

Kogarah Local Environmental Plan 2012 (Amendment No 2) New City Plan for Kogarah

Proposal Title : **Kogarah Local Environmental Plan 2012 (Amendment No 2) New City Plan for Kogarah**

Proposal Summary : **The planning proposal seeks to amend Kogarah Local Environmental Plan (LEP) 2012 by: rezoning lands in and around centres; introducing R4 High Density Residential and E2 Environmental Conservation zones; providing increased development potential in various areas; introducing principal development standards (height of building and floor space ratio maps) for lands across the LGA; providing greater flexibility for dual occupancy development and subdivision of land; deleting E4 Environmental Living and RE2 Private Recreation zones; introducing a local provision for seniors housing; and amendments to Schedule 1 Additional Permitted Uses, Schedule 2 Exempt Development, Schedule 4 Classification and reclassification of public land and Schedule 5 Environmental Heritage.**

PP Number : **SI_2014_KOGAR_001_00**

Dop File No : **14/13823**

Proposal Details

Date Planning
Proposal Received : **14-Aug-2014**

LGA covered : **Kogarah**

Region : **Metro(CBD)**

RPA : **Kogarah Municipal Council**

State Electorate : **KOGARAH
OATLEY
ROCKDALE**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **Multiple sites across the LGA**

DoP Planning Officer Contact Details

Contact Name : **Deewa Baral**

Contact Number : **0285754127**

Contact Email : **deewa.baral@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Rebecca Lau**

Contact Number : **0293309545**

Contact Email : **rebecca.lau@kogarah.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Diane Sarkies**

Contact Number : **0285754111**

Contact Email : **diane.sarkies@planning.nsw.gov.au**

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The relevant background studies undertaken by Kogarah Council informed the strategic review of Kogarah LEP 2012. The recent studies and Council strategies include Kogarah Housing Strategy, Kogarah Employment Lands and Economic Development Strategy and Open Space Review. The recommendations from these studies are implemented as part of the planning proposal.**

External Supporting Notes : **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.

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
- Open Space Review

The proposed amendments have been prepared in response to the outcomes of the abovementioned Strategies and provide options for additional housing and employment opportunities across the City to meet the future needs of the 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.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

The main objectives of the planning proposal are to:

- a) Provide opportunities for the redevelopment of certain land for dual occupancy development, multi-unit residential development and shop top housing.**
- b) Increase housing choice to achieve the outcomes of Kogarah Housing Strategy through: rezoning lands; introducing R4 High Density Residential zone; providing for increased maximum building height and floor space ratio for various lands; introducing principal development standards for lands across the LGA; providing greater flexibility for dual occupancy development and sub division of lands; removing E4 Environmental Living zone and introducing a local provision for seniors housing.**
- c) Increase the maximum building height and FSR controls for existing commercial zones and introduce B6 – Enterprise Corridor zone to achieve the outcome of Kogarah Employment Lands and Economic Development Strategy.**
- d) Incorporate various housekeeping amendments to the Kogarah LEP 2012 by: rezoning lands to appropriate zones as per current land use; introducing the E2 Environmental Conservation zone; deleting the RE2 Private Recreation zone; amending Schedule 5– Environmental Heritage; amending properties identified within the Schedule 1 Additional Permitted Uses; and amending Schedule 2 Exempt Development to align with recent amendments to State Environmental Planning Policy 2008.**
- e) Amend Schedule 4 Classification and reclassification of public land to classify three lands from community to operational land.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment :

The planning proposal seeks to add new clauses and amend various provisions in the existing clauses, as outlined below.

1. Amendments to Land use zones

Clause 2.1 Land use zones:

Delete the following zones from Kogarah LEP 2012 and all relevant maps:

- E4 Environmental Living; and**
- RE2 Private Recreation**

Introduce the following zones in Kogarah LEP 2012.

- R4 High Density Residential;**
- B6 Enterprise Corridor; and**
- E2 Environmental Conservation.**

2. Land Use Table

Amend the following Land Use Tables:

- zone R2 Low Density Residential;**
- zone R3 Medium Density Residential;**
- zone IN2 Light Industrial;**
- zone SP2 Infrastructure; and**
- zone RE1 Public Recreation.**

Delete the following Land Use Tables:

- zone RE2 Private Recreation; and
- zone E4 Environmental Living.

Introduce the following Land Use Tables:

- zone R4 High Density Residential;
- zone B6 Enterprise Corridor; and
- zone E2 Environmental Conservation.

3. Amend Land Zoning Maps

3.1 Remove E4 Environmental Living zone from all the Land Zoning Map and replace it with R2 Low Density Residential zone (refer Tag A).

3.2 Rezone various precincts to achieve the outcomes of Kogarah Housing Strategy (refer Tag B).

3.3 Rezone various lands to SP2 Infrastructure (refer Tag C).

3.4 Rezone various lands to RE1 Public Recreation (refer Tag D).

3.5 Rezone various lands currently zoned RE1 to appropriate zones (Tag E).

3.6 Rezone to create link from Quarry Reserve to Denman Street Reserve (Tag F).

4. Minimum subdivision lot size

Clause 4.1 Minimum subdivision lot size:

- amend the clause to remove lot, depth and width requirements and additional provisions for battle axe lots.

