

AGENDA

Georges River Local Planning Panel

Date: Thursday, 18 May 2023

Time: 4.00pm

Venue: Blended Meeting
Online and Georges River Civic Centre
Corner Dora and MacMahon Streets, Hurstville

Participants: Sue Francis (Chairperson)
Annette Ruhotas (Expert Panel Member)
Paul Vergotis (Expert Panel Member)
Fiona Prodromou (Community Representative)

1. On Site Inspections – Carried out by Panel Members prior to meeting
2. Opening
3. Consideration of Items and Verbal Submissions
LPP007-23 24 Montgomery Street, Kogarah – MOD2022/0143 (Report by Development Assessment Planner)
LPP008-23 Planning Proposal No. 2023/0002 - Georges River Local Environmental Plan 2021 - Housekeeping Amendment 2023 (Report by Strategic Planner)
4. Local Planning Panel Deliberations in Closed Session
5. Confirmation of Minutes

REPORT TO GEORGES RIVER COUNCIL LPP MEETING OF THURSDAY, 18 MAY 2023

LPP Report No	LPP007-23	Development Application No	MOD2022/0143
Site Address & Ward Locality	24 Montgomery Street, Kogarah Kogarah Bay Ward		
Proposed Development	Modification to development consent DA2018/0138 for partial demolition of existing buildings, restoration of existing heritage listed terraces and construction of a part 10/11 storey commercial development and basement car parking at premises Lot A, B and C DP 443736 - the modification seeks to removal a heritage listed wall.		
Owners	Fowler Street Pty Ltd & Montgomery Projects Pty Ltd, Mr Danny Daher and Mrs Natasha Daher		
Applicant	Toni Carvers		
Planner/Architect	Loucas Architects		
Date Of Lodgement	5/09/2022		
Submissions	Nil		
Cost of Works	\$3,000		
Local Planning Panel Criteria	The modification application involves demolition to a Heritage Item and is required to be determined by the Georges River Local Planning Panel under Georges River Council Delegations.		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Industry and Employment) 2021, Georges River Local Environmental Plan 2021, Georges River Development Control Plan 2021		
List all documents submitted with this report for the Panel's consideration	Architectural Plans, Proposed Text Panel and Heritage Impact Letter.		
Report prepared by	Development Assessment Planner		

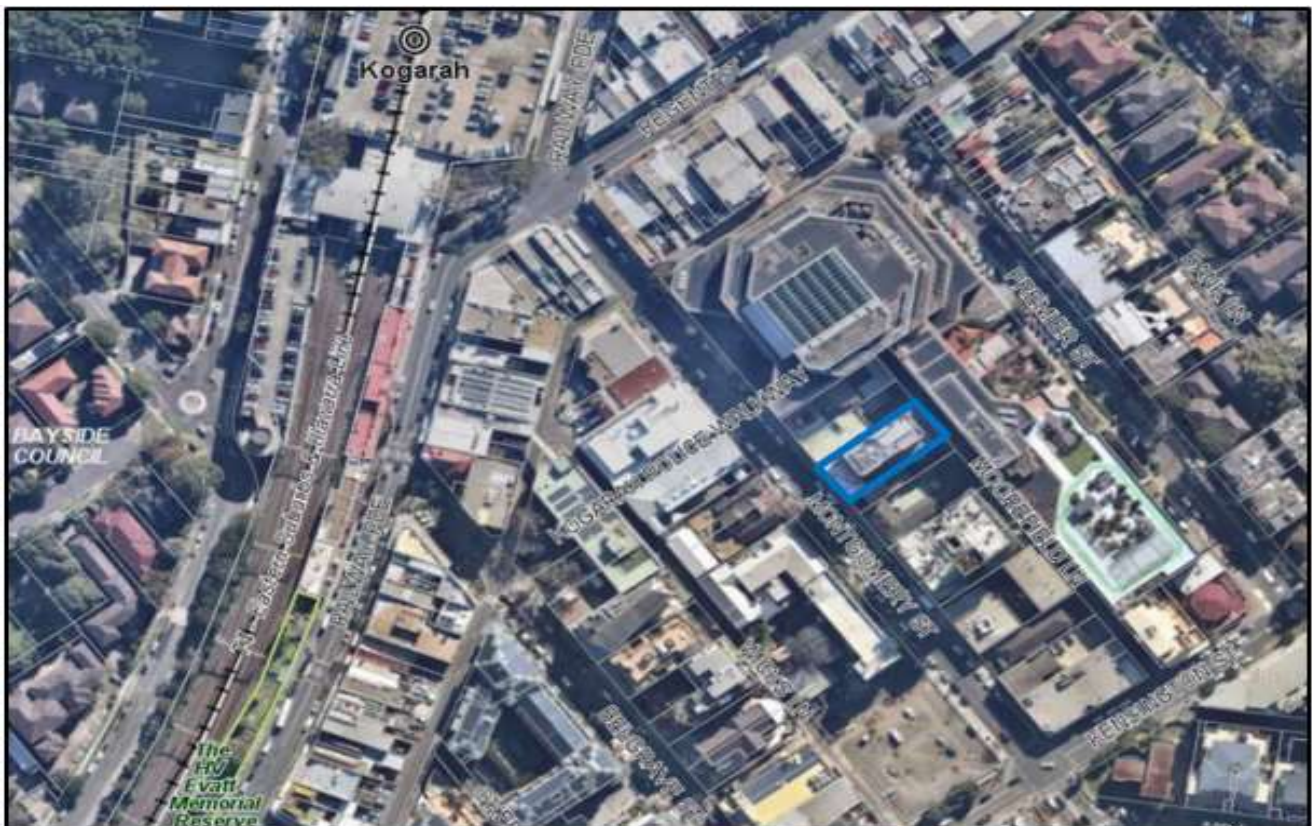
LPP007-23

Recommendation	That the application be approved in accordance with recommendations at the end of this report.
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Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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<p>Legislative clauses requiring consent authority satisfaction</p> <p>Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?</p>	<p>Yes</p>
<p>Clause 4.6 Exceptions to development standards</p> <p>If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?</p>	<p>Not Applicable</p>
<p>Special Infrastructure Contributions</p> <p>Does the DA require Special Infrastructure Contributions conditions (under s7.24)?</p>	<p>Not Applicable</p>
<p>Conditions</p> <p>Have draft conditions been provided to the applicant for comment?</p>	<p>No, standard conditions have been attached with no design changes</p>

Aerial Plan



Executive Summary

Proposal

1. Modification of the consent is sought to the approved development consent DA2018/0138 for partial demolition of existing buildings, restoration of existing heritage listed terraces and construction of a part 10/11 storey commercial development and basement car parking at premises Lot A, B and C DP 443736. The modification seeks to remove a heritage listed wall.
2. As amended the proposed works under this modification application seeks consent to modify the approved development including the following changes:
 - Demolition of a heritage listed internal wall along an entrance corridor;
 - Retention of the wall nibs and insertion of a bulkhead to interpret the original heritage location and extent of the corridor wall by the entry; and
 - A text panel inside the building discussing the traditional planning of terraced houses with a sketch plan of the original layout of the building.

Site and Locality

3. The site is located on the north-eastern side of Montgomery Street Kogarah and forms part of the Kogarah Town Centre.
4. The site has an area of approximately 777.8sqm with a frontage of 17.7m to Montgomery Street and Moorefield Lane.

Zoning and Permissibility

5. The subject site is zoned B4 – Mixed Use under the provisions of GRLEP 2021. The approved use as commercial is a permissible form of development with Council's consent. The proposed modification does not seek to change the approved use of the building.

Submissions

6. In accordance with the requirements of GRDCP 2021 and Georges River Council's Community Engagement Strategy, the application was not publicly exhibited as, in the opinion of Council, the changes being sought did not intensify or change the external impact of the development to the extent that neighbours ought to be given the opportunity to comment.
7. The amended plans received by Council did not necessitate re-notification of the application.

Conclusion

8. The application has been assessed having regard to the Matters for Consideration under Section 4.56(1) and Section 4.15 (1) of the Environmental Planning and Assessment Act 1979, the relevant SEPP's, the provisions of the GRLEP 2021 and the GRDCP 2021.
9. Having regard to the above, it is considered that the proposed modification to the building involving the deletion of an internal heritage listed wall will not adversely affect the external building fabric. The modification to the development does not affect the use of the building as a commercial development and the development overall will be substantially the same as that originally approved. Accordingly, the proposed modifications should be supported, and the consent modified.

Report in Full

Proposal

10. Development consent (DA2018/0138) was granted by the Land and Environment Court (LEC) on 5 April 2019 for the partial demolition of existing buildings, partial restoration of the heritage listed terraces and construction of a part 10/11 storey and rooftop commercial development and basement car parking at 22-26 Montgomery Street, Kogarah.
11. As amended the proposed works under this modification application seeks consent to modify the approved development including the following changes:
 - Demolition of a heritage listed internal wall along an entrance corridor;
 - Retention of the wall nibs and insertion of a bulkhead to interpret the original heritage location and extent of the corridor wall by the entry; and
 - A text panel inside the building discussing the traditional planning of terraced houses with a sketch plan of the original layout of the building.

The Site and Locality

12. The site is located on the north-eastern side of Montgomery Street Kogarah and forms part of the Kogarah Town Centre.
13. The site has an area of approximately 777.8sqm with a frontage of 17.7m to Montgomery Street and Moorefield Lane. The Site falls from Montgomery Street to Moorefield Lane, within the change in level being approximately 2.5m. The site currently accommodates three (3) Victorian Terraces which are locally heritage listed fronting Montgomery Street with carparking at the rear accessed via Moorefield Lane Kogarah. A part 10/11 storey and rooftop commercial development with basement car parking is located at the rear of the subject site attached to the terraces.

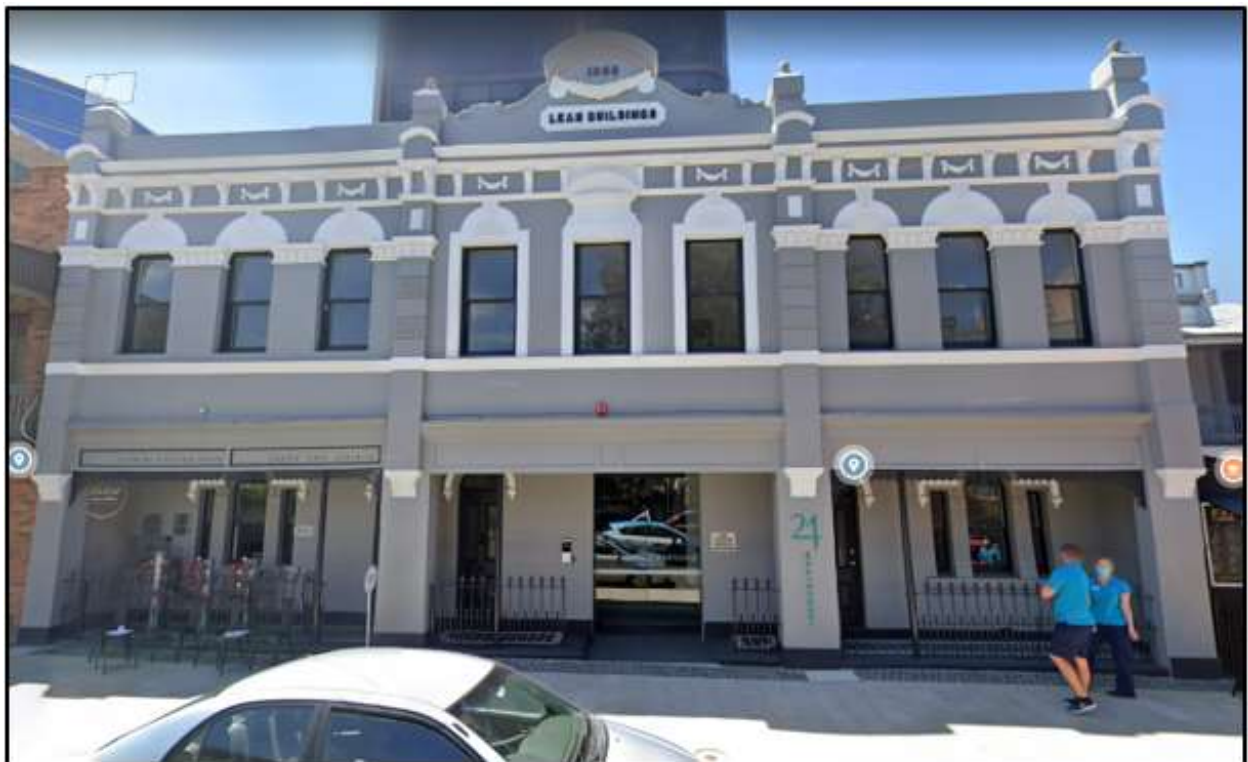


Figure 1: The site with the existing heritage building retained at 24 Montgomery Street.

14. To the north of the Site is an existing two storey commercial building (No.20 Montgomery Street) and to the south of the site is a 2-storey commercial building (No.28 Montgomery

Street). Adjoining the Site to the east on the opposite side of Moorefield Lane is a commercial building (16 Montgomery Street) and to the west on the opposite side of Montgomery Street is the Court House (25-27 Montgomery Street), a commercial building (29 Montgomery Street) and the NSW Police Service (13 Montgomery Street).

15. The precinct is a combination of low, medium, and high scale commercial development, the site being in close proximity to the Rail Line, St George Public and Private Hospitals and the St George Technical College.



Figure 4: Aerial view of subject development site in blue – 24 Montgomery Street Kogarah

Background

16. A history of the development site and current proposal is as follows:
- Development application (DA 2018/0138) lodged to Council on 11 April 2018. Applicant sought to appeal the application in the LEC against the deemed refusal of the development application on 29 May 2018.
 - Development consent (DA2018/0138) was granted by the LEC on the 5 April 2019 for partial demolition of existing buildings, restoration of existing heritage listed terraces and construction of a part 10/11 storey commercial development and basement car parking at premises Lot A, B and C DP 443736.
 - Modification application (MOD2019/0117) to remove one level of basement car parking, resulting in 4 levels of basement car parking and reduce the total of off street, car parking spaces from 70 to 56 was approved by the LEC on 31 October 2019.
 - Modification application (MOD2020/0004) to increase the height and internal layout reconfigurations and external changes was approved by Council under delegation 26 May 2020.

