping down to a maximum height of 12m from the common boundary of the adjoining residential land for a minimum depth of 15m.

- No change to the proposed FSR for the B6 - Enterprise Corridor zone (2:1)

These changes are indicated in the maps below:





It is still proposed that the built form in this zone be large floor plate commercial at ground floor with residential development stepped up and away from the Highway frontage. The overall FSR for the B6 – Enterprise Corridor zone is proposed to be 2:1, as exhibited.

A minimum of 0.7:1 commercial floor space will be required to ensure that the objectives of the zone are realized. In this regard, it is proposed to introduce a local provision to limit the amount of residential development to no more than 65% of the total gross floor area of the proposed development:

The following clause (or similar) is proposed to be included in the written instrument to ensure that future development is focused on providing employment opportunities along the Princes highway corridor:

6.9 Development in Zone B6 – Enterprise Corridor

- (1) The objectives of this clause is to provide for the viability of development in the Zone B6 Enterprise Corridor and to maintain opportunities for business and retail types that are suited to high exposure locations while ensuring that centres remain the focus for business and retail activity.*
- (2) This clause applies to land in Zone B6 Enterprise Corridor.*
- (3) Development consent must not be granted to the erection of a building on land in Zone B6 Enterprise Corridor unless the consent authority is satisfied that no more than 65% of the gross floor area of the building will be used as shop top housing.*
- (4) Development consent must not be granted for development of a land use, other than shop top housing, that would result in an individual unit floor plate with a gross floor area of less than 500 square metres.*

A copy of the Land Use Table for the Zone B6 – Enterprise Corridor is included at **Appendix 2 – Draft Land Use Tables.**

2.2.5 Introduction of Zone E2 – Environmental Conservation

Council has become aware of a private property within the LGA that has been identified as containing significant high quality vegetation/bushland.

The subject site is currently part zoned RE1 – Public Recreation and part E4 - Environmental Living under Kogarah LEP 2012. Under the previous LEP (KLEP 1998), the subject site was zoned part 6(a) – Open space and part 2(a) – Low Density Residential. The site is now proposed to be zoned part E2 – Environmental Conservation and part R2 – Low Density Residential.

The site is a large, irregular shaped allotment located on the eastern foreshore of Kyle Bay with its northern boundary having frontage and formal entry to the southern end of Waratah Street, Kyle Bay. The site forms part of the larger urban bushland area that includes Kyle Williams Reserve. The site itself comprises an area of approximately 2.4 hectares with Kyle Williams Reserve comprising some 5.8 hectares.

Currently existing on the site is a single storey Victorian building constructed circa 1900 with later additions between the 1920s and 1950s. The dwelling is a locally listed heritage item under KLEP 2012. There are a number of other ancillary buildings and structures surrounding the main building, with the site being predominantly bushland.

The site is in the ownership of the Trust Company (Australia) Limited as trustee of the Kyle Williams Home Trust, which is a trust established by the will of Carolyn Milne Williams.

On 7 December 2012 in the Supreme Court of NSW, Justice White previously (in 2011) ordered that the trust property be applied cy-pres (i.e. as near as possible) from its original direction that the property be converted into a convalescent home for children. Council approved in September 2014 alterations and additions to the existing building for the use as a group home and construction of a respite care centre on that part of the site.

It is proposed that a significant portion of the site be rezoned as E2 – Environmental Conservation, while the remainder of the site be retained as Residential is consistent with the historical zoning position on the site. The community was supportive identified that they were supportive of the proposed change to E2 – Environmental Conservation during the exhibition of the Planning Proposal.

In order to ensure that this existing high quality vegetation is protected, it is proposed to introduce a Zone E2 – Environmental Conservation zone into the Kogarah LEP 2012. The objective of this zone is:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

The following uses are proposed to be permitted with consent in Zone E2:

- Environmental facilities
- Flood mitigation works
- Information and education facilities
- Jetties
- Roads

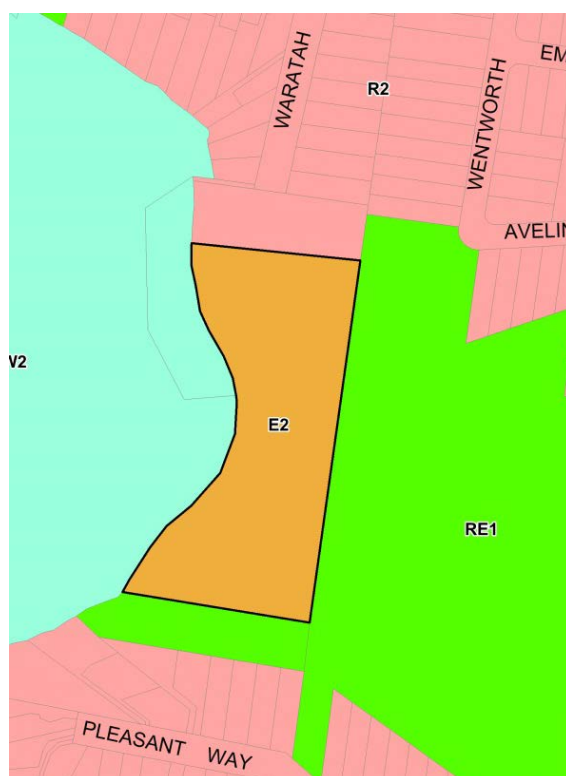
Environmental protection works are proposed to be permitted without consent. All other land uses will be prohibited.

A copy of the Land Use Table for the Zone E2 – Environmental Conservation is included at **Appendix 2 – Draft Land Use Tables**.

The area proposed to be zoned E2 – Environmental Conservation is identified in the Figures below:



Existing Zone – Kogarah LEP 2012



Proposed Zone – Planning Proposal, New City Plan

2.3 Amendments to Land Use Tables – Kogarah LEP 2012

As part of the review of Kogarah LEP 2012, a review has been undertaken with respect to the permissible and prohibited land uses within each of the existing zones.

The existing land use tables within KLEP 2012 represented a direct conversion of the land uses from the previous planning instrument Kogarah LEP 1998.

It is considered that the changes proposed are minor and are summarised in Table 2 below.

The land use tables, as proposed to be included in Kogarah LEP 2012 are included at Appendix 2.

Table 2: Review of existing land use tables

Zone	Proposed Amendment	Discussion
Zone R2 – Low Density Residential	Delete <i>dual occupancies (attached)</i> from Permitted with consent and replace with <i>dual occupancies</i>	Dual occupancy development, both attached and detached are proposed to be permitted in the R2 – Low Density Residential zone. Clause 4.1B provides a despite provision which restricts development for the purposes of a dual occupancy (detached) unless the lot has 2 road frontages and each dwelling has frontage to a road. In this regard, they are restricted to corner sites or sites with rear lane access.
	Insert <i>health consulting rooms</i> in Permitted with consent	health consulting rooms is defined as <i>premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.</i> It is considered that the use is consistent with the objectives of the zone.
	Insert <i>seniors housing</i> in Permitted with consent	Seniors housing has been inserted as a permitted use so as to allow the development proposed to be permitted by the local provision. Seniors housing is otherwise permitted in the R2 zone in accordance with the requirements of the SEPP.
	Insert <i>educational establishments</i> in Permitted with consent	This change is in response to the submission from the Department of Education and Communities. They have requested that <i>educational establishments</i> be included as a land use permitted with consent. Supported by Council's resolution on 4 April 2016.
Zone R3 – Medium Density Residential	Delete <i>dual occupancies (attached)</i> from Permitted with consent and replace with <i>dual occupancies</i>	See comment above related to dual occupancy development.

Zone	Proposed Amendment	Discussion
	Insert <i>educational establishments</i> in Permitted with consent	This change is in response to the submission from the Department of Education and Communities. They have requested that <i>educational establishments</i> be included as a land use permitted with consent. Supported by Council's resolution on 4 April 2016.
Zone B1 – Neighbourhood Centre	No changes proposed	
Zone B2 – Local Centre	No changes proposed	
Zone B4 – Mixed Use	No changes proposed	
Zone IN2 – Light Industrial	Delete <i>child care centres</i> and <i>respite day care centres</i> from Prohibited	These uses are considered appropriate in the zone and are now proposed to be permitted in the IN2 zone.
Zone SP2 - Infrastructure	Insert <i>public administration building</i> in Permitted with consent	public administration building is defined as a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station. This land use has been included as it is considered consistent with the objectives of the zone.
	Insert <i>commercial premises</i> in Permitted with consent	This land use has been included as it is considered consistent with the objectives of the zone. There are an existing number of commercial uses within this zone (for example, Railway Lands at Kogarah which would otherwise become an existing use over this zone).
Zone RE1 – Public Recreation	Insert <i>registered club</i> in Permitted with consent	This land use has been included as it is considered consistent with the objectives of the zone and would only be permitted in accordance with a Plan of Management.

2.4 Amendments to Part 4 – Principal Development Standards

2.4.1 Minimum subdivision lot size

The intention of the amendment is to encourage the subdivision of land, to allow for smaller allotments across the LGA.

Clause 4.1 – Minimum subdivision lot size of Kogarah LEP 2012 sets out the minimum lot sizes that apply to the subdivision of land. It allows Council to state the minimum allotment sizes for specific types of development within specific zones.

Previously, in the conversion of KLEP 1998 to the SILEP (Kogarah LEP 2012), Council included the minimum subdivision lot sizes as a conversion across from provisions contained in the relevant Development Control Plans. These ranged from 600sqm – 850sqm in the E4 – Environmental Living zone, 500sqm – 600sqm in the R2 – Low Density Residential zone and 850sqm – 950sqm in the R3- Medium Density Residential zone.

The subdivision requirements increased within the range above, depending on the adjoining zone. The existing requirements also included a minimum lot depth and a minimum lot width.

Kogarah's current requirements are generally more onerous than other Council areas across Metropolitan Sydney. As outlined above, in the past 20 years, Sydney property prices have risen considerably, and the values of land throughout the Kogarah LGA have increased considerably.

A review of the existing development standards relating to minimum subdivision lot size has been undertaken and it is recommended that the following amendments be made to Clause 4.1- Minimum subdivision lot size of KLEP 2012 and the associated maps to reflect the following:

- Minimum allotment size on land zoned R2- Low Density Residential and are situated on the waterfront – 700m² (Q)
- Minimum allotment size on land zoned R2- Low Density Residential and are not situated on the waterfront – 550m² (K)
- Minimum allotment size on land zoned R3- Medium Density Residential and R4 – High Density Residential – 850m² (S)

It is also proposed that if the allotment is a battle-axe lot or other lot with an access handle, then the area of the access handle and any right of carriageway will not be included in calculating the allotment size, and this area will need to be in addition to the minimum allotment size.

The new requirements will provide opportunities for land owners with larger blocks to subdivide their land. Any development on the subdivided allotment would still need to comply with FSR, setback and height requirements. A copy of the clause, as proposed, is included at **Appendix 5 – Draft Kogarah LEP 2012 Clauses.**

2.4.2 Floor Space Ratio (FSR)

Kogarah LEP 2012 does not include floor space ratios (FSR). At the time of preparing Kogarah LEP 2012, Council resolved not to include FSR as a development standard in the LEP due to:

- the use of building envelope controls for some centres;
- the complexity of mapping FSR for areas such as Kogarah Town Centre where there was a difference in the definition of gross floor area from the standard instrument definition; and
- the flexibility afforded by retaining the FSR in a Development Control Plan.

Subsequently, the Department of Planning allowed KLEP 2012 to be made without the inclusion of FSR.

The gazettal of Environmental Planning and Assessment Amendment Act 2012 on 1 March 2013 included changes to the purpose, status and content of DCPs.

Specifically, the Amendment Act returns the status of DCPs as a guideline and confirms the status of LEPs as the primary statutory planning document for an area – providing permissibility of land uses in a particular zone and principle development standards (for example, height, floor space ratios and subdivisions standards).

With the current review of Kogarah LEP 2012 and the development of the Kogarah 2031 Housing Strategy, it was considered appropriate to include FSR as a development standard in the LEP, consistent with the Standard Instrument LEP.

FSR – R2 Low Density Residential Zone

Kogarah Development Control Plan 2013 (Kogarah DCP 2013) contains a sliding scale FSR for development in the R2 – Low Density Residential zone. The sliding scale FSR calculator allows a maximum FSR of 0.55:1 for sites <651sqm, and is reduced as the site area of the allotment increases (For example a 1500sqm site has a FSR of 0.35:1).

The only area currently zoned R2 – Low Density Residential where the sliding scale does not apply is within the Bellevue Estate, which is bounded by Bellevue Parade, Russell Lane, Burraneer Close and First Avenue, Hurstville. The majority of the allotments in this precinct are narrow sites with an average site area of approximately 300sqm. In developing the FSR controls for this precinct, it was considered appropriate to provide a bonus 0.05:1 FSR (maximum FSR of 0.6:1) to enable adequate internal amenity and functional building design. It is proposed to retain the 0.6:1 maximum FSR for those sites within the Bellevue Estate. This area has been identified as **Area 2** on the FSR map.

In submitting the FSR maps to the Department for Gateway, an error was made with respect to the notation on the FSR Map, in that it did not indicate the correct notation relating to the sliding scale provision for the R2 – Low Density Residential zone.

This error was identified by staff prior to the exhibition of the Planning Proposal and subsequently corrected to indicate that the sliding scale FSR applied to the majority of R2 – Low Density Residential zoned land.

With respect to the retention of the sliding scale FSR for the R2 – Low Density Residential zone, it was always Council's intention that this would be retained

Currently, this control is in Council's Kogarah DCP 2013 and has been in place since the adoption of the Residential Design Guide DCP in 2005. Council first attempted to include the sliding scale FSR across as part of the preparation of its Standard Instrument LEP in 2011. The reports to Council for the preparation of the Planning Proposal for the Standard Instrument LEP identified that it was Council's intention to retain the sliding scale FSR and a draft clause was drafted up at that time for discussion with the Department.

Due to complexities related to the conversion of FSR in other zones, the FSR provisions were not incorporated into the SILEP. As such, when Council resolved to prepare the Planning Proposal for the New City Plan, it reiterated its intention to retain the sliding scale FSR for the R2 – Low Density Residential zone.

Both the report that was presented to Council and made available to the public and Council's Planning Proposal, which was exhibited, identified Council's intention to retain the sliding scale FSR for the R2 – Low Density Residential zone. In addition, the New City Plan Newsletter, which was distributed during the exhibition period provided information in relation to Council's intention to retain the sliding FSR for the R2 – Low Density Residential zone and provided examples as to how the sliding scale would be applied.

The maps that were exhibited with the Planning Proposal also reflected the incorporation of the sliding scale for the R2 – Low Density Residential zone.

Accordingly, it is proposed to include a specific clause into Kogarah LEP 2012 that retains the current FSR requirements in the R2- Low Density Residential zone:

4.4A Exceptions to floor space ratio for residential accommodation in the R2 – Low Density Residential zone

(1) The objectives of this clause are as follows:

- (a) to ensure that the bulk and scale of development is compatible with the size of the allotment,*
- (b) to promote good residential amenity.*

(2) This clause applies to land zoned R2 – Low Density Residential

(3) Despite clause 4.4(2) the maximum floor space ratio for residential accommodation is not to exceed the floor space ratio applicable to the site area of the land on which the development is situated.

<i>Site Area</i>	<i>Maximum Floor Space Ratio</i>
<i><650 square metres</i>	<i>0.55:1</i>
<i>650- 800 square metres</i>	<i>[[[(lot area – 650) × 0.3] + 357.5]/lot area]:1</i>

801- 1000 square metres	$[[[(\text{lot area} - 800) \times 0.2] + 402.5] / \text{lot area}] : 1$
1001-1500 square metres	$[[[(\text{lot area} - 1000) \times 0.15] + 442.5] / \text{lot area}] : 1$
>1500 square metres	$[[[(\text{lot area} - 1500) \times 0.1] + 517.5] / \text{lot area}] : 1$

- (4) Despite clause 4.4A(3) the maximum floor space ratio for residential accommodation for land identified as Area 2 on the Floor Space Ratio Map is not to exceed 0.6:1.

2.4.3 Height of Buildings for the R2 – Low Density Residential zone

The Planning Proposal, as exhibited proposed that the height of dwellings in the R2 – Low Density Residential zone be reduced from 9m to 8.5m.

The intent of the amendment, as exhibited was to align the height of dwellings with the requirements in the Codes SEPP, which allows for dwelling houses as complying development. There was also some concern that the 9m height limit may be effective in enabling some third storey development, particularly on flat sites.

Currently, Kogarah Development Control Plan 2013 includes a number of objectives and controls to limit the height of dwelling houses, in addition to the overall height of building requirements. These include a limitation on the maximum wall height and number of storeys. The controls also make concessions for sloping sites, by allowing developments to step up or down the block. The Codes SEPP does not provide for this flexibility and generally only allows for developments on flat sites.

During the exhibition of the Planning Proposal, one oral submission (supporting) and one written submission (objecting) was received relating to the 8.5m height limit.

Council Officers have undertaken a further review of the impact of the reduction in height in the R2 – Low Density Residential zone. A number of concerns have been identified with the 8.5m height limit, namely:

- It would limit design flexibility of new dwellings, particularly on sloping sites;
- It would restrict innovative roof designs;
- It would be likely to result in a greater number of applications being submitted to Council with non-compliances to the overall height of buildings development standard.

Although the height of buildings is proposed to be a development standard in the LEP, Council could still include objectives and design standards in its DCP. Such controls could respond to the issues relating to height and bulk of a building.

The Land and Environment Court has also recognised that DCP controls play a key role in establishing the level of amenity impact that can reasonably be expected (for neighbours and residents), as articulated in its planning principle on the assessment of height and bulk (Veloshin v Randwick Council [2007] NSWLEC 428).

Council, at an Extraordinary Council Meeting on 4 April 2016 considered the proposed change to the height of buildings in the R2 – Low Density zone and resolved to retain the 9m height limit, consistent with the existing height in the R2 – Low Density Residential zone. Subsequently, Council resolved to endorse the change.

It considered that this amendment is minor and does not necessitate re-exhibition of the Planning Proposal.

2.5 Amendments to Schedule I – Additional Permitted Uses

As outlined in Table I above, Schedule I – Additional permitted uses identifies land that certain development is permitted on even though the development is not included in the Land Use Table for the zone.

Schedule I generally reflected those properties which were subject to the previous Clause 22A of Kogarah LEP 1998, which permitted villas, townhouses, terrace houses and detached dual occupancy development in the Residential 2(a) zone under specific conditions. Prior to the amendment, these types of development were not permitted in the Residential 2(a) zone.

Kogarah LEP 2012 represented a conversion of the then current requirements in Kogarah LEP 1998 and Schedule I generally reflected those sites under which development would have been permitted in accordance with Clause 22A of LEP 1998.

Council in preparing the Planning Proposal undertook a detailed review of those provisions contained in Schedule I and a detailed discussion relating to each property is included in **Appendix 3 – Review of Schedule I – Additional Permitted Uses**.

During the exhibition of the Planning Proposal, a number of submissions were received from affected property owners objecting to the removal of their property. Council, at an Extraordinary Meeting on 4 April 2016 resolved to make a number of amendments to Schedule I, in response to submissions received.

Where Council has resolved to make a change to Schedule I (post exhibition), a comment has been included in the following Tables.

2.5.1 Amendments to Schedule I, Clauses I-15

The sites identified in Clauses I-15 represented those sites that were existing non-conforming uses (for example, hotel or motel accommodation in the R2 – Low Density Residential zone). The majority of these sites were converted across from KLEP 1998 and represent sites which had existed prior to the gazettal of KLEP 1998.

The majority of sites identified are now proposed to be rezoned and as such the current uses will be permitted in the zone.

A summary table and detailed discussion relating to each of the sites is included at **Appendix 3**.

The recommendations relating to each property as well as any proposed changes, post exhibition are summarised in Table 3 below:

Table 3: Review of Schedule 1, Clauses 1-15

Address	Summary	Planning Proposal, as exhibited	Proposed Changes, post exhibition
1. Use of certain land at No.36 Bunyala Street, Blakehurst	Proposed to be rezoned from R2 – Low Density Residential to R3 – Medium Density Residential. Motel use is permitted in the R3 zone.	Remove from Schedule 1	No change – remove from Schedule 1
2. Use of certain land at Nos. 916-918 King Georges Road, Blakehurst	Existing zoning to be retained. Additional permitted use is proposed to be retained.	Retain in Schedule 1	No change – Retain in Schedule 1
3. Use of certain land at No.513 Princes Highway, Blakehurst	Proposed to be rezoned from R2 – Low Density Residential to R3 – Medium Density Residential. Hotel or motel accommodation is permitted in the R3 zone.	Remove from Schedule 1	No change – remove from Schedule 1
4. Use of certain land at Nos.47, 47A, 47B, 47C, 47D and 47E Terry Street, Blakehurst	Proposed to be rezoned from R2 – Low Density Residential to R3 – Medium Density Residential. Multi-dwelling housing will be permitted in the R3 zone.	Remove from Schedule 1	No change – remove from Schedule 1
5. Use of certain land at Nos. 59, 59A and 59B Terry Street, Blakehurst	Existing R2 – Low Density zoning is to be retained however it is unlikely that the subject sites will be redeveloped for multi-dwelling housing on the consolidated sites.	Remove from Schedule 1	No change – removed from Schedule 1
6. Use of certain land at Nos.63-67 Terry Street, Blakehurst.	Existing R2 – Low Density zoning is to be retained however it is unlikely that the subject sites will be redeveloped for multi-dwelling housing on the consolidated sites.	Remove from Schedule 1	No change – remove from Schedule 1
7. Use of certain land at Nos.71-73 Jubilee Avenue, Carlton	Proposed to be rezoned from R2 – Low Density Residential to B6 – Enterprise Corridor. Vehicle sales or hire will be a permitted use in the B6 zone.	Remove from Schedule 1	No change – remove from Schedule 1
8. Use of certain land at Nos. 2-4 Short Street, Kogarah	Subject site is zoned R3 – Medium Density Residential. Health services facilities are permitted under the Infrastructure SEPP (ISEPP).	Remove from Schedule 1	No change – remove from Schedule 1

Address	Summary	Planning Proposal, as exhibited	Proposed Changes, post exhibition
9. Use of certain land at No.66 Letitia Street, Oatley.	The subject site is zoned R2 – Low Density Residential and has a tennis court in the rear yard, which may have previously been used for commercial purposes The use is a prohibited use in the R2 and there is no evidence to suggest that the tennis court is currently being used for commercial purposes.	Remove from Schedule I	No change – remove from Schedule I
10. Use of certain land at Nos.11, 11A, 11B and 15 Wonoona Parade East and 5A Ada Street, Oatley	Proposed to be rezoned from R2 – Low Density Residential to R3 – Medium Density Residential. Multi-dwelling housing will be permitted in the R3 zone.	Remove from Schedule I	No change – remove from Schedule I
11. Use of certain land at Nos. 3 and 3A Torwood Street and No.12 Dalkeith Street, Sans Souci	The subject sites are currently zoned R2 – Low Density Residential. No 12 Dalkeith Street is a heritage listed property and is unlikely to be redeveloped. Nos 3A is a substantial dwelling which appears to have been recently renovated. It is unlikely that these sites will be consolidated and redeveloped for multi-dwelling housing.	Remove from Schedule I	No change – remove from Schedule I
12. Use of certain land at No. 7 Greenacre Road, South Hurstville	Proposed to be rezoned from R2 – Low Density Residential to R3 – Medium Density Residential. Multi-dwelling housing will be permitted in the R3 zone.	Remove from Schedule I	No change – remove from Schedule I
13. Use of certain land at Nos.16A, 18 and 18A Rickard Road, South Hurstville	Proposed to be rezoned from R2 – Low Density Residential to R3 – Medium Density Residential. Multi-dwelling housing will be permitted in the R3 zone.	Remove from Schedule I	No change – remove from Schedule I
14. Use of certain land at	Proposed to be rezoned from R2 – Low Density Residential to	Remove from Schedule I	No change – remove from Schedule I

Address	Summary	Planning Proposal, as exhibited	Proposed Changes, post exhibition
Nos.12-16 The Mall and No.53 Tavistock Road, South Hurstville	R3 – Medium Density Residential. Multi-dwelling housing will be permitted in the R3 zone.		
15. Use of certain land at Nos.1-3 William Street, South Hurstville	Proposed to be rezoned from R2 – Low Density Residential to R3 – Medium Density Residential. Multi-dwelling housing will be permitted in the R3 zone.	Remove from Schedule 1	No change – remove from Schedule 1

2.5.2 Amendments to Schedule 1, Clause 16

Schedule 1, Clause 16 allows certain land to be used as a business premises, office premises, residential flat building and shops in zones where these land uses are generally prohibited.

The existing clause was converted across from Kogarah LEP 1998 in the preparation of the conversion Standard Instrument LEP (Kogarah LEP 2012).

A review of Schedule 1, Clause 16 has been undertaken and it is now proposed to include “restaurant or café” to the list of permitted uses as it is considered that this use is consistent with the other uses identified and would allow for appropriate redevelopment of those sites identified.

A number of additional properties are proposed to be included into Clause 16, Schedule 1. These are properties that are currently purpose built business premises, but are within a zone where the existing land use is prohibited.

During the exhibition of the Planning Proposal, submissions were received from owners along the Princes Highway in the area identified as Blakehurst Precinct – Blakehurst Waterfront. The concern was that the Planning Proposal did not make any provision for the existing restaurant uses and that Council should give consideration to retain such uses as part of any redevelopment along the Precinct.