Amend Lot size map to reflect the following:

- minimum allotment size on land zoned R2 – Low Density Residential If situated on the waterfront is 700 sq m;
- minimum allotment size on land zoned R2 – Low Density Residential If not situated on the waterfront is 550 sq m; and
- minimum allotment size on land zoned R3 – Medium Density Residential and R4 – High Density Residential is 850 sq m.

5. Minimum lot size for dual occupancy

Clause 4.1A Minimum lot size for dual occupancies, multi dwelling housing, residential flat building and seniors housing:

- amend the clause to remove reference to dual occupancy (attached) and insert Seniors Housing in zone R2 Low Density Residential with minimum area being 1000 sq m.

Clause 4.1B Minimum lot size for dual occupancy:

- add a new clause that introduces a 'Minimum Lot Sizes for Dual Occupancy Development Map' that identifies the minimum lot size for dual occupancy development;
- introduce a new map series - 'Lot Size for Dual Occupancy Development Map'; and
- introduce new maps which allow dual occupancy development on lots greater than 650sq m 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, where the minimum allotment size is 1000 sq m.

Clause 4.1C Minimum subdivision lot size for dual occupancy development:

- add a new clause relating to the minimum subdivision requirements for dual occupancy development.

6. Height of buildings

Clause 4.3 Height of buildings:

- adopt a new clause that identifies the objectives and provisions for maximum permissible

- building height for all areas across the LGA;
- introduce a new map series 'Height of building Map'; and
- Introduce new maps which identify maximum building heights permissible for all areas across the LGA.

7. Floor space ratio

Clause 4.4 Floor space ratio:

- adopt a new clause that identifies the objectives and provisions for maximum permissible floor space ratio for all areas across the LGA;
- Introduce a new map series - 'Floor Space ratio Map'; and
- introduce new maps which identify maximum Floor Space Ratio (FSR) permissible for all areas across the LGA.

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

- add a new clause to retain the sliding scale FSR requirements for development in the R2 Low Density Residential zone that are currently contained in the Kogarah DCP 2013.

Clause 4.5 Calculation of floor space ratio and site area:

- adopt a new clause which set out rules for the calculation of the site area for the purposes of applying permitted FSR.

8. Miscellaneous Provisions

Clause 5.3 Development near zone boundaries:

- alter the clause to remove reference to zone E4 – Environmental Living and include reference to new zones, being R4-High Density Residential and B6 – Enterprise Corridor.

Clause 5.6 Architectural roof features

- adopt a new clause which specifies that decorative roof features are permitted, with consent, even if they exceed the heights shown on the Height of Building Map.

9. Additional Local Provisions

Clause 6.7 Location of sex services premises:

- alter the clause to remove reference to zone E4 – Environmental Living and include reference to new zones, being R4 High Density Residential and B6 Enterprise Corridor.

Clause 6.9 Development in the zone B6 – Enterprise Corridor:

- add a new local provision to limit the amount of residential development to certain percentage of the total gross floor area and limit the minimum requirement for commercial ground floor area.

Clause 6.8 Seniors housing: self - contained dwellings

- add a new local provision that encourage seniors housing in the form of self-contained dwellings so as to increase the supply and diversity of housing that meets the need of seniors in the R2 Low Density Residential zone.

10. Schedule 1 Additional permitted uses

Revise Schedule 1 to add and delete various lands referenced in clause 1 to clause 20 under Schedule 1.

11. Schedule 2 Exempt Development

Revise Schedule 2 to remove the duplication and align with the recent amendments to

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

12. Schedule 4 – Classification and reclassification of public land

Amend Schedule 4 to include three additional sites under Part 1 (Land classified, or reclassified, as operational land – no interests changed).

13. Schedule 5 – Environmental Heritage

Amend Schedule 5 to delete item 1117, being Mortdale Railway Station and car sheds, from the heritage list.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General?

b) S.117 directions identified by RPA :

* May need the Director General's agreement

**1.1 Business and Industrial Zones
2.1 Environment Protection Zones
2.3 Heritage Conservation
3.1 Residential Zones
3.2 Caravan Parks and Manufactured Home Estates
3.3 Home Occupations
3.4 Integrating Land Use and Transport
3.5 Development Near Licensed Aerodromes
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Is the Director General's agreement required?

c) Consistent with Standard Instrument (LEPs) Order 2006 :

d) Which SEPPs have the RPA identified?

**SEPP No 6—Number of Storeys in a Building
SEPP No 19—Bushland in Urban Areas
SEPP No 21—Caravan Parks
SEPP No 22—Shops and Commercial Premises
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 33—Hazardous and Offensive Development
SEPP No 50—Canal Estate Development
SEPP No 55—Remediation of Land
SEPP No 62—Sustainable Aquaculture
SEPP No 64—Advertising and Signage
SEPP No 65—Design Quality of Residential Flat Development
SEPP No 70—Affordable Housing (Revised Schemes)
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP (Temporary Structures and Places of Public Entertainment) 2007
GMREP No. 2 - Georges River Catchment**

e) List any other matters that need to be considered :

Council considers that the planning proposal is consistent with all relevant section 117 Directions.

1.1 Business and Industrial zones: The planning proposal seeks to introduce a B6 Enterprise Corridor along the Princes Highway which will benefit from having broader land use provisions and is consistent with the recommendations of the Economic Development and Employment Lands Strategy prepared by SGS in 2013.