- Modification Application 'MOD2020/0191' was approved by Council on 10 November 2020 for modifications to DA2018/0138 including design changes to remove the approved perforated metal screens along Moorefield Lane façade.
- Development application (DA2021/0172) for a change of use, alterations and an internal fitout of a terrace for use as a food and drink premises was approved by Georges River Local Planning Panel on 2 September 2021.
- As a result of the unauthorised works within the terraces which encompasses demolition of the existing heritage fabric. The matter was referred to Council's compliance team for investigation.
- A pre-application discussion was not held regarding this application.
- The current application was submitted on 15 July 2022.
- The current application was not neighbour notified as in the opinion of Council, the changes being sought did not intensify or change the external impact of the development to the extent that neighbours ought to be given the opportunity to comment.
- As a result of the unauthorised works within the subject terrace which encompasses demolition of the existing heritage fabric relating to the staircase and wall adjacent to entrance. The matter was referred to Council's compliance team for investigation (BLD2021/0627).
- Council's Assessing Officer conducted a site inspection on 1 November 2022.
- The Owner contacted the Manager of Development Assessment and Building via email on 1 November 2022 requesting an update with the modification application.
- The Manager of Development Assessment and Building advised the Owner via email on 30 November 2022 of the pathway forward for the application considering some of the proposed works being the fire control room and panel are seeking retrospective approval and must be deleted from the application.
- Council's Assessing Officer formally requested additional information on 1 December 2022 via the Planning Portal regarding a Heritage Interpretation Strategy.
- Council's Assessing Officer sent a follow up email to the Applicant on 30 January 2023 outlining that the requested information was to be submitted by 16 January 2023 had not been submitted and that the requested information must be submitted by 6 February 2023.
- The Applicant provided additional information and revised plans for review on 3 February 2023.
- A building information Certificate (149D2023/0017) for Unauthorised Works - Removal of internal walls/fire control room was submitted to Council on 23 February 2023 and is currently under assessment by Council's Certification Team.
- The Applicant requested an update on the application via the Planning Portal on 16 March 2023.
- Council's Assessing Officer advised via email on 16 March 2023 of the status of the application to the Applicant.
- The Owner further requested as to why the application would require to be before the Local Planning Panel via email on 16 March 2023, 17 March 2023 and 20 March 2023.
- Council's Assessing Officer advised the Owner via email on 20 March 2023 that the application requires determination by the Local Planning Panel due to the proposed development involving demolition to a Heritage Item.
- Council's Assessing Officer requested via email on 3 April 2023 that revised plans reflecting the Heritage Interpretation Strategy be provided to support the application.
- The requested information was submitted via the Planning Portal on 11 April 2023.

Section 4.56 Assessment

17. The application has been made pursuant to Section 4.56(1) of the *Environmental Planning & Assessment Act* 1979 to modify Development Consent No. DA2018/0138 dated 5 April 2019, seeking to modify the approved commercial building.
18. Section 4.56(1) of the *EP&A Act* 1979 enables the consent authority to modify a development consent upon application being sought by the applicant or any person entitled to act on the consent, provided that the consent authority:
 - (a) **It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and**
19. Comment - The proposed development as modified would represent substantially the same development for which consent was originally granted. The modification relates to the deletion of an internal heritage wall along an entrance corridor, retention of wall nibs and insertion of a bulkhead and a text panel with sketch plan of the original fabric. There are no additional changes to the proposed building as approved under this application.
 - (b) **It has notified the application in accordance with:**
 - (i) **The regulations, if the regulations so require, and**
20. Comment - In accordance with the public notification provisions of Georges River Development Control Plan 2021, the application was not neighbour notified as in the opinion of Council, the changes being sought did not intensify or change the external impact of the development to the extent that neighbours ought to be given the opportunity to comment.
 - (ii) **a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and**
21. Comment - In accordance with the public notification provisions of Georges River Development Control Plan 2021, the application was not neighbour notified as in the opinion of Council, the changes being sought did not intensify or change the external impact of the development to the extent that neighbours ought to be given the opportunity to comment.
 - (c) **It has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and**
22. Comment – In accordance with the public notification provisions of Georges River Development Control Plan 2021, the application was not neighbour notified as in the opinion of Council, the changes being sought did not intensify or change the external impact of the development to the extent that neighbours ought to be given the opportunity to comment.

- (d) It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

23. Comment – No submissions were received.

- (1A) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

24. Comment: The proposal has been considered under the considerations under Section 4.15 of which have been addressed further within this report.

Section 4.15 Assessment

25. The following is an assessment of the application with regard to Section 4.15(1) Evaluation of the Environmental Planning and Assessment Act 1979.

(1) *Matters for consideration - general*

In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

The provision of:

- (i) *Any environmental planning instrument,*

State Environmental Planning Policies (SEPPs)

26. Compliance with the relevant State Environmental Planning Policies is summarised in the following table and discussed in further detail below.

State Environmental Planning Policy Title	Complies
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Yes
State Environmental Planning Policy (Resilience and Hazards) 2021	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021	Yes
State Environmental Planning Policy (Industry and Employment) 2021	Yes

State Environmental Planning Policy (Biodiversity and Conservation) 2021

27. The relevant parts of the above Policy that apply to this application are Chapter 2 – Vegetation in non-rural areas, and Chapter 11 – Georges River Catchment.

Chapter 2 - Vegetation in Non-Rural Areas

28. Chapter 2 aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

29. This chapter applies to clearing of:

- (a) *Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016; and*
- (b) *Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council's development control plan (Development Control Plan).*

30. No landscaping works are proposed under this modification application.

Chapter 11 – Georges River Catchment

31. The primary relevant aims and objectives of this plan are:

- *to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, State, regional and local significance of the Catchment,*
- *to protect and enhance the environmental quality of the Catchment for the benefit of all users through the management and use of the resources in the Catchment in an ecologically sustainable manner,*
- *to ensure consistency with local environmental plans and also in the delivery of the principles of ecologically sustainable development in the assessment of development within the Catchment where there is potential to impact adversely on groundwater and on the water quality and river flows within the Georges River or its tributaries,*
- *to establish a consistent and coordinated approach to environmental planning and assessment for land along the Georges River and its tributaries and to promote integrated catchment management policies and programs in the planning and management of the Catchment,*

32. The modifications do not adversely impact on the existing stormwater management of the site.

State Environmental Planning Policy (Resilience and Hazards) 2021

33. Chapter 2 and Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 are relevant to the proposal.
34. Chapter 2 aims to: *“Promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016 including the management objectives for each coastal management area”.*
35. The subject site is not mapped as a Coastal Environment area and a Coastal Use area.
36. Chapter 4 aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.
37. Clause 4.6 requires contamination and remediation to be considered in determining a DA. The consent authority must not consent to the carrying out of development on land unless it has considered whether or not the land is contaminated.
38. The proposed modifications relate to minor internal changes to the approved building. In this regard, no further assessment is warranted with regards to site contamination.

State Environmental Planning Policy (Transport and Infrastructure) 2021

39. Compliance with SEPP (Transport and Infrastructure) 2021 has been considered during the assessment of this development application. The site is not mapped within a Transport and Infrastructure thus it is unlikely to be impacted by rail noise or vibration. Ausgrid was consulted as required by Chapter 2, no objection was raised to the proposed development and no conditions are required.

State Environmental Planning Policy (Industry and Employment) 2021

40. SEPP (Industry and Employment) 2021 has been consideration through the assessment of this development application. The proposed works do not impact upon the clauses and requirements as outlined under this SEPP, the interpretive text is erected internally.

Local Environmental Plan

41. The subject site is subject to the Georges River Local Environmental Plan 2021.

Part 2 - Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

42. The subject site is zoned B4 – Mixed Use under the provisions of GRLEP 2021. The approved use as commercial is a permissible form of development with Council's consent. The proposed modification does not seek to change the approved use of the building/tenancy.

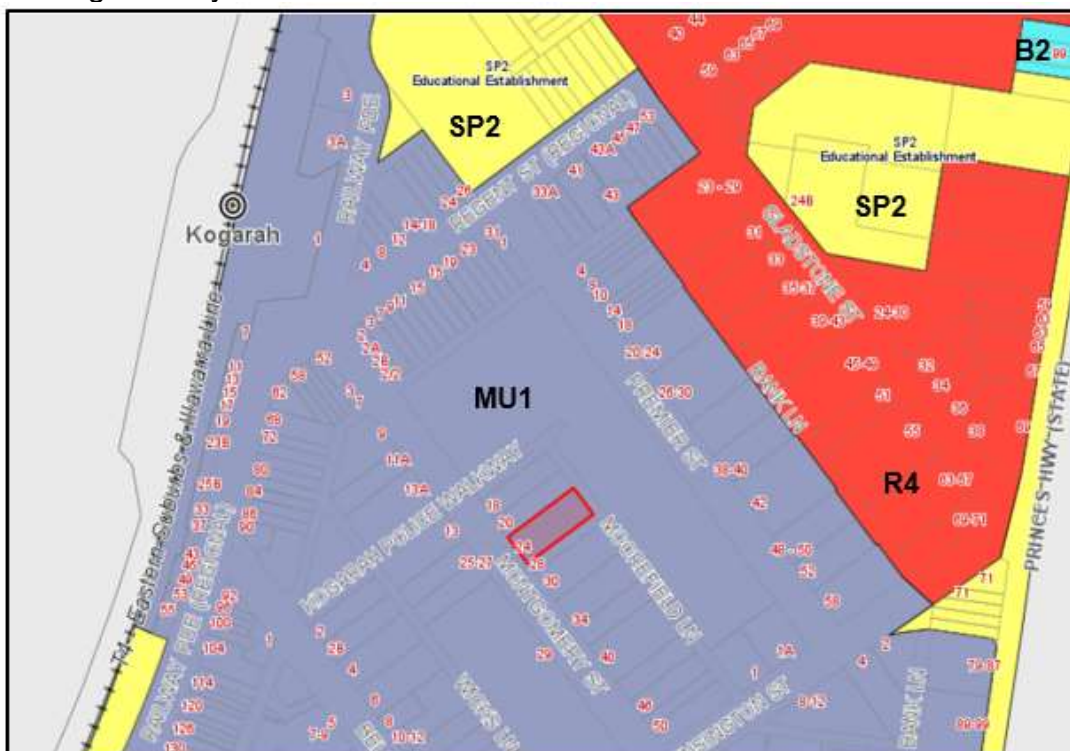


Figure 5: Zoning Map – The development site is outlined in red

43. The objectives of the MU1 Mixed Use zone under the GRLEP 2021 are:
- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
 - To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
 - To minimise conflict between land uses within this zone and land uses within adjoining zones.

- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations to maximise public transport patronage and encourage walking and cycling.*
- *To allow residential development that contributes to the vitality of the centre and provides housing that meets the needs of the community.*
- *To encourage the provision of community facilities and public infrastructure so that all residents have reasonable access to a range of facilities and services.*

44. The proposal to modify the proposed development is not inconsistent with the objectives of the zone as the approved development is not changing and will continue to be a commercial development.

Georges River Local Environmental Plan 2021 (GRLEP 2021)

Part 4 – Principal Development Standards			
Clause	Standard	Proposal	Complies
4.3 – Height of Buildings	39m as identified on Height of Buildings Map	39.12m - unchanged from MOD2020/0004 The proposal does not seek to modify the height of the building.	N/A
4.4 – Floor Space Ratio	4.5:1 as identified on Floor Space Ratio Map 3500.1sqm	4.5:1- unchanged from MOD2020/0004 The proposal does not seek to modify the floor space ratio.	N/A
4.5 Calculation of floor space ratio and site area	FSR and site area calculated in accordance with Cl.4.5	FSR calculated in accordance with this clause.	Yes
Part 5 - Miscellaneous Provisions			
5.10 – Heritage conservation	In accordance with Clause 5.10 (2)	Consent is required for works within the identified heritage Item being I183 'Leah Building'. The Statement of Cultural Significance taken from the State Heritage Inventory (SHI) Database is reproduced as follows: 'The Leah Buildings are locally significant as they represent an intact group of two storey Victorian residences	Yes

		<p><i>constructed 1888. They are part of the grand developments that occurred with the establishment of the Kogarah Township Estate Subdivision Est 1884. They also represent the shift in settlement from the road to the railway.'</i></p> <p>The application was accompanied by a heritage impact statement which was assessed by Council's External Heritage Consultant. A Heritage Interpretation Strategy was also submitted to Council and assessed as part of the modification application.</p> <p>It is noted that the plans have been amended in order to satisfy the Heritage Interpretation Strategy.</p> <p>The site is also opposite to local heritage item I84 - Kogarah Courthouse.</p> <p>The proposal will not result in adverse impacts to the heritage item.</p>	
Part 6 – Additional Local Provisions			
6.1 Acid sulfate soils	The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause	Not affected by Acid sulfate soils.	N/A

	environmental damage.		
6.2 Earthworks	To ensure that earthworks do not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	No earthworks are proposed under this modification application	N/A
6.3 Flood Planning	Applies to land identified as flood planning area on the flood planning map	Subject site is not flood affected	N/A

Georges River Development Control Plan 2021 (GRDCP 2021)

45. The proposed development is subject to the provisions of Georges River Development Control Plan 2021 (GRDCP 2021).
46. The removal of an internal heritage wall and retention of the wall nibs, insertion of a bulkhead and the installation of a text panel inside the building do not fall under any DCP specific controls for assessment. As such the proposed modifications do not conflict with the objectives and controls as outlined under GRDCP 2021.

Georges River Development Control Plan 2021 Draft Amendment

47. The draft Amendment No. 3 to the Georges River Development Control Plan (DCP) 2021 is being publicly exhibited between 19 April – 19 May 2023. This amendment seeks to harmonise all DCP controls relating to the Hurstville City Centre into the Georges River DCP 2021 and rectify a number of housekeeping issues comprising of unintended omissions, numerical, typographical, interpretation and formatting errors throughout the Georges River DCP 2021. This application has been assessed having regard to the current provisions of the relevant Development Control Plan.

Assessment

Proposed Modification

48. The proposed development has been assessed in accordance with Clause 5.10 of the GRLEP 2021. GRLEP 2021 Clause 5.10(2)(b) outlines that development consent is required for the *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item*. The subject site of this modification application is an item of heritage significance known as Leah Buildings (22-28 Montgomery Street, Kogarah) item no I183), which is listed in Schedule 5 of Georges River LEP 2021.
49. Through the assessment of this application a referral was sent to Council's Heritage Advisor for comment on the proposal. Upon review of the Heritage Advisors comments and the Statement of Environmental Effects outlining the rationale for the proposal, Council requested that a Heritage Interpretation Strategy be prepared by the Applicant

and submitted for review. The Heritage Interpretation Strategy was submitted on 3 February 2023; following an extension of time.