Subsequently, Council at an Extraordinary Meeting on 4 April 2016 resolved the following:

- (4) *With respect to the Blakehurst Precinct (Blakehurst Waterfront)*
 - (i) *Amend the Planning Proposal to include restaurant or café for the properties within the Blakehurst Precinct (Blakehurst Waterfront) and a specific provision relating to the creation of foreshore public access.*

Council considers that the most appropriate way of dealing with the inclusion of additional permitted uses in this Precinct would be to include an additional provision within Schedule 1, Clause 16. As this change is in response to submissions received during the exhibition of the Planning Proposal, it is considered that re-exhibition is not required.

In this regard, it is proposed to include the following properties in Schedule 1, Clause 16, as identified in Table 4 below:

Table 4: Additional Properties – Schedule 1, Clause 16

Address	Lot and DP
No.424 Princes Highway BLAKEHURST	LOT: 1 DP: 9209 & LOT: 2 DP: 9209
No.426 Princes Highway BLAKEHURST	LOT: 3 DP: 9209
No.428 Princes Highway BLAKEHURST	LOT: 4 DP: 9209
No.430 Princes Highway BLAKEHURST	LOT: 5 DP: 9209
No.432 Princes Highway BLAKEHURST	LOT: 6 DP: 9209
No.434 Princes Highway BLAKEHURST	LOT: 21 DP: 6944
No.436 Princes Highway BLAKEHURST	LOT: 20 DP: 6944
No.448 Princes Highway BLAKEHURST	LOT: 1 DP: 118845
No.450 Princes Highway BLAKEHURST	LOT: B DP: 435423
No.454 Princes Highway BLAKEHURST	LOT: 9 DP: 1156591 & LOT: 10 DP: 1155417
No.468 Princes Highway BLAKEHURST	LOT: A DP: 420623
No.470 Princes Highway BLAKEHURST	LOT: 1 DP: 223068
No.472-474 Princes Highway BLAKEHURST	LOT: 10 DP: 633892
No.723 Princes Highway BLAKEHURST	LOT: 22 DP: 6944
No.725 Princes Highway BLAKEHURST	LOT: 23 DP: 6944
No.727 Princes Highway BLAKEHURST	LOT: 24 DP: 6944
No.729 Princes Highway BLAKEHURST	LOT: 25 DP: 6944
No.731 Princes Highway BLAKEHURST	LOT: 26 DP: 6944
Nos.733-735 Princes Highway BLAKEHURST	LOT: 27 DP: 6944 & LOT: 28 DP: 6944
No.737 Princes Highway BLAKEHURST	LOT: 29 DP: 6944
No.739 Princes Highway BLAKEHURST	LOT: 2 DP: 595654
No.741 Princes Highway BLAKEHURST	LOT: 1 DP: 595654

The recommendations relating to each property as well as any proposed changes, post exhibition are summarised in Table 5 below:

Table 5: Review of Schedule 1, Clause 16

Address	Planning Proposal, as exhibited	Proposed Changes, post exhibition
(a) No.97 Noble Street, Allawah, being Lot 50, DP 7182	Site has been redeveloped - delete from Schedule 1	No change – delete from Schedule 1
(b) No.30 Jubilee Avenue, Carlton, being Lot 1, DP577628	Retain in Schedule 1	No change – retain in Schedule 1
(c) No.32 Jubilee Avenue, Carlton, being Lot 2, DP577628	Retain in Schedule 1	No change – retain in Schedule 1
(d) No.39 Jubilee Avenue, Carlton, being Lot 6, Section B, DP 10377	Sites are proposed to be rezoned to permit the uses identified – delete sites from Schedule 1	No change – delete from Schedule 1
(e) No.41 Jubilee Avenue, Carlton, being Lot 7, Section B, DP 10377	Sites are proposed to be rezoned to permit the uses identified – delete sites from Schedule 1	No change – delete from Schedule 1
(f) No.43 Jubilee Avenue, Carlton, being Lot 8, Section B, DP 10377	Sites are proposed to be rezoned to permit the uses identified – delete sites from Schedule 1	No change – delete from Schedule 1
(g) No.45 Jubilee Avenue, Carlton, being Lot 9, Section B, DP 10377	Sites are proposed to be rezoned to permit the uses identified – delete sites from Schedule 1	No change – delete from Schedule 1
(h) No.55 Jubilee Avenue, Carlton, being Lot 5, DP 170245	Retain in Schedule 1	No change – retain in Schedule 1
(i) No.115 Connells Point Road, Connells Point, being Lot E, DP302306	Retain in Schedule 1	No change – retain in Schedule 1
(j) No.40 Bellevue Parade, Hurstville, being Lot 43, Section 7, DP2793	Retain in Schedule 1	No change – retain in Schedule 1
(k) Nos.13-15 Gray Street, Kogarah, being Lots 1 and 2, DP770957	Retain in Schedule 1	No change – retain in Schedule 1
(l) No.71 Gray Street, Kogarah, being Lots 6-8, Section B, DP976627	Retain in Schedule 1	No change – retain in Schedule 1
(m) No.4A Wyee Street, Kogarah Bay, being Lot A, DP383186	Retain in Schedule 1	No change – retain in Schedule 1
(n) No.59 Rosa Street, Oatley, being Lot 1, DP1080827	Retain in Schedule 1	No change – retain in Schedule 1
(o) No.281 Rocky Point Road, Sans Souci, being Lots 1 and 2 SP65139	Retain in Schedule 1	No change – retain in Schedule 1
(p) No.283 Rocky Point Road, Sans Souci, being Lots 1 and 2, SP67532	Retain in Schedule 1	No change – retain in Schedule 1

Address	Planning Proposal, as exhibited	Proposed Changes, post exhibition
(q) No.393 Rocky Point Road, Sans Souci, being Lot D, DP25589	Retain in Schedule I	No change – retain in Schedule I
(r) Nos.395-399 Rocky Point Road, Sans Souci, being Lot D, DP25589 (rl) Nos.401-403 Rocky Point Road, Sans Souci, being Lots B and C, DP25589	Retain in Schedule I	No change – retain in Schedule I
(s) No.64 Blakesley Road, South Hurstville, being Lot 8, Section 3, DP5453	Retain in Schedule I	No change – retain in Schedule I
(t) No.64 Blakesley Road, South Hurstville, being Lot I, DP947432	Retain in Schedule I	No change – retain in Schedule I
(u) No.100 Connells Point Road, South Hurstville, being Lot I, DPI03456	Retain in Schedule I	No change – retain in Schedule I
(v) No.911 King Georges Road, South Hurstville, being Lot B, DP324694	Retain in Schedule I	No change – retain in Schedule I
No.129 Laycock Road, Hurstville Grove, being Lot I, DPI78839	Additional sites to be included in Schedule I. Site is currently used as a “restaurant or café” and should be identified in the Schedule. Both sites are currently used as shops.	No change – include “restaurant or café” as a permitted use.
Nos.29 – 31 Rocky Point Road, Kogarah, being Pt: 61 DP: 6615	Additional sites to be included in Schedule I. Site is currently used as a “restaurant or café” and should be identified in the Schedule. Both sites are currently used as shops.	No change – include “restaurant or café” as a permitted use.

2.5.3 Deletion of Clause 17 in Schedule I

Clause 17 of Schedule I identified certain sites where development for the purpose of multi-dwelling housing is permitted. A review of the sites identified by this clause has been undertaken and it is recommended that the clause be deleted.

The recommendations relating to each of the sites listed in Clause 17, Schedule I, as well as any proposed changes, post exhibition are summarised in Table 6 below:

Table 6: Review of Schedule 1, Clause 17

Address	Planning Proposal, as exhibited	Proposed Changes, post exhibition
(a) No.36 Bunyala Street, Blakehurst, being Lot 4, DP 516331	The Kogarah 2031 Housing Strategy recommends rezoning of the subject site to R3 and Hotel/motel accommodation is a permitted use in the R3 zone. Recommendation: Remove property from Schedule 1	No change – delete from Schedule 1 Recommendation: Remove property from Schedule 1
(b) No.243 West Street, Blakehurst, being Lot 7, DP 25945	The subject site is currently zoned R2 – Low Density Residential and the site is 958m² and adjoins a detached dual occupancy development. It is considered that the subject site will have development potential for dual occupancy development under the proposed dual occupancy provisions. Recommendation: Remove property from Schedule 1	During the exhibition a request was made by the owner to retain the property in Schedule 1, Clause 17. The property is affected by mainstream flooding with a large percentage of the site classified as high hazard in the 1 in 100 year ARI event, however since exhibition of the Planning Proposal a development application has been submitted and determined in accordance with the current provisions. The application adequately addressed the flooding issues. Accordingly, it is recommended that the property be retained in Schedule 1, Clause 17. Recommendation: Retain property in Schedule 1
(c) No.69 Homedale Crescent, Connells Point, being Lot 213, DP 635022	There is a significant, relatively new dwelling on the subject site, which is adjoined by townhouses on either side of the property boundary. The subject site is approximately 930m² and would allow redevelopment for a dual occupancy development. It is considered that the current value of the property and dwelling would negate the redevelopment of the site for multi-dwelling housing (townhouses) Recommendation: Remove property from Schedule 1	No change – delete from Schedule 1 Recommendation: Remove property from Schedule 1
(d) No.56 The Boulevard, Sans	The Kogarah 2031 Housing Strategy recommends rezoning of the subject	No change – delete from Schedule 1

Address	Planning Proposal, as exhibited	Proposed Changes, post exhibition
Souci, being Lot 1, DP 326110	site to R3 and Hotel/motel accommodation is a permitted use in the R3 zone. Recommendation: Remove property from Schedule 1	Recommendation: Remove property from Schedule 1

2.5.4 Amendments to Schedule 1, Clause 18

This clause replaced the requirements relating to sites identified for villa developments in the conversion of KLEP 1998 to the SILEP, Kogarah LEP 2012 and identifies those sites in the R2 – Low Density Residential zone where multi-dwelling housing up to 5m in height is permitted on sites where there is at least a 20m frontage.

A review of Clause 18 in Schedule 1 has been undertaken and the recommendations relating to each of the sites listed in Clause 18, Schedule 1, as well as any proposed changes, post exhibition are summarised in Table 7 below:

A detailed discussion of each site is also included at **Appendix 3**.

Table 7: Review of Schedule 1, Clause 18

Schedule Reference	Address	Planning Proposal, as exhibited	Proposed changes, post exhibition
(a) – (e)	Nos 107 & 109 Jubilee Avenue, & Nos 113-121 Rocky Point Road, Beverley Park	Delete sites from Schedule 1	No change – delete sites from Schedule 1
(f) – (h)	Nos 139 – 155 Rocky Point Road, Beverley Park	Delete sites from Schedule 1	No change – delete sites from Schedule 1
(i) & (t)	No.1A Cooleen Street & Nos.925-927 King Georges Road, Blakehurst	Delete sites from Schedule 1	No change – delete sites from Schedule 1
(j), (k), (af) & (ag)	Nos.1-3 Heath Road & Nos.22-22A Terry Street, Blakehurst	Delete sites from Schedule 1	No change – delete sites from Schedule 1
(l), (n), (o), (am), (an), (ao) & (aq)	Nos.1-5 James Street, Nos.6-16 Vaughan Street & Nos.1-7 Water Street, Blakehurst.	Delete sites from Schedule 1	No change – delete sites from Schedule 1
(m), (p), (ac), (ad), (ae) & (al)	Nos.2-8 James Street & Nos.2-8 Stuart Street & Nos.2-4 Vaughan Street, Blakehurst	Delete sites from Schedule 1	No change – delete sites from Schedule 1
(q), (r), (s), (ah), (ai), & (aj)	Nos.913- 919 King Georges Road & Nos. 24 – 30 Terry Street, Blakehurst	Retain sites in Schedule 1	No change – retain sites in Schedule 1

Schedule Reference	Address	Planning Proposal, as exhibited	Proposed changes, post exhibition
(ai) & (ak)	Nos. 36 – 46 Terry Street, Blakehurst	Retain sites in Schedule 1	No change – retain sites in Schedule 1
(u), (v), (w), (y), (z) & (ap)	Nos.945 – 953 King Georges Road; Nos.9-11 Lynwood Street and No.2 Walton Street, Blakehurst	Retain sites in Schedule 1	No change – retain sites in Schedule 1
(x), (aa) & (ab)	No.969 King Georges Road & Nos.9-11 Phillip Street, Blakehurst	Delete sites from Schedule 1	No change – delete sites from Schedule 1
(ar)	Nos.433-435 Princes Highway Blakehurst	Delete sites from Schedule 1	No change – delete sites from Schedule 1
(as)	314-316 Princes Highway, Carss Park	Delete sites from Schedule 1	No change – delete sites from Schedule 1
(at), (au) & (aw)	Nos 143-149 Connells Point Road & 92-94 Greenacre Road, Connells Point	Retain sites in Schedule 1	No change – retain sites in Schedule 1
(av)	No.151 Connells Point Road, Connells Point	Delete sites from Schedule 1	No change – delete sites from Schedule 1
(ax)	Nos.67 & 69 Hillcrest Avenue, Hurstville Grove	Retain sites in Schedule 1	No change – retain sites in Schedule 1
(bb)	Nos.1-9 Hillpine Avenue, Kogarah	Retain sites in Schedule 1	No change – retain sites in Schedule 1
(bc)	No.61 Park Road, Kogarah Bay	Delete sites from Schedule 1	No change – delete sites from Schedule 1
(bd)	Nos.30 & 32 Coleborne Avenue, Mortdale	Delete sites from Schedule 1	No change – delete sites from Schedule 1
(be)	Nos.120-122 Railway Parade, Mortdale	Delete sites from Schedule 1	During the exhibition of the Planning Proposal, a submission was received from the owners of the property objecting to the removal of No 120 & 122 Railway Parade, Mortdale from Schedule 1, Clause 18 which permits identified sites with a minimum 20m frontage to be developed for multi-dwelling housing up to 5m in height. The subject sites were proposed to be removed from Schedule 1 in error. As such, council resolved to retain the subject sites in Schedule 1. Retain sites in Schedule 1.
(bf) & (bg)	Nos.11-17 Ada Street,	Delete sites from	No change – delete sites from

Schedule Reference	Address	Planning Proposal, as exhibited	Proposed changes, post exhibition
	Oatley	Schedule 1	Schedule 1
(bh)	No.23 Frederick Street, Oatley	Delete sites from Schedule 1	No change – delete site from Schedule 1
(bi)	Nos.1-5 Mimosa Street, Oatley	Retain sites in Schedule 1	No change – retain sites in Schedule 1
(bj)	Nos.8-10 Rosa Street, Oatley	Delete sites from Schedule 1	No change – delete sites from Schedule 1
(bk) & (bl)	Nos.30 – 34 Rosa Street & Nos.38-42 Rosa Street, Oatley	Delete sites from Schedule 1	No change – delete sites from Schedule 1
(bm) & (br)	No.1 Dalkeith Street & Nos.81-85 Ramsgate Road, Sans Souci	Retain sites in Schedule 1	No change – retain sites in Schedule 1
(bv) & (bw)	Nos.2 & 2A Torwood Street, Sans Souci	Retain sites in Schedule 1	No change – retain sites in Schedule 1
(bn)	Nos.9-11 Endeavour Street, Sans Souci	Retain sites in Schedule 1	No change – retain sites in Schedule 1
(bo), (bp), (bq), (bt) & (bu)	Nos.2, 2A & 2B Myers Street & Nos.405 – 411 Rocky Point Road, Sans Souci	Retain sites in Schedule 1	No change – retain sites in Schedule 1
(bs)	Nos.293-295 Rocky Point Road, Sans Souci	Retain sites in Schedule 1	No change – retain sites in Schedule 1
(bx) & (by)	Nos.42-44 Halstead Street, South Hurstville	Retain sites in Schedule 1	No change – retain sites in Schedule 1
(bz) & (ca)	Nos.3 & 5 Resthaven Road, South Hurstville	Delete sites from Schedule 1	No change – delete sites from Schedule 1
(cb)	Nos.8 & 10 Resthaven Road, South Hurstville	Retain sites in Schedule 1	No change – retain sites in Schedule 1
(cc) & (cd)	Nos.1-5 Rickard Road and Nos.4-6 William Street, South Hurstville	Delete sites from Schedule 1	No change – delete sites from Schedule 1

2.5.5 Amendments to Schedule 1, Clause 19

Clause 19 of Schedule 1 represented a conversion of Clause 22A(8) of KLEP 1998 which permitted development for the purposes of villas or townhouses (or both) or detached dual occupancy to be carried out, with consent, on an allotment of land zoned R2 - Low Density Residential with a minimum area of 1500m². The provision also permits the subsequent subdivision of the land.

In converting across the requirements of Clause 22A(8) to the SILEP (Kogarah LEP 2012), Council identified those sites with an area of at least 1500m² with multi dwelling housing and dual occupancy (detached) as additional permitted uses.

A review of these sites has been undertaken and the recommendations relating to each of the sites listed in Clause 19, Schedule 1, as well as any proposed changes, post exhibition are summarised in Table 8 below:

A detailed discussion of each site is included at **Appendix 3**.

Table 8: Review of Schedule 1, Clause 19

Address	Planning Proposal, as exhibited	Proposed changes, post exhibition
(a) Nos.46–48 Princes Highway, Beverley Park, being Lot 102, DP 880129	Retain in Schedule 1 - Development for the purposes of multi-dwelling housing is permitted with development consent, but only if the floor space ratio does not exceed 0.7:1	No change – Retain in Schedule 1
(b) No. 124 Princes Highway, Beverley Park, being Lot 1, DP 814106	Retain in Schedule 1 - Development for the purposes of multi-dwelling housing is permitted with development consent, but only if the floor space ratio does not exceed 0.7:1	No change – retain in Schedule 1
(c) No.36 Bunyala Street, Blakehurst, being Lot 4, DP 516331	Remove site from Schedule 1	No change – remove from Schedule 1
(d) Nos.16–24 Cheddar Street, Blakehurst, being Lot 150, DP 1110271	Remove site from Schedule 1	No change – remove from Schedule 1
(e) No.26 Heath Road, Blakehurst, being Lot 45, DP 853686	Remove site from Schedule 1	No change – remove from Schedule 1
(f) No.394 Princes Highway, Blakehurst, being Lot 1, DP 703471	Remove site from Schedule 1	No change – remove from Schedule 1
(g) No.408 Princes Highway, Blakehurst, being Lot D, DP 362178	Retain in Schedule 1 - Development for the purposes of multi-dwelling housing is permitted with development consent, but only if the floor space ratio does not exceed 0.7:1	No change – retain in Schedule 1
(h) No.699 Princes Highway, Blakehurst, being Lot 11, DP 617346,	Retain in Schedule 1 - Development for the purposes of multi-dwelling housing is permitted with development consent, but only if the floor space ratio does not exceed 0.7:1	No change – retain in Schedule 1

Address	Planning Proposal, as exhibited	Proposed changes, post exhibition
(i) No.200 West Street, Blakehurst, being Lot I, Section 5, DP 7754	Remove site from Schedule I	No change – remove from Schedule I
(j) No.17 Planthurst Road, Carlton, being Lot 143, DP 2022	Retain in Schedule I - Development for the purposes of multi-dwelling housing is permitted with development consent, but only if the floor space ratio does not exceed 0.7:1	No change – retain in Schedule I
(k) No.251 Princes Highway, Carlton, being Lot 202, DP 746731	Remove site from Schedule I	No change – remove from Schedule I
(l) No.14 Gnarbo Avenue, Carss Park, being Lot 145A, DP 396249	Remove site from Schedule I	No change – remove from Schedule I
(m) No.52 Gnarbo Avenue, Carss Park, being Lot 1164, DP 866621	Remove site from Schedule I	No change – remove from Schedule I
(n) No.137 Terry Street, Connells Point, being Lot D, DP 16990	Retain in Schedule I - Development for the purposes of multi-dwelling housing is permitted with development consent, but only if the floor space ratio does not exceed 0.7:1	No change – removed from Schedule I

Address	Planning Proposal, as exhibited	Proposed changes, post exhibition
(o) No.5 Denman Street, Hurstville, being Lot 12, DP 236321,	Remove site from Schedule 1	During the exhibition of the Planning Proposal, a request was made by the owners to reconsider retaining the property in Schedule 1. The site was originally recommended for removal from the Schedule due to the flooding affectation. Further investigation of the impact of flooding on the site has been undertaken and it has now been determined that the impact of flooding affects only the rear portion of the property which is proposed to be rezoned to RE1 – Public Recreation. This portion of land would be required to be dedicated to Council upon redevelopment of the subject site. As a result, Council resolved to retain the site in Schedule 1
(p) No.15 Greenbank Street, Hurstville, being Lot 16, DP 662877	Retain in Schedule 1 - Development for the purposes of multi-dwelling housing is permitted with development consent, but only if the floor space ratio does not exceed 0.7:1	No change – retain in Schedule 1
(q) No.27 Hurstville Road, Hurstville, being Lot 31, DP 666112,	Retain in Schedule 1 - Development for the purposes of multi-dwelling housing is permitted with development consent, but only if the floor space ratio does not exceed 0.7:1	No change – retain in Schedule 1
(r) No.62 English Street, Kogarah, being Lot 1, DP 810707	Remove site from Schedule 1	No change – remove from Schedule 1
(s) No.11 Hamer Street, Kogarah Bay, being Lot B, DP 340038,	Retain in Schedule 1 - Development for the purposes of multi-dwelling housing is permitted with development consent, but only if the floor	No change – retain in Schedule 1

Address	Planning Proposal, as exhibited	Proposed changes, post exhibition
	space ratio does not exceed 0.7:1	
(t) No.40 Oatley Parade, Oatley, being Lot B, DP 363683,	Retain in Schedule 1 - Development for the purposes of multi-dwelling housing is permitted with development consent, but only if the floor space ratio does not exceed 0.7:1	No change – retain in Schedule 1
(u) No.44 Oatley Parade, Oatley, being Lot B, DP 381842,	Retain in Schedule 1 - Development for the purposes of multi-dwelling housing is permitted with development consent, but only if the floor space ratio does not exceed 0.7:1	No change – retain in Schedule 1
(v) No.54 Oatley Parade, Oatley, being Lot B, DP 382279	Retain in Schedule 1 - Development for the purposes of multi-dwelling housing is permitted with development consent, but only if the floor space ratio does not exceed 0.7:1	No change – retain in Schedule 1
(w) No. 9 Belmont Avenue, Penshurst, being Lot 7, DP 11194	Retain in Schedule 1 - Development for the purposes of multi-dwelling housing is permitted with development consent, but only if the floor space ratio does not exceed 0.7:1	During the exhibition of the Planning Proposal, a submission was received from the owner of the property objecting to the removal from Schedule 1 The subject dwelling is on a large parcel of land within the Penshurst Heritage Conservation Area and there is opportunity to redevelop, while retaining the existing dwelling. As a result, Council resolved to retain the site in Schedule 1
(x) No.42 Dudley Street, Penshurst, being Lot 90, DP 5885,	Retain in Schedule 1 - Development for the purposes of multi-dwelling housing is permitted with development consent, but only if the floor space ratio does not exceed 0.7:1	No change – retain in Schedule 1

Address	Planning Proposal, as exhibited	Proposed changes, post exhibition
(y) No.671 King Georges Road, Penshurst, being Lot 1, DP 312949	Remove from Schedule 1	No change – remove from Schedule 1
(z) Nos. 721A and 721B King Georges Road, Penshurst, being Lot 32, DP 1010274 and Lot 12 DP 881035	Remove from Schedule 1	During the exhibition of the Planning Proposal, a submission was received from the owners of the property objecting to the removal from Schedule 1 The properties were proposed to be removed from the Schedule as they are landlocked with no vehicular access. Further discussions with the owners during the exhibition of the Planning Proposal identified that the owners are currently identifying options for access to the sites and intend to redevelop the sites for multi-dwelling housing in the future. As a result, Council resolved to retain the properties in Schedule 1
(aa) No.24 Penshurst Avenue, Penshurst, being Lot 2, DP 320644	Retain in Schedule 1 - Development for the purposes of multi-dwelling housing is permitted with development consent, but only if the floor space ratio does not exceed 0.7:1	No change – retain in Schedule 1

2.5.6 Deletion of Clause 20, Schedule 1

Clause 20 in Schedule 1 identifies those sites that permit development of detached dual occupancy development to be carried out, with consent, on corner allotments in the R2 – Low Density zone with a minimum lot size of 650sqm, as long as each allotment resulting from subdivision will have a frontage of at least 12m and each building will face a public street of minimum width 8m.

The provision also allows for the Torrens title or Strata title subdivision of the dual occupancy development subject to meeting the above requirements.

This clause represented the conversion of the previous Clause 22A(10) of Kogarah LEP 1998.

Council has reviewed the requirements relating to the minimum lot size for dual occupancy development. As part of the review Council is proposing to introduce a new clause into Kogarah LEP 2012 (Clause 4.1B - Minimum lots sizes for dual occupancy) which requires that dual occupancy (detached) will be permitted on allotments that have 2 road frontages and each dwelling must have frontage to a road.

As such, Clause 20 will be redundant and is proposed to be deleted.

2.6 Amendments to Schedule 2 – Exempt Development

Schedule 2 – Exempt Development identifies those development types that at the time of preparing Kogarah LEP 2012 were not included in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP). These included:

- Advertising structures and signs
- Display of goods and signs on footpaths
- Outdoor dining (associated with food and drink premises) on public footpaths
- Private markets, fairs and fetes.

Wide ranging amendments were introduced to the Codes SEPP on 22 February 2014. These amendments included additional Exempt and Complying provisions. The main change was the introduction of exempt provisions relating to Advertising structures and signs.

Under the Standard Instrument format, Schedule 2 of an LEP must not include or replicate the same development types that are covered by the Codes SEPP (PN 09-001).