2.1 Environment Protection zones: The planning proposal seeks to rezone land from E4 Environmental Living zone to R2 Low Density Residential. The E4 Environmental Living zone was introduced as to replace Kogarah LEP 1998's Waterfront Scenic Protection Area and Foreshore Scenic Protection Area, which prohibited dual occupancy development. Since there is an increasing demand for dual occupancy development across the LGA, the proposal seeks to rezone lands to R2 Low Density Residential which permits dual occupancies, subject to sites meeting the minimum allotment requirements. It is considered that the proposal is consistent with this Direction.

2.3 Heritage Conservation: The planning proposal seeks to down zone an area within the Kogarah South Heritage Conservation Area, from R3 Medium Density Residential to R2 Low Density Residential, which contains a significant number of heritage items. The proposal is considered consistent with the objective of this Direction.

3.1 Residential zones: The planning proposal seeks to ensure a supply of new housing that meet the community's future requirements over the period of 2015 to 2031. The proposal is consistent with Council's Housing Strategy and the draft Metropolitan Strategy for Sydney to 2031. As such the proposal is considered consistent with this Direction.

3.4 Integrating Land Use and Transport: The planning proposal seeks to increase mixed use (commercial and residential) in and around the centres which will contribute to the revitalisation of centres, and allows people to access services in their local areas. The proposal also seeks to increase density around centres and areas close to public transport. As such the proposal is considered consistent with this Direction.

4.1 Acid Sulphate Soils: A number of lots identified for intensification of land use under the planning proposal, may be affected by acid sulphate soils. The majority of these lots falls under Class 5 (apply to works within 500m of adjacent Class 1,2,3, or 4 land that is below 5m and water table is likely to be lowered below 1 m on adjacent Class 1,2 , 3 or 4 land). Further studies may be required for specific sites which will be undertaken during the assessment of a development application, as per clause 6.1 of the LEP. The agreement of the Secretary (or delegate) is recommended as the inconsistency is considered to be of minor significance (in accordance with 4.1 8(b) of s 117 Direction).

4.3 Flood Prone Land: A number of lots identified for intensification of land use under the planning proposal, are affected by flooding. However, the potential flooding hazard is known and can be appropriately managed through Floodplain Risk Management Plans. Clause 6.3 of Rockdale LEP provides appropriate provisions that need consideration prior to any development on the site. A full assessment of the land's potential flood hazards is required after the gateway process and prior to any determination of development application, for lands affected by flooding. The agreement of the Secretary (or delegate) is recommended as the inconsistency is considered to be of minor significance (in accordance with 4.3 9(b) of s 117 Direction).

STATE ENVIRONMENTAL PLANNING POLICIES

Council has considered the planning proposal against the relevant SEPPs and the planning proposal is considered consistent with all relevant SEPPs.

State Environmental Planning Policy (Housing for Seniors or People with a Disability): The planning proposal incorporates a local provision in Kogarah LEP 2012 to encourage additional opportunities for seniors housing in the form of self-contained dwellings. This clause sets out requirements that need to be met for developing such senior's self-contained dwellings without the need for an assessment against the locational requirements outlined in the Seniors Housing SEPP.

State Environmental Planning Policy No 55 – Remediation of Land: The planning proposal does not propose the rezoning of known contaminated land to permit a change of use and as such it is considered consistent with this SEPP.

Have inconsistencies with items a), b) and d) being adequately justified?

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Council has provided following maps:

- 1. proposed Lot size for Dual Occupancy Development Maps;**
- 2. proposed Height of Building Maps;**
- 3. proposed Floor Space ratio Maps;**
- 4. proposed Lot Size Maps;**
- 5. proposed Land Zoning Maps; and**
- 6. aerial views to identify lands under Schedule 1.**

It is recommended that Council should include the current Land Zoning and Lot Size Maps, as part of the planning proposal prior to exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council will conduct community consultation in accordance with the Gateway determination and Council's Engagement Strategy as outlined in the planning proposal (page 105).

Council proposes to advertise the exhibition notice twice in the local paper. The detailed information will be displayed on Council's website, Council's customer service centre, local libraries and Council's child care centres. A newsletter with detailed information on the draft planning proposal, including a feedback form will be delivered to all residential properties and businesses within the LGA. The community will have a facility to provide comments online through the website portal.

Council's community consultation arrangements are considered satisfactory. It is recommended that the planning proposal is exhibited for a minimum of 28 days.

Given the level of uplift proposed, it is recommended that the following state agencies are consulted regarding the potential impact on services and infrastructure:

- Transport for NSW;**
- Roads and Maritime Services;**
- Department of Health;**
- Department of Education and Communities;**
- Office of Environment and Heritage;**
- Adjoining LGAs;**
- Sydney Water; and**
- Energy Australia.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **January 2013**

Comments in
relation to Principal
LEP :

Assessment Criteria

Need for planning
proposal :

The proposed amendments in the planning proposal are a result of a number of studies and Council's strategies prepared over the last 18 months, including:

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

1. Amendments to Land use zones

The planning proposal is seeking to delete E4 Environmental Living and RE2 Private Recreation zones and introduce R4 High Density Residential, B6 Enterprise Corridor and E2 Environmental Conservation zones.