50. The State Heritage Inventory register notes that the listed Heritage Item known as Terraces “Leah Buildings” *are locally significant as they represent an intact group of two storey Victorian residences constructed 1888. They are part of the grand developments that occurred with the establishment of the Kogarah Township Estate Subdivision Est 1884. They also represent the shift in settlement from the road to the railway.*
51. Through the Heritage Interpretation Strategy and the heritage listing of the item, it is noted that the term “significance” refers to the streetscape impact and visual form in the township. The Heritage Interpretation Strategy and the heritage listing of the item does not make mention of the internal fabric impacting upon the streetscape and the visual form of the township. Subsequently, the areas internally to be modified will not impact upon the streetscape impact and visual form.
52. The Heritage Interpretation Strategy outlines that the opening in the wall (as evident below) would have been a door that has since been removed along with some of the wall to widen the access.

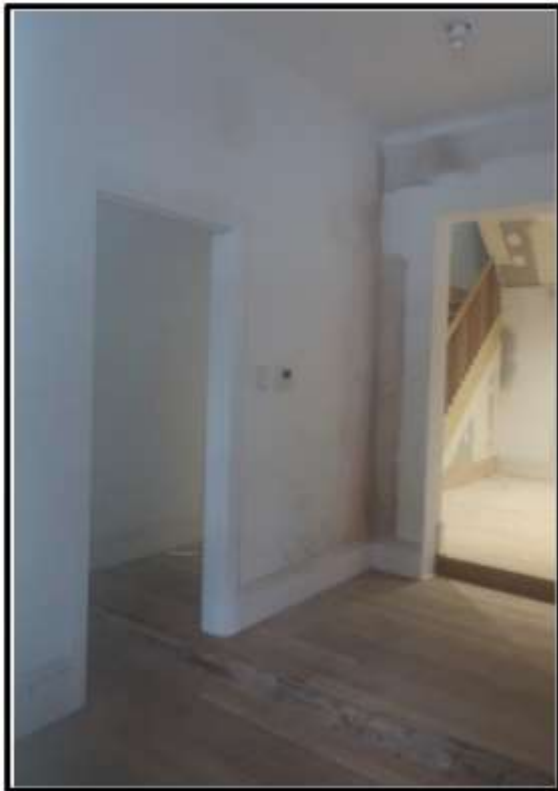


Figure 6: Site Inspection photos of wall to be demolished



Figure 7: Site Inspection photos of wall to be demolished



Figure 8: Site Inspection photos of wall to be demolished

53. The Heritage Interpretation Strategy has taken into consideration the site, identified audience, themes and storylines. The following interpretive strategies have been developed to support the proposal.
- Retention of the wall nibs and insertion of a bulkhead to interpret the original location and extent of the corridor wall by the entry to No.26.
 - A text panel inside the building discussing the traditional planning of terraced houses with a sketch plan of the original layout of the building.
54. Despite the Heritage Advisors comments and upon review of the Heritage Interpretation Strategy, there are sufficient grounds to support the proposal to demolish the internal wall with retention of the wall nibs and insertion of a bulkhead and the installation of a text panel internally to appropriately maintain knowledge of the historic layout of the premises.

Impacts

Natural Environment

55. The proposed building works do not make any substantial changes to the approved building footprint, with several internal reconfigurations. The changes are not considered to result in any unacceptable planning impacts to the natural environment.

Built Environment

56. The proposed works are not considered to result in an unacceptable built form planning impact.

Social Impact

57. No adverse social impacts have been identified as part of the assessment. The proposed development in principle will cater for a cross section of the community and will assist with providing for additional commercial space within the Kogarah Town Centre. The construction and use of a commercial building on the site is consistent with the zoning of the land. The retention of the nibs where the wall existed will help identify the original form of the terrace.

Economic Impact

58. There is no apparent adverse economic impact that is likely to result within the locality due to the modification to the approved development. It is likely that the construction of this development will have a small positive economic impact.

Suitability of the Site

59. The site is zoned MU1– Mixed Use. The proposal is a permissible form of development in this zone and the modifications are not changing the approved use. The modification is suitable for the subject site for the reasons outlined in this report.

Submissions, Referrals and The Public Interest

Submissions

60. In accordance with the requirements of GRDCP 2021 and Georges River Council's Community Engagement Strategy, the application was not publicly exhibited as, in the opinion of Council, the changes being sought did not intensify or change the external impact of the development to the extent that neighbours ought to be given the opportunity to comment.

Revised Plans

61. The applicant lodged revised plans on 11 April 2023. In accordance with the requirements of GRDCP 2021 these plans were not publicly exhibited as, in the opinion of Council, the changes being sought did not intensify or change the external impact of the development to the extent that neighbours ought to be given the opportunity to comment.

Council Referrals

Heritage Advisor

62. The proposal was referred to Council's Consultant Heritage Advisor as the subject site is an item of heritage significance known as Leah Buildings (22-28 Montgomery Street, Kogarah) item no I183), which is listed in Schedule 5 of Georges River LEP 2021. A Heritage Impact Statement (HIS) was provided in support of the modifications by the Applicant as part of the modification application.
63. The Heritage Advisor provided the following comments:

- *This proposal seeks to remove an internal wall at 24 Montgomery Street. It is noted that the building forms part of a group of three heritage-listed terrace houses, known as 'Leah Buildings'.*
- *The building as a whole, was recently subject to extensive alterations and additions together with partial demolition and construction of a multi-storey residential flat building, which was approved by the NSW Land and Environment Court. Subsequent modification applications have sought the further removal of original and significant fabric.*
- *The proposed change of use of the existing building to a commercial office (bank) was considered in a previous Development Application in April 2022 (DA2022/0112) and was supported in principle. However, the removal of the internal wall under that proposal was not supported. In the same manner, removal of the internal wall remains unsupported as such actions will involve the removal of fabric that will obscure and diminish the ability to interpret and appreciate the surviving extant layout and configuration of the terrace house. An examination of the NSWLEC approved plans for the parent DA involving the adaptive re-use and redevelopment to integrate a multi-storey residential flat building, show a floor plan which includes the retention of much of the original internal arrangement of the terrace house. Any subsequent alterations and additions to the building must not be a disconnect to or otherwise 'undo' the conservation works which were undertaken as part of the parent redevelopment of the building.*
- *It is acknowledged that the HIS suggests that the fabric removed can be stored in the basement of the building to permit future reinstatement and that nibs and a bulkhead will be retained of the wall as part of the interpretation of the wall. However, as per the advice above, the ethos of the parent Development Application was approved on the basis that it would result in the conservation of the heritage item, including interiors, rather than the continual degradation of the building to the point that the heritage item survives in the façade only. The HIS also opinions that removal of the fabric would have a 'minor adverse heritage impact'. Any adverse impact is not considered an acceptable outcome and does not accord with sound conservation practice.*
- *The proposed modifications are not supported on heritage grounds for the reasons outlined above and would have an adverse and unacceptable impact on the heritage significance on the item. The proposal does not satisfy the requirements of clause 5.10 of the Georges River LEP 2021 accordingly.*

64. Notwithstanding the Heritage Advisors comments, upon review of the Heritage Interpretation Strategy, there are sufficient grounds to support the proposal. The demolition of the internal wall with retention of the wall nibs and insertion of a bulkhead as well as the installation of a text panel internally appropriately maintains knowledge of the historic layout of the premises. The opening of the wall allows future modern uses within a heritage item. The preservation and workmanship to retain wall nibs and a bulkhead allows the original layout of the terrace to be evident. Furthermore, the text panel to be installed internally clearly identifies the original layout of the heritage item. The proposal is supported in this instance.

Building Surveyor

65. The application was referred to Council's Building Surveyor, no objection was raised to the modifications involving the removal of an internal wall.

Geographic Information Services (GIS)

66. The application was referred to Council's GIS Officer in error when the application was lodged through Council's system. The application does not seek to amend the property addresses and subsequently no amendment in this regard is required.

Development Contributions

67. Section 7.11 Contributions are not affected by his modification and as such are not applicable.

Conclusion

68. The application has been assessed having regard to the Matters for Consideration under Section 4.56(1) and Section 4.15 (1) of the Environmental Planning and Assessment Act 1979, the provisions of the GRLEP 2021 and the GRDCP 2021.
69. Having regard to the above, it is considered that the proposed modification to the building involving the deletion of a heritage internal wall will not adversely affect the building fabric. The modification to the development does not affect the use of the building as a commercial development and will be substantially the same as that originally approved. Accordingly, the proposed modifications should be supported, and the consent modified.

Recommendation

70. It is recommended for MOD2022/0143 be approved for the following reasons:
- The proposal will not result in unreasonable impacts on the heritage item.
 - The proposal to enable the adaptive reuse of parts of the heritage item and is consistent with the objectives of the MU1 zone.
 - The proposed development will not result in unreasonable impacts to the natural and built environment.
 - The proposed development will not result in unreasonable amenity impacts to the adjoining neighbours.
 - The proposed development is in the public interest.

Conditions Modified or Deleted

71. The following conditions have been deleted or modified in conjunction with this approval:
- Condition 1 – Approved plans – modified to reflect the amended plans.
 - Condition 73A – Heritage – condition added
 - Condition 89A – Heritage – condition added

Section A Development Details

1. Approved Plans

The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Reference No.	Description	Date	Revision	Prepared by
DA 0000	Cover Page	27 June 2019 19 November 2019	B C	Architecture and Building Works
DA-0100 A-0100	Site Plan	27 June 2019 19 November 2019	C D	Architecture and Building Works

Basement 5 Plan Deleted				
DA-0200 A-0200	Basement 4	27 June 2019 19 November 2019	B C	Architecture and Building Works
DA-0300 A-0300	Basement 3	27 June 2019 19 November 2019	B C	Architecture and Building Works
DA-0400 A-0400	Basement 2	27 June 2019 19 November 2019	B C	Architecture and Building Works
DA-0500 A-0500	Basement 1	27 June 2019 19 November 2019	B C	Architecture and Building Works
DA-0600 A-0600	Lower Ground Floor Plan	27 June 2019 10 January 2020	A C	Architecture and Building Works
DA-0700 A-0700	Ground Floor Plan	27 June 2019 21 April 2020 22 Sept 2020 6 April 2023	B E F K	Architecture and Building Works Loucas Architects
DA-0800 A-0800	Level 1 Floor Plan	27 June 2019 19 November 2019 22 Sept 2020	C D F	Architecture and Building Works
DA-0900 A-0900	Level 2 Floor Plan	27 June 2019 19 November 2019 22 Sept 2020	C D F	Architecture and Building Works
DA-1000 A-1000	Level 3 Floor Plan	27 June 2019 19 November 2019 22 Sept 2020	C D F	Architecture and Building Works
DA-1100 A-1100	Level 4 Floor Plan	27 June 2019 19 November 2019 22 Sept 2020	D E F	Architecture and Building Works
DA-1200 A-1200	Level 5 Floor Plan	27 June 2019 19 November 2019	C D	Architecture and Building Works
DA-1300 A-1300	Level 6 Floor Plan	27 June 2019 19 November 2019	C D	Architecture and Building Works
DA-1400 A-1400	Level 7 Floor Plan	27 June 2019 19 November 2019	C D	Architecture and Building Works
DA-1500 A-1500	Level 8 Floor Plan	27 June 2019 19 November 2019	C D	Architecture and Building Works
DA-1600 A-1600	Level 9 Floor Plan	27 June 2019 19 November 2019	C D	Architecture and Building Works

DA 1700 A-1700	Roof Plan	27 June 2019 19 November 2019	C D	Architecture and Building Works
DA 2000 A-2000	South west Elevation	27 June 2019 21 April 2020	D F	Architecture and Building Works
DA 2100 A-2100	South east Elevation	27 June 2019 19 November 2019	D E	Architecture and Building Works
DA 2200 A-2200	North east Elevation	27 June 2019 19 November 2019 22 Sept 2020	D E F	Architecture and Building Works
DA 2300 A-2300	North west Elevation	27 June 2019 19 November 2019	C D	Architecture and Building Works
DA 2400 A-2400	South west Elevation Detail	27 June 2019 21 April 2020	D G	Architecture and Building Works
DA 2500 A-2500	Sections	27 June 2019 19 November 2019	B C	Architecture and Building Works
DA 2600 A-2600	Driveway Sections	27 June 2019 19 November 2019	B C	Architecture and Building Works
DA 4100 A-4100	GFA Calculation	27 June 2019 19 November 2019	B C	Architecture and Building Works
A4101 A-4200	GFA Calculation 2	27 June 2019 19 November 2019	B C	Architecture and Building Works
DA 4400 A-4400	Construction Management Plan	27 June 2019 19 November 2019	B C	Architecture and Building Works
DA 4500 A-4500	Lobby Wall Elevation	27 June 2019 19 November 2019	B C	Architecture and Building Works
DA 4501 A-4501	Detail – Ground Floor Lobby	27 June 2019 21 April 2020	C E	Architecture and Building Works
DA 4700 A-4700	Demolition Plan	27 June 2019 19 November 2019	B C	Architecture and Building Works
A-0002	Material Sample	February 2019		Architecture and Building Works
IS0220DA1 IS0220DA2 IS0220DA3	Landscape Plan	19 February 2019	-	Isthmus Pty Ltd
16MB7309/D01	Concept Stormwater – Site & Roof Drainage Plan	4/04/2018	B	United Consulting Engineers Pty Ltd
16MB7309/D02	Concept Stormwater – Lower Ground	4/04/2018	B	United Consulting Engineers Pty Ltd

	Floor Drainage Plan			
16MB7309/D02	Concept Stormwater – Basement 4 Drainage Plan	4/04/2018	B	United Consulting Engineers Pty Ltd

LPP007-23

Documents relied upon:

Heritage Interpretation Strategy, prepared January 2023, revision 1, by Umwelt (Australia) Pty Limited

This condition has been modified by MOD2019/0117 & MOD2020/0004 (DA2018/0138)

This condition has been modified by MOD2020/0191 (DA2018/0138)

Section B Separate Approvals Required Under Other Legislation

2. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993 for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- a) Placing or storing materials or equipment;
- b) Placing or storing waste containers or skip bins;
- c) Erecting a structure or carrying out work
- d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- e) Pumping concrete from a public road;
- f) Pumping water from the site into the public road;
- g) Constructing a vehicular crossing or footpath;
- h) Establishing a “works zone”;
- i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- j) Stormwater & ancillary works in the road reserve; and
- k) Stormwater & ancillary to public infrastructure on private land
- l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The relevant Application Forms for these activities can be downloaded from Council’s website www.georgesriver.nsw.gov.au. For further information, please contact Council’s Customer Service Centre on (02) 9330 6400.