The following provisions of Kogarah LEP 2012 Schedule 2 – Exempt Development are now superseded by the Codes SEPP:

- Advertising structures and signs have now been generally replaced with Division 2 Advertising and Signage Exempt Development Code; and
- Footpaths – outdoor dining (associated with food and drink premises) has now been replaced with Subdivision 20A Footpaths—outdoor dining.

It is proposed to retain the following provisions relating to advertising and signage in Kogarah LEP 2012, as these signage types do not appear to be covered as exempt development under the SEPP:

- Advertising structures and signs – Zone RE1 Public Recreation
- Advertising structure and signs – inflatable promotional signs
- Advertising structures and signs – newsagent placards

A copy of Schedule 2 – Exempt Development, as proposed to be amended is included at **Appendix 4 – Schedule 2 – Exempt Development.**

2.7 Amendment to Schedule 5 – Environmental Heritage

On 16 October 2013, Council received notification from the Heritage Council of NSW with respect to the removal of the Mortdale Railway Station and car shed from the State Heritage Register.

It is proposed to amend Schedule 5 to delete Item No. 1117 Mortdale Railway Station and car sheds, Mortdale being Lot 100, DP1141151.

The removal of this property is to align with a recent amendment made to the State Heritage Register (NSW Government Gazette No. 107). Council has been requested to remove the item from Schedule 5 by the Heritage Council of NSW.

Accordingly, it is recommended that Mortdale Railway Station and car shed, Mortdale being situated on the Illawarra Railway, between Coleborne Avenue, Ellen Subway and No.'s 195-235 Hurstville Road (Lot 100, DP 1141151) be deleted from Schedule 5 and the Heritage Map be amended accordingly.

2.8 Amendments to Kogarah LEP 2012 Map Series

The maps associated with the written instrument are proposed to be amended as follows:

2.8.1 Amendments to existing maps

Table 9: Amendments to Existing KLEP Map Series

Map Series	Amendment
Land Zoning Map (LZN)	Series of maps to be amended to: • Delete Zone E4 – Environmental Living & Zone RE2 – Private Recreation; • Introduce Zone R4 – High Density, Zone B6 – Enterprise Corridor and Zone E2 – Environmental Conservation. • Identify zoning changes as outlined in the body of the report.
Lot Size Map (LSN)	Series of maps to be amended to reflect amendments to the minimum subdivision lot size requirements as outlined in the body of the report.
Land Reservation Acquisition Map (LRA)	The map is proposed to be amended to reflect the proposed changes to the strategic Open Space Link from Denman Street Reserve to Quarry Reserve. In this regard, the map is proposed to be amended to: • Delete Nos 56 and 58 Hillcrest Avenue; and • Include part of No 3 Denman Street (Part AL: A DP 191431)
Heritage Map (HER)	Delete Item No 1117, being Mortdale Railway Station and car sheds.
Acid Sulfate Soils Map (ASS)	No changes are proposed
Flood Planning Map (FLD)	No changes are proposed
Foreshore Building Line Map (FBL)	No changes are proposed
Kogarah Town Square Precinct Map (KTS)	This map related to the Advertising and Signage provisions in Schedule 2 – Exempt Development. These provisions are now redundant as they have been replaced by provisions in the Codes SEPP. As such the map is no longer required.

2.8.2 Introduction of new maps

Table 10: New Maps

Map Series	Map
Lot Size for Dual Occupancy Development Map (LSD)	Map will identify the minimum allotment size for dual occupancy development as outlined in the body of the report.
Height of Buildings Map (HOB)	Map will identify the height of buildings
Floor Space Ratio Map (FSR)	Map will identify the floor space ratio

2.8.3 Mapping Anomalies

2.8.3.1 Minor anomalies and errors

Following the exhibition of the Planning Proposal, a number of minor mapping and clause anomalies, errors and omissions were identified in the Planning Proposal.

The following Table 11 lists two categories of mapping changes for the KLEP 2012 Amendment No.2 – New City Plan.

1. Changes resolved by Council following consideration of submissions made during the exhibition period.
2. Administrative mapping corrections to ensure consistency with the relevant zoned areas. These corrections result from the updated cadastre.

Note:

- The KLEP 2012 maps and exhibited maps were based on the cadastre dated 24 July 2012.
- The LEP maps submitted post exhibition are based on our Council's cadastre dated 3rd May 2016.

Table 11: Mapping Changes, Errors and Omissions

Address	Description of change	Reason
Category 1 - Mapping changes as a result of Council resolution		
No.53 Halstead St, South Hurstville, being Lot A DP 339086	Amend LZN 004 and all associated LEP maps (FSR, HOB, LSZ) from IN2 to R2	Council resolution in response to submission from owner during exhibition. Property is non-conforming residential use. Amend LZN and all other maps to be consistent with R2 zoning.
Category 2 - Administrative mapping corrections to ensure consistency with relevant zoned areas.		
No.199 Rocky Point Road, Ramsgate, being Lots 1-5 SP 77494	Amend minimum lot size (LSZ) map 007 from split 500/800 to 500sqm for entire lot.	This lot has a split zoning of B2/R3. Under current KLEP2012, the LSZ for this lot is split 500/800sqm. The exhibited amendment proposes a single HOB and FSR requirements be applied to the lot. This change proposes to amend LSZ to remove the split requirement with a single requirement for consistency and practicality.
No.38 Chapel St, Kogarah, being Lots 1 & 2 DP 1207162	Amend shape of HER 006 (I98)	Boundary adjustment on cadastre due to subdivision. The site is listed as a 'local' heritage item No.I98 under KLEP 2012.

Address	Description of change	Reason
No. 33 Gray St, Kogarah, SP: 88547	Amend FLD map 006	Boundary adjustment on cadastre due to lot consolidation. Flood planning area shaped amended to include new lot.
No.4 St Georges Parade, Hurstville, being Lot I DP 1190999	Amend FLD map 003	Boundary adjustment on cadastre due to lot consolidation. Flood planning area shaped amended to include new lot.
Road - Empress Lane and Hillcrest Avenue, Hurstville	Zoning of various road shapes amended.	Road shapes have been amended to reflect changes in zoning on adjacent land parcels (to the adjacent zone with lesser development potential).
Road - King Georges Road, South Hurstville/Carlton	Zoning of various road shapes amended.	RMS request to rezone splay corners along King Georges Road intersections to SP2.
No. 751 & No. 753 King Georges Road, Hurstville, being Lots 2 and 3, DP 6862 Nos. 851-855 King Georges Road, South Hurstville, being Lots 5 and 6, DP 262239 No. 857 King Georges Road, South Hurstville, being Lot 100 DP 81057	Amend the cadastral lot boundaries and all affected draft LEP maps for certain land previously affected by RMS road reservations to align with Department of Land and Property Information's Digital Cadastral Database (DCDB).	There is an error where the RMS road reservation was applied twice on the land

Table 12. Clause Anomalies

Amendment applies to	Explanation of provisions	Map changes
Clause 4.4A	Amend draft subclause (3) to reflect that the FSR ratio table applies to land identified as 'Area 1' on the draft FSR maps and amend draft subclause (4) to reflect that the FSR ratio applies to land identified as 'Area 2' on the draft FSR Map, as this was unintentionally omitted.	FSR Maps

2.9 Release of Population and Dwelling Projections for NSW

In June 2014, the Department of Planning and Infrastructure (NSW State Government) published updated Population, Household and Dwelling Projections for NSW, with detailed breakdowns for each LGA. This information provides a detailed assessment on how our population is expected to change over the next 20 years. (Refer to:

<http://www.planning.nsw.gov.au/en-us/deliveringhomes/populationandhouseholdprojections.aspx> for detailed information)

The projections are based on assumptions by demographers that take into account recent and current trends for births, deaths and migration.

2.9.1 Population Projections

Table 13 below shows population projections for the Kogarah LGA from 2011 to 2031. Based on these projections the total population growth in the Kogarah LGA will be 17,450 people over the 20 years to 2031:

Table 13: Population Projections – Kogarah (NSW State Government 2014)

2011	2016	2021	2026	2031	Total Change	Change (Total)	Annual Change
58,900	62,950	66,850	71,500	76,350	17,450	29.6%	1.3%

2.9.2 Dwelling Projections

The NSW State Government has also formulated dwelling projections that show the number of dwellings which would be needed to provide private housing for all projected households. The projections assume that one household occupies one dwelling and an additional adjustment has been made to account for those dwellings that may be unoccupied.

It should be noted that the dwelling projections are not targets established under the Metropolitan Strategy, nor are they a projection of future dwelling construction

Table 14 below indicates the projected number of dwellings to house the projected population. It is estimated that 7,350 additional dwellings would be required to be constructed in Kogarah over the 20 year period.

That equates to approximately 370 new dwellings per year (from 2011).

Table 14: Dwelling Projections - Kogarah (NSW State Government 2014)

Year	2011	2016	2021	2026	2031	Total Dwellings
Dwellings	22,550	24,150 (+1600)	26,000 (+1,850)	27,900 (+1,900)	29,900 (+2000)	7,350

2.10 Implementing the Kogarah 2031 Housing Strategy

The *Kogarah 2031 Housing Strategy* (the Strategy) has been prepared to identify additional housing opportunities across the Kogarah Local Government Area (LGA) because the NSW State Government requires that all councils accommodate a share of Sydney's future housing needs.

The Strategy has been prepared in response to the NSW State Government's *A Plan for Growing Sydney and the Draft South Subregional Strategy – Planning to 2031* (NSW Department of Planning & Infrastructure).

Council has a responsibility to prepare a housing strategy that is consistent with the current Metropolitan Strategy and the most recent population projections.

Council commenced preparing the Kogarah 2031 Housing Strategy in mid-2013 in response to issues that were identified by our community through the preparation of the Community Strategic Plan – *Bright Future, Better Lifestyle: Kogarah 2030*. The Community Strategic Plan was developed in partnership with the community and clearly highlights the requirement to plan for the changing needs of our community into the future.

A Plan for Growing Sydney (NSW State Government) sets a comprehensive strategic approach to ensure that the housing needs of Sydney will be delivered. *A Plan for Growing Sydney* identifies that over the next 20 years, the population in Sydney will grow much faster than in the last 20 years. Projections indicate that Sydney will need around 664,000 additional homes over the next 20 years. This is a significant expansion on previous Metropolitan Strategies.

Action 2.3.1 of *A Plan for Growing Sydney* requires that councils prepare local housing strategies to plan for a range of housing types. Each council will be required to prepare a housing strategy that:

- *Identifies how the council will deliver a range of building forms and types, aligned with market demand, minimum household projections and development capacity in their local area;*
- *Considers housing for people at different stages of their lives, for example, families and individuals and;*
- *Considers local affordable housing needs and strategies to provide affordable housing*

The aim of the Kogarah 2031 Housing Strategy is to identify opportunities for all generations to be part of our local communities. It also responds to the future needs of an ageing community, a significant portion of whom will want more manageable dwellings as they get older so that they can remain independent longer.

It is considered that the Kogarah 2031 Housing Strategy provides outcomes that increase choice for our current and future residents and creates opportunities for all generations to be part of our local community.

Kogarah 2031 Housing Strategy seeks to ensure a reasonable supply of new housing, suited to the needs of our current and future community's requirements is available over the period

from 2015 to 2031, in line with the State Government's requirements in accordance with the draft *Metropolitan Strategy for Sydney 2031*.

Kogarah 2031 Housing Strategy seeks to provide housing that provides increased choice for our current and future residents. Through changes to the planning framework (zoning and development standards), opportunities are identified in appropriately located areas to achieve the draft Housing Strategy's five (5) key objectives, which are:

1. *Housing across the City of Kogarah designed so that it provides choice, is affordable and is suited to the needs of our community.*
2. *Local centres within the City of Kogarah are distinctive and vibrant, providing opportunities for small businesses to flourish throughout the city.*
3. *Kogarah City residents can get to where they need to go in a way that is accessible, safe and efficient.*
4. *Development in Kogarah maintains and enhances the character and amenity of our neighbourhoods, town centres and local centres.*
5. *Comply with State Government requirements for housing targets throughout the Sydney Metropolitan Area.*

2.10.1 Proposed Rezoning – Kogarah 2031 Housing Strategy

It is proposed to amend Kogarah LEP 2012 by rezoning sites and including height and floor space ratio (FSR) as identified in the following tables. These are generally consistent with the Council endorsed *Kogarah 2031 Housing Strategy* however changes have been made in some areas in response to the exhibition of the Planning Proposal

It should be noted that currently Kogarah LEP 2012 does not contain principal development standards relating to height and FSR. The table below indicates the current height and FSR controls which are currently contained in Council's Comprehensive DCP 2013 as a reference.

Detailed discussion relating to each of the proposed rezonings is included in the *Kogarah 2031 Housing Strategy* which is attached separately. Further discussion relating to the changes proposed post-exhibition of the Planning Proposal are included in **Appendix I – Council Reports and Resolutions**.

Table 15 below provides a summary of those sites proposed to be rezoned in accordance with the *Kogarah 2031 Housing Strategy*, and where no changes were made by Council as a result of the exhibition of the Planning Proposal.

Extracts of the maps relating to each of the rezonings listed below are included in **Appendix I – Council Reports and Resolutions**.

Table 15: Proposed Rezoning: Kogarah 2031 Housing Strategy, as exhibited in the Planning Proposal

Sites Proposed to be Rezoned	Existing Height (DCP)	Existing FSR (DCP)	Proposed Height (Planning Proposal)	Proposed FSR (Planning Proposal)
Allawah Precinct - Woids Avenue				
Rezone Nos 79-97 Noble Street and Nos 100 – 114 Woids Avenue, Allawah from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	9m	0.55:1	15m	1.5:1
Beverley Park Precinct - Rocky Point Road				
Rezone Nos 113 – 145 Rocky Point Road and Nos 107-109 Jubilee Avenue, Beverley Park from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	9m	0.55:1	15m	1.5:1
Blakehurst Precinct -Blakehurst Centre				
Rezone Nos 308-316 Princes Highway, Carss Park from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	9m	0.55:1	12m	1:1
Rezone Nos 340 Princes Highway and No 2 Miowera Street, Carss Park from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	9m	0.55:1	12m	1:1
Blakehurst Precinct - Terry Street				
Rezone No 32 Terry Street, Blakehurst from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	5m	0.7:1	9m	0.55:1
Rezone No 2A Faye Avenue, Blakehurst from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	9m	0.7:1	9m	0.55:1
Rezone Nos 2-10 Heath Road and Nos 14-20 Terry Street, Blakehurst from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	5m	0.7:1	9m	0.55:1
Rezone No 513 Princes Highway, Blakehurst from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	9m	0.55:1	15m	1.5:1

Sites Proposed to be Rezoned	Existing Height (DCP)	Existing FSR (DCP)	Proposed Height (Planning Proposal)	Proposed FSR (Planning Proposal)
Carlton Precinct - Andover Street				
Rezone Nos 27 – 43 Andover Street, Carlton from R2- Low Density Residential to R3 – Medium Density Residential and increase height and FSR requirements.	9m	0.55:1	15m	1.5:1
Carlton Precinct - Jubilee Avenue				
Rezone Nos 39-45 Jubilee Avenue from R2 – Low Density Residential to B1 – Neighbourhood Centre zone and include height and FSR requirements.	9m	0.55:1	9m	1:1
Hurstville Precinct - Hurstville Centre				
Rezone Nos 546-558 Railway Parade, Hurstville from R3 – Medium Density Residential to R4 – High Density Residential and increase height and FSR requirements.	12.2m	1:1	33m	4:1
Rezone Nos 87-89 Woniora Road, Nos 1-7A Gallipoli Street, Nos 8 – 18 Alma Street and Nos 4-8 Maher Street, Hurstville from R2 – Low Density Residential to R3 – Medium Density Residential and increase height and FSR requirements.	9m	0.55:1	15m	1.5:1
Hurstville Grove Precinct -Whitfield Parade				
Rezone No 76 Whitfield Parade, Hurstville Grove from R3 – Medium Density Residential to R2 – Low Density Residential and include height and FSR requirements.	9m	0.7:1	9m	0.55:1
Kogarah Precinct -Kogarah North				
Rezone Nos 21 – 71 Gladstone Street, Nos 24-38 Gladstone Street, Nos 59-69 Princes Highway, Nos 21-37 Princes Highway, Nos 1-11 Princes Highway, Nos 125-133 Harrow Road, Nos 2-22 Railway Parade North and Nos 2 – 14 Palmerston Street, Kogarah from R3 – Medium Density Residential to R4 – High Density Residential and increase height and FSR requirements	12m-14m	1.1m ² /m ² site area/ sqm of dwelling	33m	4:1
Rezone Nos 57-97 Regent Street, Nos 38-85 Regent Street, Nos 2-24 Victoria Street, Nos 16-22A Gladstone Street, Nos 2-24 Stanley Street, Nos 1-11 Stanley Street, Nos 24B – 40 Victoria Street, Nos 2-10 Victor Street, Nos 5-21 Palmerston Street, Nos 2-4 Gladstone Street and Nos 26-30 Railway Parade, Kogarah from R2 – Low Density Residential to R4- High Density	9m	0.55:1	33m	4:1

Sites Proposed to be Rezoned	Existing Height (DCP)	Existing FSR (DCP)	Proposed Height (Planning Proposal)	Proposed FSR (Planning Proposal)
Residential and increase height and FSR requirements				
Rezone Nos 41-45 Princes Highway, Kogarah from B1 – Neighbourhood Centre to B2 – Local Centre zone and increase height and FSR requirements.	24.5m	N/A	33m	4:1
Rezone Nos 13-19 Princes Highway, Kogarah from B1 – Neighbourhood Centre to B2 – Local Centre zone and increase height and FSR requirements.	23m	N/A	33m	4:1
Kogarah Precinct - Kogarah South				
Rezone Nos 1-5 Blake Street, Kogarah (Kogarah RSL Land) from R3 – Medium Density Residential to B4 – Mixed Use zone and increase height and FSR requirements.	12m	1:1	39m	4:1
Rezone Nos 13-57 Ocean Street, Kogarah from R3 – Medium Density Residential to R2 – Low Density Residential (area is within the Kogarah South Heritage Conservation Area) and include height and FSR requirements.	9m	0.55:1	9m	0.55:1
Kogarah Precinct - Princes Highway				
Rezone Nos 209-225 Princes Highway from R2 – Low Density Residential to R3 – Medium Density Residential and include height and FSR requirements.	9m	0.55:1	15m	1.5:1
Rezone No 243 Princes Highway from R2 – Low Density Residential to R3 – Medium Density Residential and include height and FSR requirements.	9m	0.55:1	15m	1.5:1
Kogarah Bay Precinct - Lacey Street				
Rezone Nos 76-78 Harslett Crescent and Nos 48C – 50 Lacey Street from R3 – Medium Density Residential to R2 – Low Density Residential and include height and FSR requirements.		0.7:1	9m	0.55:1
Oatley Precinct - Oatley Centre				
Rezone Nos 63 – 65 Railway Lands, Oatley from SP2 – Rail Infrastructure Facilities to B2 – Local Centre and include height and FSR requirements.	N/A	N/A	12m	2.5:1
Rezone Nos 77 Railway Lands, Oatley from SP2 –	N/A	N/A	9m	0.55:1

Sites Proposed to be Rezoned	Existing Height (DCP)	Existing FSR (DCP)	Proposed Height (Planning Proposal)	Proposed FSR (Planning Proposal)
Rail Infrastructure Facilities to R2 – Low Density Residential and include height and FSR requirements.				
Rezone No 11A Letitia Street from R3 – Medium Density Residential to B2 – Local Centre and include height and FSR requirements consistent with the remainder of the Oatley	12m	1:1	12m	2.5:1
Rezone No 16 Letitia Street, Oatley from B2 – Local Centre to R3 – Medium Density Residential and include height and FSR requirements.			12m	1:1
Rezone Nos 11-15 Wonoona Parade East, Oatley from R2 – Low Density Residential to R3-Medium Density Residential and increase height and FSR requirements.	9m	0.55:1	9m	0.7:1
Rezone Nos 2 – 28 Rosa Street, Nos 38 – 40 Frederick Street, Nos 1 – 27 Ada Street and Nos 12-16 Wonoona Parade East, Oatley from R2 – Low Density Residential to R3 – Medium Density Residential and increase height and FSR requirements.	9m	0.55:1	9m	0.7:1
Rezone Nos 30 - 62 Rosa Street, Nos 25 – 31 Neville Street, Nos 27A – 59 Ada Street and Nos 23-29 Frederick Street Oatley from R2 – Low Density Residential to R3 – Medium Density Residential and increase height and FSR requirements.	9m	0.55:1	9m	0.7:1
Ramsgate Precinct - Ramsgate Centre				
Rezone No 2 Dalkeith Street from R3 – Medium Density Residential to B2 – Local Centre and increase height and FSR requirements consistent with the B2 – Local Centre requirements for Ramsgate Centre.	15m	2.5:1	21m	2.5:1
Sans Souci Precinct - Rocky Point Road				
Rezone No 505 Rocky Point Road, Sans Souci from E4 – Environmental Living zone to B1 – Neighbourhood Centre zone (consistent with adjoining zone), and include height and FSR requirements.	9m	0.55:1	15m	2:1
Rezone Nos 495 – 503 Rocky Point Road, Sans Souci and No 10 Wellington Street, Sans Souci from E4 – Environmental Living to R3 – Medium Density Residential and increase height and	9m	0.55:1	15m	1.5:1

Sites Proposed to be Rezoned	Existing Height (DCP)	Existing FSR (DCP)	Proposed Height (Planning Proposal)	Proposed FSR (Planning Proposal)
FSR requirements.				
Rezone Nos 475 – 479 Rocky Point Road and No 2 Nelson Street, Sans Souci from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and include height and FSR requirements.	9m	0.55:1	9m	0.7:1
Rezone Nos 455 – 467 Rocky Point Road, Sans Souci from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and include height and FSR requirements.	9m	0.55:1	9m	0.7:1
Rezone No 56 and the front portion of Nos 52 – 54 The Boulevarde, Sans Souci from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and include height and FSR requirements.	9m	0.55:1	9m	0.7:1
Rezone the rear portion of No 50 The Boulevarde, Sans Souci from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	9m	0.7:1	9m	0.55:1
Rezone No 1 Plimsoll Street, Sans Souci from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	9m	0.7:1	9m	0.55:1
South Hurstville Precinct - South Hurstville Centre				
Rezone Nos 16-20 Hurstville Road, South Hurstville from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	5m	0.7:1	9m	0.55:1
Rezone Nos 1-5 William Street, South Hurstville from R2 – Low Density to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	9m	0.55:1	9m	0.7:1
Rezone Nos 4-6 William Street and Nos 1-5 Rickard Road, South Hurstville from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	9m	0.55:1	9m	0.7:1
Rezone No 31 Joffre Street and No 32 Culwulla Street, South Hurstville from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u>	9m	0.55:1	21m	2:1

Sites Proposed to be Rezoned	Existing Height (DCP)	Existing FSR (DCP)	Proposed Height (Planning Proposal)	Proposed FSR (Planning Proposal)
Residential and increase height and FSR requirements.				
Rezone No 51-55 Connells Point Road, South Hurstville from R3 – Medium Density Residential to B2 – Local Centre and increase height and FSR requirements.	12.2m	1:1	21m	2.5:1
Rezone Nos 4-6 Allen Street, South Hurstville from R3 – Medium Density Residential to B2 – Local Centre and increase height and FSR requirements.	9m	1.3m ² /m ² site area/ sqm of dwelling	21m	2.5:1
Rezone Nos 1 -13 Connells Point Road, South Hurstville from B2 – Local Centre to B1 – Neighbourhood Centre and include height and FSR requirements.			12m	2:1
Rezone No 2 Rickard Road, South Hurstville from R2 – Low Density Residential to R3 – Medium Density Residential and include height and FSR requirements.	9m	0.55:1	9m	0.7:1
Rezone Nos 16A-18A Rickard Road, South Hurstville from R2 – Low Density Residential to R3 – Medium Density Residential and include height and FSR requirements.	9m	0.55:1	9m	0.7:1
Rezone No 7 Greenacre Road, South Hurstville from R2 – Low Density Residential to R3 – Medium Density Residential and include height and FSR requirements.	9m	0.55:1	9m	0.7:1
Rezone Nos 36-40 Greenacre Road, South Hurstville from R2 –Low Density Residential to R3 Medium Density Residential and include height and FSR requirements.	9m	0.55:1	9m	0.7:1
Rezone Nos 91-99 Connells Point Road, South Hurstville from R2 – Low Density Residential to R3 Medium Density Residential and include height and FSR requirements.	9m	0.55:1	9m	0.7:1
Rezone No 48 Greenacre Street and No 99 Connells Point Road, South Hurstville from R2 – Low Density Residential to R3 – Medium Density Residential and include height and FSR requirements.	9m	0.55:1	9m	0.7:1
Rezone No 29A Greenacre Road, South Hurstville (previous South Hurstville Bowling	N/A	N/A	N/A	N/A

Sites Proposed to be Rezoned	Existing Height (DCP)	Existing FSR (DCP)	Proposed Height (Planning Proposal)	Proposed FSR (Planning Proposal)
Club) from RE2 – Private Recreation to <u>SP2 - Educational Establishment</u>				
Rezone Nos 35-41 Grosvenor Road, South Hurstville from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and include height and FSR requirements.	9m	0.55:1	15m	1.5:1
Rezone Nos 10-16 The Mall and No 53 Tavistock Road, South Hurstville from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and include height and FSR requirements	9m	0.55:1	12m	1:1
Rezone Nos 92-94 Connells Point Road, South Hurstville from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	5m – 9m	0.7:1	9m	0.55:1
Rezone Nos 96-100 Connells Point Road, South Hurstville from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	5m – 9m	0.7:1	9m	0.55:1
Rezone Nos 4-6 Resthaven Road, South Hurstville from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	5m – 9m	0.7:1	9m	0.55:1
Rezone Nos 104-106 Connells Point Road, South Hurstville from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	5m – 9m	0.7:1	9m	0.55:1
Rezone No 12-16 Resthaven Road, South Hurstville from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	5m – 9m	0.7:1	9m	0.55:1
Rezone No 7 Resthaven Road and No 12 The Appian Way, South Hurstville from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	5m – 9m	0.7:1	9m	0.55:1
Rezone No 863 King Georges Road, South Hurstville from R2 - Low Density Residential to <u>R3 – Medium Density Residential</u> and include height and FSR requirements.	9m	0.55:1	9m	0.7:1

Sites Proposed to be Rezoned	Existing Height (DCP)	Existing FSR (DCP)	Proposed Height (Planning Proposal)	Proposed FSR (Planning Proposal)
Rezone No 875A – 875C King Georges Road, South Hurstville from R2 - Low Density Residential to <u>R3 – Medium Density Residential</u> and include height and FSR requirements.	9m	0.55:1	9m	0.7:1
Rezone Nos 47-47E Terry St, Blakehurst from R2 - Low Density Residential to <u>R3 – Medium Density Residential</u> and include height and FSR requirements.	9m	0.55:1	9m	0.7:1
Rezone No 57 Terry St, Blakehurst from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	5m – 9m	0.7:1	9m	0.55:1
Rezone No 69 Terry St, Blakehurst from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	5m – 9m	0.7:1	9m	0.55:1
Rezone No 32 Terry Street, Blakehurst from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	5m – 9m	0.7:1	9m	0.55:1
Rezone No 228 Woniora Road, South Hurstville from R3 – Medium Density Residential to <u>R2 – Low Density Residential</u> and include height and FSR requirements.	9m	0.7:1	9m	0.55:1

2.10.2 Review of FSR and Heights in Commercial Centres – Kogarah 2031 Housing Strategy

2.10.2.1 Review of B4 – Mixed Use Zone

Significant redevelopment has been undertaken in the Kogarah and Hurstville Town Centres over the last 10-15 years. The majority of larger sites zoned B4 – Mixed Use have been developed to their maximum capacity, however there are still a number of sites that have not been redeveloped to their maximum potential.