The E4 zone was introduced in Kogarah LEP (KLEP) 2012 as a solution to identifying land previously identified under KLEP 1998 as Waterfront Scenic Protection Area and Foreshore Scenic Protection Area, which prohibited dual occupancy. The changing perspectives in housing density, ageing population seeking to down size, first home buyers and property prices have resulted in an increasing demand for dual occupancy in all areas across the LGA. All areas currently zoned E4 Environmental Living are proposed to be rezoned to R2 Low Density Residential. This would address the increasing demand of dual occupancy as it is permissible under R2 Low Density Residential zone. As such E4 zone is redundant and is proposed to be deleted.

29A Greenacre Road, South Hurstville is the only site zoned RE2 Private Recreation under the current LEP. The subject site is proposed to be rezoned to SP2 Educational Establishment as the subject has been recently sold and the owner intends to redevelop the site for the use as an educational establishment. Therefore the RE2 zone is now redundant and is proposed to be deleted.

The proposal seeks to introduce R4 High Density Residential zone and rezone certain lands surrounding the Kogarah and Hurstville Town Centres to R4 High Density Residential which are accessible to services and public transport, consistent with the Kogarah Housing Strategy.

The proposal seeks to introduce B6 Enterprise Corridor zone along the Princes Highway to enable a mix of employment uses including business, office, light industrial and bulky goods retailing. It is considered that introducing the zone will ensure the existing non-conforming uses currently situated along the Princes Highway become permissible in the zone. This will also encourage a mix of compatible business uses with residential developments. This is consistent with Action 5.1 of the Kogarah Employment Lands and Economic Development Strategy. Consultation with Roads and Maritime Services is recommended regarding the introduction of the B6 Enterprise Corridor zone along the Princes Highway.

The proposal also seeks to introduce the E2 Environmental Conservation zone to protect high quality vegetation/ bushland area.

The proposed additions and deletions of zones are supported.

2. Land Use Table

The land use table for R2 Low Density Residential and R3 Medium Density Residential are proposed to be amended to allow both attached and detached dual occupancy under this zone. The proposed clause 4.1B provides additional control for the detached dual occupancy lots.

Health consulting rooms and seniors housing are proposed to be inserted in item 3 Permitted with consent under R2 Low Density Residential, as the use is considered to be consistent with the zone objectives.

Child care centres and respite day care centre are considered appropriate use under IN2 Light Industrial zone and is therefore proposed to be removed from Item 4 Prohibited.

Public administration building and commercial premises are proposed to be inserted in item 3 Permitted with consent under SP2 Infrastructure, as the uses are considered to be consistent with the zone objectives.

Registered club is proposed to be inserted in Item 3 Permitted with consent under RE1 Public Recreation, as the use is considered to be consistent with the zone objectives.

Three new land use zones are introduced under Land Use Table including R4 High Density Residential, B6 Enterprise Corridor and E2 Environmental Conservation. The draft objectives and permissible uses for each zones are include in Appendix 1 of the planning proposal.

The above alterations to the land use table are supported.

3. Amend Land Zoning Map

3.1 The proposal seeks to rezone all land currently zoned E4 Environmental Living (Tag A) to R2 Low Density Residential to encourage dual occupancy and seniors housing (self-contained) in the area. This is consistent with the Kogarah Housing Strategy, which seeks to remove restrictions on dual occupancy development to permit redevelopment and provide opportunities for seniors housing on large sites in waterfront and foreshore areas.

3.2 The proposal seeks to rezone 16 precincts across the LGA (Tag B) to various zones, consistent with the Kogarah Housing Strategy. The objective is to increase housing capacity in and around the Kogarah and Hurstville Town Centres, to identify new areas for residential flat development and town houses close to centres and public transport and to increase opportunities for shop top housing in selected commercial centres and medium density residential zones. The review of each precinct in terms of land use, existing built form, environmental constraints and proximity to transport and services suggest future potential and capacity for increased density. The relevant precinct maps showing the proposed zoning, building heights and FSR controls are detailed in the Housing Strategy (Housing Strategy).

3.3 A review has identified that various sites in the ownership of key infrastructure and educational providers are not zoned as per the corresponding land use under current LEP. Kogarah LEP 2012 was a direct conversion of Kogarah LEP 1998 and no review was undertaken at that time. The proposal is seeking to rezone these lands to SP2 Infrastructure (Tag C) so that they reflect the current land uses.

3.4 A review of open space across the LGA has identified various lands that are currently used and maintained as open space, however, are not zoned as RE1 Public Recreation under Kogarah LEP 2012 (Tag D). These sites are also identified on Council's open space land register.

3.5 The review of open space also identified various lands currently zoned RE1 Public Recreation, which are used for alternate land uses. The planning proposal rezones these

sites to more appropriate zones reflecting the current land use (Tag E).

3.6 The review of open space review identified a number of properties in Hillcrest Avenue and Denman Street that are required to be rezoned to create a link from Quarry Reserve through to Hillcrest Avenue (Denman Street Reserve) (Tag F).

The relevant maps and proposed zoning and recommendations are detailed under Kogarah Open Space Review document (Tag Open Space Review).

The proposed amendments to the land zoning maps are supported as it implements the recommendations from Kogarah Housing Strategy and Kogarah Open Space Review.