3. Stormwater Drainage Application

- a) This Development Consent does not give approval to undertake works on Council stormwater drainage. A separate approval of a Stormwater Drainage Application is required under Section 138 of the [Roads Act 1993](#) and/or Section 68 of the [Local Government Act 1993](#) to undertake:
 - i. Stormwater & ancillary works in the road reserve. This includes connections to Council stormwater pits and or pipes. Excludes connection of stormwater to the kerb.
 - ii. Stormwater & ancillary to public infrastructure on private land
- b) The Stormwater Drainage Application approval must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.
- c) Any stormwater connections to the kerb and gutter are to be in accordance with Council's 'Specification for Construction by Private Contractors'.

The Application Form for this activity can be downloaded from Council's website www.georgesriver.nsw.gov.au. For further information, please contact Council's Customer Service Centre on (02) 9330 6400

4. Vehicular Crossing - Major Development

The following vehicular crossing and road frontage works will be required to facilitate access to and from the proposed development site:

- a) Construct a one (1) metre wide footpath for the full length of both frontages of the site in accordance with Council's Specifications applying at the time construction approval is sought.
- b) The thickness and design of the driveway shall be in accordance with Council's Specifications applying at the time construction approval is sought.
- c) A new 150mm high concrete kerb with 450mm wide gutter for the full frontage(s) of the site in accordance with Council's Specifications for kerb and guttering, applying at the time construction approval is sought.
- d) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant. The work shall be carried out in accordance with Council's specification, applying at the time construction approval is sought.

Constructing a vehicular crossing and/or footpath requires separate approval under Section 138 of the Roads Act 1993, prior to the commencement of those works.

5. Road Opening Permit

A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the RMS, in the case of State roads, for every opening of a public road

reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

6. Building - Hoarding Application

- a) Prior to demolition of the buildings on the site or the commencement of work above ground level a separate application for the erection of an A class (fence type) or a B class hoarding or C type scaffold, in accordance with the requirements of Work Cover Authority of NSW, must be erected along that portion of the footway/road reserve, where the building is within 3.0 metres of the street boundary.
- b) An application for this work under Section 68 of the Local Government Act 1993 and the Roads Act 1993 must be submitted for approval to Council.

7. The following information is to be submitted with a Hoarding Application under s68 of the Local Government Act and s138 of the Roads Act 1993:

- a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available on our website) before the commencement of work; and
- d) A Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party; and
- e) The application must be endorsed by the Roads & Maritime Services (RMS) as the hoarding is located within 100m of an intersection with traffic lights. For assistance you should contact the DA unit at RMS and speak to Hans on 88492076. Or email hans.pilly.mootanah@rms.nsw.gov.au to obtain concurrence for the hoarding structure.

8. Below ground anchors - Information to be submitted with S68 Application under LGA 1993 and S138 Application under Roads Act 1993

- a) In the event that the excavation associated with the basement car park is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways, an application must be lodged with Council under Section 68 of the Local Government Act 1993 and the Roads Act 1993 for approval, prior to commencement of those works.
- b) The following details must be submitted.
 - (i) Cable anchors to be stressed released when the building extends above ground level to the satisfaction of Council;

- (ii) The applicant has indemnified Council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of Council;
- (iii) Documentary evidence of such insurance cover to the value of \$20 million;
- (iv) The applicant must register a non-terminating bank guarantee in favour of Council for the amount of **\$36,000.00** (based on the Moorefield Lane frontage);
- (v) The guarantee will be released when the cables are stress released. In this regard it will be necessary for a certificate to be submitted to Council from a structural engineer at that time verifying that the cables have been stress released.
- (vi) In the event of any works taking place on Council's roadways/footways adjoining the property while the anchors are still stressed, all costs associated with overcoming the difficulties caused by the presence of the 'live' anchors will be borne by the applicant.

Section C Requirements of Concurrence, Integrated & Other Government Authorities

9. Trade Waste Agreements

A Trade Waste Agreement with Sydney Water may be required. Details of any work required to comply with the agreement must be detailed on the plans lodged with the Construction Certificate. If no trade waste agreement or grease trap is required, a letter from Sydney Water to this effect must be submitted with the application for the Construction Certificate.

10. Notice of Requirements for a Section 73 Certificate

A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

11. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA prior to the issue of the Occupation Certificate.

12. AUSGRID

- a) Ausgrid substation

The applicant is to confer with Ausgrid to determine if an electricity distribution substation is required. If so, shall be incorporated within the Construction Certificate and it will be necessary for the final film survey plan to be endorsed with an area having dimensions 5m x 4m over the location of the proposed electricity distribution substation to be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements are to be met prior to release of the occupation certificate.

b) Clearances to Overhead Mains

If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, the applicant is to confer with Ausgrid to determine if satisfactory clearances to any existing overhead mains will be affected. If so, the applicant is to make arrangements with Ausgrid for any necessary modification to the electrical network in question. These works to be at the applicant's expense and Ausgrid's requirements are to be met prior to actual construction commencing on site or as agreed with Ausgrid.

c) Service Mains

It appears the existing overhead electricity service mains, that supply the subject property, may not have sufficient clearance to the proposed construction as per the requirements of "The Installation and Service Rules of NSW". It is recommended that the developer engage a Level 2 Accredited Service Provider (ASP) Electrician to ensure that the installation will comply with the Service Rules.

d) Proximity to existing network Assets – Overhead powerlines

There are existing overhead electricity network assets in Montgomery St and Moorefield Ln. Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au

(This condition has been modified by MOD2020/0004 (DA2018/0138))

13. TRANSPORT ROADS & MARITIME SERVICES

- i. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004.
- ii. The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In

this regard, a plan shall be submitted to Council for approval which shows that the proposed development complies with this requirement.

- iii. It is noted on-street parking is available along both sides of Montgomery Street. All vehicles are to enter/exit the site without conflict with the kerbside parking.
- iv. All vehicles are to enter and exit the site in a forward direction.
- v. Provision for vehicles to turn around must be provided within the property boundary.
- vi. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for determination prior to the issue of a construction certificate.
- vii. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Princes Highway during construction activities.
- viii. All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime

14. SYDNEY AIRPORT

In accordance with The Airports (Protection of Airspace) Regulations 1996, regulation 14(1) (b), by the Department of Infrastructure, Regional Development and Cities imposes the following conditions on any approval:

- a) The building **must not exceed** a maximum height of ~~67.11 metres~~ **64.76 metres AHD**, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any rooftop garden plantings, exhaust flues etc.
- b) The Proponent **must advise** Airservices Australia at least three business days prior to the controlled activity commencing by emailing [<ifp@airservicesaustralia.com>](mailto:ifp@airservicesaustralia.com) and quoting SY-CA-438.
- c) The building must be obstacle lit by low intensity steady red lighting at the highest point of the building. Obstacle lights are to be arranged to ensure the building can be observed in a 360 degree radius as per subsection 9.4.3 of the Manual of Standards Part 139 – Aerodromes (MOS Part 139).
- d) The proponent must ensure obstacle lighting arrangements have a remote monitoring capability, or Sydney Airport is to monitor the ongoing availability of the obstacle lighting.
- e) The obstacle lighting must be maintained in serviceable condition and any outage. For detailed requirements for obstacle monitoring within the OLS of an aerodrome, refer to subsection 9.4.10 of the MOS Part 139.
- f) Separate approval **must be sought** under the Regulations for any construction equipment (i.e. cranes) required to construct the building.
- g) Construction cranes may be required to operate at a height significantly higher

than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, approval to operate construction equipment (i.e. cranes) must be obtained prior to any commitment to construct.

- h) On completion of construction of the building, the applicant must provide Georges River Council and the airfield design manager with a written report from a certified surveyor on the finished height of the building.
- i) **Breaches of approval conditions are subject to significant penalties** under Sections 185 and 187 of the Act.
- j) Lighting erected onto any obstruction (building, crane or telecommunication tower within the flight path or above 110 metres in height whether it is located within a flight path or not, must be able to be detected by night Vision Goggles (or Equivalent). Lighting that is red in colour and low intensity steady light is preferable.

(This condition has been modified by MOD2020/0004 (DA2018/0138))

Section D Prior to the Issue of a Construction Certificate

FEES AND CONTRIBUTIONS

15. Fees Payment

- a) Any fees are to be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.georgesriver.nsw.gov.au).
- b) Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).
- c) Council will only accept Bank Cheque or Electronic Funds Transfer (EFT) for transaction values of \$500,000 or over. Council must be contacted prior to payment to determine correct total amount to be paid and bank account details (if applicable).

16. Damage Deposit - Major Works

- a) In order to insure against damage to Council property the following is required:
 - (i) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$42,024.00**.
 - (ii) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee (for two inspections) to enable assessment of any damage and repairs where required: **\$371.00**.
- b) Submit to Council, before the commencement of work, a dilapidation report of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will review the dilapidation report and the Works-As-

Executed Drawings (if applicable) and inspect the public works.

The damage deposit will be refunded in full upon completion of work where no damage occurs and where Council is satisfied with the completion of works. Alternatively, the damage deposit will be forfeited or partly refunded based on the damage incurred.

17. General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

18. Development Contributions

The Section 7.11 contribution is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

DEVELOPMENT CONTRIBUTIONS	Contribution assessed	Credit 1B Shop top	Contribution Payable
No.8 – Streetscape, Open Space & Public Domain	244,416.60	(6,233.24)	238,183.37
No.8 – Traffic Facilities	174,327.83	(12,621.68)	161,706.15
No.8 – Parking	\$102,154.47		102,154.47
TOTAL Contribution currently payable			502,043.99

a) Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Section 94 Development Contributions Plan.

b) Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

c) Further Information

A copy of the *all current Development Contributions Plans* may be inspected or a copy purchased at Council's offices (Georges River Civic Centre, MacMahon Street, Hurstville and Kogarah Library and Service Centre, Kogarah Town Square, Belgrave Street, Kogarah) or viewed on Council's website www.georgesriver.nsw.gov.au.

(This Condition Amended by (MOD2019/0117)(DA2018/0138)

19. Traffic and Parking

A detailed traffic management Plan must be submitted and approved by Georges River Council based on the design as amended. The Plan must include but not limited to:

- Driveway access to comply with figure 3.3-Minimum Sight Lines for Pedestrian Safety as per AS 2890.1:2004 of the Australian Standard for off-street car parking.

Figure 3.3 specifies the minimum sight lines for pedestrian safety along a circulation driveway or domestic driveway.

- b) All allocated car parking spaces shall be freely available for the customers of the proposed development.
- c) Any wall or fence or solid object on either side of the driveway/vehicular crossing where it meets the Council's road reserve at the boundary must comply with sight distance requirements stipulated in the *Australian Standards AS2890.1*.
- d) All vehicles shall enter and exit the premises in a forward direction.
- e) No deliveries to the premises shall be made direct from a public place or street inclusive of footpaths, nature strip, roadway and car parks.
- f) All loading and unloading of vehicles in relation to the use of the premises shall take place wholly within the dedicated loading/unloading areas, which is wholly within the site.

20. Site Management Plan

A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:

- a) location of protective site fencing;
- b) location of site storage areas/sheds/equipment;
- c) location of building materials for construction, e.g. stockpiles
- d) provisions for public safety;
- e) dust control measures;
- f) method used to provide site access location and materials used;
- g) details of methods of disposal of demolition materials;
- h) method used to provide protective measures for tree preservation;
- i) provisions for temporary sanitary facilities;
- j) location and size of waste containers/skip bins;
- k) details of proposed sediment and erosion control measures;
- l) method used to provide construction noise and vibration management;
- m) construction and demolition traffic management details.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

21. Building Works To Comply With BCA – Heritage Buildings Or Buildings Within Conservation Area

Any building works required to ensure compliance with the BCA or new building standards not specified in the submitted/approved plan must not damage existing fabric and building features. If such upgrading works will potentially impact on existing fabric and features, details of the works must be submitted and approved by Council's Heritage Advisor prior to issue of a Construction Certificate.

22. Sites in The Vicinity of a Heritage Item – Major Development

A protection strategy for the duration of the construction works, is to be submitted to and approved by Council's Heritage Advisor prior to the issue of the Construction Certificate. The Strategy is to detail how the proposed works will ensure that the buildings at 22-28 Montgomery Street are to be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or

structural disturbance or damage.

Additionally, the protection strategy is to include:

- a) Details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled onto the adjacent property fabric or interiors.
 - i. Construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, is to be removed progressively as the works progress.
 - ii. A geotechnical report detailing the investigation of the location and depth of footings of the adjacent buildings. This report should address details of lateral ground movement, advice of any additional boundary offsets that may be required as a result of the location of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings.
 - iii. Details of the proposed protection of party walls from damp and water ingress during the works.

23. Heritage Conservation Works

- a) Prior to the issue of the Construction Certificate, a schedule of conservation works to be undertaken concurrent with the works is to be submitted to Council's Heritage Advisor for approval.
- b) The schedule is to detail the conservation of all fabric identified as having a heritage significance and value including but not limited to the following: the retained portion of the Buildings at no. 22-26 Montgomery Street in accordance with the approved plans.
- c) The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.
- d) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.
- e) All conservation and adaptation works are to be in accordance with the Articles of the [Australian ICOMOS Burra Charter 1999](#). Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
- f) INSPECTION AND APPROVAL: The conservation works are to be progressively inspected by, and be implemented to the satisfaction of, Council's Heritage Advisor prior to the issue of the Occupation Certificate or commencement of the use, whichever is the earlier.

23A Hydrant booster and heritage balustrade

Hydrant booster and heritage balustrade

- (a) The installation of the hydrant booster to the front elevation of the heritage item shall be undertaken in a manner that involves the least amount of material affectation to original fabric. There shall be no penetrations or anchor points made to any vertical surface of the wall of the heritage item and all penetrations and anchor points shall be made as discreetly and as minimally as possible to the floor only.

- (b) The modification of the existing cast iron balustrade shall be undertaken in accordance with the detailed specifications and plans prepared by NBR Architecture dated 27 April 2020, except as follows:
 - i) The sliding bolt and latch fixed to the gate frame shall be installed on the inner facing side of the balustrade gate so as to not be visible from the street."

(This condition has been added by MOD2020/0004 (DA2018/0138))

24. Photographic Archival Documentation (Major Works)

Prior to a Construction Certificate being issued, an archival photographic recording of the buildings elements is to be prepared to Council's satisfaction. The recording is to be in digital form, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives (see <http://www.environment.nsw.gov.au/Heritage/publications>).

The archival documentation, and the number and type of selected enlarged photographs required will be determined by the significance and quality of the building or structure. For a scope of work, refer to Council's Heritage Advisor to determine the particular architectural/design features of the building/site that may need to be recorded.