A review of the development standards (height and density) in the Kogarah Town Centre and Hurstville Town Centre has been undertaken to ensure that there are opportunities for redevelopment of these remaining sites, close to the major employment generators. Redevelopment of these sites will also provide an opportunity for housing that is more affordable than other suburbs within the LGA.

Table 16 below provides an overview of the height and FSR requirements for areas within the B4 – Mixed Use zone:

Table 16: Height and FSR in the B4 – Mixed Use zones

Centre	Existing Height (DCP)	Existing FSR (DCP)	Proposed Height (LEP)	Proposed FSR (LEP)
Kogarah Town Centre - Area zoned B4 – Mixed Use				
Kogarah Town Centre - Core Centre	6m-26m	1.6:1 – 4:1	39m	4.5:1
Properties fronting Railway Parade and Regent Street	10m-12m	1.6:1 – 2:1	9-15m	2.5:1
Railway Parade South (between Gray Street & English Street)	15m – 17m	1.8:1-3:1	39m	4:1
Site bounded by Princes Highway, Gray Avenue & Rocky Point Road	15m	2:1	21m	2:1
Hurstville Town Centre - Area zoned B4 – Mixed Use				
Hurstville Town Centre	Up to 27m on specific sites	Variable depending on the site	39m	4.5:1

2.10.2.2 Review of B1 – Neighbourhood Centre zone and B2 – Local Centre zone

A review of land in existing commercial centres has been undertaken to identify opportunities for increases in dwelling density and heights. The draft South Subregional Strategy identifies “*that increasing residential densities within the walking radius of smaller local centres can make these places more vibrant and provide much needed housing choice for the ageing and changing population*”.

A review of the development controls in existing commercial centres has identified that in the majority of centres the current controls are not economically viable, which has resulted in limited redevelopment in these centres- thus limited housing opportunities have been provided. In some centres, it is also proposed that the zone be changed in order to better reflect the future role of the centre.

The proposed changes aim to encourage redevelopment of sites in existing commercial centres, through the provision of shop-top housing and smaller, more affordable residential dwellings.

Table 17 below provides an overview of the height and FSR requirements for areas within the B1 – Neighbourhood Centre and B2 – Local Centre zone:

Table 17: Height and FSR for the B1 and B2 zones

Centre	Existing Height (DCP)	Existing FSR (DCP)	Proposed Height (Planning Proposal)	Proposed FSR (Planning Proposal)
Allawah Precinct – Allawah Centre				
Area zoned B2 – Local Centre				
Nos 440 – 462 Railway Parade and Nos 2-2A Lancelot Street, Allawah	9m	1.75:1	21m	2.5:1
No 470 Railway Parade and Nos 2-2A Lancelot Street, Allawah			21m	2.5:1
Beverley Park Precinct – Beverley Park				
Area zoned B1 – Neighbourhood Centre				
No 33-55 Rocky Point Road, Beverley Park	12.2m	N/A	15m	2:1
Carlton Precinct – Andover Street				
Area zoned B1 – Neighbourhood Centre				
Nos 45-55 Andover Street, Carlton	10m	N/A	15m	2:1
Carlton Precinct – Railway Parade				
Area zoned B2 – Local Centre				
Nos 280 – 310 Railway Parade & Nos 2-10 Jubilee Avenue, Carlton	9m	1.75:1	21m	2.5:1
Nos 314 – 338 Railway Parade, Carlton	9m	1.75:1	21m	2.5:1
Nos 340-356 Railway Parade and Nos 2-4 Garfield Street, Carlton	9m	1.75:1	21m	2.5:1
Carss Park Precinct – Carss Park Centre				
Area zoned B1 – Neighbourhood Centre				
Nos 292 – 294 Princes Highway, Nos 2-16 Carwar Avenue and Nos 1-11 Carwar Avenue, Carss Park	12.2m	N/A	12m	1.8:1
Hurstville Grove Precinct – Waitara Parade				
Area zoned B1 – Neighbourhood Centre				
No 30 Jellicoe Street, No 31 Seymour Street and No 18 Waitara Parade, Hurstville Grove	9m	1:1	9m	1:1
Kogarah Precinct – Kogarah South				
Areas zoned B1 – Neighbourhood Centre				
Nos 28 – 36 Princes Highway, Kogarah	12.2m	N/A	15m	2:1
Kyle Bay Precinct – Kyle Bay Centre				

Centre	Existing Height (DCP)	Existing FSR (DCP)	Proposed Height (Planning Proposal)	Proposed FSR (Planning Proposal)
Area zoned B1 – Neighbourhood Centre				
25 Kyle Parade, Kyle Parade	9m	N/A	9m	1.3:1
Mortdale Precinct – Mortdale Centre				
Area zoned B2 – Local Centre				
Nos 80 Railway Lands, 1 Subway Road and Nos 85-105 Railway Parade Mortdale	9m	1:1	21m	2.5:1
Oatley Precinct – Oatley Centre				
Area zoned B2 – Local Centre				
Nos 8-22 Oatley Avenue, Nos 4-30 Frederick St and Nos 13-15 Letitia St, Oatley	12.2m	N/A	12m	2.5:1
Nos 3-19 Frederick Street Nos 26-34 Oatley Avenue, and No 23 Letitia Street, Oatley	12.2m	N/A	12m	2.5:1
Nos 18 –18B Letitia Street and No 32 Frederick Street, Oatley	12.2m	N/A	12m	2.5:1
Nos 20-26 Letitia Street, Oatley	12.2m	N/A	12m	2.5:1
Oatley Precinct – Oatley Centre				
Area zoned B1 – Neighbourhood Centre				
No 200 Hurstville Road, Oatley	N/A	N/A	12m	1.5:1
Penshurst Precinct – Hillcrest Avenue				
Area zoned B1 – Neighbourhood Centre				
Nos 79 – 83A Hillcrest Avenue, Penshurst	9m	N/A	9m	1.8:1
Penshurst Precinct – Penshurst Centre				
Area zoned B2- Local Centre				
Nos 1-25 The Strand, No 5 Railway Parade, Nos 4-26 The Strand and Nos 1-3 Laycock Road, Penshurst	12.2m	N/A	21m	2.5:1
Ramsgate Precinct – Ramsgate Centre				
Area zoned B2 – Local Centre				
Ramsgate Centre	15m-18m	2:1	21m	2.5:1
Sans Souci Precinct – Rocky Point Road				
Area zoned B1 – Neighbourhood Centre				
No 8 Water Street and No 507 Rocky Point Road, Sans Souci	15m	N/A	15m	2:1

Centre	Existing Height (DCP)	Existing FSR (DCP)	Proposed Height (Planning Proposal)	Proposed FSR (Planning Proposal)
Sans Souci Precinct – Sans Souci Centre Area zoned B1 – Neighbourhood Centre				
Nos 331-333 Rocky Point Road and No 1A Newcombe Street, Sans Souci	12.2m	N/A	15m	2:1
Nos 335 – 363 Rocky Point Road, Sans Souci	12.2m	N/A	15m	2:1
Nos 341-347 Rocky Point Road, Sans Souci (rear portion of SP6966 and Lot 41, DP703108)	12.2m	N/A	9m	0.55:1
Nos 365 – 381 Rocky Point Road, Sans Souci	12.2m	N/A	15m	2:1
South Hurstville Precinct – Area zoned B1 - Neighbourhood Centre				
Nos 1-13 Connells Point Road, South Hurstville	9m	1:1	12m	2:1
South Hurstville Precinct – South Hurstville Centre Area zoned B2 – Local Centre				
Nos 797-789 King Georges Road, South Hurstville	9m	1:1	12m	1:1
Nos. 799-801 King Georges Road, No 18 Greenacre Road, Nos 59-65 Connells Point Road, South Hurstville	9m	1:1	21m	2.5:1
Nos. 803-835 King Georges Road, 33A Grosvenor Road, 66-68 Connells Point Road and 2-4 The Mall, South Hurstville	9m	1:1	21m	2.5:1
No 57 Connells Point Road and No 838 King Georges Road, South Hurstville	9m	1:1	21m	2.5:1
Nos 42-58 Connells Point Road, 840A-848 King Georges Road and 48-50 Allen Street, South Hurstville	9m	1:1	21m	2.5:1
No 1 Allen Street, No 850-864 King Georges Road, South Hurstville	9m	1:1	21m	2.5:1

2.10.3 Review of FSR and Heights in the R3 – Medium Density Residential zone – Kogarah 2031 Housing Strategy

A review of land in existing R3 – Medium Density zones has been undertaken to identify opportunities for increases in dwelling density and heights.

The proposed changes aim to encourage redevelopment of remaining sites in this zone and also to encourage the redevelopment of older sites to newer, modern and accessible apartment buildings, with lift access.

Table 18 below provides an overview of the height and FSR requirements for those sites zoned R3 – Medium Density Residential that have not been identified in the Table above:

Table 18: Review of FSR and Heights in the R3 Zone

Centre	Existing Height (DCP)	Existing FSR (DCP)	Proposed Height (LEP)	Proposed FSR (LEP)
Allawah Precinct – Railway Parade Area zoned R3 – Medium Density Residential				
Land bounded by Andover Street, Railway Parade, Bellevue Parade, Woids Avenue, Meade Street, Norman Street and Balfour Street, Allawah	12m – 14m	N/A Density requirements equate to 0.9:1	15m – 21m	1.5:1 – 2:1
Blakehurst Precinct – Blakehurst Centre Area zoned R3 – Medium Density Residential				
Nos 318-338 Princes Highway, Blakehurst	9m	N/A Density requirements equate to 0.48:1	12m	1:1
Carlton Precinct – Princes Highway Centre Area zoned R3 – Medium Density Residential				
Nos 399-417 Princes Highway, 21 Plant Street, 22 Paris Street, Carlton	10m	N/A Density requirements equate to 0.77:1	12m-15m	1:1 – 1.5:1
Carlton Precinct – Railway Parade Area zoned R3 – Medium Density Residential				
Land bounded by English Street, Neilsen Avenue, Andover Street and Railway Parade, Hurstville	12m – 14m	N/A Density requirements equate to 0.9:1.	15m – 21m	1.5:1 – 2:1
Carss Park Precinct – Carss Park Area zoned R3 – Medium Density Residential				
Nos 463 – 467 Princes Highway and 10 Dwyer Street, Carss Park	9m	N/A Density	9m	0.7:1

Centre	Existing Height (DCP)	Existing FSR (DCP)	Proposed Height (LEP)	Proposed FSR (LEP)
		requirements equate to 0.48:1		
Hurstville Precinct – Hurstville Centre Area zoned R3 – Medium Density Residential				
Land bounded by Woids Avenue, First Avenue, Cole Street, Woniora Road, Alma Street and Railway Parade	2 – 7 storeys	0.8:1 – 1.7:1	15m – 21m	1.5:1 – 2:1
Kogarah Precinct – Kogarah South Area zoned R3 – Medium Density Residential				
No.'s 1-11 Gray Street, No. 1 Queens Avenue and No. 2-6 Ocean Street, Kogarah	12m	1:1	21m	2:1
No.'s 1A-11 Ocean Street, Nos 3-7 Queens Avenue and No.'s 2-8A Bowns Road, Kogarah	12m	1:1	21m	2:1
No.'s 1-9 Bowns Road, No.'s 3-9 Bellevue St and No.'s 2-6 Blake St, Kogarah	12m	1:1	21m	2:1
No.'s 7-11 Blake Street, No.'s 15-23 Bellevue St and No.'s 14-22 English Street, Kogarah	12m	1:1	21m	2:1
No.'s 13-39 Gray Street, Kogarah	15m	N/A	21m	2:1
No.'s 43-69 Gray Street, Kogarah	15m	N/A	15m	1.5:1
No.'s 4-6 Queens Avenue and No.'s 12-60 Ocean Street, Kogarah	15m	N/A	9m-15m	1.2:1
No. 71 Gray Street, No.'s 183-189 Princes Highway, Kogarah	12m	1:1	21m	2:1
No.'s 1-15 Chapel St, No.'s 2-10 Short Street and No.'s 42-48 Gray Street, Kogarah	12m	1.3:1	15m	1.5:1
No.'s 50 – 56 Chapel Street and No.'s 161-179 Princes Highway and No.'s 58-60 Gray Street, Kogarah	12m-15m	1.3:1 – 2:1	21m	2:1

Centre	Existing Height (DCP)	Existing FSR (DCP)	Proposed Height (LEP)	Proposed FSR (LEP)
Kogarah Precinct – Princes Highway Area zoned R3 – Medium Density Residential				
Nos 227-241 Princes Highway, Kogarah	15m	1.5:1	15m	1.5:1
Oatley Precinct – Oatley Centre Area zoned R3 – Medium Density Residential				
Land bounded by Hurstville Road, Rosa Street, Neville Street and Oatley Avenue, Oatley.	9m-12m	N/A Density requirements equate to 0.77:1 - 0.9:1.	12m	1:1
Ramsgate Precinct – Ramsgate Centre Area zoned R3 – Medium Density Residential				
No.'s 2-8 Targo Road and Nos 66-68 Ramsgate Road, Ramsgate	9m	0.8:1	15m	1.5:1
No.'s 4-10 Dalkeith Street, Ramsgate	9m	0.8:1	15m	1.5:1
No. 2A Torwood Street and No.'s 259-271 Rocky Point Road, Ramsgate	12m	1:1	15m	1.5:1
Sans Souci Precinct – Rocky Point Road Area zoned R3 – Medium Density Residential				
No.'s 431A-451 Rocky Point Road and Nos 2-4 Harris Street, Sans Souci	9m	N/A	9m	0.7:1
Nos 469 – 473 Rocky Point Road, Sans Souci			9m	0.7:1
South Hurstville Precinct – South Hurstville Centre Area zoned R3 – Medium Density Residential				
Eastern side of King Georges Road – Land bounded by Woniora Road, Joffre Street, Culwulla Street, King Georges Road, Blakesley Road, Kairawa Street, Short Street, Grosvenor Road, Tavistock Road and Blakesley Road, South Hurstville	5m – 12m	N/A Density requirements equate to 0.48:1 - 0.9:1	9m – 21m	0.7:1 – 2:1
Western side of King Georges Road – Land bounded by King Georges Road, Terry Street, The Mall, Tavistock Road and Grosvenor Road, South Hurstville	5m – 12m	N/A Density requirements equate to 0.48:1 - 0.9:1	9-12m	0.7:1 – 1:1

Centre	Existing Height (DCP)	Existing FSR (DCP)	Proposed Height (LEP)	Proposed FSR (LEP)
Nos 4-16 Rickard Road, No 20 Rickard Road, Nos 1-5 Greenacre Road and Nos 9-17 Greenacre Road, South Hurstville			9m	0.7:1
Nos 42-46 Greenacre Road, Nos 87-89 Connells Point Road and Nos 101-103 Greenacre Road, South Hurstville			9m	0.7:1
No 42 – 46 Greenacre Road, Nos 87 – 89 Connells Point Road and Nos 101 – 103 Greenacre Road, South Hurstville			9m	0.7:1
No 88 Connells Point Road and No 2A The Mall, South Hurstville			12m	1:1
No 2-44 Homedale Crescent and Nos 67-95 Greenacre Road, Connells Point			9m	0.7:1
No 2A Hurstville Road and Nos 751-761 King Georges Road, South Hurstville			9m	0.7:1
Nos 2-10 Halstead Street and Nos 763-775 King Georges Road, South Hurstville			9m	0.7:1
Nos 2-2A William Street and No 1A Rickard Road, South Hurstville			9m	0.7:1

2.10.4 Proposed Changes to Zoning, Height & FSR – Post Exhibition of the Planning Proposal

Table 19 below provides a summary of those changes made by Council, at an Extraordinary Council meeting on 4 April 2016. A copy of the report presented to the Extraordinary Council Meeting and the Council resolution is included at Appendix I.

The changes have been made as a result of submissions received during the exhibition of the Planning Proposal and Council has not re-exhibited the changes on the basis that they are consistent with submissions received from the community.

In some cases the changes relate to the proposed rezoning of land, while in others the change relates to the Height of Building (HOB) or Floor Space Ratio (FSR) Map.

Table 19 – Changes made to zoning, height and FSR: Council Resolution 4 April 2016

Properties/Areas Proposed to be Rezoned (as exhibited in the Planning Proposal)	Proposed Height (as exhibited)	Proposed FSR (as exhibited)	Height of Building (HOB), as endorsed by Council (4/4/16)	FSR, as endorsed by Council (4/4/16)	Zoning, as endorsed by Council (4/4/16)
Blakehurst Precinct – Blakehurst Centre					
Nos 40 Bunyala Street, Nos 384B – 394A Princes Highway and Nos 4-12A Torrens Street, Blakehurst					
Rezone from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	15m	1.5:1	12m	1:1	No change to proposed zoning – <u>R3 Medium Density Residential</u> , as exhibited
Nos 9-13 Phillip Street and Nos 969 – 973 King Georges Road, Blakehurst					
Rezone from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	15m	1.5:1	12m	1:1	No change to proposed zoning – <u>R3 Medium Density Residential</u> , as exhibited
No 979 King Georges Road, Nos 591 – 629 Princes Highway and Nos 637 – 659 Princes Highway, Blakehurst					
Rezone from B1 – Neighbourhood Centre to <u>B2 – Local Centre</u> zone and increase height and FSR requirements	21m	2.5:1	18m	2.5:1	No change to proposed zoning – B2 – Local Centre zone, as exhibited.
Nos 2-8 Stuart Street, Nos 2-4 Vaughan Street and Nos 2-8 James Street, Nos 1-5 James Street, Nos 6-16 Vaughan Street and Nos 1-7 Water Street, Blakehurst.					
Rezone from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	15m	1.5:1	12m	1:1	No change to proposed zoning – <u>R3 Medium Density Residential</u> , as exhibited

Properties/Areas Proposed to be Rezoned (as exhibited in the Planning Proposal)	Proposed Height (as exhibited)	Proposed FSR (as exhibited)	Height of Building (HOB), as endorsed by Council (4/4/16)	FSR, as endorsed by Council (4/4/16)	Zoning, as endorsed by Council (4/4/16)
Blakehurst Waterfront - Blakehurst Precinct					
Nos 424-436, Nos 448-454, Nos 468-474, Nos 723 – 741 Princes Highway, Blakehurst					
Rezone from E4 – Environmental Living to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	21m	2:1	Split height of 12m along the Princes Highway frontage increasing to 15m along the rear of the blocks	1.5:1	No change to proposed zoning - <u>R3 Medium Density Residential</u> , as exhibited
Enterprise Corridor - Carlton Precinct					
Nos 71-73 Jubilee Avenue and No 253-277 Princes Highway and Nos 1 & 2 Wheeler Street, No 36 O'Meara Street and No 297 Princes Highway, Carlton					
Rezone from R2- Low Density Residential to <u>B6 – Enterprise Corridor</u> and increase height and FSR requirements.	21m	2:1	Split height of 15m fronting the Princes Highway and a maximum height of 12m from the common boundary of adjoining residential land for a minimum depth of 15m.	2:1	No change to proposed zoning – <u>B6 – Enterprise Corridor</u> , as exhibited.
Nos 285-295 Princes Highway, Nos 31-33 O'Meara Street, and Nos 32-34 Westbourne Street, Carlton					
Rezone from R2- Low Density Residential to <u>B6 – Enterprise Corridor</u> and increase height and FSR requirements.	21m	2:1	9m	0.55:1	No proceed with rezoning, as exhibited. Retain existing <u>R2 – Low Density Residential</u> zone.

Properties/Areas Proposed to be Rezoned (as exhibited in the Planning Proposal)	Proposed Height (as exhibited)	Proposed FSR (as exhibited)	Height of Building (HOB), as endorsed by Council (4/4/16)	FSR, as endorsed by Council (4/4/16)	Zoning, as endorsed by Council (4/4/16)
Carlton Precinct - Princes Highway Centre					
No 313-323 Princes Highway, Carlton					
Rezone from R2 – Low Density Residential to <u>B2 – Local Centre</u> and increase height and FSR requirements.	21m	2.5:1	9m	0.55:1	Not proceed with rezoning, as exhibited. Retain existing <u>R2 – Low Density Residential</u> zone.
Nos 305 – 311 and Nos 325 – 395 Princes Highway and No 55 and No 68A Park Road, Carlton					
Rezone from B1 – Neighbourhood Centre to <u>B2 – Local Centre</u> and increase height and FSR requirements.	21m	2.5:1	Split height of 15m fronting the Princes Highway and a maximum height of 12m from the common boundary of adjoining residential land for a minimum depth of 15m.	2.5:1	No change to proposed zoning – <u>B2 – Local Centre</u> zone, as exhibited
No 220 Princes Highway and Nos 59 – 61 Park Road, Carlton					
Rezone No 220 Princes Highway, Carlton from B1 – Neighbourhood Centre to <u>B2 – Local Centre</u> and increase height and FSR requirements.	21m	2.5:1	15m	2.5:1	No change to proposed zoning – <u>B2 – Local Centre</u> zone, as exhibited
Rezone Nos 59-61 Park Road, Carlton from R2 – Low Density Residential to <u>B2 – Local Centre</u> and increase height and FSR requirements.	21m	2.5:1	15m	2.5:1	No change to proposed zoning – <u>B2 – Local Centre</u> zone, as exhibited

Properties/Areas Proposed to be Rezoned (as exhibited in the Planning Proposal)	Proposed Height (as exhibited)	Proposed FSR (as exhibited)	Height of Building (HOB), as endorsed by Council (4/4/16)	FSR, as endorsed by Council (4/4/16)	Zoning, as endorsed by Council (4/4/16)
Nos 1-21 Wyuna Street & Nos 2-6 Lacey Street, Carlton					
Rezone from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and increase height and FSR requirements.	9-21m	2:1	Split height of 15m along the rear boundary of the properties, stepping down to 9m for a minimum lot depth of 12m along the Wyuna Street frontage.	1.5:1	No change to proposed zoning – <u>R3 Medium Density Residential</u> , as exhibited
Nos 166-216 Princes Highway, Carlton					
Area zoned <u>R3 – Medium Density Residential</u>	21m	2:1	15m	1.5:1	Retain existing <u>R3 – Medium Density Residential</u> zone
Nos 68 – 72 Park Road, Nos 1-13 John Street and Nos 1-5 Lacey Street, Carlton					
Area zoned <u>R3 – Medium Density Residential</u>	9-21m	2:1	Split height of 15m along the rear boundary of the properties, stepping down to 9m for a minimum lot depth of 12m along the John Street frontage.	1.5:1	Retain existing <u>R3 – Medium Density Residential</u> zone
South Hurstville Precinct – South Hurstville Centre					
Nos 76-86A Connells Point Road, Nos 1-21 The Mall, Nos 55-55A Tavistock Road, and Nos 2-14 The Esplanade, South Hurstville					
Rezone from R2 – Low Density Residential to <u>R3 – Medium Density Residential</u> and include height and FSR requirements.	12m	1:1	9m	0.55:1	Not proceed with rezoning, as exhibited. Retain existing <u>R2 – Low Density Residential</u> zone.

Properties/Areas Proposed to be Rezoned (as exhibited in the Planning Proposal)	Proposed Height (as exhibited)	Proposed FSR (as exhibited)	Height of Building (HOB), as endorsed by Council (4/4/16)	FSR, as endorsed by Council (4/4/16)	Zoning, as endorsed by Council (4/4/16)
Nos 88 Connells Point Road and No.2A The Esplanade, South Hurstville					
Area zoned R3 – Medium Density Residential	12m	1:1	9m	0.7:1	Retain existing R3 – Medium Density Residential zone

2.10.5 Providing increased opportunities for dual occupancy development

The future ability of our community to age-in-place will depend on the availability of alternative housing types across the LGA and policies to support alternative housing types would allow older residents to redevelop their land to provide a more suitable form of accommodation, whilst not being financially prohibitive.