4. Amend Minimum subdivision lot size

The planning proposal seeks to encourage the subdivision of land, to allow for smaller allotments across the LGA. The minimum lot size requirements currently range from 600sqm – 850sqm in the E4 Environmental Living zone, 500sqm – 600m in R2 Low Density Residential zone and 850sqm - 900sqm in the R3 Medium Density Residential zone.

The planning proposal is seeking the following alterations which have resulted from a review of the existing development standards relating to minimum subdivision lot size and the increasing land values within the LGA. The following alterations are proposed in the lot size map:

- minimum allotment size on land zoned R2 – Low Density Residential if situated on the waterfront is 700 sq m;**
- minimum allotment size on land zoned R2 – Low Density Residential if not situated on the waterfront is 550 sq m; and**
- minimum allotment size on land zoned R3 – Medium Density Residential and R4 – High Density Residential is 850 sq m.**

The proposed amendments encourage the subdivision of land to allow for smaller allotments across the LGA. This is consistent with Kogarah Housing Strategy which seeks to provide housing choices that is affordable and suits the community's requirements.

In addition, the proposal seeks to revise clause 4.1 Minimum subdivision lot size to remove lot depth and width requirements and additional provisions for battle axe lots. The proposed clause is outlined under Appendix 4 of the planning proposal. The proposed minimum subdivision lot size maps are attached as part of the planning proposal.

The proposed amendments to clause 4.1 and Lot size maps are supported.

5. Introduce Minimum Lot Size for dual Occupancy

The planning proposal introduces a minimum lot size maps for dual occupancy development for all areas across the LGA. This would allow dual occupancy development on lots greater than 650sqm for lands within R2 Low Density Residential and R3 Medium Density Residential, with an exception of properties fronting the foreshore and within a Heritage Conservation Area, where the minimum lot size is 1000sq m. The detached dual occupancy development on these sites is restricted only to those lots fronting two streets.

To achieve this outcome, three additional clauses are proposed relating to dual occupancy development. These are outlined under Appendix 4 of the planning proposal. The proposed 'Minimum Lot Size for dual occupancy' maps are attached as part of the planning proposal.

The proposed amendment would provide for housing diversity and affordability in residential zones, encouraging dual occupancy on larger blocks is therefore supported.

6. Height of buildings

The current Kogarah LEP does not have principal development standards relating to height of building and rely on the Kogarah DCP for building height controls. The planning proposal seeks to introduce height of building maps that identify the maximum permissible height for all areas across the LGA.

The planning proposal is seeking to adopt the following height limits:

- 8.5m (R2 Low Density Residential)
- 9m – 21m (R3 Medium Density Residential)
- 33m (R4 High Density Residential)
- 9m (B1 Neighbourhood Centre)
- 21m – 33m (B2 Local Centre)
- 39m (B4 Mixed Use)
- 21m (B6 Enterprise Corridor)
- 10m (IN2 Light Industrial)
- no height requirement (SP2 Infrastructure; RE1 Public Recreation; E2 Environmental Conservation; and W2 Recreational Waterways)

The proposed maximum building heights for various sites that are rezoned from R2 Low Density Residential to R3 Medium Density Residential under the planning proposal are proposed to have higher building heights from their corresponding height controls in the current DCP (Tag G). This is to align with the Kogarah Housing Strategy to increase housing capacity in and around the Kogarah and Hurstville Town Centres and to increase opportunities for shop top housing in selected commercial centres and medium density residential zones.

In addition, the review of the development standards (height and FSR) in Kogarah Town Centre and Hurstville Town Centre has revealed that a number of sites under B4 Mixed Use have not been redeveloped to their maximum potential. Therefore the maximum height limits are increased to enable redevelopment of these sites. Similarly, the current controls for existing commercial centres are not economically viable resulting in limited redevelopment of these centres. The proposed increase in height aims to encourage redevelopment of sites in existing commercial centres, through the provision of shop top housing and more affordable residential dwellings. The review has also identified opportunities for the redevelopment of older sites to newer, modern and accessible apartment buildings in R3 Medium Density Residential zones. The list of sites with current and proposed building height controls are attached as (Tag G).

The proposed heights align with the recommendations of the Housing Strategy and are therefore supported.

The relevant maps and information for each site are detailed in the Housing Strategy (Housing Strategy) and the proposed height of buildings maps are attached as part of the planning proposal.

7. Floor Space Ratio

The current Kogarah LEP does not have principal development standards relating to floor space ratio and rely on the DCP for maximum floor space ratio controls. The planning proposal seeks to introduce floor space ratio maps that identify the maximum permissible FSR for all areas across the LGA.

The planning proposal is seeking to adopt the following FSR controls.

- 0.55:1 (R2 Low Density Residential)
- 0.7:1 – 2:1 (R3 Medium Density Residential)
- 4:1 (R4 High Density Residential)
- 1:1 – 2:1 (B1 Neighbourhood Centre)
- 1.3:1 – 4:1 (B2 Local Centre)
- 4:1 – 4.5:1 (B4 Mixed Use)

- 2:1 - 2.5:1 (B6 Enterprise Corridor)
- 1:1 (IN2 Light Industrial)
- no FSR requirement (SP2 Infrastructure; RE1 Public Recreation; E2 Environmental Conservation; and W2 Recreational Waterways)

To increase housing capacity in and around the Kogarah and Hurstville Town Centres, the proposed FSR controls are higher than the corresponding FSR controls contained in the current DCP. The Kogarah Housing Study identified that various sites across the LGA have not been redeveloped to their maximum potential. Therefore the maximum FSR limits are increased to enable redevelopment of these sites.