Because significant fabric may remain concealed and only be exposed during construction works, the archival recording is to be undertaken in stages, prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project, and submitted as two parts as follows.

- a) The first submission of the archival recording of significant building fabric or furnishings is to be prior to the removal of any significant building fabric or furnishings from the site, and must be submitted to and approved by Council prior to the commencement of any work on site and prior to a Construction Certificate being issued.
- b) The second submission of the archival recording is of significant building fabric or furnishings that is exposed during demolition or construction and after work has been completed on site, and must be submitted to Council prior to an Occupation Certificate being issued.

The form of recording is to be a photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s) photographed, where appropriate, using a camera/lens capable of 'perspective correction'.

This copy to be lodged with Council is in addition to that required by the Heritage Division of the Department of Environment and Heritage of NSW under the terms of the Conditions of Consent.

- c) For each of the two submissions listed above in (a) and (b), the digital form of the recording is to be as follows:

- i. The Development Application number and the Condition of Consent number must be noted.
 - ii. Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
 - iii. The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images.
 - iv. Include written confirmation, issued with the authority of both the applicant and the photographer that Georges River Council is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
- d) The report can be submitted on a USB, CD or DVD, in PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each: DOS title, image subject/description and data photograph taken.

25. Erosion & Sediment Control

Erosion and sediment controls must be provided to ensure:

- a) Compliance with the approved Erosion & Sediment Control Plan
- b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- c) All clean water runoff is diverted around cleared or exposed areas
- d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- h) Compliance with Managing Urban Stormwater - Soils and Construction (Blue Book) produced by Landcom 2004.

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

26. Pre-Construction Dilapidation Report - Private Land

A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to:

- a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.
- b) The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.
- c) A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the PCA.
- d) Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

27. Stormwater System

- a) The submitted stormwater plans have been assessed and approved as concept plans only, A Detailed Stormwater Plan and supporting information of the proposed on-site stormwater management system is to be submitted to Council prior to the issue of the construction certificate. The required details in this Plan and the relevant checklist are presented in the document 'Water Management Policy. Kogarah Council. August 2006'.
- b) The design parameters and the general concept of the proposed on-site stormwater management system are to be the same as documented in the approved Concept Stormwater Plan for the proposed development. Any conceptual variations to the stormwater design will require written approval from Council and will require to be justified and supported by appropriate details, calculations and information to allow for proper assessment.
- c) ~~The Detailed Stormwater Plan is to address the following issue(s):~~
 - i. ~~The location of the proposed On-site Detention tank on the concept plans encroaches into the commercial garbage room located on the lower ground floor plan. It also encroaches into the area adjacent to the nominated vehicle loading area. The design of the On-site Detention tank is to be amended to address these encroachments.~~
 - ii. An oil/silt separator sized to the catchment area must be specified on the Detailed Stormwater Plan and located downstream of the proposed basement car parks and prior to discharge to Councils stormwater system.
 - iii. The design is to clearly detail all of the following information. 'The connection to Council's stormwater pit is to be made as high within the pit as practical and must be at a level at or above the top third of the Council pipe exiting the pit. The connection is to be neat and shall not protrude into the pit. The applicant is required to contact Council's Stormwater Section on 9330 6400 to organise for an inspection of the connection to Council's stormwater pit prior to backfilling. A minimum of 24 hours' notice is required for inspections.'

- iv. The stormwater design is to be revised to be in accordance with the approved architectural and landscape plans.
- d) The Detailed Stormwater Plan is to be certified by a professional engineer specialising in hydraulic engineering. A Statement, that the stormwater system has been designed in accordance with the document 'Water Management Policy. Kogarah Council. August 2006' and satisfies the provisions and objectives of that policy along with the requirements stated above must be included with the Stormwater Detailed Plan.
- e) A 24.7m³ On-Site Detention system with a Maximum Site Discharge of 13.7 Litres per Second is to be provided in accordance with the Stormwater Concept Plan and associated Design Assessment Report. The overflow is to be directed to the site drainage system.
- f) A security deposit of \$3000 shall be lodged with Council for the protection of Council's stormwater system. This deposit will be refunded after the issue of the Occupation Certificate and upon completion of all works on and associated with the site, subject to the stormwater connection having being made in accordance with Council's requirements.

(This condition has been modified by MOD2020/0004 (DA2018/0138))

28. Stormwater Systems with Basement

- a) The underground basement car park must pump to and all other stormwater must drain by gravity to:
 - i. the drainage system within the site via a silt trap pit .
 - ii. The design of the proposed drainage system must be prepared by a professional engineer who specialises in hydraulic engineering and be submitted for approval with the Construction Certificate application.
- b) The underground basement shall be protected from possible inundation by surface waters from the street.
 - i. Evidence from a professional engineer who specialises in hydraulic engineering that this design requirement has been adhered to shall be submitted with the Construction Certificate application.

29. Fire Safety Measures

Prior to the issue of a construction certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PCA. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.

30. Structural details

Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works. A copy shall be forwarded to Council where Council

is not the PCA.

31. Access for Persons with a Disability and Adaptable Housing

Access for persons with disabilities must be provided throughout the site, including to all common rooms, lobby areas, commercial premises and sanitary facilities in accordance with the requirements of the Premises Standards, the Building Code of Australia and AS 1428.1. Details must be submitted with the Construction Certificate Application.

In regards to the above, pedestrian access throughout basement levels shall be highlighted/line marked and sign posted to safeguard egress.

32. Geotechnical report

Geotechnical Reports: The applicant must submit a Geotechnical Report, prepared by a suitably qualified Geotechnical Engineer who holds the relevant Certificate of accreditation as required under the Building Professionals Act 2005 in relation to dilapidation reports, all site works and construction. This is to be submitted **before the issue of the Construction Certificate** and is to include:

- a. Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
- b. Dilapidation Reports on the adjoining properties prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the Certifying Authority and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.
- c. On-site guidance by a vibration specialist during the early part of excavation.
- d. Rock breaking techniques. Rock excavation is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures.
- e) Sides of the excavation are to be pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.

33. Building fire safety

Prior to the issue of a Construction Certificate the applicant may be required, under Clause 144 of the Environmental Planning & Assessment Regulation, 2000 to seek written comment from FR NSW about the location of water storage tanks, construction of hydrant/booster pump and valve rooms, and any Fire Engineered Solution developed to meet the performance requirements under the Category 2 Fire Safety Provisions

The applicant is also advised to seek written advice from FR NSW on the location and construction of the proposed Fire Control Centre Facility and location and installation of the sites Fire Indicator / mimic Panels.

34. Vibration Damage

(Vibration Damage) To minimise vibration damage and loss of support to the buildings in close proximity to the development, any excavation is to be carried out by means of a rock saw and if available, in accordance with the guidelines of the Geotechnical Engineer's report.

Alternatively where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) a report from a qualified geotechnical engineer detailing the maximum size of hammer to be used is to be obtained and the recommendations in that report implemented during work on the site. **The report shall be submitted with the Construction Certificate application.**

35. Slip Resistance

All pedestrian surfaces in areas such as foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in the wet rooms in any commercial/retail/residential units must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2004 - Slip Resistance Classifications of New Pedestrian Materials and must be detailed on the plans lodged with the application for the Construction Certificate.

36. Traffic Management - Compliance with AS2890

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities).

37. Written Approval Under Section 138 of the Roads Act

Prior to the issue of a Construction Certificate the design will need to receive written approval under Section 138 of the Roads Act and Section 68 of the Local Government Act 1993.

38. Roof Water and Surface Water Disposal

All roof water and surface water from paved or concreted areas are to be disposed of in accordance with the Detailed Stormwater Plan by means of a sealed pipeline constructed in accordance with AS/NZS 3500.3:2015.

39. Acoustic Requirements - Submission of an Acoustic Report

Prior to issuing a Construction Certificate, the proponent must provide Georges River Council with an Acoustic Assessment assessing the impact of all proposed mechanical plant on the receiving environment as well as demonstrating compliance with Noise Policy for Industry (NSW EPA, 2017).

Written verification from a suitably qualified acoustic consultant must be submitted to Council validating that the acoustic objectives contained within the aforementioned report will be met, must be submitted to Council for approval. The Construction Certificate will not be issued until Council approves this validation.

40. Car Wash Bays

~~Plans and specifications of the car washing system which has been approved by Sydney Water must be submitted with the application for the Construction Certificate.~~

~~All car washing bays shall be contained within a roofed and bunded car wash bay with pre-treatment approved by Sydney Water. The water from the car wash bay must be graded to a drainage point and connected to sewer.~~

~~If alternative water management and disposal options are proposed (i.e. where water is recycled, minimised or reused on the site), detailed plans and specifications of the water recycling system must be submitted with the application for the Construction Certificate for approval.~~

(This condition has been deleted by MOD2020/0004 (DA2018/0138))

41. Site Investigation Requirements - Detailed Site Investigation

A detailed site contamination investigation of the deep soil zone only, proposed for onsite retention in the northern section of the development site, must be carried out by an appropriately qualified contamination consultant in accordance with the requirements of the relevant NSW EPA Guidelines approved under the Contaminated Land Management Act 1997 including the EPA Guidelines for Consultants Reporting on contaminated sites and shall certify the suitability of the site for the proposed development. If investigation finds that contamination makes the land unsuitable for the proposed development and remediation is required, a Remedial Action Plan (RAP) must be submitted to Council prior to Council making a determination. Council reserves the right to require a site audit of the RAP.

42. Site contamination – Additional information

Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately.

The following steps must then be taken before any further works proceed onsite:

A further detailed investigation of the site should then be prepared by a suitably qualified contaminated land consultant and submitted to Council.

This report must consider whether the land is contaminated, and

- ☐ if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

43. Remedial Action Plan (RAP)

The Remedial Action Plan (RAP) must be prepared by an suitably qualified consultant in accordance with NSW Department of Environment and Conservation (DEC) and NSW Environmental Protection Authority (EPA) Guidelines and shall document all the remedial

works to be undertaken at the site and also contain an environmental management plan and occupational health and safety plan for the remedial works.

Remediation Works

All remediation work must be carried out in accordance with:

- a) The Managing Land Contamination: Planning Guidelines SEPP 55 Remediation of Land; and
- b) The EPA Guidelines made under the Contaminated Land Management Act 1997.
- c) And in accordance with the proposed Remedial Action Plan.

44. Validation Report

After completion of all Remediation works, a copy of the Validation and Monitoring Report prepared by suitably qualified contaminated land consultant shall be submitted to Council. The Construction Certificate shall not be issued until Council approves this Report. The validation report shall be prepared in accordance with the Office Environment and Heritage Guidelines, *Consultants Reporting on Contaminated Sites*, and shall certify the suitability of the site for the proposed development.

- a) describe and document all works performed;
- b) include results of validation testing and monitoring;
- c) include validation results of any fill imported on to the site;
- d) show how the objectives of the Remedial Action Plan have been met;
- e) show how all agreed clean-up criteria and relevant regulations have been complied with; and
- f) include clear justification as to the suitability of the site for the proposed development and the potential for off-site migration of any residual contaminants.

45. Waste Management Plan

A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

46. Waste Storage

The construction certificate plans shall include details of the waste storage area. The waste storage area shall not be visible from the street. The waste storage area shall be located within the lot/building in accordance with the approved plans.

The waste storage area shall be large enough to accommodate the required number of bins for the development and located in an area to suitably facilitate servicing on waste collection day.

The path to the bin room is to be at least 1.0 metres wide and kept clear and unobstructed at all times.

Commercial Waste

Appropriate waste and recycling containers and facilities will need to be provided for all specific end use businesses in accordance with the following waste generation rates:

- a) Retail Trading – shops, to 100 square metres - 0.1-0.2 cubic metres per 100 square metres of floor area per day;
- b) Restaurants and Food Shops – 0.3-0.6 square metres per 100 meals, plus up to 0.15 cubic metres of beverage containers per 100 meals; and,
- c) Office – 0.01-0.03 cubic metres per 100 square metres of floor area per day.

Details of the waste storage area must be illustrated on the plans submitted with the application for the Construction Certificate for approval.

47. Waste - Commercial

The waste room will contain the following to minimise odours, deter vermin, protect surrounding areas, and make it a user-friendly and safe area:

- a) waste room floor to be sealed;
- b) waste room walls and floor surface is flat and even;
- c) all walls painted with light colour and washable paint;
- d) equipment electric outlets to be installed 1700mm above floor levels;
- e) The bin storage rooms will be mechanically exhausted as required by AS 1668.2;
- f) light switch installed at height of 1.6m;
- g) waste rooms must be well lit (sensor lighting recommended);
- h) optional automatic odour and pest control system installed to eliminate all pest types and assist with odour reduction - this process generally takes place at building handover - building management make the decision to install;
- i) all personnel doors are hinged and self-closing;
- j) waste collection area must hold all bins - bin movements should be with ease of access;
- k) conform to the Building Code of Australia, Australian Standards and local laws; and childproofing and public/operator safety shall be assessed and ensured.
- l) Occupational Health and Safety issues such as slippery floors in waste rooms and the weight of the waste and recycling receptacles will need to be monitored.
- m) Cleaners will monitor the bin storage area and all spills will be attended to immediately by cleaners.

48. Landscape Plan

A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to the Certifying Authority prior to the issue of the Construction Certificate. The plan must include:

- a) Location of existing and proposed structures, services and existing trees;
- b) Details of earthworks including mounding and retaining walls and planter boxes;
- c) Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width.
- d) All proposed trees to be planted onsite must be a minimum of 100 litres in size.
- e) Details of planting procedure and maintenance;
- f) Landscape specification;
- g) Details of drainage and watering systems;
- h) Details of garden edging and turf;
- i) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.

49. Landscape Plans

All landscape works shall be carried out in accordance with the approved landscape plans and specifications, drawn by Isthmus Landscape Design, reference numbers - ISO220DA1 - ISO220DA5. The landscaping shall be maintained in accordance with the approved plans in perpetuity.

The proposed plant species, pot/ bag size and quantities of plants shall be in accordance with the proposed plant schedule upon the landscape plan. If plant species, pot/ bag size and quantities cannot be sourced, Council shall be contacted for alternatives.

50. Allocation of street addresses

In order to comply with AS/NZS 4819:2011 Rural and Urban Addressing & the NSW Addressing User Manual (Geographical Names Board of NSW) and Georges River Council's requirements, the street addresses for the subject development must be allocated as advised by Georges River Council.

Details indicating compliance with this condition must be shown on the plans lodged with any Construction Certificate for approval.

51. Consolidation of Site

The site shall be consolidated into one allotment and by a Plan of Consolidation being prepared by a Registered Surveyor. This Plan shall be registered at the NSW Land and Property Information prior to the issue of a final occupation certificate.