The proposed changes will open up opportunities for a wider range of dual occupancy development across the LGA, including development for dual occupancy on large blocks on the waterfront.

The proposed provisions will permit attached dual occupancy development on lots zoned R2 – Low Density Residential and R3 – Medium Density Residential with an area 650sqm or greater, with the exception of those properties in the foreshore areas and heritage conservation areas, where the minimum lot size requirement is 1000sqm.

A copy of the Minimum Lot Sizes for Dual Occupancy Development Map is included at **Appendix 7**.

For the majority of sites, attached dual occupancy development will be permitted. Council will also permit detached dual occupancy development on sites that have frontage to two streets. The permitted floor space ratio and building height controls will be the same as allowed for single dwellings.

Subdivision of the dwellings will also be permissible. This allows landowners to realise the capital expenditure involved in developing a dual occupancy. This is particularly desirable for older residents who, by subdividing and building a dual occupancy can partially realise the capital tied up in the family home.

2.10.6 Introduction of Local Provision relating to Seniors Housing

In Kogarah, housing designated for seniors is constructed under State Environment Planning Policy – Housing for Seniors and People with a Disability (SEPP HSPD). The SEPP HSPD provides for a range of housing types including *self-contained dwellings*¹

The current provisions of the SEPP HSPD require that housing for seniors, including self-contained dwellings, meet certain locational requirements – these requirements generally preclude large development sites in and around the foreshore and waterfront areas.

As a result opportunities for older people who choose to move from their own large home in the foreshore or waterfront areas to smaller appropriately constructed homes are limited, and residents are forced to move out of the LGA to other LGAs.

Population data indicates that:

- Our population is ageing (14.5% of Kogarah City's residents are aged 65+ years) and we have a greater proportion of older residents as compared to Greater Sydney (2.4% of Kogarah City's residents are aged 85+ as compared to Greater Sydney (1.8%))
- Almost half of Kogarah's households are 1 or 2 person households (49.3%).
- Kogarah's existing housing stock consists predominantly of separate houses (55.7%), as compared to medium (16.1%) and high density housing (27.6%)
- 38.2% of households within Kogarah City with a mortgage were making high loan repayments of \$2,600 or more per month.
- 11.9% of Kogarah City's households (2011) were experiencing housing stress compared to 11.5% in Greater Sydney.

Council is seeking to include a local provision into Kogarah LEP 2012 to encourage seniors housing in the form of self-contained dwellings so as to increase the supply and diversity of housing that meet the needs of seniors in the R2 – Low Density Residential zone.

It is proposed that self-contained dwellings, as defined under the SEPP HSPD will be permitted in Zone R2 – Low Density Residential where a development meets the following requirements:

- (a) **Site size:** The size of the site must be at least 1000m²
- (b) **Height:** The height of all buildings in the proposed development must be 8.5 metres or less
- (c) **Density and scale:** The density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less
- (d) **Parking:** A minimum of 1 car space is to be provided for each dwelling.

¹ Under the SEPP HSPD a **self-contained dwelling** is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.

The draft clause, as proposed to be incorporated into Kogarah LEP 2012 is outlined below:

6.8 Seniors housing: self-contained dwellings

- (1) *The objective of this clause is to encourage seniors housing in the form of self-contained dwellings so as to increase the supply and diversity of housing that meets the needs of seniors in the R2 – Low Density Residential zone.*
- (2) *For the purposes of this clause **Seniors** are any of the following:*
 - (a) *people aged 55 or more years,*
 - (b) *people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided,*
 - (c) *people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.*
- (3) *Council must not consent to a development application for seniors housing in the form of self-contained dwellings in Zone R2 – Low Density Residential unless the proposed development complies with the standards specified below:*
 - (e) **Site size:** *The size of the site for a group of self-contained dwellings must be at least 1000m²;*
 - (f) **Site frontage:** *The site frontage must be at least 20 metres wide measured at the building line;*
 - (g) **Height:** *The height of all buildings in the proposed development must be 8.5 metres or less;*
 - (h) **Density and scale:** *The density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less;*
 - (i) **Parking:** *A minimum of 1 car space is to be provided for each dwelling; and*
 - (j) *The standards specified in Schedule 3 – Standards applying to self-contained dwellings of the **State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004***
- (5) *Despite clause 4.1 land on which development has been carried out under this clause may be subdivided with the consent of the consent authority.*
- (6) *A consent authority must not consent to a development application made pursuant to this Clause unless:*
 - (a) *a condition is imposed by the consent authority to the effect that only those persons referred to in subclause (2) may occupy any accommodation to which the application relates, and*
 - (b) *the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be*

carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to those persons referred to in subclause (2).

2.1.1 Inclusion of Additional Local Provisions, post exhibition of the Planning Proposal

2.1.1.1 Blakehurst Precinct – Blakehurst Waterfront

In identifying the uplift in development in the Blakehurst Precinct – Blakehurst Waterfront, it was Council's intention that foreshore access be provided as part of the redevelopment of these properties, providing a continuous link between Dover Park (eastern side of the Princes Highway), around Tom Ugly's Point and to Dover Park (western side of the Princes Highway). There is already public foreshore access on the western side of the Princes Highway, along the foreshore adjacent to the Seabreeze Apartments. This intention was included in the Planning Proposal that was placed on exhibition.

Council, at an Extraordinary Meeting on 4 April 2016 resolved to incorporate a Local Provision to ensure that public access along the foreshore is created.

It is recommended that a Local Provision be incorporated into the Kogarah LEP, which specifically applies to the affected properties. Such a provision could be worded as follows:

Development on the foreshore must ensure access

- (1) This clause applies to the redevelopment of the following properties:*
- (2) In deciding whether to grant consent for development in the foreshore area for the properties identified in (1) above, the consent authority must consider whether and to what extent the development would encourage the following:*
 - (a) continuous public access to and along the foreshore through or adjacent to the proposed development,*
 - (b) public access to link with existing or proposed open space,*
 - (c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land*
 - (d) respect for existing environmental conditions.*

2.1.1.2 Floor Space Incentive Provision – B4 Mixed Use zone bounded by Gray Street, Railway Parade and English Street, Carlton.

The Kogarah Town Centre has undergone significant changes over the past 15 years to become a vibrant, liveable and working community. More people are living and working in the Centre than ever before. The Kogarah Town Centre has been identified as a Strategic Centre within the South Sub-Region in *A Plan for Growing Sydney*.

It is important that the Kogarah Town Centre has the potential to continue to grow and provide housing and jobs. The Community Strategic Plan also concludes that increased

development should be located close to existing Centres and transport hubs, rather than in suburban areas, where access to public transport is limited.

In order to respond to the key priorities in *A Plan for Growing Sydney*, the Planning Proposal proposes to maintain the B4 – Mixed Use zone in the Kogarah Town Centre and Railway Parade South to facilitate the continued development of employment and housing.

Increases are proposed to the height and density in the Kogarah Town Centre to ensure that there are opportunities for redevelopment of the remaining sites within the Centre. It was also considered appropriate to include a FSR bonus for the sites

A submission was made during the exhibition of the Planning Proposal requesting consideration of an increase to the height and FSR requirements along the Precinct known as Railway Parade South. It is considered that this may be valid to encourage the amalgamation of sites so as to promote good design quality and create increased setbacks to the rear of developments, adjacent to existing development. It is also considered that the amalgamation of these sites would provide for improved vehicular access and egress to the sites, ensuring that this is achieved from side streets, rather than from Railway Parade.

In this regard, Council, at an Extraordinary Meeting on 4 April resolved the following with respect to Railway Parade South:

Amend the Planning Proposal to include a Floor Space Ratio (FSR) incentive provision that would apply to the B4 – Mixed Use zoned properties bounded by Gray Street, Railway Parade and English Street, Kogarah to permit a 0.5:1 FSR bonus for the amalgamation of sites.

Accordingly, it is proposed to include a Local Provision that achieves this outcome. In this regard, the following Local Provision (or similar as drafted by Parliamentary Counsel) is proposed:

Exceptions to floor space ratio in Zone B4

- (1) The objective of this clause is to encourage the amalgamation of sites to facilitate better built form and urban design.*
- (2) This clause applies to land in Zone B4 – Mixed Use Zone as indicated on the Map*
- (3) Despite clause 4.4, development consent may be granted to development for the purposes of shop-top housing and residential flat buildings on land to which this clause applies that results in a floor space ratio that does not exceed 4.5:1 if:*
 - (a) the site area is equal to or greater than 1,500 square metres, and*
 - (b) the consent authority is satisfied that:*
 - (i) the development will be compatible with the desired future character in terms of building bulk and scale, and*
 - (ii) the development will contribute to the amenity of the surrounding locality, and*
 - (iii) any consolidation of lots for the purposes of this clause is not likely to result in adjoining lots that cannot be developed in accordance with this Plan.*

2.12 SP2 – Infrastructure Zone Review

Council, in preparing the conversion of KLEP 1998 to the SILEP (Kogarah LEP 2012) sought the Department of Planning's support in zoning certain sites SP2 – Infrastructure.

These included:

- i. Land that was zoned Special Uses 5(a) under KLEP 1998 identified as key infrastructure, being rezoned SP2 Infrastructure: this applies to St George Private and Public Hospitals; Kogarah Fire Station; Calvary Hospital and key utility infrastructure sites including water supply, electricity distribution infrastructure and telecommunications infrastructure;
- ii. Land zoned Special Uses 5(b) – Special Uses (Railway) being zoned SP2 Infrastructure consistent with Planning Direction 10-001;
- iii. Land zoned Special Uses 5(a) under KLEP 1998 and currently used as an educational establishment (both private and public).
- iv. All other existing land zoned Special Uses 5(a), including churches and church properties, child care centres, community facilities, aged housing and others being rezoned to either the adjacent zone or a compatible zone to reflect the land use, subject to land owners confirming that this change in zoning complies with the requirements of SEPP 55.

As a result, a direct conversion of the zoning of land meeting the above requirements was undertaken in the conversion of KLEP 1998 to Kogarah LEP 2012.

With respect to the following properties, the Planning Proposal, as exhibited indicated that they were to be rezoned to SP2 – Health Services Facilities.

During the exhibition of the Planning Proposal, submissions were received from a number of Government Authorities, objecting to the rezoning of properties within their ownership.

A detailed discussion with respect to submissions received from Government Authorities is included below.

Table 20 below provides an overview of the proposed changes, post exhibition of the Planning Proposal with respect to land proposed to be zoned SP2 – Infrastructure.

Maps and discussion relating to each of the affected properties is included at **Appendix 8 – SP2 Infrastructure Zonings**.

Table 20: SP2 Infrastructure Zonings

Affected Properties	Reason	Current Zoning	Proposed Zoning (as exhibited)	Proposed zoning (post exhibition) Council Resolution 4/4/16
Block bounded by Palmerston Street, Victor Street, Gladstone Street and Victoria Street, Kogarah	In the ownership of Minister for Education and Training	R2 – Low Density Residential and RE1 – Public Recreation	SP2 – Educational Establishments	Submission received from Department of Education however Council has resolved that there be no change to the proposed zoning, as exhibited – SP2 – Infrastructure See discussion below under discussion relating to Government Authorities
No.'s 30-38 Belgrave Street and No.'s 4-10 South Street, Kogarah	Health Administration Corporation (St George Private Hospital)	B4 – Mixed Use zone	SP2 – Health Services Facilities	Submission received from NSW Health – Council resolved to retain the B4 – Mixed Use zone
No.'s 70-72 and No.'s 80-82 Jubilee Avenue, No.'s 91-105 and 109-111 Rocky Point Road and 40-46 & 52 Ercildoune Avenue, Beverley Park	Part of Calvary Hospital	R2 – Low Density Residential	SP2 – Health Services Facilities	No change – SP2 – Infrastructure
No.'s 17-19 Broughton Street, Sans Souci	Part of St Finbar's Primary School, Sans Souci	R2 – Low Density Residential	SP2 – Educational Establishments	No change – SP2 – Infrastructure
No. 170 Connells Point Road, Connells Point	Part of Connells Point Public School	R2 – Low Density Residential	SP2 – Educational Establishments	Submission received from Department of Education however Council has resolved that there be no change to the proposed zoning, as exhibited – SP2 – Infrastructure See discussion below under discussion relating to Government Authorities

Affected Properties	Reason	Current Zoning	Proposed Zoning (as exhibited)	Proposed zoning (post exhibition) Council Resolution 4/4/16
No. 29A Greenacre Road, South Hurstville	In the ownership of Catholic Education Office	RE2 – Private Recreation	SP2 – Educational Establishments	No change – SP2 – Infrastructure
Lot 1, DPI22877 & Lot 1, DPI22875 (known as No. 30 Maher Street), Hurstville	Part of Hurstville Public School	R2 – Low Density Residential	SP2 – Educational Establishments	Submission received from Department of Education however Council has resolved that there be no change to the proposed zoning, as exhibited – SP2 – Infrastructure See discussion below under discussion relating to Government Authorities
No.'s 51-69 Woids Avenue, No. 50 Bellevue Parade and No. 56 Bellevue Parade, Allawah	St George Christian School	R2 – Low Density Residential	SP2 – Educational Establishments	No change – SP2 – Infrastructure
Part of No. 4 Water Street, Sans Souci	Public Infrastructure – Water Police/ Maritime Services	RE1 – Public Recreation	SP2 – Emergency Services Facilities	No change – SP - Infrastructure

Council has also been recently made aware of the sale of land that is currently zoned SP 2-Infrastructure, being the rear portion of Lots 4 & 5, DP 7814 (No 279) Rocky Point Road, Sans Souci. The subject site was previously in the ownership of Telstra and was vacant land to the rear of the existing telephone exchange on Rocky Point Road.

A verbal request has been made by the now owner of the site to have the land rezoned to R2 – Low Density Residential, which is consistent with the adjoining land. It is considered that this request is appropriate and as such it is recommended that the land be rezoned to R2 – Low Density Residential. This change was exhibited as part of the Planning Proposal that was placed on exhibition.

2.13 Review of Open Space Lands

There are a number of open space and natural environment areas that, after being investigated through a land use audit, are proposed to be rezoned to reflect their current or most suitable land use and their ownership status.

The review of open space can be divided into three (3) categories:

1. Land that is currently used as open space, but is not zoned as RE1 – Public Recreation. The majority of the land identified in this category is already in Council's ownership however some sites are in the ownership of the Crown.
2. Land currently zoned RE1 – Public Recreation that is proposed to be rezoned to another, more appropriate zone.
3. Land currently zoned RE2 – Private Recreation that is proposed to be rezoned to another, more appropriate zone.

2.13.1 Land proposed to be zoned RE1 – Public Recreation

This category includes sites that are currently used and maintained as open space, but are not zoned as open space (RE1 – Public Recreation) under Kogarah LEP 2012.

These sites are identified on Council's open space land register as recognised parks and public reserves (usually with park/reserve names) however the current zoning does not reflect the use.

Table 21 below identifies those sites proposed to be rezoned to RE1 - Public Recreation to provide consistency with the existing land use.

Further discussion relating to each site, including maps indicating the existing zone under KLEP 2012 and proposed zoning are included in the Open Space Review (2014) which is attached separately.

Some of these sites are also proposed to be reclassified and these will be discussed under the reclassification component of the Planning Proposal.

Table 21: Land Proposed to be Zoned RE1

Location	Current zoning	Proposed Zoning
<i>PJ Ferry Reserve</i> No. 147B Bellevue Parade, Allawah (Lot 34, Sec 5, DP2792)	R2 – Low Density Residential	RE1 – Public Recreation
<i>Burgess Street Reserve</i> 22R Targo Road, Beverley Park Lot C, DP 360949	R2 – Low Density Residential	RE1 – Public Recreation
<i>Moore Park</i> No. 22A Ferry Avenue, Beverley Park Lot 159, DP 19288	R2 – Low Density Residential	RE1 – Public Recreation
<i>Moore Park</i> No. 33 Lobb Crescent, Beverley Park Part Lot 160, DP 19098	R2 – Low Density Residential	RE1 – Public Recreation
<i>Dover Park</i> No. 422A Princes Highway, Blakehurst Lot 7314, DP 1153780	W2 – Recreational Waterways	RE1 – Public Recreation
<i>West Street Reserve</i> No. 212A West Street, Blakehurst Lot 2, DP 547806 Lot E, DP 16495 Lot D, DP 16495	R2 – Low Density Residential	RE1 – Public Recreation

Location	Current zoning	Proposed Zoning
<i>Lower West Street Reserve</i> No. 177 Bellevue Parade, Carlton Lot 20, DP 527191	IN2 – Light Industrial	REI – Public Recreation
<i>Carss Bush Park</i> No. 999 Beach Street, Blakehurst Part Lot 1, DP 177114 Part Lot 4, DP 668319 Part Lot 1, DP 10109360	R2 – Low Density Residential	REI – Public Recreation
<i>Tilley Reserve</i> No. 4 Andover Street, Carlton Lot 108, DP 1916	R3 – Medium Density Residential	REI – Public Recreation
Road		
<i>Duggan Park</i> 71A Greenacre Rd (LOT: 411 DP: 593759); 71P Greenacre Rd (LOT: 421 DP: 839908); 73A Greenacre Rd (LOT: 431 DP: 600544); 83 Greenacre Rd (LOT: 48 DP: 68400); 83A Greenacre Rd (LOT: 471 DP: 591227); 83B Greenacre Rd (LOT: 502 DP: 598400); 83C Greenacre Rd (LOT: 522 DP: 598002); 85 Greenacre Rd (LOT: 49 DP: 6840); 85A Greenacre Rd (LOT: 501 DP: 596285); 20A Homedale Cres (LOT: 642 DP: 710281); 22A Homedale Cres (LOT: 632 DP: 600012); 28A Homedale Cres (LOT: 601 DP: 597739); 2B Homedale Cres (LOT: 33 DP: 867976); 6A Homedale Cres (LOT: 691 DP: 1045748); 75R Greenacre Rd (LOT: 441 DP: 739600) 77R Greenacre Rd (LOT: 451 DP: 598565); 779R Greenacre Rd (LOT: 461 DP: 591498); 12R Homedale Cres (LOT: 2 DP: 614036); 16R Homedale Cres (LOT: 23 DP: 618082); 12R Homedale Cres (LOT: 2 DP: 591621); 26R Homedale Cres (LOT: 612 DP: 616832); 93R Greenacre Rd (LOT: 532 DP: 607094); 95R Greenacre Rd (LOT: 2 DP: 613499)	R3 – Medium Density Residential	REI – Public Recreation
No. 243A Connells Point Road, Connells Point (Lot 4, DP 572695)	E4 – Environmental Living	REI – Public Recreation
<i>Queens Road Reserve</i> No. 251A Connells Point Road, Connells Point (Lot B, DP 364195)	E4 – Environmental Living	REI – Public Recreation
<i>Arrowsmith Park</i> No. 740 King Georges Road, Hurstville Part lot 3 & 4, DP 136481 Road	R2 – Low Density Residential	REI – Public Recreation
<i>Empress Reserve</i> No. 8 George Street, Hurstville (Lot 4, DP 660854)	R2 – Low Density Residential	REI – Public Recreation

Location	Current zoning	Proposed Zoning
<i>St Georges Parade Reserve</i> No. 19 St Georges Parade, Hurstville Lot 14, Sec 1, DP 2751	R3 – Medium Density Residential	REI – Public Recreation
<i>Woniora Gardens</i> No. 588 Railway Parade, Hurstville (Lot 2, DP 880679)	B4 – Mixed Use	REI Public Recreation
<i>Elizabeth Corry Reserve</i> End of Wyee Street , Kogarah Bay	R2 – Low Density Residential	REI – Public Recreation
<i>Ellen Subway Gardens, Mortdale</i> Part Lot 10, Sec 1, DP 1884; Part Lot 1, DP 1181159; Road	B2 – Local Centre R2 – Low Density Residential	REI – Public Recreation
<i>Charles Street Reserve, Oatley</i> Roadway	E4 – Environmental Living	REI – Public Recreation
<i>Lapham Reserve</i> No. 2A Beverley Crescent, Penshurst Lot 1, DP 181450	E4 – Environmental Living	REI – Public Recreation
<i>Anderson Park</i> No. 75 Vista Street, Sans Souci (Lot 1, DP 181450/Part Road)	E4 – Environmental Living	REI – Public Recreation
<i>The Boulevarde Reserve, Sans Souci</i> Road	Part E4 – Environmental Living and R2 – Low Density Residential	REI – Public Recreation
<i>Claydon Reserve</i> No.'s 47-49 Ramsgate Road, Sans Souci (Part Lot 7, DP 11558, Part Lot 6, DP 11558, Part Road, Part Water)	E4 – Environmental Living and W2 – Recreational Waterways	REI – Public Recreation
<i>Len Renyolds Reserve</i> No. 255 The Promenade, Sans Souci (Lot 7045, DP 1127660 and Part Road)	E4 – Environmental Living	REI – Public Recreation
<i>Northcote Street Reserve</i> No. 87 The Promenade, Sans Souci (Lot 651, DP 1000210)	E4 – Environmental Living	REI – Public Recreation
<i>Grosvenor Road Reserve</i> No. 6 Grosvenor Road (Lot 107, DP 1999) and No. 11 Tavistock Road (Lot B, DP 346012), South Hurstville	R2 - Low Density Residential	REI – Public Recreation
<i>Ma An Shan Friendship Park</i> No.'s 143-147 West Street, South Hurstville Lot 1 & 2, DP 206385 and Lot 58, Sec 2, DP 5453	R2 - Low Density Residential	REI – Public Recreation

2.13.2 Land proposed to be rezoned from RE1 – Public Recreation

The following sites are parcels of land that are currently zoned **RE1 – Public Recreation** that Council is proposing to rezone to another, more appropriate zone for the reasons listed below:

(a) Elizabeth Street Reserve, Allawah (section of roadway)

This portion of land forms part of the road reserve with car parking and several trees. The parcel is not used as open space and adjoins a section of roadway currently zoned R2 – Low Density Residential.

It is proposed that this parcel be rezoned to R2 – Low Density Residential, consistent with the adjoining road.



Figure 9: Existing zoning (KLEP 2012)



Figure 10: Proposed zoning (KLEP 2012)

(b) 1A Stuart Crescent, Blakehurst (Lot 2, DP 794233)

This is a 338m² parcel of land that is an isolated foreshore lot that was acquired by Council to form a Regional Open Space Corridor that included Ray Street Reserve and adjoining private lands under the County of Cumberland Plan (1951).

The NSW Government has since abandoned the acquisition of land along this section of the foreshore for the creation of a regional open space corridor in this location and as such the property is now an isolated parcel of land with no public access, other than from the water.

The adjoining sites, which are in private ownership were previously zoned 6(b) – Regional Open Space under Kogarah LEP 1998. After consultation with the Department of Planning (the acquisition authority for these sites), the 6(b) – Regional Open Space zoning was abandoned and the adjoining sites zoned E4 – Environmental Living in the Kogarah LEP 2012.

The parcel is landlocked and is only accessible from the water. The Planning Proposal, as exhibited had recommended that the parcel be rezoned to R2 – Low Density Residential, consistent with the adjoining zoning.

It was also proposed to reclassify the land from “community” to “operational” land and consider disposal of the land. The Planning Proposal, as exhibited identified this proposed change.

However, during the reclassification process it was identified that the land was not in Council’s ownership, and that the current owner is the Minister for Planning & Environment. As a result, Council cannot proceed with the proposed rezoning without further consultation with the Department of Planning & Environment.

Accordingly, Council resolved to not proceed with the proposed rezoning and as such it is recommended that the existing REI – Public Recreation zone be retained.

(c) 52 Waratah Street, Blakehurst (Part Lot 19, DP 663247)

This land forms part of the Kyle Williams Home Trust at No. 52 Waratah Street, Blakehurst and is in private ownership. The subject site contains a dwelling which is identified as an item of Environmental Heritage in Kogarah LEP 2012.

The site is approximately 2.43ha, with the majority of the site heavily vegetated. The site adjoins Kyle Williams Reserve (in Council ownership), which is also heavily vegetated and contains Ecologically Endangered Communities (EECs).

The majority of vegetation in the eastern portion of the site is sandstone derived with the main species being *Angophora costata*, *Corymbia gummifera*, *Eucalyptus pilularis* and *Eucalyptus piperia*.

Vegetation within the western portion of the site is similar to Sandstone Gully Forest/Rainforest above floodable areas grading to Swamp Oak Forest and Mangroves along the foreshore.

Two (2) EECs occur on the site; these include the Swamp Oak Floodplain Forest and Southern Sydney Sheltered Forest². A Development Application is currently with Council for use of the site as a Group Home/Respite Day Care Facility.

In order to protect the remainder of the site from further redevelopment in the future, it is recommended that the portion of the site currently zoned REI – Public Recreation be rezoned to E2 – Environmental Conservation zone (Refer to Figure 14 below).