This is consistent with the Housing Strategy and is supported. The lists of sites with current and proposed FSR controls are attached as (Tag G). The relevant information for each site are detailed in the Housing Strategy (Housing Strategy). The proposed floor space ratio maps are attached as part of the planning proposal.

In addition, the proposal seeks to add new clause 4.4A Exceptions to floor space ratio for residential accommodation in the R2 – Low Density Residential zone to retain the sliding scale FSR requirements that are currently contained in Kogarah DCP 2013. The proposal also seeks to add new clause 4.5 Calculation of floor space ratio which is required to be adopted when clause 4.4 is adopted under the LEP.

8. Miscellaneous Provisions

Clause 5.3 Development near zone boundaries is revised to remove reference to zone E4 Environmental Living and include reference to new zones, being R4 High Density Residential and B6 Enterprise Corridor.

The new clause 5.6 Architectural roof features has been adopted which specify that decorative roof features are permitted, with consent, even if they exceed the height limits shown on the Height of Building Map.

The proposed clauses are included in Appendix 4 of the planning proposal.

9. Additional Local Provisions

Clause 6.7 Location of sex services premises is revised to remove reference to zone E4 Environmental Living, include zones R4 High Density Residential and E2 Environmental Conservation. This clause requires separation from residential zones and public transport nodes and prohibits sex services premises near sensitive land uses such as schools, parks and child care centres.

A new local provision (Clause 6.9 Development in the zone B6 – Enterprise Corridor) has been adopted to limit the amount of residential development to certain percentage of the total gross floor area and establish a minimum requirement for commercial ground floor space. This would limit the amount of residential floor space permitted in the zone which aligns with the objectives of the zone.

A new local provision (Clause 6.8 Seniors housing: self-contained dwellings) has been proposed to encourage seniors housing in the form of self-contained dwellings so as to increase the housing supply that meet the needs of seniors in R2 Low Density Residential zone. This clause sets out requirements that need to be met for developing such senior's self-contained dwellings without the need for an assessment against the locational requirements outlined in the Seniors Housing SEPP.

The proposed clauses are included in Appendix 4 of the planning proposal.

10. Schedule 1 Additional permitted uses

A detailed review of each site and their provisions has identified that some sites are no longer required to be included under Schedule 1. Proposed amendments to Schedule 1 are included at Tag H. A detailed review of each site is included under Appendix 2 of the planning proposal, and is discussed below.

a. clauses 1-15

Schedule 1 (clauses 1-15) generally reflect those properties subject to clause 22A of Kogarah LEP 1998 which allowed villas, townhouses, terrace houses and detached dual occupancy developments in Residential 2(a) zone under specific conditions. It is considered that all sites listed under this clause are either rezoned to an appropriate zone or are not considered suitable for redevelopment. Therefore this clause is proposed to be deleted.

b. clause 16

The planning proposal is seeking to include 'restaurant or café' to the list of permitted uses under Schedule 1 (clause 16) as it is considered that this use is consistent with the other uses identified under this clause. This would allow for appropriate redevelopment of sites listed under the clause.

Various other sites listed under the clause are rezoned to appropriate zones that permit the identified uses and are proposed to be deleted from Schedule 1. Additional properties are proposed to be included into Schedule 1 (clause 16) as they are purpose built business premises, however, falls within a zone where the existing land use is prohibited.

c. clause 17

This clause identifies sites where development for the purpose of multi dwelling housing is permitted. It is considered that all sites listed under this clause are either rezoned to an appropriate zone or are not considered suitable for multi dwelling housing. Therefore this clause is proposed to be deleted.

d. clause 18

This clause allows multi dwelling housing on identified sites with at least 20m frontage and height not exceeding 5m. Various sites identified under this clause are proposed to be rezoned to either R3 Medium Density Residential or considered unlikely to be developed. Therefore these sites are now proposed to be removed from Schedule 1.

e. clause 19

This clause allows dual occupancies and multi dwelling housing when the site meets certain requirements. Various sites identified under this clause are proposed to be rezoned to R3 Medium Density Residential or B6 Enterprise Corridor zone.

In addition, various sites are retained for the purpose of multi dwelling housing if the floor space ratio does not exceed 0.7:1.

f. clause 20

Council has reviewed the requirements relating to the minimum lot size for dual occupancy development. As part of the review, Council has proposed a new clause 4.1B Minimum lot size for dual occupancy and Dual occupancy development maps. As such, this clause will be redundant and is proposed to be deleted from Schedule 1.

The proposed additions, alterations and deletions within the clauses under Schedule 1 are housekeeping amendments as a result of Council's review of each site and its provisions. These alterations within Schedule 1 are supported.

11. Schedule 2 Exempt Development

The planning proposal seeks to remove certain provisions under Schedule 2 Exempt Development that are superseded by the State Environmental Planning Policy – Exempt and Complying Development Codes 2008 (Codes SEPP) on 22 February 2014. The proposal

also seeks to retain the following provisions that are not covered by Codes SEPP:
- Advertising structures and signs (zone RE1 Public Recreation; inflatable promotional signs; and newsagent placards).