Section E Prior to the Commencement of Work (Including Demolition & Excavation)

52. Demolition & Asbestos

- a) The demolition work shall comply with the provisions of Australian Standard AS2601:2001 - Demolition of Structures, NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011. The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.
- b) For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011 unless specified in the Act and/or Regulation that a license is not required.
- c) All demolition work including the removal of asbestos, shall be undertaken in accordance with the Demolition Code of Practice (NSW Work Cover July 2015)

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: www.SafeWork.nsw.gov.au.

53. Structural Integrity Of Retained Building Elements

Prior to a commencement of demolition, excavation or construction work, a report or certification from a practicing structural engineer experienced in dealing with heritage

buildings must be submitted to and approved by Council's Heritage Advisor. The report must explain how the retained building elements, such as building facades or chimneys are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

54. Use of Heritage Consultant - Major Development

- a) An experienced heritage consultant is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- b) Evidence and details of the above commission on the above terms are to be provided to Council prior to the issue of the Construction Certificate or commencement of work on site whichever is the earlier.
- c) Throughout the documentation and construction stages of the approved works the heritage consultant is to:
- d) Undertake site inspections of not less than fortnightly intervals.
 - i. Maintain a diary of site inspections that includes photographs of the works, details of heritage advice and decisions arising out of each inspection and any further physical evidence uncovered during the works.
 - ii. Compile a final report, including the diary, verifying how the heritage conditions have been satisfied, and the works completed in accordance with the Conservation Management Plan.
- e) Upon completion of the works, the final report is to be submitted for approval by Council's own Heritage Advisor prior to the issue of an Occupation Certificate or the commencement of the use, whichever is the earlier.

55. Dial before your dig

The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Council's Engineers for their records.

56. Dilapidation Report on Public Land

Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site, including:

The report must include the following:

- a) Photographs showing the existing condition of the road pavement fronting the site,
- b) Photographs showing the existing condition of the kerb and gutter fronting the site,
- c) Photographs showing the existing condition of the footpath pavement fronting the site,
- d) Photographs showing the existing condition of any retaining walls within the footway or road, and
- e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and

- f) The full name and signature of the structural engineer.
- g) The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the PCA and a copy provided to the Council.

The Dilapidation Report must be prepared by a professional engineer. The report must be provided to the PCA and a copy provided to the Council.

The report is to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether to refund the damage deposit after the completion of works.

57. Registered Surveyors Report - During Development Work

A report must be submitted to the PCA at each of the following applicable stages of construction:

- a) Set out before commencing excavation.
- b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- e) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- f) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

58. Utility Arrangements

Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicant's expense.

59. Demolition Conditions-Asbestos

- a) Demolition of buildings where asbestos is determined to be present should only occur 7am – 5pm Monday to Saturdays, and must not occur on Sundays or Public

Holidays, to ensure that the persons carrying out the work have access to WorkCover professionals if required.

- b) All asbestos removal shall be undertaken in accordance with the requirements of WorkCover's 'How to Safely Remove Asbestos' Code of Practice and Council's Asbestos Policy.
- c) Written notice must be provided to Georges River Council five (5) working days (excluding public holidays) prior to commencement of any works. Written notice is to include the following details:
 - (i) Date the demolition will commence
 - (ii) Name, address, contact details (including after hours) and licence number of the demolisher and asbestos removalist (if different)
 - (iii) Work must not commence prior to the nominated demolition date
 - (iv) Note: it is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.
- d) The owner is to notify all owners and occupiers of premises on either side, opposite and at the rear of the development site five (5) working days prior to demolition. Such notification is to be clearly written on A4 size paper stating the date the demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date and time stated in the notification.

60. Removal of asbestos

- a) A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).
- b) Removal of friable asbestos material must only be undertaken by a contractor that holds a current AS1 Friable Asbestos Removal Licence.
- c) Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.
- d) All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2005. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.
- e) A Clearance Certificate or Statement, prepared by a suitably qualified occupational hygienist must be provided to Council upon completion of demolition and asbestos related works, which confirms that the relevant legislative requirements in relation to safe removal and disposal have been satisfied.

61. Work Cover Licensed Demolisher

A Work Cover Licensed Demolisher is to be engaged to carry out any demolition works using mechanical equipment where the structure is over 4 metres in height or to carry out any manual demolition works on a structure over 10 metres in height.

62. Compliance with Australian Standard AS 2601-1991: "The Demolition of Structures"

Compliance is to be met with the provisions of Australian Standard AS 2601-1991: "The Demolition of Structures", which requires notification of demolition to be submitted at least seven (7) days prior to demolition to the NSW Workcover Authority.

63. Structural Engineers Details - Supporting Council road/footway

Prior to the commencement of work in connection with the excavation of the site associated with the basement car park, structural engineer's details relating to the method of supporting the excavation must be submitted.

Section F During Construction

64. Site sign - Soil & Erosion Control Measures

Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

65. Hours of construction for demolition and building work

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Note: A penalty infringement notice may be issued for any offence.

66. Ground levels and retaining walls

The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on the approved plans.

67. Physical connection of Stormwater to site

No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to Council's infrastructure.

68. Cost of work to be borne by the applicant

The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's

roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.

69. Obstruction of Road or Footpath

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.

70. Building - Structural Certificate During Construction

The proposed building must be constructed in accordance with details designed and certified by the practising qualified structural engineer. All structural works associated with the foundations, piers, footings and slabs for the proposed building must be inspected and structurally certified for compliance by an independent practising geotechnical and structural engineer. In addition a Compliance or Structural Certificate, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority at each stage of Construction or prior issue of the Occupation Certificate.

71. Hazardous or Intractable Waste – Removal and Disposal

Hazardous or intractable waste arising from the demolition or construction process shall be removed and disposed of in accordance with the requirements **of SafeWork NSW and the NSW Environment Protection Authority and with the** provision of:

- a) Work Health and Safety Act 2011 (NSW) (as amended);
- b) Work Health and Safety Regulation 2011 (as amended);
- c) Protection Of the Environment Operations Act 1997 (NSW) (as amended); and
- d) Protection of the Environment Operations (Waste) Regulation 2014 (as amended)

72. Waste Management Facility

All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifying Authority.

73. Excavation works near tree to be retained

Excavation around the tree/s to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not be adversely affected.

Where the Tree Protection Zone of trees on site or adjoining sites become compromised

by any excavation works, the Project Arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

73A. Heritage

Design details of the heritage interpretation strategy, as approved in writing by a qualified Heritage Consultant are to be provided to the satisfaction of the Principal Certifying Authority prior to the works being implemented.

(This condition has been added by under MOD2022/0143)

Section GPrior to the issue of the Occupation Certificate

74. Acoustic Compliance

Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the PCA certifying that the construction has incorporated the recommendations in the Acoustic Report submitted to meet the requirements necessary to gain a Construction Certificate for this development.

75. Post Construction Dilapidation report - Private Land

At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the adjoining premises.

The report is to be prepared at the expense of the applicant and submitted to the PCA prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damaged has occurred to the adjoining premises, the PCA, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the PCA prior to the issue of any Occupation Certificate.

76. Major Development

Internal driveways and parking spaces are to be adequately paved with concrete, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742, 'Australian Standard Manual of Uniform Traffic Control Devices' and the relevant guidelines published by the RMS.

77. Restriction to User and Positive Covenant for On-Site Detention Facility (OCC12.17)

A Restriction on Use of the Land and Positive Covenant shall be created and registered on the title of the property, which places the responsibility for the maintenance of the on-site stormwater management system on the owners of the land. The terms of the instrument are to be in accordance with Council's standard terms and restrictions which are as follows;

Restrictions on Use of Land

The registered proprietor shall not make or permit or suffer the making of any alterations to any on-site stormwater management system which is, or shall be, constructed on the lot(s) burdened without the prior consent in writing of Georges River Council. The expression “on-site stormwater management system” shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to manage stormwater quantity or quality including the temporary detention or permanent retention of stormwater storages. Any on-site stormwater management system constructed on the lot(s) burdened is hereafter referred to as “the system.”

Name of Authority having the power to release, vary or modify the Restriction referred to is Georges River Council.”

Positive Covenants

1. *The registered proprietor of the lot(s) hereby burdened will in respect of the system:*
 - a) *keep the system clean and free from silt, rubbish and debris*
 - b) *maintain and repair at the sole expense of the registered proprietors the whole of the system so that it functions in a safe and efficient manner*
 - c) *permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant*
 - d) *comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.*
2. *Pursuant to Section 88F(3) of the Conveyancing Act 1919 the Council shall have the following additional powers:*
 - (a) *in the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in part 1(d) above*
 - (b) *the Council may recover from the registered proprietor in a Court of competent jurisdiction:*
 - i. *any expense reasonably incurred by it in exercising its powers under subparagraph (a) hereof. Such expense shall include reasonable wages for the Council’s employees engaged in effecting the work referred to in (a) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.*
 - ii. *legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act. Name of Authority having the power to release vary or modify the Positive Covenant referred to is Georges River Council.*

78. Maintenance Schedule - On-site Stormwater Management

A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

79. Works as Executed and Certification of Stormwater works

Prior to the issue of an Occupation Certificate, the PCA must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards. A works-as-executed drainage plan and certification must be forwarded to the PCA and Council, from a professional engineer specialising in hydraulic engineering.

This Plan and Certification shall confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the PCA.

The works-as-executed drainage plan must be prepared by a professional engineer specialising in hydraulic engineering in conjunction with a Registered Surveyor and must include the following details (as applicable):

- a) The location of any detention basin/s with finished surface levels;
- b) Finished site contours at 0.2 metre intervals (if applicable)
- c) Volume of storage available in any detention areas;
- d) The location, diameter, gradient and material (i.e. PVC, RC etc.) of all stormwater pipes;
- e) The orifice size/s (if applicable);
- f) Details of any infiltration/absorption systems; and (if applicable);
- g) Details of any pumping systems installed (including wet well volumes) (if applicable).

80. Vehicular crossing & Frontage work - Major development

The following road frontage works shall be constructed in accordance with Council's Specification for Vehicular Crossings and Associated Works together with the Vehicular Crossing Approval issued by Council's Engineering Services section:

- a) Construct a footpath for the full length of the frontage of the site in Montgomery Street as required by Council in accordance with Council's Specifications for footpaths.
- b) Construct the vehicular crossing in accordance with Council's Specifications for vehicular crossings.
- c) A section 138 Driveway and associated works application is to be lodged with Council for any vehicle crossing over Council's road related area.
- d) The design is to be prepared by a Qualified Engineer demonstrating vehicle clearance by the B99 percentile building in accordance with AS2890-2004 and for the largest Council contractor's 10.5 m long garbage truck.
- e) The applicant will be required to pay for all costs associated and not limited to the relocation of service utilities affected by the works.
- f) Construct a new 150mm high concrete kerb with 450mm wide gutter for the full frontage(s) of the site in accordance with Council's Specifications for kerb and guttering.
- g) Any existing vehicular crossing and/or laybacks which are redundant must be

removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

- h) All vehicles must enter and leave the site in a forward direction.
- i) A private contractor shall carry out the above work, at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.
- j) The driveway and road frontage works are to be completed before the issue of the Occupation Certificate.
- k) Parking spaces shall be clearly designated (sign posted and marked on ground) and line marked prior to the issuing of an Occupation Certificate. Signage, pavement symbols and line marking shall comply with *Australian Standards, AS1742, Manual of Uniform Traffic Control Devices* and *NSW Road Transport (Safety and Traffic Management) Regulations 1999*.

81. Dilapidation Report on Public Land for Major Development

- a) Upon completion of works, a follow up dilapidation report must be prepared for the items of Council infrastructure adjoining the development site. The dilapidation report must be prepared by a professional engineer specialising in structural engineering, provide clear details of all defects following the completion of works.
- b) The reports must include:
 - i) photographs showing the condition of the road pavement, kerb and gutter including drainage lintels, footway including footpath pavement and the condition of retaining walls;
 - ii) Closed circuit television/video (CCTV) inspection, in digital format, of public stormwater drainage systems fronting, adjoining, or within the site, and is to include the inspection and notation of all visible defects and joints along the pipe. The post dilapidation report is to be carried out upon completion of all construction works. (A specialised plumber/contractor who has a CCTV tractor that can access the pipe and provide suitable quality footage will need to be engaged);
 - iii) The post dilapidation report summary is to include all recommended actions to rectify or remediate the defects that have arisen following the initial pre-dilapidation report;
 - iv) The reports are to be supplied in digital format in Word or PDF. Photographs are to be included in the report and presented in colour and date stamped.
- c) Any works required on Council's road related area require a separate application under Sec 138 Roads Act. The dilapidation reports will be taken into consideration when Council undertakes a final inspection of works on road related areas as part of the section 138 applications.
- d) Council may use both reports to determine whether or not to; accept the works, issue further instructions and/or refund the damage deposit. Any omission in the pre-dilapidation report will be assessed as damage to be rectified.
- e) The report must be provided to the PCA and a copy provided to the Council

82. Stormwater drainage works - Works As Executed

Prior to the issue of the Occupation Certificate, storm water drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- a) Compliance with conditions of development consent relating to stormwater;
- b) The structural adequacy of the On-Site Detention system (OSD);
- c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- d) Pipe invert levels and surface levels to Australian Height Datum;
- e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

83. Fire Safety Certificate before Occupation or Use

In accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000, on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the Environmental Planning and Assessment Regulation, 2000. In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:

- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
- (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

84. Slip Resistance

At completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of grout, the gradients of the surface and changes from one material to another. The in-situ test must be carried out in accordance with AS/NZS 4663:2002. Proof of compliance must be submitted with the application for the Occupation Certificate for approval.

85. Building - (Structural Certificates)

The proposed structure must be constructed in accordance with details designed and certified by the practising qualified structural engineer. In addition, Compliance or Structural Certificates, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying

Authority prior issue of the Occupation Certificate.

86. Acoustic Report

Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the PCA certifying that the construction has incorporated the recommendations in the DA Acoustic Report titled “*Acoustic Assessment – Commercial/Office development – 22-26 Montgomery Street, Kogarah NSW*” prepared by Koikas Acoustics Pty Ltd and dated 22 February 2019 Reference No. 3076R20190212mfc and associated supplementary report prepared pursuant to Condition 40.

87. Acoustic Compliance - General Operation of Premises

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an ‘offensive noise’ as defined in the [Protection of the Environment Operations Act 1997](#) (as amended) and [Regulations](#).