The objective of this zone is to:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

² Flora and Fauna Assessment prepared by Travers Bushfire and Ecology (February 2014) prepared for the Development Application for Group Home/Respite Day Care Centre

The permitted land uses also differ significantly between the zones, with the E2 – Environmental Conservation zone being more restrictive than the REI – Public Recreation zone. Table 22 below provides a comparison between the REI and E2 zones (Note: text in black represents land uses that must be included in the E2 zone):

Table 22: Comparison of REI – Public Recreation and E2 – Environmental Conservation zone

REI – Public Recreation Zone	E2 – Environmental Conservation Zone
I Objectives of zone - To enable land to be used for public open space or recreational purposes. - To provide a range of recreational settings and activities and compatible land uses. - To protect and enhance the natural environment for recreational purposes. 2 Permitted without consent Building identification signs; Business identification signs; Environmental protection works 3 Permitted with consent Boat launching ramps; Car parks; Child care centres; Community facilities; Emergency services facilities; Environmental facilities; Information and education facilities; Jetties; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Signage; Water recreation structures 4 Prohibited Any development not specified in item 2 or 3	I Objectives of zone - To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. - To prevent development that could destroy, damage or otherwise have an adverse effect on those values. 2 Permitted without consent Environmental protection works 3 Permitted with consent Environmental facilities; Flood mitigation works; Information and education facilities; Jetties; Roads 4 Prohibited Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3



Existing zoning (KLEP 2012)



Proposed zoning (KLEP 2012)

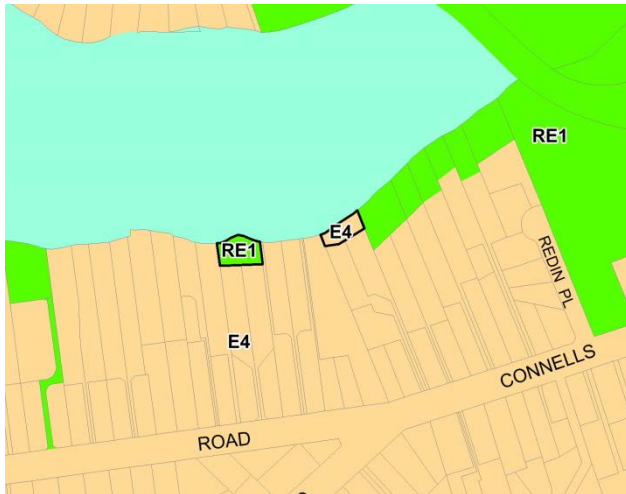
(d) 21A Queens Road, Connells Point (Lot E, DP373733)

No 21A Queens Road, Connells Point was acquired by Council to form a foreshore link to Redin Place Reserve. The continuation of the foreshore link however has now been abandoned and the lot remains as an isolated parcel of open space, only accessible from the water.

The subject site is currently leased to the adjoining land owners at No. 15 and No. 21 Queens Road, as an extension to their private open space and provides these properties with waterfront access. The subject site contains landscaping, steps and two (2) private jetties.

The parcel is landlocked and is only accessible from the water. It is recommended that the parcel be rezoned to R2 – Low Density Residential, consistent with the adjoining zoning.

It is also proposed to reclassify the land from “community” to “operational” land and consider disposal of the land.



Existing zoning (KLEP 2012)



Proposed zoning (KLEP 2012)

(e) Nos 4 & 10 Water Street, Sans Souci (Sans Souci Park) (Lot 507 & 519 DP 752056)

No. 4 Water Street currently contains a building adjacent to Water Street, which houses the Water Police and Maritime Services/Department of Fisheries. The remainder of the site contains a boat mooring facility and waterway. The site is non-Council owned land in the ownership of the Crown and is currently zoned RE1 – Public Recreation.

No. 10 Water Street currently houses the Sans Souci Bathers Pavilion, which is listed as an item of Environmental Heritage in Kogarah LEP 2012 and forms part of Sans Souci Park.

The site is non-Council land however Council has care and control of the land. The majority of the site is currently zoned RE1 – Public Recreation. The remainder of the area currently zoned RE1 is waterway.

It is proposed to amend the zoning relating to these sites to better reflect the current land uses and geography.

In this regard, it is proposed that the area of land containing the building at No. 4 Water Street be rezoned to SP2 – Emergency Services Facilities and the remainder of the site W2 – Recreational Waterways.

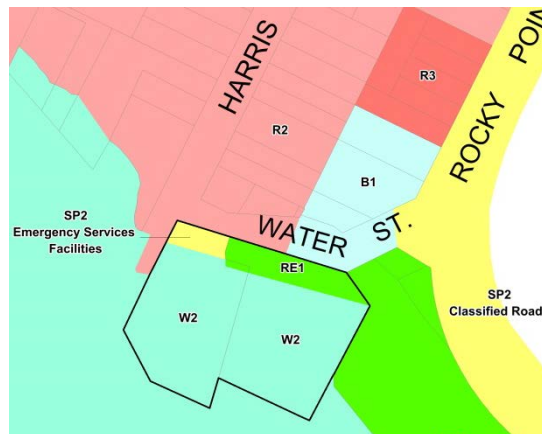
It is proposed to retain the RE1 zone for the portion of land at No. 10 Water Street that contains the Sans Souci Bathers Pavilion building and rezone the portion that is water to W2 – Recreational Waterways.



Aerial



Existing zoning (KLEP 2012)



Proposed zoning (KLEP 2012)

(f) No 8A Wyong Street, Oatley (Lot 15, DP 746853)

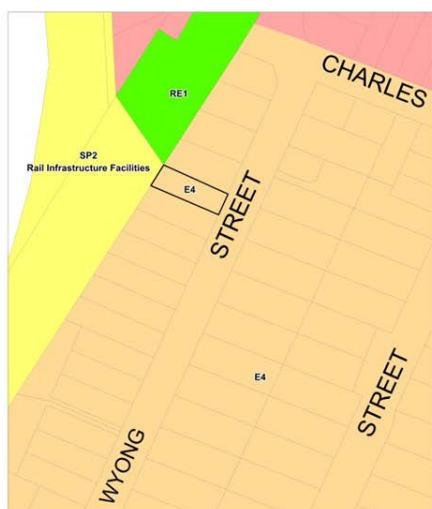
No. 8A Wyong Street is open space that is situated between two dwellings and adjoins the railway reserve however there is no access from this parcel of land onto the adjoining reserve. The land previously contained playground equipment however this was removed due to its age and lack of use.

The subject site is currently zoned E4 – Environmental Living and the area has been identified as low usage as open space. Council currently maintains the site (grass mowing) and there is no equipment or furniture situated in the park.

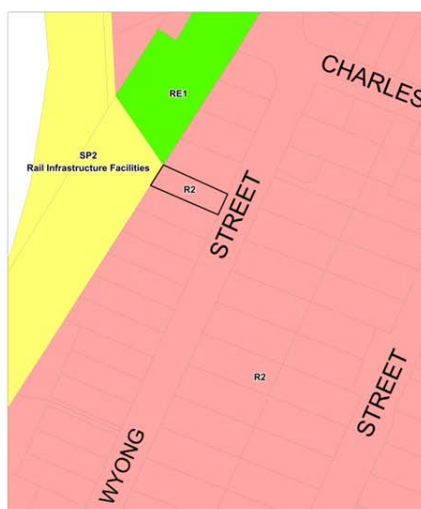
The Planning Proposal, as exhibited proposed to convert the zoning to R2 – Low Density Residential and reclassify the parcel from “community” to “operational” land and consider disposal of the land.

During the Public Hearing, a number of submissions were made and it was argued that the land could be enhanced and made more useable.

There was unanimous opposition at the Public Hearing with respect to the reclassification of the land. Accordingly, Council resolved to proceed with the conversion of the zoning from E4 – Environmental Living to R2 – Low Density Residential but not reclassify the land from “community” to “operational”.



Existing zoning (KLEP 2012)



Proposed zoning (KLEP 2012)

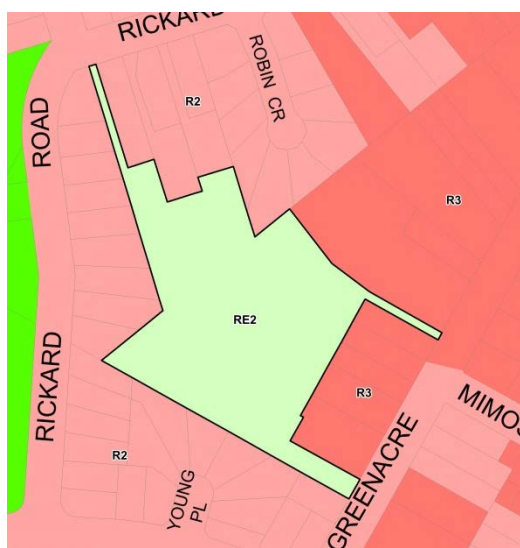
2.13.3 Land proposed to be rezoned from RE2 – Private Recreation

29A Greenacre Road, South Hurstville (Lot 4, DP 790242)

The subject site was previously the South Hurstville Bowling Club but has been recently sold to the Catholic Archdiocese of Sydney. It is currently zoned RE2 – Private Recreation.

It is considered that the long term use of the site will be an educational establishment and as such the zone should reflect the future use.

It is recommended that the site be rezoned to SP2 – Educational Establishment.



Existing zoning (KLEP 2012)



Proposed zoning (KLEP 2012)

2.13.4 Strategic Open Space Link from Denman Street Reserve to Quarry Reserve

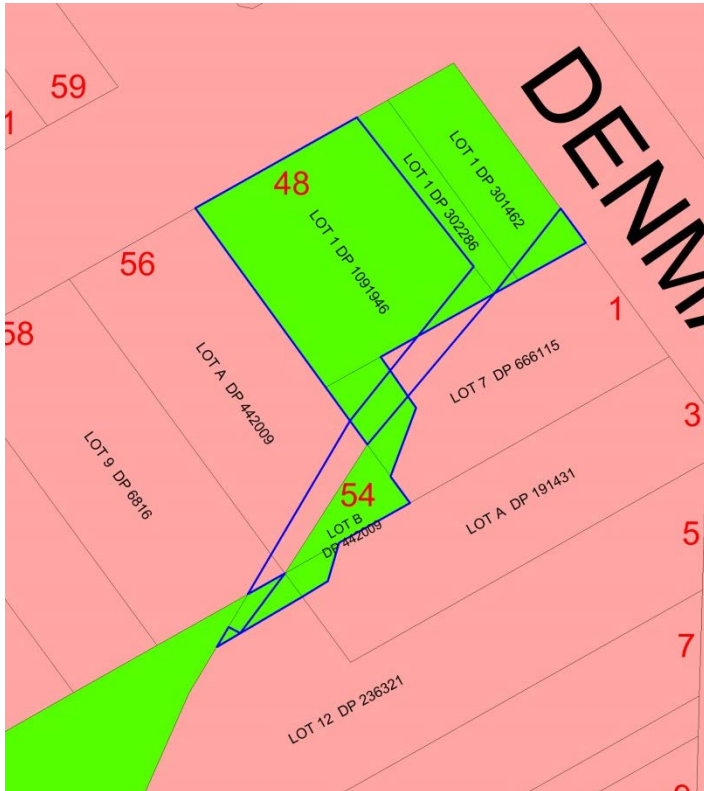
A number of properties in Hillcrest Avenue and Denman Street have been identified as necessary to allow creation of a link from Poulton Park / Quarry Reserve through to Hillcrest Avenue (Denman Street Reserve) and that notional link is currently identified in Kogarah LEP 2012 and previously in Kogarah LEP 1998.

Denman Street Reserve is a small local park on the corner of Hillcrest Avenue and Denman Street. The proposal recommends reconfiguring the existing open space zoning which is intended to provide an important strategic open space link from Hillcrest Avenue to Quarry Reserve. Council already owns a portion of the open space linkage, and it is proposed to rezone additional land in order to create a wider open space link which would increase visibility from the street and public surveillance of the open space.

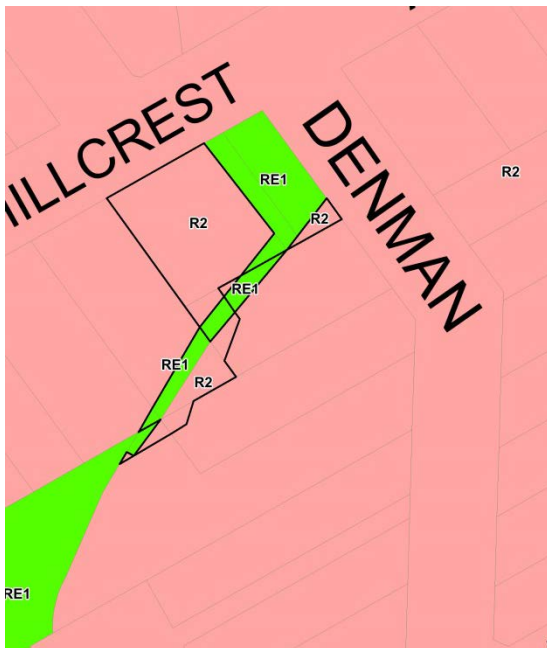
Accordingly, the following zoning amendments are proposed in this locality:

- Rezone No 48 Hillcrest Avenue being part Lot 1, DP 301462, part Lot 1, DP 302286, part Lot 1, DP 1091946 Lot 1 DP 1091946 which is in Council's ownership and is currently used as open space from R2- Low Density Residential to RE1 – Public Recreation.
- No 54 Hillcrest Avenue (Lot B DP 442009) is a triangular portion of land owned by Council and zoned R2 – Low Density Residential. It is proposed to rezone this site to RE1 – Public Recreation to enhance public access through this area by making use of Council's land, and enabling RE1 – Public Recreation zonings to be removed from some of the surrounding privately owned land.
- Rezone No 56 Hillcrest Avenue (Part Lot A, DP 442009) which is currently zoned RE1 – Public Recreation to R2 – Low Density Residential. The affected land is in private ownership (approximately 72m²) and is not required as part of the proposed open space linkage.
- Rezone part of No 58 Hillcrest Avenue (Part Lot 9, DP 6816) which is currently zoned RE1 – Public Recreation to R2 – Low Density Residential. The affected land is in private ownership (approximately 9m²) and is not required as part of the proposed open space linkage.
- Reconfigure the zoning on No 1 Denman Street (Part Lot 7 DP 666115) which is predominantly zoned R2 – Low Density Residential with a RE1 – Public Recreation strip running diagonally through the site. It is proposed to reconfigure the zoning of the site to zone a portion at the rear as RE1 – Public Recreation and retain the remainder of the site as R2 – Low Density Residential.
- Rezone a small portion (approximately 25m²) in the north east corner of 3 Denman Street (Part AL: A DP 191431) from R2 – Low Density Residential to RE1 – Public Recreation.

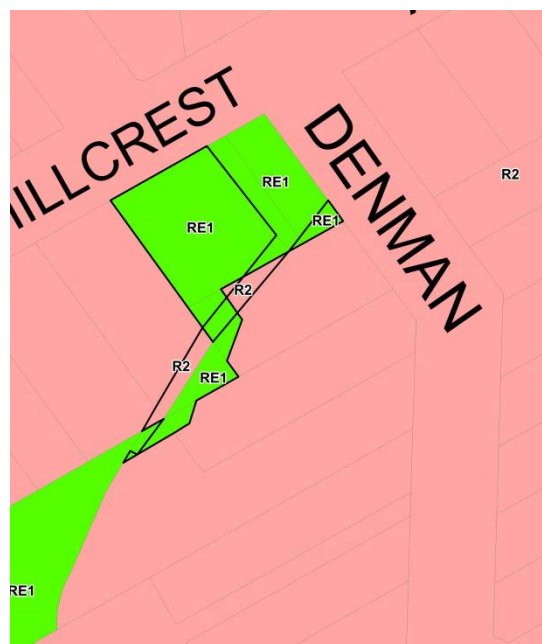
- Rezone a small portion to the rear of No 5 Denman Street (Part Lot 12, DP 236321), adjoining the storm water channel (approximately 23m2) from R2 – Low Density Residential to RE1 – Public Recreation to provide a viable pedestrian link.



Proposed amendments to zoning



Existing zoning (KLEP 2012)



Proposed zoning (KLEP 2012)

2.15 Classification of Land

Council is required by the *Local Government Act 1993* to classify all land vested in it (public land) as either 'community' or 'operational'. Land automatically becomes 'community' land if it is not otherwise classified within 3 months of being acquired by Council.

The purpose of classification is to identify land that should be kept for use by the general public (community), such as parks, and land which need not (operational), such as a works depot or car park. The major consequence of classification is that it determines the ease or difficulty with which land may be sold, leased or licensed.

Land classified as community land must not be sold (except in very limited situations) and there are limits on how long Council may lease or license community land. No such restrictions apply to land classified as operational land.

Reclassification is the process whereby the classification of public land is changed from 'operational' to 'community' or from 'community' to 'operational'.

Clause 5.2 of the SILEP relates to the classification and reclassification of public land and land to which this clause applies is identified in Schedule 4. It should be noted that land that is already classified as "community" or "operational" does not need to be included in Schedule 4. It only needs to be included where it is Council's intention to change the classification of that land.

Table 23 below identifies land which is proposed to be reclassified from "community" to "operational" and the reasons for this reclassification. Maps of each of the sites are included in **Appendix 6**.

Table 23: Reclassification of Land from "Community" to "Operational", as exhibited

Site Description	Current Zone	Proposed Zone & Use	Potential Financial Benefit
No. 1A Stuart Crescent, Blakehurst (Lot 2, DP 794233)	RE1	Proposed to be rezoned to R2 – Low Density Residential. Isolated foreshore lot which is only accessible via private property or the water. Potential sale of the site to adjoining owner to provide waterfront access.	Classification to operational allows for the sale to adjoining owner. Potential sale would generate revenue for Council.
No. 21A Queens Road, Connells Point (Lot E, DP: 373733)	RE1	Proposed to be rezoned to R2 – Low Density Residential. Isolated foreshore lot which is only accessible via private property or the water. Currently the land is leased to the adjoining owners at No 15 and No 21 Queens Road.	Classification to operational allows for the continuation of the lease or sale to the adjoining owners. Potential sale would generate revenue for Council.

Site Description	Current Zone	Proposed Zone & Use	Potential Financial Benefit
No. 8A Wyong Street, Oatley (LOT: 15 DP: 746853)	E4	Proposed to be rezoned to R2 – Low Density Residential. Subject site adjoins the railway reserve to the rear of the site however there is no direct access to the reserve. The parcel is adjoined by residential dwellings and provides no link to existing open space corridors.	Classification to operational allows for sale of the site. Potential sale would generate revenue for Council.

In accordance with s29 of the Local Government Act 1993 (LGA), Council must arrange a public hearing where it is proposed to reclassify community land to operational land:

29 Public hearing into reclassification

- (1) *A council must arrange a public hearing under section 68 of the Environmental Planning & Assessment Act 1979 in respect of a proposal in a draft local environmental plan to reclassify community land as operational land as if it had received and decided to deal with a submission as referred to in that section that the land be so reclassified.*
- (2) *A council must, before making any resolution under section 32, arrange a public hearing in respect of any proposal to reclassify land as operational land by such a resolution.*

In accordance with the requirements of the Gateway Determination, a public hearing was held on Wednesday, 3 June 2015 in the Council Chambers. That public hearing however related specifically to the proposed reclassification of three parcels of open space land. A public hearing regarding reclassification of public land is required to be held after the close of the exhibition period under section 68 of the Environmental Planning and Assessment Act (section 29 of the Local Government Act).

The public hearing was independently chaired by Mr Michael McMahon. Nine (9) members of the public attended the meeting and three persons arrived as the hearing concluded. A copy of the report prepared by Mr McMahon is included in **Appendix 9 – Report on the Public Hearing for the Reclassification of Land**.

The following is a summary of the outcome of the Public Hearing, with the recommendations, as endorsed by Council at its Extraordinary Meeting on 4 April 2016:

Table 24: Recommendations from the Public Hearing into the Reclassification of Land

Site Description	Comments	Recommendation
1A Stuart Crescent, Blakehurst (Lot 2, DP 794233)	- During the reclassification process it was identified that the land is not in Council's ownership. - The current owner is the Minister for Planning & Environment - Council cannot proceed without further consultation with the Department of Planning and Environment to reclassify the land. - This action would be pursued as a component of a future Planning Proposal subject to discussions with the Department of Planning & Environment.	<i>Amend the Planning Proposal to retain the RE1 – Public Recreation zone for No 1A Stuart Crescent, Blakehurst and remove reference from the Planning Proposal to the reclassification of the land.</i>
No. 21A Queens Road, Connells Point (Lot E, DP: 373733)	- No objection raised by those present at the Public Hearing. - At the time of the Public Hearing it was identified that the land had not been formally identified in Council's name. - Transfer of title appeared in the Government Gazette on 24 July 2015 - The adjoining owners at No 21 and No 15 Queens Road have both made submissions to purchase the portion of the property which backs onto their current property – this is a separate process outside of the LEP process.	<i>Proceed with the rezoning of No 21A Queens Road, Connells Point from Re1 – Public Recreation to R2 – Low Density Residential.</i> <i>Proceed with the reclassification of No 21A Queens Road, Connells Point from “community” to “operational” land as exhibited in the Planning Proposal.</i> <i>Present a further report to Council on the disposal of No 21A Queens Road, Connells Point.</i>
No. 8A Wyong Street, Oatley (LOT: 15 DP: 746853)	- Isolated open space, situated between two dwellings and backing onto the railway reserve. - Council currently maintains the land (grass mowing) but there is no play equipment or furniture situated in the park.	<i>That the reclassification of No 8A Wyong Street, Oatley not proceed.</i>

Site Description	Comments	Recommendation
	▪ Site is affected by a sewer and stormwater drain (running along each boundary). ▪ It was argued at the Public Hearing that the land could be enhanced and made to be more useable. ▪ Unanimous opposition at the Public Hearing to the reclassification of land. ▪ Should Council proceed with the reclassification and disposal of the land, the money should be utilised on open space improvements in Oatley.	

PART 3 JUSTIFICATIONS

3.1 Need for the Planning Proposal

Q1. Is the planning proposal a result of any strategic study or report?

The amendments outlined in the planning proposal are the result of a number of detailed studies/strategy documents that have been prepared over the last 18 months, including:

- Kogarah 2031 Housing Strategy
- Kogarah Employment Lands and Economic Development Strategy (SGS:2013)
- Open Space Review (KCC:2014)

3.1.1 Kogarah 2031 Housing Strategy

Planning for housing across the City of Kogarah is an important part of Council's responsibilities. The Sydney metropolitan area is growing, with the population steadily increasing and demographics shifting. These changes are consequently impacting on the City of Kogarah.

We have an ageing population but still have growth in new families. Providing housing to suit the needs of our population as they move through different life stages is needed. This includes opportunities for young people and young families to set up their own homes in the area, and for older residents to downsize to smaller dwellings. Even without any increase in population there would still be demand for new housing as peoples' housing needs change over time, with children leaving home and wanting to stay locally or parents wishing to down size and still be close to longstanding friends and family.

Council is proposing a new plan for the City which is intended to create a framework that will deliver housing to meet the needs of Kogarah's current population and the needs of future generations. The aim of the plan is to ensure that there is a sufficient supply of different housing types over the next 20 years to meet the needs of our growing community.

Refer to *Kogarah 2031 Housing Strategy*.

3.1.2 Kogarah Employment Lands and Economic Development Strategy (SGS:2013)

SGS Economics and Planning was commissioned by Kogarah City Council (funding received from the NSW Department of Planning) to complete an employment lands study and economic development strategy to inform the Standard Instrument LEP. A number of analytical tasks were conducted as a part of this study including a policy review, economic profiling, an audit of current employment lands, demand forecasting, stakeholder consultation and feasibility testing.

The following key points were identified through the economic profile:

- There were a total of 15,800 jobs located in Kogarah as of 2006. Kogarah LGA is specialised in the health and finance sectors with the majority of jobs in 'Health

Care and Social Assistance' (33.7%) and the 'Financial and Insurance Services' industry (13.2%).

- Kogarah LGA is forecast to meet its Subregional employment capacity target: Kogarah LGA's employment is projected to increase by a total of 5,747 jobs from 2006 to 2031 and 5,588 jobs from 2011 to 2036. The projected employment level for 2031 is above the additional employment capacity target of 4,000 jobs to 2031 which was specified for the LGA in the draft South Subregional Strategy.
- Employment is driven heavily by several big players including the St George bank, St George Public and Private Hospitals, St George TAFE, the Australian Taxation Office (ATO) office in Hurstville and police stations in Hurstville and Kogarah centres. Together these employers comprise approximately 63% of total employment in Kogarah LGA.
- Employment self-containment and self-sufficiency rates are low: Kogarah LGA has a low self-containment rate of 16.6% compared to other LGAs in the St George-Sutherland Sydney Statistical District (SSD). More than two-thirds (70.8%) of Kogarah's residents are employed in the surrounding LGAs (Hurstville, Rockdale, Sutherland Shire and Botany Bay) and City of Sydney. The self-sufficiency rate of 23.5% (local jobs filled by local residents) in the Kogarah LGA is also lower than the other St George-Sutherland region LGAs. This is likely to result from a mismatch between locally available jobs and the skills of the local labour force.
- Compared to other subregions, Kogarah has a lower share of home based workers. The number of home based workers in Kogarah in 2006 represented 2.8% of the total employed residents in the LGA, with the highest incidence of home based work occurring in the "professionals" occupation (35%). This is slightly lower than the rate in St George-Sutherland SSD (3%) and also lower than the average share of 4.2% across the Sydney SD.
- Growth in employment in Kogarah LGA is likely to be driven by the health (3,205 jobs), public administration (803 jobs) and education (432 jobs) sectors.
- Employment land prices have remained relatively stable since a peak in 2009.
- Median sales prices for commercial properties range between \$850,000 - \$950,000, while median prices for commercial strata have stayed between \$500,000 - \$600,000 since a peak in 2006 (\$700,000).

Key Findings for the Kogarah LGA

The following provides an overview of the key findings drawn from the analysis undertaken by SGS:

a. Kogarah LGA serves a local convenience retail role

Kogarah LGA serves a relatively limited retail role compared to neighbouring LGAs.