The proposed amendment to Schedule 2 aligns with the Codes SEPP and is supported. The proposed drafting of Schedule 2 is included under Appendix 3 of the planning proposal.

12. Schedule 4 Classification and reclassification of public land

The planning proposal is seeking to reclassify the following lands.

a) No 1A Stuart Crescent, Blakehurst

This is an isolated foreshore lot, zoned RE1 Public Recreation, that was acquired by Council to form a Regional Open Space Corridor that included Ray Street Reserve and adjoining private lands under the Country 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 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 are currently zoned E4 Environmental Living under the Kogarah LEP 2012 and are proposed to be rezoned R2 Low Density Residential.

Council considers that the site use as community land is restricted due to lack of access to the community and potentially could be sold to the adjoining owner to provide waterfront access.

The planning proposal is seeking to rezone the land to R2 Low Density Residential which is consistent with the proposed adjoining zoning. The proposal is also seeking to reclassify the land from 'community' to 'operational' land and consider disposing the land.

b) No 21 A Queens Road, Connells Point

This is an isolated foreshore lot, currently zoned RE1 Public Recreation, 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, accessible only from water. The subject site is currently leased to the adjoining land owners, as an extension to their private open space and provides these properties with waterfront access.

Council considers that the site use as a community land is restricted due to the lack of access to the community and potentially could be sold to the adjoining owner to provide waterfront access.

The planning proposal is seeking to rezone the land to R2 Low Density Residential which is consistent with the proposed adjoining zones. The proposal is also seeking to reclassify the land from 'community' to 'operational' land and consider disposing the land.

c) No 8A Wyong Street, Oatley

This site is currently zoned E4 Environmental Living, lies in between two dwellings and adjoins the railway reserve, with no access to the reserve. Council currently maintains the site. It previously contained playground equipment however this was removed due to its age and lack of use. The site does not provide any community benefit and does not provide linkages to other existing open space.

The planning proposal is seeking to rezone the land to R2 Low Density Residential and reclassify the parcel from 'community' to 'operational' land and consider disposing the land.

The review of each site is included under Appendix 5 of the planning proposal. The proposed reclassification of public land is supported. It is recommended that a public hearing is held in regard to the proposed reclassifications.

13. Schedule 5 – Environmental Heritage

The Heritage Council of NSW amended their State Heritage Register by removing the Mortdale Railway Station and car shed from the State Heritage Register. The Heritage Council also advised Kogarah Council to remove the item from Schedule 5. The proposal is seeking to remove item No 1117 from Schedule 5 and amend the Heritage Map accordingly.

The proposed removal of the item is supported.

Consistency with strategic planning framework :

The planning proposal is consistent with the following strategic plans:
Metropolitan Plan for Sydney 2036:

The planning proposal is consistent with the following objectives of the Metropolitan Plan for Sydney 2036 (December 2010):

- Objective B3 : To plan for new centres and instigate a program for high quality urban renewal in existing centres serviced by public transport
- Objective B1: To focus activity in accessible centres
- Objective D1 : To ensure an adequate supply of land and sites for residential development
- Objective D2 : To produce housing that suits our expected future needs
- Objective D3 : To improve housing affordability
- Objective D4 : To improve the quality of new housing development and urban renewal
- Objective E1: To ensure adequate land supply for economic activity, investment and jobs in the right locations
- Objective E4 : To provide for a broad range of local employment types in dispersed locations

The planning proposal is consistent with the draft Metropolitan Strategy for Sydney to 2031 (March 2013) as follows:

- Objective 5: Deliver new housing to meet Sydney's growth
- Objective 6: Deliver a mix of well-designed housing that meets the needs of Sydney's population
- Objective 7: Deliver well designed and active centres that attract investment and growth
- Objective 10: Provide capacity for jobs growth and diversity across Sydney
- Objective 14: Provide a good supply of office space
- Objective 15: Provide for a good supply of retail space
- The strategy has identified Kogarah's specialised precinct to be planned for more diversified office and retail growth (with at least 2000 additional jobs) and more intense housing.

The draft South Subregional Strategy (December 2007) aims to:

- to promote residential development in proximity of Kogarah Station;
- plan for sufficient zoned land to meet dwelling targets; and
- promote Kogarah as a Major centre.

The draft South Subregional Strategy sets a target for 2,550 additional dwellings and 4,000 additional jobs for Kogarah LGA by 2031. Moreover, the most recent population and dwellings projection released by the NSW Department of Planning and Environment estimates that Kogarah will require 7,350 additional dwellings by 2031.

Kogarah Housing Strategy:

The planning proposal implements the Kogarah Housing Strategy that creates a frame work for the delivery of housing to meet the need of Kogarah's current and future population. The Key Objectives include:

- to provide housing choices that is affordable and suits community's need;
- to provide local centres those are distinctive and vibrant and provide opportunities for small businesses to flourish;
- to provide accessibility, safety and efficiency for residents to travel within the LGA;
- to maintain and enhance the character and amenity of neighbouring town centres and local centres; and
- to comply with State Government's requirements for housing targets.