A suitably qualified person shall certify that the operation of the plant equipment shall not give rise to sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the [NSW Environment Protection Authority’s “NSW Noise Policy for Industry](#).

Certification must be submitted to the PCA prior to the issue of any Occupation Certificate.

88. Electricity Supply

Evidence shall be provided demonstrating that the development has been connected to the Ausgrid, if required.

89. Allocation of street addresses

Prior to issue of an Occupation Certificate, All house numbering are to be allocated in accordance with AS/NZS 4819:2011 Rural and Urban Addressing & the NSW Addressing User Manual (Geographical Names Board of NSW) and Georges River Council’s requirements. Council must be contacted in relation to all specific requirements for street numbering.

89A. Heritage

The works outlined in the approved Heritage Interpretation Strategy (as referenced in Condition 1) are to be completed to the satisfaction of a qualified Heritage Consultant, with written evidence of this approval provided to the Principal Certifying Authority prior to the release of the Occupation Certificate.

(This condition has been added by MOD2022/0143)

Section H Operational Conditions (Ongoing)

90. Maintenance of Landscaping

All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

91. Noise Control

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997 (as amended).

92. Outdoor Lighting

To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting.

93. Entering & Exiting of vehicles

All vehicles shall enter and exit the premises in a forward direction.

94. Maintenance of Sound Attenuation

Sound attenuation must be maintained in accordance with the Acoustic Report submitted *Traffic & Environmental Noise and Mechanical Plant & Equipment – Acoustic Assessment – Commercial/Office development – 22-26 Montgomery Street, Kogarah NSW* prepared by Koikas Acoustics Pty Ltd and dated 22 February 2019 Reference No. 3076R20190212mfc and associated supplementary report submitted pursuant to Condition 39 (

95. Waste facilities

Occupational Health and Safety issues such as slippery floors in waste rooms and the weight of the waste and recycling receptacles will need to be monitored. Cleaners must monitor the bin storage area and all spills need to be attended to immediately by cleaners.

96. Letter Boxes

Suitable letter box facilities (including Owner's Corporation in the case of strata units) shall be provided in accordance with Australia Post specifications.

97. Air Conditioning / Offensive Noise

Air conditioning plant and equipment shall be installed and operated so as to not create an offensive noise as defined under the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008.

98. Responsibility of Owners Corporation

The Owners Corporation shall be responsible for presenting all approved recycling receptacles for collection on the driveway of the site, and returning all receptacles to the Main Waste Collection Room, as soon as practicable after they have been serviced.

The Owners Corporation shall also be responsible for maintaining all equipment, systems, facilities and storage areas used in conjunction with the provision of waste management services in accordance with all applicable regulatory requirements, relevant health and environmental standards, and to the satisfaction of Council.

99. Lighting – General Nuisance

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare. Flashing, moving or intermittent lights or signs are prohibited.

100. Amenity of the neighbourhood

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

101. Activities and storage of goods outside buildings

There shall be no activities including storing or depositing of any goods or maintenance to any machinery external to the building.

102. Annual Fire Safety Statement

The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:

- (a) Within 12 months after the date on which the fire safety certificate was received.
- (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
- (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the Environmental Planning and Assessment Regulation 2000.
- (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

Section I Operational Requirements Under the Environmental Planning & Assessment Act 1979

103. Requirement for a Construction Certificate

The erection of a building must not commence until a Construction Certificate has been issued

104. Appointment of a Principal Certifying Authority

- a) The erection of a building must not commence until the beneficiary of the

development consent has:

- i. appointed a Principal Certifying Authority (PCA) for the building work; and
 - ii. if relevant, advised the PCA that the work will be undertaken as an Owner-Builder.
- b) If the work is not going to be undertaken by an Owner-Builder, then the beneficiary of the consent must:
- i. appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
 - ii. notify the PCA of the details of any such appointment; and
 - iii. notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

105. Notification of Critical Stage Inspections

No later than two (2) days before the building work commences, the PCA must notify:

- a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
- b) the beneficiary of the development consent of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

106. Notice of Commencement

The beneficiary of the development consent must give at least two (2) days notice to the Council and the PCA of their intention to commence the erection of a building.

107. Critical Stage Inspections

The last critical stage inspection must be undertaken by the Principal Certifying Authority. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the Environmental Planning and Assessment Regulation 2000.

108. Notice to be given prior to critical stage inspections

The principal contractor for a building site, or the owner-builder, must notify the principal certifying authority at least 48 hours before each required inspection needs to be carried out.

Where Georges River Council has been appointed PCA, forty eight (48) hours notice in writing, or alternatively twenty four (24) hours notice by facsimile or telephone, must be given to when specified work requiring inspection has been completed.

109. Occupation Certificate

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

Only the Principal Certifying Authority appointed for the building work can issue the Occupation Certificate.

Section J Prescribed Conditions

110. Clause 98A – Erection of Signs

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the Principal Certifying Authority and the Principal Contractor.

111. Clause 98E – Protection & support of adjoining premises

- a. If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.
- b. Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.
- c. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- d. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- e. If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

END CONDITIONS

NOTES/ADVICES

112. Review of Determination

Section 82A of the *Environmental Planning and Assessment Act* confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney South Planning Panel or the Land & Environment Court.

113. Appeal Rights

Division 8 (Appeals and Related matters) Part 4 of the *Environmental Planning and Assessment Act 1979* confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

114. Lapsing of Consent

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 95 of the *Environmental Planning and Assessment Act 1979* as amended.

115. Long Service Levy

The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

116. Security deposit administration & compliance fee

Under Section 97 (5) of the *Local Government Act 1993*, a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

Council must cover administration and other costs incurred in the investment of these monies. The current charge is \$50.00 plus 2% of the bond amount per annum.

The interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.

All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

117. Stormwater & Ancillary Works - Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993

To apply for approval under Section 138 of the *Roads Act 1993*:

- (a) Complete the Driveway Crossing on Council Road Reserve Application Form which can be downloaded from Georges River Council's Website at www.georgesriver.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. 2012/DA) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Vehicular Crossing applications.

An approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out by a private contractor in accordance with Council's specifications prior to the issue of an Occupation Certificate.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

The preparation of all engineering drawings (site layout plans, cross sections, longitudinal sections, elevation views together with a hydraulic grade analysis) and specifications for the new storm water drainage system to be arranged by the applicant. The design plans must be lodged and approved by Council prior to the issue of a Construction Certificate.

NOTE: A minimum of four weeks should be allowed for assessment.

118. Council as PCA - Total Conformity with BCA

Should the Council be appointed as the Principal Certifying Authority, the Construction Certificate Application must be accompanied by the following details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA:

- a) Mechanical ventilation, provided to bathroom, laundry and basement areas not afforded natural ventilation.
- b) Fire-fighting services and equipment including control centre facility, hydrant systems, sprinkler systems, hose reels, mechanical air handling and stair pressurization systems, portable fire extinguishers, smoke hazard management systems and sound & warning systems.
- c) Emergency lighting and exit signs throughout all premises including deck/courtyards, common room areas, lobby and basement areas.
- d) Fire resistance levels of building elements including walls, floors, roof tops, columns, and separation of electrical supply systems etc.
- e) Construction of all fire doors and smoke doors (smoke doors to swing in the direction of egress) including operational and warning signage.
- f) Fire compartmentation and fire wall separation details including all stairway, lift and service shafts.
- g) Exit travel distances and access grades including the number and operation of required exits. Installations within exits must demonstrate compliance with the BCA.
- h) Re-entry facilities from fire isolated exit stairways.
- i) Sound transmission and insulation details.

- j) Stretcher facility and emergency lift installation.
- k) Disabled access that complies with the BCA and with AS 1428.1.2009
- l) Location, design/fit-out and dimension of basement parking areas and adaptable units for people with disabilities.
- m) Window schedule is to include the protection of openable windows

In this regard, detailed construction plans and specifications that demonstrate compliance with the above requirements of the BCA must be submitted to the Principal Certifying Authority with the Construction Certificate Application. Should there be any non-compliance, an alternative method of fire protection and structural capacity must be submitted, with all supporting documents prepared by a suitably qualified person.

In the event that full compliance with the BCA cannot be achieved and the services of a fire engineer are obtained to determine an alternative method of compliance with the BCA, such report must be submitted to and endorsed by the Principal Certifying Authority prior to issue of the Construction Certificate.

119. Building – Referral to FR NSW

Prior to the issue of a Construction Certificate the applicant may be required, under Clause 144 of the Environmental Planning & Assessment Regulation, 2000 to seek written comment from FR NSW about the construction of hydrant/booster pump and valve rooms, and any Fire Engineered Solution developed to meet the performance requirements under the Category 2 Fire Safety Provisions.

The applicant is also advised to seek written advice from FR NSW on the location and construction of the proposed Fire Control Centre Facility and location and installation of the sites Fire Indicator / mimic Panels.

120. Council as PCA - Compliance with the BCA

Should the Council be appointed as the Principal Certifying Authority in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.

121. Energy Efficiency Provisions

Should Council be appointed as the Principal Certifying Authority, a report prepared and endorsed by an Energy Efficiency Engineer or other suitably qualified person must be submitted, detailing the measures that must be implemented in the building to comply with Section J of the BCA. The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion of the building and before the issue of an Occupation Certificate, a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the Principal Certifying Authority.

122. Compliance with Access, Mobility and AS4299

Adaptable Housing - Certification shall be provided by a person suitably accredited by the Association of Consultants in Access Australia, verifying that the development has been constructed in accordance with the requirements of AS4299 - *Adaptable Housing* and AS1428 - *Design for Access and Mobility* and in accordance with the report and checklist submitted with the Construction Certificate.

123. Site Safety Fencing

Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).

124. Noise related conditions

Council will generally enforce noise related conditions in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the [Protection of the Environment Operations Act 1997](#).

Useful links relating to Noise:

- a) Community Justice Centres—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).
- b) Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).
- c) New South Wales Government Legislation home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* (www.legislation.nsw.gov.au).
- d) Australian Acoustical Society—professional society of noise-related professionals (www.acoustics.asn.au/index.php).
- e) Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au).
- f) Department of Gaming and Racing - (www.dgr.nsw.gov.au).

125. Acoustic Engineer Contacts & Reference Material

Further information including lists of Acoustic Engineers can be obtained from:

- a) Australian Acoustical Society—professional society of noise-related professionals (www.acoustics.asn.au)
- b) Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au)
- c) NSW Industrial Noise Policy – Office of Environment & Heritage (www.environment.nsw.gov.au)

126. Sydney Water Section 73 Certificates

The Section 73 Certificate must be a separate certificate that relates specifically to this development consent. For example, if the development consent relates to the subdivision of the land, a Section 73 Certificate for the construction of the building that is subject to a different development consent will not suffice.

127. Electricity Supply

This development may need a connection to the Ausgrid network which may require the network to be extended or its capacity augmented. You are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services) for further details and information on lodging your application to connect to the network.

128. Development Engineering

Conditions relating to future Strata Subdivision of Buildings

No approval is expressed or implied for the subdivision of the subject building(s). For any future Strata subdivision, a separate Complying Development Certificate shall be approved by Council or an Accredited Certifier.

129. Prior to the issue of any Strata Certificate

Prior to the issue of any Strata Certificate of the subject building(s) the following conditions shall be satisfied:

(a) **Deleted**

(b) Car Parking Space Marking and Numbering

Each car space shall be line marked with paint and numbered in accordance with the strata plan lot numbering.

Deleted

(c) **Deleted**

(d) Allocation of Car Parking Spaces, Storage Areas and Common Property on any Strata Plan.

i. All car parking spaces shall be created as a part lot of the individual strata's unit lot in any Strata Plan of the subject building.

ii. **Deleted**

iii. The minimum number of parking spaces required to be allocated as a part lot to each individual strata's unit lot shall be as follows:

- (a) The ground floor tenancies shall be allocated off-street car parking at a rate of 1 space per 40sq.m of their leasable floor area;
- (b) The remaining car parking on site is to be evenly distributed on a per square metre of leasable area basis between the remaining tenancies.

The allocations proposed are to be supported by documentation demonstrating that (a) and (b) above have been satisfied in the proposed allocation.

- iv. No parking spaces shall be created as an individual strata allotment on any Strata Plan of the subject building unless these spaces are surplus to the minimum number of parking spaces required.

If preferred the surplus car spaces shall be permitted to be created as separate Utility Lots, (instead as a part lot of the individual strata's unit lot), in accordance with section 39 of the Strata schemes (freehold development Act 1973).

The above requirements regarding car parking spaces and storage areas may only be varied with the conditions of a separate Development Application Approval for Strata Subdivision of the Building(s).

- (e) On Site Detention Requirements

The location any on-site detention facility shall be shown on the strata plan and suitably denoted.

- (f) Creation of Positive Covenant

A Positive Covenant shall be created over any on-site detention facility by an Instrument pursuant to Section 88B of the Conveyancing Act 1919, with the covenant including the following wording:

"It is the responsibility of the Owner's Corporation to keep the on-site detention facilities, together with any ancillary pumps, pipes, pits etc, clean at all times and maintained in an efficient working condition. The on-site detention facilities shall not be modified in any way without the prior approval of Georges River Council."

Georges River Council is to be nominated as the Authority to release, vary or modify this Covenant.