Kogarah also lacks a prominent food retailing precinct, such as an 'eat street' or night-time restaurant strip, particularly compared to the Hurstville LGA.

As such, the Kogarah LGA, and more specifically Kogarah Town Centre has a more local role in the retail hierarchy of the St George- Sutherland region.

Viewed in isolation, there appears to be an undersupply of higher order retail and supermarket retail in Kogarah - two (2) to three (3) additional supermarkets, depending on their size, could be supported in the LGA.

b. Kogarah commercial office market is dominated by several big players and smaller suburban type tenants, but there are vacancies and weak demand

The Westpac/St George Bank in Kogarah Town Centre and the ATO office in Hurstville centre are major office employers in each centre. The location of the ATO office in Hurstville was a strategic decision (i.e. no strong link to the local population) and was not due to any favourable office market features, while the bank has an historical link to the region. The ATO has since indicated closure of that office.

c. Growth in employment in LGA is likely to be driven by the health, public administration and education

The top three (3) industries of forecast growth are expected to be in 'Health Care and Social Assistance' (3,205 jobs), 'Public Administration and Safety' (803 jobs) and 'Education and Training' (432 jobs). These industries are local population servicing industries, with the exception of the ATO.

The top three (3) Broad Land Use Categories (BLC) of forecast growth are expected to be Special uses (health related), Retail Main Street and Dispersed Activities (education & health).

d. There will be negative growth in urban services (local industrial type development), light manufacturing and business park type uses

Although the financial industry is currently a large employer in the LGA, this is mainly due to the location of the Westpac/St George Bank in Kogarah Town Centre. Consultation indicated that this use is self-contained and that there are no synergies flowing to other finance sector jobs in Kogarah from the presence of the headquarters.

e. Kogarah's employment precincts have capacity to cater for the forecast future growth but there are some precincts that might need to be considered for expansion

Analysis indicates that there is existing capacity in the majority of local neighbourhood centres which indicates that there is no strong pressure to expand these centres.

The Kogarah Town Centre is facing the greatest shortage in capacity which is being driven by growth in medical industries. Hurstville is also facing a shortage driven by health care and public administration industries, however it is considered that nearby neighbourhood centres (eg Carlton, Allawah) could accommodate the spill over demand.

f. Kogarah LGA could support an additional two (2) to three (3) supermarkets

There is demand for around 21,000m² of supermarket and grocery floorspace in the Kogarah LGA. The land audit undertaken by SGS found that there is currently 13,472m² supermarket and grocery floorspace in the LGA, which represents an undersupply of approximately 7,500m².

This indicates that either some supermarket and grocery expenditure is currently being captured by surrounding LGAs (Hurstville Central, Rockdale Plaza, Sylvania Southgate) or that this demand is being met by the existing floorspace within the Kogarah LGA (which would mean existing supermarkets are trading at higher turnover levels).

At any rate, the analysis indicates that two (2) to three (3) additional supermarkets, depending on their size, could be supported in the LGA.

g. Kogarah Town Centre is not an important higher-order retail destination, but serves important civic functions

The Kogarah Town Centre is not a retail based centre like Hurstville Central Business District (CBD) and Rockdale Town Centre. Both the Hurstville and Rockdale LGAs have a much stronger retail offer than Kogarah and it would be difficult to compete with these centres in attracting higher order retail development.

Rather than being a major shopping destination, the Kogarah Town Centre is important as a health and education destination, as well as being a destination for office employment.

However, there is the potential to attract more restaurants to stimulate the night-time economy in the Kogarah Town Centre. The amenity of the Kogarah Town Centre and presence of the hospitals and St George TAFE, as well as the local population indicate that the fundamentals are there for a night-time economy.

In terms of office development, most demand is for medical suites and smaller locally-oriented professional tenants, such as accountants and legal firms. There is not a strong market for new office development and Kogarah is not as prominent in the office market as Hurstville centre. Nevertheless, Kogarah Town Centre is a more attractive proposition for office development than Rockdale centre.

Growth in Kogarah Town Centre is likely to be driven by future hospital expansions and other associated medical uses.

h. Smaller centres serve a local convenience role

The smaller neighbourhood centres in the LGA all provide convenience retail and serve relatively small local catchments.

The smaller centres are characterised by a number of smaller fragmented landowners, which may create issues for future development.

i. Carlton industrial area is the primary industrial precinct in Kogarah LGA

Carlton industrial area is the primary industrial precinct in the LGA, with smaller industrial areas in South Hurstville and Blakehurst as well as isolated light industrial uses scattered around the LGA.

The Carlton industrial area comprises automotive services, warehousing and some light manufacturing.

The draft South Sub-regional strategy indicates that Carlton, Blakehurst and South Hurstville are 'Category 1' industrial areas and should be retained for industrial purposes.

j. The Princes Highway has potential to be an enterprise corridor but retail/commercial floorspace would only be feasible if provided in a mixed use development

The Princes Highway contains clusters of retail/commercial uses interspersed along the corridor, mainly on the northern side, between Jubilee Oval to the North and Carss Park in the south. Some of these are non-conforming uses in residentially zoned land.

From a strategic planning perspective there is an imperative to consolidate and expand existing retail along major transport corridors to create enterprise corridors. The legitimacy of enterprise corridors as employment lands is based on their function to cater to retail type uses that are not suited to centres, such as those requiring a very large floorplate and access for large trucks.

King Georges Road and Rocky Point Road were considered unsuitable for enterprise corridor uses as most existing commercial clusters already had relevant commercial zones and those uses that were zoned residential were too few and isolated to form a corridor.

Feasibility testing and consultation with real estate agents indicates that for retail/commercial space in enterprise corridors to be feasible it would need to be provided as part of a mixed-use development; where the residential component of the development effectively subsidises the retail floorspace.

The Strategy document identifies a series of broad strategies and actions. These have been considered and where appropriate, are proposed to be implemented as part of this Planning Proposal

Refer to the *Kogarah Employment Lands and Economic Development Strategy* (SGS:2013).

3.1.3 Open Space Review (2014)

Kogarah has approximately 178 hectares of its local government area (approximately 15% of the total LGA) zoned as open space. Of this, 71 hectares are natural bushland areas, 64 hectares are sports fields, while the remainder is landscaped, open space.

Kogarah's indoor and outdoor facilities are vital to supporting the community needs of a growing population and pressures from medium and high density living. Kogarah City is facing increasing pressures in catering for the open space and recreation demands of the community, due to a combination of current and expected population growth occurring across the Sydney metropolitan region and LGA, and increasing interest in recreation and a variety of activities especially for health and well-being benefits.

There are limited opportunities to significantly increase the amount of open space in the City of Kogarah. The solution for providing passive and active open space for an increasing and changing population therefore relies primarily on strategies to increase the diversity, quality and accessibility of existing open space.

There are a number of open space and natural environment areas that after being investigated through a land use audit, are proposed to be rezoned to reflect their current or most suitable land use and their ownership status.

There are a number of open space and natural environment areas that after being investigated through a land use audit are proposed to be rezoned to reflect their current or most suitable land use and their ownership status.

The review of open space can be divided into three (3) categories:

1. Land that is currently used as open space, but is not zoned as RE1 – Public Recreation. The majority of the land identified in this category is already in Council's ownership however some sites are in the ownership of the Crown.
2. Land currently zoned RE1 – Public Recreation that is proposed to be rezoned to another, more appropriate zone.
3. Land currently zoned RE2 – Private Recreation that is proposed to be rezoned to another, more appropriate zone.

Based on the land use audit and rezoning recommendations, the total area zoned for open space and recreation in Kogarah City, is proposed to increase from 179.6 ha to 182.7 ha.

Refer to the *Open Space Review 2014*.

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

The planning proposal is the best and only way of achieving Council's intended outcomes. It is necessary to make a formal amendment to Kogarah LEP 2012 to implement land

rezonings, incorporate development standards relating to height and FSR and to make other amendments to planning controls.

Is there a net community benefit?

Yes: The proposed amendments to the Standard Instrument LEP will enable Council to use the same planning language as other Council's across the State, making it easier for its community to understand the LEP provisions which apply in the City of Kogarah.

The planning proposal aims to incorporate principal development standards and rezone land to provide greater opportunities for housing choice, with particular consideration of the needs of the ageing population. The planning proposal also aims to ensure that the centres within the City are distinctive and vibrant and provide opportunities for employment.

3.2 Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is consistent with the following regional and sub-regional strategies:

A Plan for Growing Sydney

A recent release of statistics from the New South Wales State Government Department of Planning and Environment indicates an estimated growth of 17,400 residents who will seek housing in the City of Kogarah up to 2031.

This Planning Proposal is responding to a need to address the NSW State Government's Metropolitan planning objectives, which are outlined in *A Plan for Growing Sydney*.

A Plan for Growing Sydney presents a strategy for accommodating Sydney's overall population growth over the next 20 years and provides a vision for Sydney as *a strong global city, a great place to live*.

A Plan for Growing Sydney has identified the Kogarah Town Centre as a "strategic centre". The key priorities for the Kogarah Strategic Centre as identified in *A Plan for Growing Sydney* are:

- *Work with council to provide capacity for additional mixed use development in Kogarah including offices, health, education, retail services and housing.*
- *Support health related land uses and infrastructure around St George.*

The key priorities for the **South Subregion** with respect to housing are:

Work with council to identify suitable locations for housing intensification and urban renewal, including employment agglomerations, particularly around Priority Precincts, established and new centres, and along key public transport corridors including the Illawarra Line, the South Line and the Sydney Rapid Transit (page 134).

The proposed identification of increased redevelopment across the Kogarah LGA is consistent with the following Directions and Goals identified in *A Plan for Growing Sydney*:

- **Goal 1 – A competitive economy with world class services and transport**

Direction 1.7 which seeks to ‘*Grow strategic centres – providing more jobs closer to home.*’

The Kogarah Town Centre is identified as a Strategic Centre and the Planning Proposal for the New City Plan will result in the delivery of a significant number of new dwellings in close proximity to this employment hub. These precincts are therefore considered to be suitable for more intense forms of development on the basis that they are well served by public transport and have good access to jobs, education and community facilities and services.

Accordingly the Plan notes that “*Delivering more housing through targeted renewal around centres on the transport network will provide more homes closer to jobs and boost the productivity of the city.*”

- **Goal 2 – A city of housing choice with homes that meet our needs and lifestyles**

The Plan identifies that some 664,000 additional homes need to be built over the next 20 years to meet forecast demand and highlights that “*The Government must accelerate the delivery of new housing in Sydney to meet the needs of a bigger population and to satisfy a growing demand for different types of housing*”

To achieve this it sets out a number of strategic directions including:

- o Accelerate housing supply across Sydney;
- o Accelerate urban renewal across Sydney – providing homes closer to jobs;
- o Improve housing choice to suit different needs and lifestyles; and
- o Deliver timely and well planned greenfield precincts and housing.

Of particular relevance is **Direction 2.2** which acknowledges the important role that urban renewal will play in providing new homes within Sydney that are closer to jobs.

Specifically the Plan states that “*urban renewal is essential to meet the demand for new housing in Sydney over the next 20 years*” and stipulates that the Government will “*support efforts to lift housing production around local centres, transport corridors and public transport access points.*”

- **Goal 3 – A great place to live with communities that are strong, healthy and connected**

The Plan notes that to create a city with strong, healthy and connected communities it is important that Sydney is characterised by vibrant places and revitalised suburbs where people want to live, and welcoming centres with character and vibrancy that offer a sense of community and belonging.

Of particular relevance to the Planning Proposal for the New City Plan is **Direction 3.1** which is to '*revitalise existing suburbs.*' Under this Direction the Plan notes that "*research has found that new housing within Sydney's established suburbs brings real benefits to communities and makes good social and economic sense.*"

According to the Plan directing new housing to existing urban areas will reduce the impact of development on the environment and protect productive rural land at the urban fringe. The Plan also states that such infill development improves residents' access to jobs, services and recreation which enhances the liveability of the city.

The Draft South Subregional Strategy

The Draft South Subregional Strategy is an intermediate step in translating the 2005 "Metropolitan Strategy, City of Cities: A Plan for Sydney's Future" to a local level. The Metropolitan Strategy recognises that some issues extend beyond Local Government boundaries and require a subregional planning approach. The south subregion is divided into six distinct localities (Canterbury, Hurstville, Kogarah, Marrickville, Rockdale and Sutherland Shire), each having a significant role to play in achieving the goals and aims of the strategy.

The strategy identifies a hierarchy of town centres, types of employment areas, residential dwelling targets and strategies for accommodating growth in each local government area. Council will be required to ensure that this growth can be accommodated in appropriate locations.

A key action of the current Strategy is for the City of Kogarah to make provision for approximately 2,500 additional dwellings to 2031. This target has been based on the population projections of the 2005 Metrostrategy.

However, the revised requirements under the more recent Metropolitan Plan for the South Subregion stand at 58,000 additional dwellings between 2006 and 2036 and it is anticipated to rise on finalisation of the *Metropolitan Plan for Sydney 2036*. Whilst these updated target have not been applied to individual LGAs, it is anticipated that Kogarah will need to contribute a greater number than the dwellings identified in the current draft South Subregional Strategy.

The draft Strategy also requires Council to accommodate 4,000 additional jobs within the Kogarah LGA, the majority of these (2,500) focused in the Kogarah Town Centre.

The zoning and development standards proposed will result in sufficient additional dwellings to meet the housing targets of the current Draft South Subregional Strategy.

The draft LEP responds to the directions in the Metropolitan and Sub-Regional Strategies by focusing on creating opportunities for residential development that will create greater housing choice, and specifically cater for the ageing population.

A number of the submissions received during the exhibition of the Planning Proposal provided commentary on the potential number of additional dwellings achievable from the changes proposed. Many commented that the proposed rezoning of some areas would result in dwelling numbers significantly in excess of what was needed to meet the State Government's requirements.

The latest Metropolitan Strategy, *A Plan for Growing Sydney* does not provide specific housing or employment targets for each Region or each Council area. It does however state that 664,000 new homes and 689,000 new jobs are needed to be delivered by 2031. The previously exhibited draft Metropolitan Strategy for Sydney 2031 (March 2013) provided a housing target of 545,000 new homes to be delivered by 2031. This represents an increase of 144,000 new houses which need to be delivered under the new Strategy.

The State Government's latest population projections for Sydney also show a much more rapid population growth than previously predicted in the draft South Subregional Strategy.

Council is unable to state at this time whether the NSW State Government will mandate housing and employment targets. If it does identify Housing Targets, it is likely that these will form part of the District Plans, currently being prepared by the NSW Department of Planning & Environment.

The District Plans will help to set out how *A Plan for Growing Sydney* will apply to local areas. The Department of Planning & Environment's website states the following in respect to the District Plans:

They will outline how the Government will make decisions on public spaces, community facilities, housing, jobs, transport options, schools and hospitals to meet the needs of communities across Sydney.

District plans will:

- a) *Influence the delivery of housing supply*
- b) *Inform and influence the planning for business activity and investment to encourage jobs growth, particularly in strategic centres and transport gateways*
- c) *Inform the decision making for infrastructure planning*
- d) *Provide guidance on urban planning issues.*

Q4. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Bright Future, Better Lifestyle: Community Strategic Plan 2030 is Council's Community Strategic Plan (CSP), representing the aspirations of the people who live, visit and work in the City of Kogarah and setting out the strategic direction which Council will follow in achieving the needs of our community for the next 15 years to 2030.

Bright Future Better Lifestyle, Kogarah 2030, was developed in partnership and close consultation with the community and clearly highlighted the need to plan for the changing needs of our community into the future, including a strategic approach to housing.

The Community Strategic Plan identified the need to provide diverse, sustainable, adaptable and affordable housing options throughout the Kogarah Local Government Area (LGA).

Issues such as housing choice, availability and access to public transport and services were all identified as key factors in facilitating positive housing outcomes for current and future residents of the Kogarah LGA. The Strategic Plan recognises that housing is not just about a

physical roof over heads - it is about lifestyle, wellbeing and creating and maintaining the better lifestyle that our residents value in the City of Kogarah.

In developing a plan for additional housing opportunities, Council has undertaken extensive research and investigation into housing trends, policies and our local housing needs, to ensure that the housing options we develop will suit our community's expectations

The Planning Proposal responds to the issues identified by the community in the Community Strategic Plan and helps to achieve the following key goals and strategies:

1. A Clean, Green and Sustainable City

- Goal 1.1 Kogarah's natural areas, including our waterways, local air quality, bushland and foreshore areas are protected and enhanced.
- 1.1.2 Ensure that future land use planning and management enhances and protects open space, biodiversity and natural heritage

2. A Liveable and Connected City

- Goal 2.1 Development in Kogarah maintains and enhances the character and amenity of our neighbourhoods, town centres and local centres.
 - 2.1.1 Ensure new development responds to the character of our neighbourhoods and streetscapes.
 - 2.1.2 Ensure development responds to environmentally sustainable practices of design.
 - 2.1.3 Recognise and enhance our significant heritage through quality urban planning and design.
 - 2.1.4 Establish new links and open space corridors.
- Goal 2.2 Housing across the City of Kogarah designed so that it provides choice, is affordable and is suited to the needs of our community.
 - 2.2.1 Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning.
 - 2.2.2 Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lifecycle, within the City.
 - 2.2.3 Support the location of new higher density development close to our Centres, where there are appropriate services, amenities and public transport.
- Goal 2.3 Kogarah City residents can get to where they need to go in a way that is accessible, safe and efficient.
 - 2.3.4 Provide appropriate levels of public parking in our centres.
- Goal 2.4 Kogarah City Residents are able to walk and cycle safely and conveniently throughout the City.

- 2.4.1 Develop and enhance walking and cycling networks around the City.
- 2.4.2 Promote and support walking and cycling as a viable transport option.
- 2.4.3 Promote and facilitate pedestrian and cyclist safety throughout the City.
- 2.4.4 Maintain and improve pedestrian connectivity in all of our neighbourhoods.

3. A Thriving & Prosperous City

Goal 3.1 Kogarah Town Centre is recognised as the major medical, financial and educational precinct in the St George Region.

- 3.1.1 Monitor existing planning controls to ensure quality outcomes are achieved for the long term benefit of the Centre.

Goal 3.2 Local centres within the City of Kogarah are distinctive and vibrant, providing opportunities for small businesses to flourish throughout the city.

- 3.2.1 Support and facilitate local centre development programs which contribute to distinctive, vibrant and commercially viable centres.

Goal 3.3 Kogarah City has a dynamic and resilient business community that provides employment and training opportunities that meet the needs of local residents.

- 3.3.1 Create opportunities for sustainable local employment.
- 3.3.3 Prepare and implement an economic strategy for the City.
- 3.3.4 Support and facilitate opportunities for Home Bases Businesses to grow and prosper.

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

The Planning Proposal has been assessed against all relevant State Environmental Planning Policies (SEPPs). Based on this assessment, Council has concluded that the Planning Proposal is consistent with the applicable SEPPs, as shown in the table in **Appendix 10 – Consistency with SEPPs**.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

An analysis of the consistency with the s117 Directions has been undertaken and is included in **Appendix 11 – Consistency with s117 Directions**.

3.3 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?

No. There is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal.

All of the land that is proposed to be rezoned to allow increased residential densities is currently zoned residential and is urban land. The Planning Proposal aims to introduce the E2 – Environmental Conservation zone to land at No. 52 Waratah Street, Blakehurst.

The site is approximately 2.43ha, with the majority of the site heavily vegetated. The site adjoins Kyle Williams Reserve (in Council ownership), which is also heavily vegetated and contains Ecologically Endangered Communities (EECs).

The majority of vegetation in the eastern portion of the site is sandstone derived with the main species being *Angophora costata*, *Corymbia gummifera*, *Eucalyptus pilularis* and *Eucalyptus piperia*.

Vegetation within the western portion of the site is similar to Sandstone Gully Forest/Rainforest above floodable areas grading to Swamp Oak Forest and Mangroves along the foreshore.

Two (2) EECs occur on the site, these include the Swamp Oak Floodplain Forest and Southern Sydney Sheltered Forest.

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

There is no likelihood of adverse environmental impact as a result of this Planning Proposal.

Q9. How has the planning proposal adequately addressed any social and economic impacts?

The Planning Proposal identifies land for housing, employment and open space to meet the projected needs of the City of Kogarah over the next 20 years, in response to the needs identified in the various strategic documents relevant to the area. It particularly responds to the key demographic characteristics of the City – ageing population, affordability and decreasing household size.

In addition, the Planning Proposal will introduce Principal Development Standards (height and FSR) into Kogarah LEP 2012, making the LEP consistent with all other Standard Instrument LEPs across the State, making it easier for the community, developers and other stakeholders to understand the planning controls provisions which apply in the local government area.

3.4 State and Commonwealth Interests

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

The Planning Proposal proposes increased development where there is existing infrastructure to accommodate an increase in residents. It is accepted that the additional development may place additional demands on existing infrastructure and services and Council will continue to work with State and Federal Governments to ensure that existing infrastructure (such as roads, drainage, sewerage, street lighting, public transport, education and health facilities and community services) is sufficient to meet the growing demand and improvements are provided where they are warranted.

The NSW State Government is ultimately responsible for ensuring infrastructure in Sydney is to a standard that will support growth. The State Government has endorsed this proposal for public exhibition and has therefore indicated, by that approval, that the growth achievable under this proposal is reasonable and would not create unmanageable demands on infrastructure.

Council, as part of the exhibition of the Planning Proposal wrote to all of the State Government Authorities to seek their feedback on the changes proposed in the Planning Proposal and none of the Authorities that have responded have raised concern with the capacity of the existing infrastructure to cope with the increased demand achievable, with the exception of RMS and Transport for NSW.

In response to the submission made by RMS and TfNSW to Kogarah Council's Planning Proposal for the New City Plan, a Strategic Traffic Report has been prepared to identify the impact of the changes proposed by the New City Plan, and specifically, the impact of the proposed density uplift on the regional road network. The report also identifies whether this uplift may occur in the short, medium or long term and assumptions have been clearly stated in this regard.

An analysis of projected traffic volume data provided by the RMS and information that Council was able to access from the RMS website has been undertaken.

Analysis of this information indicates that the impact of the proposed development, as proposed by the Planning Proposal for the New City Plan will be incremental over the 15 year period and will present minor impact on the operation of the Regional road network within the LGA.

A summary of the estimated traffic generation on a precinct by precinct basis, over the short, medium and long term is provided in the Strategic Traffic Report, in response to concerns raised by RMS and TfNSW.

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

In accordance with the Gateway Determination issued on 15 December 2014, Council was required to consult with a number of Government Authorities. The Gateway Determination required, at a minimum, that the Planning Proposal be referred to the following Government Authorities:

- Department of Education & Communities
- Office of Environment & Heritage
- Ausgrid
- NSW Health Infrastructure
- Transport for NSW (TfNSW)
- Roads & Maritime Services (RMS)
- Sydney Water Corporation
- Adjoining councils

Council formally notified thirty (30) Government Agencies and invited comments on the proposed changes. Council also notified the adjoining councils and State Members of Parliament of the exhibition of the Planning Proposal.

During the exhibition period, Council received fifteen submissions from public authorities. A copy of all the submissions is included in **Appendix 12 - Submissions from Government Authorities**.

Submissions were also received from:

- Rockdale City Council;
- The Member for Kogarah, Chris Minns MP; and
- The Member for Rockdale, Stephen Kamper, MP; and
- The Federal Member for Banks, David Coleman, MP.

Table 25 below identifies the list of authorities notified as part of the exhibition of the Planning Proposal and whether they made a submission to the Planning Proposal.

Table 25 Government Authority Notification

	Government Authority	Submission
1	Community Relations Commission	No
2	Department of Finance and Services	No
3	Department of Family and Community Services	No
4	Department of Education and Communities	Yes
5	Office of Environment and Heritage	Yes
6	Department of Premier & Cabinet	No
7	Heritage Council of NSW	Yes
8	Department of Primary Industries	No
9	NSW Trade & Investment	No
10	NSW Office of Communities Sport and Recreation	No
11	Ausgrid	Yes
12	NSW Health Infrastructure	Yes
13	NSW Land and Housing Corporation	Yes

	Government Authority	Submission
14	UrbanGrowth NSW	No
15	Transport for NSW (TfNSW)	Yes
16	Corrective Services NSW	No
17	NSW Police Force	No
18	Sydney Trains – Land Use and Planning	No
19	Roads and Maritime Services (RMS)	Yes
20	Sydney Water Corporation	No
21	TAFE NSW	No
22	Telstra	No
23	Sydney Airport Corporation Ltd	Yes
24	Department of Infrastructure and Regional Development	Yes
25	Air Services Australia	Yes
26	Civil Aviation Safety Authority	Yes
27	NSW Police Force – St George Local Area Command	No
28	NSW Rural Fire Service	Yes
29	South Eastern Sydney Local Health District	Yes
30	St George & Sutherland Housing Interagency	Yes

	Adjoining Council and Members of Parliament	Submission
1	Sutherland Shire Council	No
2	Hurstville City Council	No
3	Rockdale City Council	Yes
4	Mark Coure, MP – Member for Oatley	No
5	Stephen Kamper, MP – Member for Rockdale	Yes
6	Chris Minns, MP – Member for Kogarah	Yes
7	David Coleman, MP – Federal Member for Banks	Yes

An overview of the issues raised in these submissions is provided below. A detailed summary and discussion of each of the issues raised is included in **Appendix 13 – Review of Government Submissions**.

Where required, the Planning Proposal and draft LEP instrument and maps have been amended to reflect the changes recommended in the table below. It is considered that all of the proposed changes are minor and address issues raised in the submissions.

In this regard, it is not considered necessary to re-exhibit the Planning Proposal.