The strategy identifies 9 elements that create additional housing capacity and deliver housing, as outlined below:

1. Remove restrictions on dual occupancy development to permit redevelopment of large

- sites across the LGA.
- 2. Increase housing capacity in and around Kogarah and Hurstville Town Centres.
- 3. Review the development controls in B4 Mixed Use zone within the Kogarah and Hurstville Town Centre to allow for additional development opportunities.
- 4. Identify new areas for the development of residential flat buildings and town houses close to centres and public transport.
- 5. Increase opportunities to develop residential apartments (shop top housing) in selected commercial centres and R3 Medium Density Residential zones by increasing permissible heights and floor space ratios.
- 6. Provide opportunities for a retailing corridor, including bulky goods retailing through the creation of an Enterprise Corridor along a section of the Princes highway.
- 7. Allow dwellings on smaller lots by reducing the minimum subdivision lot size requirements.
- 8. Provide opportunities for seniors housing on large sites in water front and foreshore areas.
- 9. Protect areas of recognised building character and heritage value and promote high quality residential design and amenity outcomes.

Kogarah Employment Lands and Economic Development Strategy:

This strategy document identifies a number of broad strategies and actions which are considered in preparing the planning proposal and implemented, where appropriate.

Key findings include:

- Kogarah LGA serves a local convenience retail role;
- growth in employment is likely to be driven by the health, public administration and education;
- Kogarah's employment precincts have capacity to cater for the forecast future growth but there are some precincts that need to be considered for expansion;
- Kogarah could support an additional two or three supermarkets; and
- the Princes Highway has potential to be an enterprise corridor but retail/ commercial floor space would only be feasible if provided in a mixed use development.

Open Space Review:

Council investigated open spaces and natural environment areas, through a land use audit. The investigation identified lands that are currently used as open space, but not zoned as RE1 Public Recreation which informed for rezoning those lands to RE1 Public Recreation. It also identified land currently zoned RE1 Public Recreation and RE2 Private Recreation that require rezoning as those lands have different land uses.

The planning proposal is consistent with the recommendations in the open space review document prepared by Council.

Community Strategic Plan:

The planning proposal is consistent with Council's Community Strategic Plan 2030 which identified the need to provide diverse, sustainable, adaptable and affordable housing options throughout the LGA.

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

Environmental social economic impacts :

All lands proposed to be rezoned to allow increased residential densities is currently zoned residential and is urban land. It is considered that the proposal is not likely to have any adverse impact on the environment, critical habitat, threatened species or any ecological communities.

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, particularly responding to the key demographic characteristics of the City like ageing, population, affordability and

decreasing household size.

In addition, the planning proposal introduces principal development standards (height and FSR controls) in Kogarah LEP 2012, making it easier for the community, developers and other stakeholders to understand the planning controls.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **18 months** Delegation : **Minister**

Public Authority Consultation - 56(2) (d) : **Department of Education and Communities
Office of Environment and Heritage
Energy Australia
Transport for NSW
Department of Health
Transport for NSW - Roads and Maritime Services
Sydney Water
Adjoining LGAs**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover Letter_14 August 2014.pdf	Proposal Covering Letter	Yes
Planning Proposal_Amendment No 2_ New City Plan for Kogarah.pdf	Proposal	Yes
Lot Size for Dual Occupancy Development Maps.pdf	Map	Yes
Proposed Land Zoning Maps.pdf	Map	Yes
Proposed FSR Maps.pdf	Map	Yes
Proposed Height of Building Maps.pdf	Map	Yes
Proposed Lot Size Maps.pdf	Map	Yes
Kogarah-Housing-Strategy2014_30072014.pdf	Study	Yes
EMPLOYMENT LANDS STRATEGY.pdf	Study	Yes
Kogarah Open Space Review 2014.pdf	Study	Yes
Council Report_280714.pdf	Proposal	Yes

Kogarah Local Environmental Plan 2012 (Amendment No 2) New City Plan for Kogarah

Minutes_Council_280714.pdf
Planning Proposal Amendment to KLEP 2012_revised
250914.pdf

Proposal
Proposal

Yes
Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information :

It is recommended that the planning proposal proceed subject to the following conditions:

1. The planning proposal be exhibited for a minimum of 28 days.
2. The planning proposal be completed within 18 months of the Gateway Determination.
3. Consultation with the following Government agencies are required:
 - Transport for NSW
 - Roads and Maritime Services
 - Department of Health
 - Department of Education and Communities
 - Office of Environment and Heritage
 - Adjoining LGAs, particularly Hurstville City Council regarding proposed uplift in Hurstville City Centre
 - Sydney Water
 - Energy Australia
4. A public hearing is required to be held on the reclassification of public land.

Inconsistencies with s117 Direction 4.1 Acid Sulphate Soils and 4.3 Flood Prone Land have been justified. The Secretary's approval to proceed under these Directions be granted. No further consideration of any other Section 117 Directions is required.

No studies are required to be carried out.

Supporting Reasons :

The planning proposal seeks to increase housing choice by providing opportunities for the redevelopment of various sites across the LGA. It implements the recommendations of the Kogarah Housing Strategy, Kogarah Employment Lands and Economic Development Strategy and Open Space Review. The proposal is consistent with the strategic planning framework and is supported.

Signature:



Printed Name:

MARTIN COOPER

Date:

9/10/2014