Table 26 – Overview of Submissions from Government Authorities

Government Authority	Issue/Comment	Recommendation
Department of Education and Communities (DEC)	Object to the zoning of DEC owned land as SP2 – Educational Establishment zone. Request that land in their ownership be zoned the same as the adjoining zone.	SP2 zone be retained – no change to Planning Proposal.
	Request to include <i>educational establishments</i> as a permitted use in R2 & R3 zone	Amend Planning Proposal to include <i>educational establishments</i> in the R2 – Low Density Residential and R3 – Medium Density Residential Land Use Tables as permitted with consent.
	Design issue – limiting scale of development adjacent to schools.	Develop detailed design controls for sites adjoining educational facilities through the Development Control Plan (DCP).
Office of Environment & Heritage	Support for proposed E2 – Environmental Conservation zoning of land adjacent to Kyle Williams Reserve (land in private ownership).	Noted – no change to Planning Proposal.
Heritage Council of NSW	Deletion of Item II I7 Mortdale Station and car sheds from KLEP 2012 is supported.	Noted – No change to Planning Proposal.
	Removal of the carpark of No 671 King Georges Road from Schedule I is supported.	Noted – No change to Planning Proposal.
	The down zoning of the area within the Kogarah South Heritage Conservation Area from R3 – Medium Density Residential to R2 – Low Density Residential is supported.	Noted – No change to Planning Proposal.
	Consideration should be given to the potential for significant historic archaeology or relics that may be uncovered by future ground disturbance.	No change proposed to Planning Proposal – This issue would be dealt with during the assessment of a development application, where excavation is proposed.
Ausgrid	Request rezoning of No 1A Gray Street, Kogarah from SP2 – Infrastructure to B4 – Mixed Use zone as this has been identified as redundant infrastructure by Ausgrid.	This has been detailed in the report to Council that deals with the B4 – Mixed Use zone for the Kogarah Town Centre
NSW Health	Object to proposed rezoning of No	This has been detailed in the report to

Government Authority	Issue/Comment	Recommendation
Infrastructure	30 -38 Belgrave Street and 4-10 South Street, Kogarah to SP2 – Infrastructure.	Council that deals with the B4 – Mixed Use zone for the Kogarah Town Centre.
TfNSW	Request for Council to prepare traffic and transport assessment for identified precincts within the Planning Proposal.	This work has been undertaken and has been submitted to RMS and TfNSW. A detailed discussion is provided below with respect to the analysis.
	Outdated reference to Metropolitan Strategy in the Planning Proposal.	Amend Planning Proposal to include reference to <i>A Plan for Growing Sydney</i> .
	Noise from rail corridor and impact on increased development along the corridor.	Amend Planning Proposal to include discussion on the potential noise and vibration impacts and reference the Infrastructure SEPP and the NSW Department of Planning's Interim Guidelines for Development on Rail/Road Corridors.
		To be addressed in the preparation of detailed design controls (DCP) - specific requirements relating to noise and vibration along the railway line.
	Promoting walking and cycling and including end of trip facilities in high density areas.	To be addressed in the preparation of detailed design controls (DCP).
NSW Rural Fire Services (RFS)	Map areas of unmanaged vegetation greater than 1 hectare.	Noted - Council has no areas of unmanaged vegetation. No controls required to be included in the Planning Proposal.
Roads and Maritime Services (RMS)	Request for Council to prepare traffic and transport assessment for identified precincts.	This work has been undertaken and has been submitted to RMS and TfNSW. A detailed discussion is provided below with respect to the analysis.
South Eastern Sydney Local Health District	Promoting walking and cycling and including end of trip facilities in high density areas.	To be addressed in the preparation of detailed design controls (DCP).
St George & Sutherland Housing Interagency	The Planning Proposal lacks focus on the direct provision of affordable housing, Council to advocate for relevant policy and legislative change.	Continue to advocate to the State Government to address the issue of affordable housing through the preparation of Subregional Plans.
Sydney Airport	Advice that the proposed building	No change is proposed to existing

Government Authority	Issue/Comment	Recommendation
Corporation (SAC)	heights of 33m and 39m may intrude through the Obstacle Limitation Surface (OLS) and would require assessment and a determination by the Department of Infrastructure and Regional Development.	KLEP 2012 provisions relating to airspace operations and the OLS, which require any development application above a certain height to be referred to SAC.
	Increasing densities within the ANEF should be avoided	There is only a small portion of land at the northern most boundary of the LGA (Hogben Park) that is affected by the ANEF. No change to density is proposed within the ANEF. Retain provisions relating to development and aircraft noise in KLEP 2012.
Department of Infrastructure and Regional Development	Concern that the Planning Proposal does not consider the impacts of the proposed height amendments on the prescribed airspace of Sydney Airport.	Amend the Planning Proposal to include reference to Direction 3.5(a) and (b) (Development Near Licensed Aerodromes) under section 117 Directions).
	Request that Council planning documents include reference to the requirement for controlled activity approval under the Regulations and the National Airports Safeguarding Framework (NASF). The aims of the NASF include the improvement of safety outcomes by ensuring aviation safety requirements are recognised in land use planning decisions.	The NASF are design controls/guidelines. To be addressed as part of the preparation of the detailed design controls/DCP, and incorporated, where appropriate.
Air Services Australia	Development proposals that would intrude into prescribed airspace are 'Controlled Activities' regulated under the Airports (Protection of Airspace) Regulations 1996 and they must be notified.	As outlined above, KLEP 2012 contains provisions relating to airspace operations and the OLS, which requires any development application above a certain height to be referred to SAC. Retain existing provision in KLEP 2012 relating to airspace operations.
Civil Aviation Safety Authority (CASA)	Council should ensure it implements the National Airports Safeguarding Framework (NASF).	The NASF are essentially design controls/guidelines. To be addressed as part of the preparation of the detailed design controls/DCP, and incorporated, where appropriate.
	Council should consider modifying	Noted – Council to check with the

Government Authority	Issue/Comment	Recommendation
	Clause 6.5 of KLEP 2012 to reflect recent changes.	Department of Planning & Environment prior to finalising the Planning Proposal to ensure that the existing clause contained in KLEP 2012 is the most current provision.
Land and Housing Corporation	Supports the increase in development potential across the LGA.	Noted – No change to Planning Proposal.
	Requests an extension to the R3 – Medium Density Zone, south of Hurstville Station.	Not supported - This area is within the O'Briens Estate Heritage Conservation Area. Retain zoning, heights and FSR for this precinct, as exhibited in the Planning Proposal.
	Rezone the area that is not within the Penshurst Heritage Conservation Area between Penshurst and Mortdale Station to R3 – Medium Density Residential	Noted – outside of the scope of the current planning proposal and would require re-exhibition. Retain zoning, heights and FSR for this Precinct, as exhibited in the Planning Proposal.
	Increase the FSR from 0.55:1 in the Hurstville Station Precinct	Noted - Planning Proposal has proposed to increase heights up to 39m and FSR of 4.5:1. No change to Planning Proposal.
	Consider additional FSR and upzoning of land with 800m walking catchment of all railway stations.	Noted – increases in height and densities are proposed to the majority of areas within 800m walking catchment of railway stations. No change to Planning Proposal.
Rockdale City Council (RCC)	Development standards proposed for the Ramsgate Centre will permit higher density and should they proceed Rockdale will seek to review its development standards for its side of the Ramsgate Centre	Noted – no change to Planning Proposal
	RCC request Kogarah engage with respect to any amendments to the s94 Contributions Plan for the Ramsgate Centre	Noted – consult with RCC on any future changes to the s94 Contributions Plan.
Chris Minns, MP	Density proposed along the Princes	The heights proposed are consistent

Government Authority	Issue/Comment	Recommendation
Member for Kogarah	Highway corridor is too high and represents a major overdevelopment	with development further north along the Princes Highway. Retain proposed zoning, height and FSR for the Princes Highway corridor, as exhibited in the Planning Proposal.
	Interface between low density along Princes Highway is inappropriate	Noted – Council to develop detailed design controls to address the issues relating to interface with low density development through DCP provisions
	Concern that there is a lack of proposed development around Oatley Station.	Noted - Analysis of the areas in and around Oatley Station was undertaken in the preparation of the Kogarah Housing Strategy. Some uplift in zoning, heights and density are proposed around Oatley Station. These changes were exhibited in the Planning Proposal. Proceed with zoning, heights and FSR for this Precinct, as exhibited in the Planning Proposal.
	Urges Council to consider extending the consultation and submission period and holding public meetings in order to better inform the community	Noted – Council, at its meeting on 27 July 2015 resolved to hold a Public Forum to allow the community to present their concerns to the Councillors. The Public Forum was held on Monday 31 August 2015 and all those who made a submission to the Planning Proposal were notified of the meeting by letter and the meeting time and date was published in the local paper and on Council's website.
Stephen Kamper, MP Member for Rockdale	Objects to the proposed rezoning and height and density at Beverley Park between Stubbs Street and Park Road on the Princes Highway.	Noted – Proceed with zoning, heights and FSR for this Precinct, as exhibited in the Planning Proposal.
David Coleman, MP Federal Member for Banks	Concerned with the heights proposed for South Hurstville, in particular allowing development up to 21m. Requests that Council not proceed with the Plan in its current form.	Noted – Proceed with zoning, heights and FSR for this Precinct, as exhibited in the Planning Proposal.

Submission from Department of Education & Communities (DEC)

The DEC, in their submission objected to the zoning of school lands as *SP2 – Infrastructure*. The Department requests that land in its ownership should be appropriately zoned under the Department of Planning and Environment's *LEP Practice Note PN 10-001, Zoning for Infrastructure in LEPs*.

In accordance with Council's resolution of 14 June 2011, for the preparation of the conversion of KLEP 1998 to the Standard Instrument LEP, Council resolved to identify all land that was previously zoned Special Uses 5(a) and currently used as an educational establishment (both private and public) be zoned SP2.

The Department of Planning, at this time supported Council's recommendation, and accordingly KLEP 2012 identifies sites that are used as educational establishments as SP2.

The Planning Proposal for the New City Plan carried over the SP2 – Infrastructure zoning for sites that are in the ownership of DEC and private educational providers and provides a consistent approach to the zoning of educational land.

Accordingly, Council at its meeting on 4 April 2016 resolved that the *SP2 - Infrastructure zone be retained for land that is in the ownership of a public or private educational facility*.

Submission from Roads and Maritime Services (RMS) and Transport for NSW (TfNSW)

As outlined in the Table above, submissions were received from both RMS and TfNSW. Copies of the submissions are included in **Appendix 12 - Submissions from Government Authorities**.

In principle, both RMS and TfNSW raised no objection to the Planning Proposal, subject to the preparation and submission of a Strategic Traffic and Transport Assessment that identifies the impact of the changes proposed by the New City Plan, and specifically the impact of the proposed uplift on the regional road network.

A meeting was held with representatives from RMS, TfNSW, the Department of Planning & Environment and Council staff on Thursday, 2 July 2015 at the offices of TfNSW to review the content of their submissions and identify a way to provide the information requested in the submissions.

At the meeting it was acknowledged by RMS and TfNSW there was no general objection to the proposals within the Planning Proposal, however further clarification was sought on possible impacts on the regional road network as a result of the proposed uplift in zoning and identification of opportunities for development funded upgrades to the regional road infrastructure.

A Strategic Traffic and Transport Assessment Report was subsequently submitted to RMS and TfNSW which:

- Provides an estimate of traffic generation during peak times from new development in the 5 nominated areas up to 2030;

- Includes information to indicate predicted incremental increase in traffic over time to 2030; and
- Indicates which nominated areas are likely to developed in the short term (0-5 years), medium term (6-10 years) and long term (11-15 years).

The 5 nominated areas addressed in the Report are:

- Kogarah North (Princes Highway)
- Carlton (Princes Highway)
- South Hurstville (King Georges Road)
- Ramsgate (Rocky Point Road)
- Blakehurst (Princes Highway)

Also included is an analysis of the Blakehurst Waterfront Precinct.

A full copy of the Strategic Traffic and Transport Assessment Report is included in **Appendix I4 – Traffic Generation Analysis – Impact of the New City Plan on Regional Roads in the LGA.**

The analysis undertaken indicates that the impact of proposed development, achievable under the New City Plan, will be incremental over the 15 year period and will not adversely impact on the operation of the Regional road network within the LGA.

PART 4 MAPPING

The Planning Proposal and its associated Annexures are supported by relevant and accurate mapping where appropriate. Mapping has been carried out consistently with the requirements of Standard technical requirements for LEP maps.

PART 5 COMMUNITY CONSULTATION

5.1 Overview of Public Exhibition of the Planning Proposal

The public exhibition of the New City Plan included consultation with the community, stakeholders and State Government Authorities. It was exhibited for a total of 61 days, from 30 March 2015 until 29 May 2015.

Submissions continued to be lodged and accepted after the completion of the formal exhibition period and all of the exhibition material remains available online and at Council's Customer Service Centre.

The New City Plan, associated supporting documentation and explanatory materials were placed on exhibition in accordance with the requirements of:

- the Environmental Planning and Assessment Act;
- the Regulations;
- the Gateway Determination; and
- the Engagement Strategy endorsed by Council at its meeting on 23 February 2015.

It should be noted that the endorsed Engagement Strategy and the exhibition of the Planning Proposal for the New City Plan exceeded the requirements of the Gateway Determination issued by the NSW Department of Planning & Environment which stated:

Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (the Act) as follows:

- (a) *the planning proposal must be made publicly available for a minimum of 28 days; and*
- (b) *the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Planning & Infrastructure 2013)*

The exhibition and supporting material comprised the following:

- An Information Package that was posted to all property owners and residents, being a letter signed by the Mayor and General Manager and a twelve page New City Plan newsletter, which included information on the key proposed changes.
- A Media Release that appeared in the local paper (St George Leader) prior to the commencement of the exhibition period, advising of the commencement date of the exhibition.
- Notice of the exhibition of the New City Plan published in the local paper and other relevant newspapers (Greek and Chinese) at the commencement, and during, the

exhibition period. A total of seven (7) advertisements were placed in the St George and Sutherland Shire Leader newspaper and one advertisement in two Chinese newspapers and one Greek newspaper. This exceeded the two advertisements required as part of the Engagement Strategy endorsed by Council.

- 205 phone calls were received by Council planning staff on the New City Plan enquiry line and face to face meetings with residents were conducted as requested.
- Detailed information, including a series of Fact Sheets, the New City Plan and associated maps, strategic planning documents and relevant Council reports were made available at Council's Customer Service Centre and the three libraries at Kogarah Town Square, South Hurstville and Oatley.
- Council's website hosted a specific web page for the exhibition of the New City Plan, including an on-line submission tool, downloadable information and an interactive mapping tool. Planners attended to many enquiries at the Customer Service Centre and the website received over 13,000 unique views.

Council formally notified all relevant Government agencies and invited comments on the proposed changes.

Four (4) of the seven (7) advertisements also included details on the Public Hearing for the reclassification, including the properties proposed to be reclassified, the date of the Public Hearing and contact details to register attendance at the Public Hearing.

5.2 Request for Public Hearing and Summary of Public Forum

A number of submissions (both proforma and individual submissions) requested that Council hold a public hearing in respect to the proposed changes identified in the New City Plan.

In summary, the following issues were raised with respect to the requests for a public hearing:

- Increased pressure on the existing road network and lack of available parking, particularly in centres across the Local Government Area (LGA).
- Proposed removal of the E4 – Environmental Living Zone in foreshore areas and proposed increased development in areas that are not easily accessible by public transport.
- Lack of supporting documentation (e.g. TMAP, Traffic and Parking Study, Transport Network Study, Social Impact Study and Biodiversity Study) prepared prior to the preparation of the Kogarah 2031 Housing Strategy to inform the identification of areas subject to increased development.
- The proposed changes do not maintain or enhance the neighbourhood character of existing residential areas.

- Increased densities along the Princes Highway and Rocky Point Road corridor and other areas where there are already existing road network capacity issues and inadequate public transport (out of centres).
- No identification of additional open space opportunities (both passive and active) to meet the needs of the future growth in population across the LGA.
- Inadequate information on whether the existing infrastructure (social, economic and hard) has the capacity to cope with the scale of planned development and population growth.
- Concern with respect to the scale and design of proposed new development and how it would impact on the quality of life and amenity for existing and future residents (e.g. overshadowing, privacy, noise, pollution, outlook, loss of views, property values).
- Lack of engagement with the community in the development of the Kogarah 2031 Housing Strategy.

Council, at its meeting of 27 July 2015 considered a report which provided an overview of the issues raised during the exhibition of the New City Plan and addressed the request for a Public Hearing, which was raised in a number of the submissions.

A public hearing can be held under Section 57 of the Environmental Planning and Assessment Act. This section relates to community consultation and includes requirements for requests for public hearings on the issues raised in submissions.

The report to Council on 27 July, 2015 concluded that the issues identified in the submissions are known and have been adequately addressed, as detailed in the annexures to that report, and accordingly it was recommended that a public hearing was not necessary to provide any additional information regarding the issues raised and that no action be taken with regard to the requests for a public hearing under Section 57 of the Environmental Planning and Assessment Act 1997.

Council, at its meeting on 27 July 2015 subsequently resolved (Min No. 93/2015):

- a) *That the report on the status of the New City Plan and the overview of submissions be received and noted.*
- b) *That no action be taken to hold a public hearing under Section 57 of the Environmental Planning and Assessment Act 1979.*
- c) *That a Public Forum be held for community members to address Council regarding the New City Plan.*

In accordance with Council's resolution on 27 July 2015, a Public Forum was held as part of an Extraordinary Council Meeting on Monday 31 August 2015.

The Public Forum was held at the Venus Reception Centre, 20 Belgrave Street, Kogarah, commencing at 7.00pm.

On 20 August 2015, a letter advising of the Extraordinary Meeting was mailed to all persons who made a submission regarding the New City Plan. This letter advised of the availability

of the report, methods of accessing the report and included an invitation for anyone wishing to speak at the Public Forum to register. A public notice of the Extraordinary Meeting was published in the St George Leader on Tuesday, 25 August and Thursday, 27 August 2015.

Information was also included on the dedicated New City Plan website advising of the details of the Public Forum.

Approximately 400 people attended the Public Forum and fifty-one (51) speakers made oral submissions. Table 27 below provides an overview of the key issues raised by speakers at the Public Forum.

Table 27: Key Issues – Public Forum

Key Issues	
Lack of supporting studies	▪ No Social Impact Study, Traffic Impact Study, Wind Impact Study, Solar Access Study, Parking Study, Biodiversity Study. ▪ Missing and deficient studies – Traffic Management Access Plan for Disaster Planning. ▪ Plan does not respond to the principles of Ecologically Sustainable Development (ESD).
Loss of character	▪ Proposed changes will result in a loss of neighbourhood character throughout the Kogarah Local Government Area.
Inadequate Infrastructure	▪ Proposed development will put increased strain on schools, hospitals and public transport. ▪ Ageing sewerage system will see raw sewerage flowing into the Georges River. ▪ Increased pressure on electricity infrastructure. ▪ Inadequate educational establishments to cater for increased population growth.
Inadequate public transport	▪ Trains and train services are inadequate to deal with increased population. ▪ 45% of rail services to Kogarah Station have been cut.
Traffic and parking	▪ Roads will become more congested. ▪ Capacity of the Kogarah Town Centre to accommodate any additional development due to the pressures from the hospitals ▪ Difficult to find parking currently in the Kogarah Town Centre. ▪ Inadequate parking to cater to increased density in all Centres. ▪ Specific controls need to be considered for rear lane access. ▪ Increased congestion along specific arterial roads, including King Georges Road and Connells Point Road.
Transit Orientated Development (TOD)	▪ Inconsistent with the principles of TOD – development is not situated close to public transport. ▪ Does not take into account jobs and journey to work
Developer Speculation	▪ Foreign investors vs local residents

Key Issues	
Loss of public open space	▪ The New City Plan does not make provision for additional open space ▪
Rezoning of the E4 – Environmental Living zone	▪ Loss of natural foreshore areas ▪ Loss of vegetation
Legislative Requirements and due process	▪ Council has failed to meet legislative standards for the preparation of the New City Plan ▪ Request for a Public Hearing – not a Public Forum ▪ Public Forum is inadequate ▪ Councillors role is to represent the community ▪ Validity of statistics presented in the report to Council ▪ Pecuniary interests of Councillors ▪ Disclosure of all the submissions
Engagement	▪ Town planners should be implementing “best practice”
Distribution of Proposed Development	▪ Distribution of proposed changes is inequitable – no increases in Oatley
Princes Highway Proposal	▪ Not located in close proximity to public transport – some areas are as far as 2km away from the railway station ▪ Princes Highway is not in a public transport zone or corridor ▪ Result will be increased car usage and traffic congestion ▪ Object to the proposed height (21m) between Stubbs Street, to Wyuna and John Street ▪ Object to the proposed changes along the Princes Highway between O’Meara and Wheeler Street ▪ Increased density and the impact on Carlton South Public School
Height of Buildings in the R2 – Low Density Zone	▪ Retain 8.5m not 9m for R2 zone
South Hurstville	▪ Object to the proposed changes in The Mall and The Esplanade ▪ Out of character with the existing neighbourhood ▪ Object to the rezoning of South Hurstville Bowling Club
Princes Highway - Waterfront	▪ Proposed changes provide housing diversity for an ageing population ▪ Objection to the proposed changes – contrary to planning guidelines TOD ▪ Pedestrian access across the Princes Highway ▪ Loss of views ▪ Foreshore areas should be protected

Key Issues	
Transition to low density development	- Residents backing onto the Princes Highway will have 7 storey development looking down onto their back yards - Inappropriate heights and density
Dual occupancy development	Objection to the proposed changes and specifically the removal of frontage requirements

5.3 Overview of Submissions

Council received a total of 1,879 submissions during the exhibition of the Planning Proposal, including proforma letters. This number relates to submissions received up to the end of August 2015.

Table 28 below provides a breakdown of the submissions:

Table 28: Submission Breakdown

Type of Submission	Number of Submissions
Proforma objection letters	1095 from 400 households, which represents 58% of the total submissions received 8 different types of proforma letters submitted
Individual letters of objection	375 from 292 households
Individual letters of support	330 from 258 households
Requests for changes	71 submissions requesting rezonings and/or increases to height/FSR

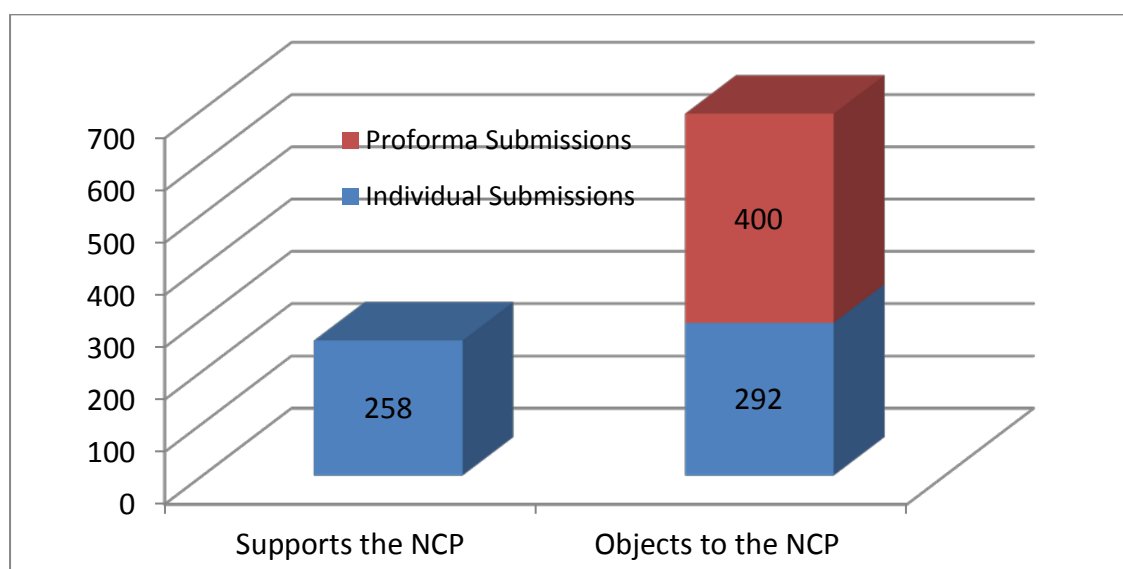


Figure: Overview of submissions received by number of households.

The major issues raised in submissions objecting to the Planning Proposal included:

- Adverse impact on existing amenity and quality of life.
- Lack of provision of new infrastructure and services to meet increased demand.
- Traffic and parking impacts.
- Loss of existing streetscape and suburban character.
- The impact of increased height and scale of buildings on adjoining low density areas.
- The lack of additional open space and recreation facilities to meet increased demand.
- State Government's intentions and the fact that no current housing targets had been released by the State Government.

Conversely, submissions were also received that welcomed the initiatives to provide more residential development potential and improved local housing. There was also support for economic growth and the revitalisation created by new buildings with many seeing the initiatives as overdue.

Approximately 25% of submissions in support of the New City Plan related to the particular outcome for a property, with the remaining 75% expressing general support for increased housing choice and supply, possible improvement to housing affordability and appropriate location of new growth near transport infrastructure. There was also support among the submissions for initiatives aimed at better meeting the needs of an ageing community.

A number of submissions included requests for increases in development potential for specific land.

Appendix 15 – Overview of Submissions provides a summary of the issues raised in both the written and oral submissions. The report presented to Council, at an Extraordinary Meeting on 4 April 2016 provides a detailed overview of the submissions received during the exhibition of the Planning Proposal and Council's response to the submissions. The Council Officer's report is included at **Appendix I**.