(Amended by MOD2019/0117(DA2018/0138))

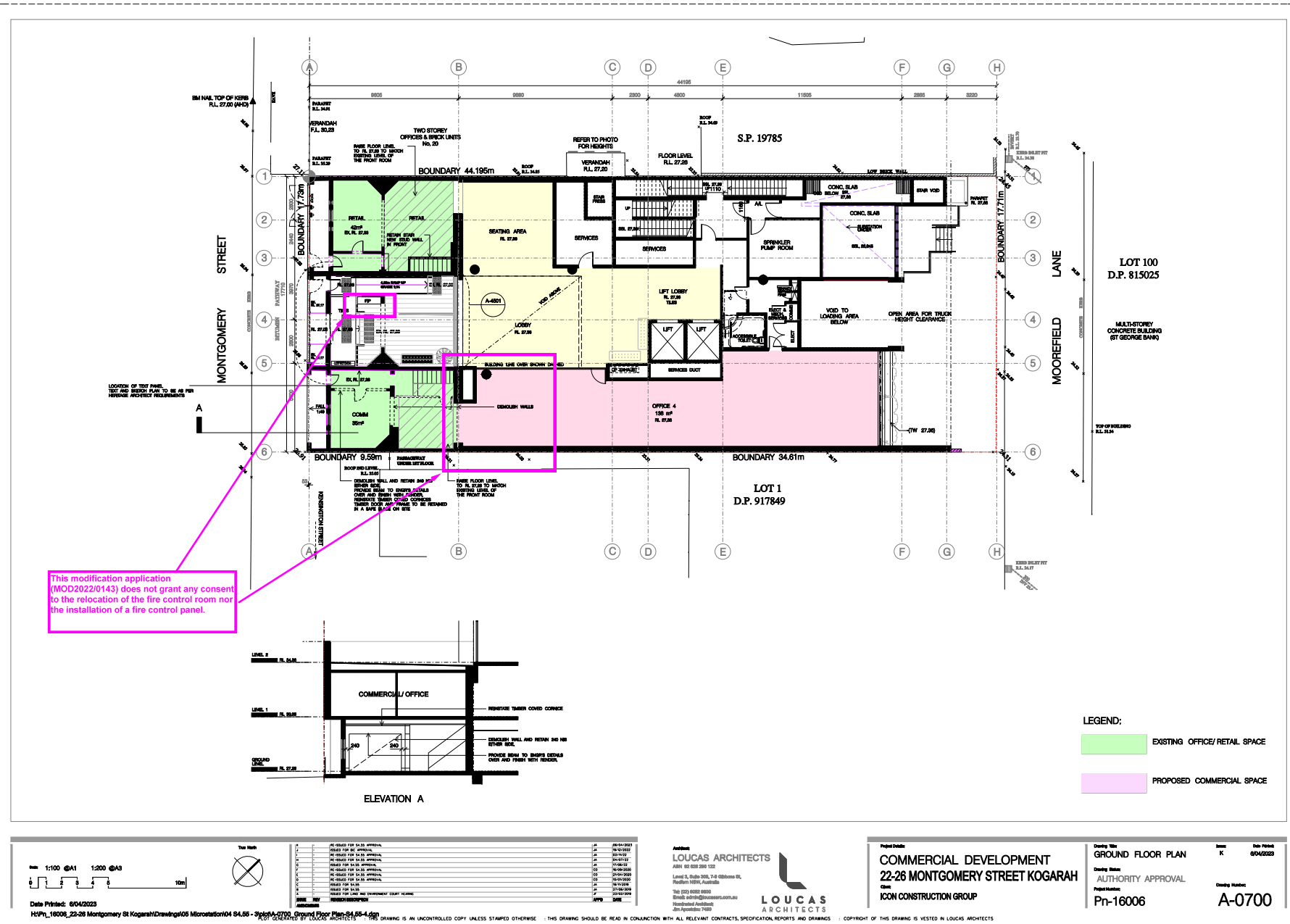
130. Stormwater & Ancillary Works - Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993

To apply for approval under Section 138 of the [Roads Act 1993](#) and/or Section 68 Local Government Act 1993:

- (a) Complete the 'Stormwater Drainage Application Form' which can be downloaded from Georges River Council's website at www.georgesriver.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. DA2018/****) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with stormwater applications.

ATTACHMENTS

Attachment  Plan Set for LPP 24 Montgomery St Kogarah - MOD2022 0143



26 MONTGOMERY STREET KOGARAH



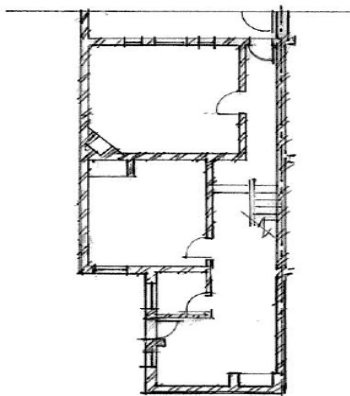
The terraced house developed in English cities in the late seventeenth century. Speculative builders frequently constructed this housing type on greenfield development sites with new streets. Though the eighteenth century, terraced houses were often for the upper middle class. Even in the early period of the terraced house, technological advances made this higher-density housing type possible. As the price of glass also fell due to tax reform and industrial processes, windows could be large enough to illuminate the floor space and stairs from only two walls. The invention of the sliding sash window allowed for improved ventilation.

As the industrial revolution called in rural workers to come to the cities for factory jobs, thousands of small terraced houses were built across Britain from the late eighteenth century to house this workforce. At the mean end of the housing type, terraced houses in England were sometimes built back-to-back with community toilets. Australia had more space, so terraced houses here exceeded Britain's minimum standard for light and ventilation.

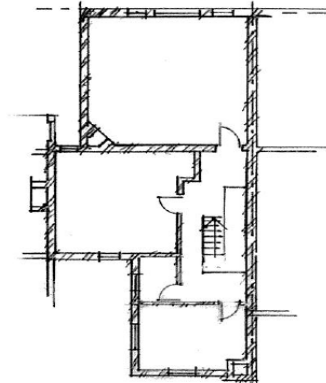
Terraced housing in Australia began in the early nineteenth century in Sydney so that urban workers could walk to their jobs from home. Many single-storey terraces remain from the 1840s. They were typically built by speculative builders as single or two-storeys on narrow lots as part of new subdivisions. Rows of identical joined terraces with a parapet facing the street were common from the mid nineteenth century in Australia's larger cities. There would often be a night soil lane at the rear, accessing the water closet in the backyard. The planning of terraces was very consistent. All but the narrowest terraces had a corridor along one side, leading from the front door. The two grandest rooms led off from this corridor.

The rear room would be lit by at least one window. The rear of the corridor typically led to the service wing at the end, which housed the kitchen, laundry and coal store. In two-storey terraces, there would be a timber stair at the end of the main corridor, leading up to the bedrooms on the first floor. The better bedrooms would have much the same plan as the best rooms below. If the service wing was also two-storey, its rooms would usually have lower ceiling heights, and its first floor might be accessed from the mid landing of the stair. Usually, all the main rooms had a fire place. While many of the earliest terraces remaining in Sydney do not have front verandahs, by the mid nineteenth century, laws and market expectations had changed to make the front verandahs regular.

Terrace houses were usually constructed of brick walls with timber framed floors and roofs. Early terrace roofs were clad in timber shingles, and from mid-century corrugated steel was common, and slate was used on the more prestigious houses with roof visible from the street. As the nineteenth century progressed, face brick facades gave way to stucco facades with increasing ornamentation.



Possible Original Floor Plan



Possible original first floor plan. Note that the central room cantilevered over the side lane of the property on the left side.

REPORT TO GEORGES RIVER COUNCIL LPP MEETING OF THURSDAY, 18 MAY 2023

LPP008-23

LPP Report No	LPP008-23	Development Application No	
Site Address & Ward Locality	Planning Proposal No. 2023/0002 - Georges River Local Environmental Plan 2021 - Housekeeping Amendment 2023 SELECT A WARD		
Proposed Development	Housekeeping Amendment Planning Proposal to the Georges River Local Environmental Plan 2021		
Owners	Georges River LGA		
Applicant	Georges River Council		
Planner/Architect	N/A		
Date Of Lodgement	20/04/2023		
Submissions	N/A		
Cost of Works	N/A		
Local Planning Panel Criteria	Direction from the Minister for Planning and Public Spaces under Section 9.1 of the Environmental Planning and Assessment Act 1979 and the charter of the Georges River Local Planning Panel 2018 both specify that the Planning Proposal is to be referred to the Local Planning Panel before it is forwarded for Gateway Determination (approval).		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	N/A to Planning Proposals.		
List all documents submitted with this report for the Panel's consideration	1. Planning Proposal No. 2023/0002– Pre-Gateway Version – May 2023		
Report prepared by	Strategic Planner		

Recommendation	<p>That the Georges River LPP recommends to Council that the Planning Proposal No. 2023/0002 Housekeeping Amendment 2023 to amend the <i>Georges River Local Environmental Plan (GRLEP) 2021</i> be forwarded to the Department of Planning and Environment for a Gateway Determination under Section 3.34 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>That the Director Environment and Planning be authorised to make minor editorial amendments to the Planning Proposal as required throughout the reporting process.</p>
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Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Not Applicable
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Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Not Applicable
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	Not Applicable

Site Plan

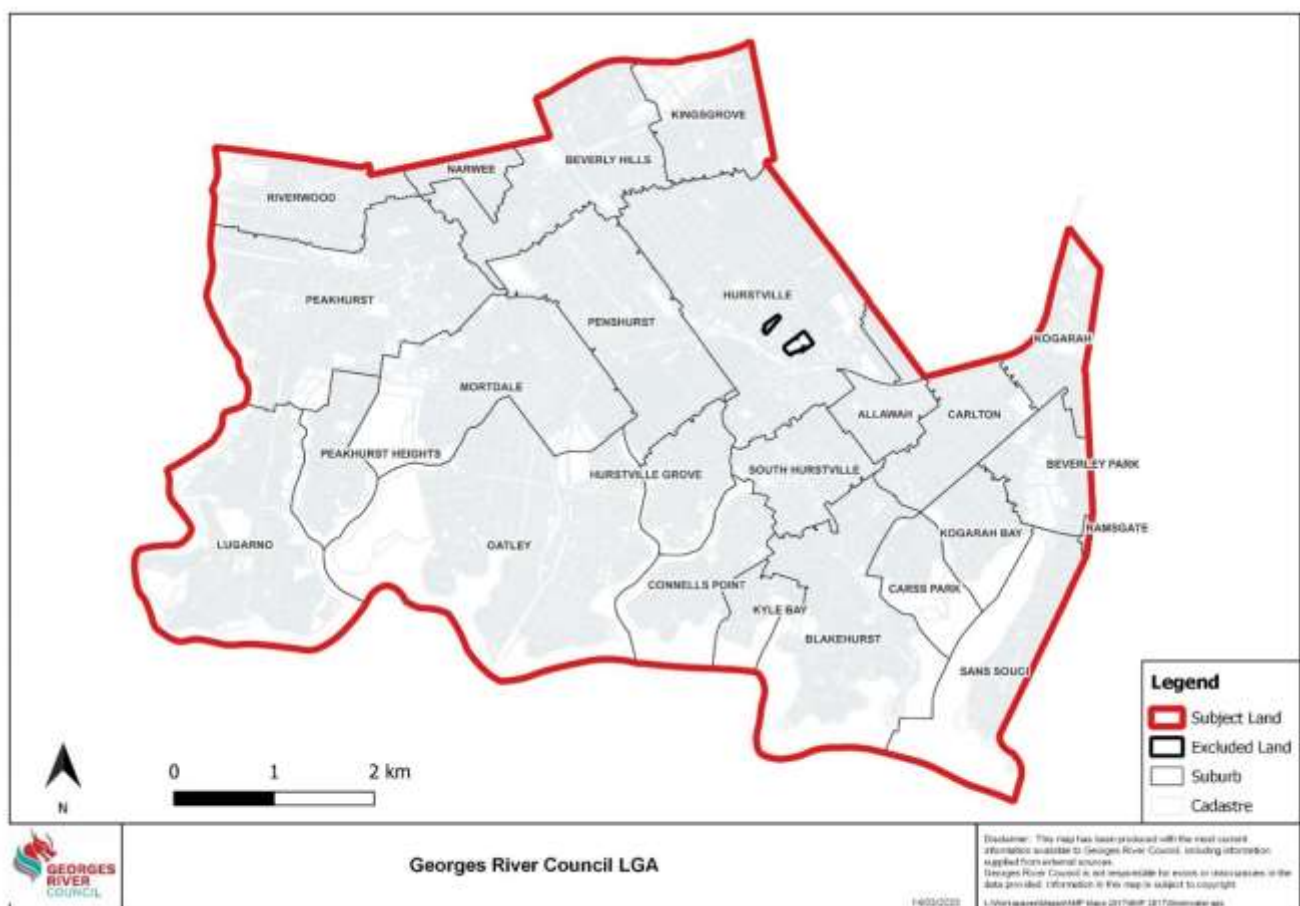


Figure 1 – Subject Land

Executive Summary

Proposal

1. This report seeks the Georges River Local Planning Panel's (LPP's) recommendation to Council to forward the draft Planning Proposal (PP), *Georges River Local Environmental Plan 2021 – Housekeeping Amendment 2023 (Attachment 1)*, to the Department of Planning and Environment (DPE) for a Gateway Determination.
2. The PP seeks to amend the *Georges River Local Environmental Plan 2021* (GRLEP 2021) to respond to a range of administrative and housekeeping issues to the instrument and accompanying mapping which have arisen since its commencement in October 2021.
3. The objective of the PP is to amend the GRLEP 2021 to improve its operation and accuracy by correcting identified anomalies and inconsistencies to existing provisions and maps, updating property descriptions and adding a new provision from the Standard Instrument LEP. The changes will improve the overall operation and accuracy of the Plan and applies to land covered by the GRLEP 2021 as shown in **Figure 1**.
4. It is recommended that the LPP recommends that Council resolve to submit this PP to the DPE for a Gateway Determination.

Report in Full

Background

5. The GRLEP 2021 commenced on 8 October 2021 and replaced the planning controls of the former *Hurstville Local Environmental Plan (HLEP) 2012* and *Kogarah Local Environmental Plan (KLEP) 2012*.
6. A range of administrative and housekeeping issues to the instrument and accompanying mapping have arisen since its commencement in October 2021.

Proposal

7. A draft PP (*Georges River Local Environmental Plan 2021 – Housekeeping Amendment 2023*) has been prepared and is provided in **Attachment 1**.
8. The PP been prepared to amend the GRLEP 2021 to improve its operation and accuracy by correcting identified anomalies and inconsistencies to existing provisions and maps, updating property descriptions and adding a new provision from the Standard Instrument LEP.
9. The PP applies to land covered by the GRLEP 2021 as shown in **Figure 1**. The GRLEP 2021 does not apply to land identified as “Deferred matter” on the GRLEP Land Application Map which consists of the Westfield and Hurstville Civic Precinct sites.

Scope of Proposed Amendments

10. To achieve the objectives and intended outcomes, the PP proposes to amend the GRLEP 2021 with the following types of amendments:
 - a. Instrument only amendments;
 - b. Instrument only amendments – *Schedule 5 Environmental Heritage*;
 - c. Map only amendments; and
 - d. Instrument and map amendments.

Instrument only amendments

11. Instrument only amendments (Items 1–5 of the attached Planning Proposal) are amendments to the GRLEP 2021 affecting the written instrument only, and do not affect any of the GRLEP map sheets. These include:
 - a. Amending *Clause 4.4A Exceptions to floor space ratio—certain residential accommodation* to simplify the formula for calculating the maximum floor space ratio. The formulas are unnecessarily complex as the site area ÷ site area = 1. It is proposed to simplify the formula to avoid overcomplication and make them more

user friendly. (Note: There is no change to the existing FSRs that apply to land within the LGA.)

Proposed Amendment: Amend Clause 4.4A(2) and 4.4A(4) to simplify the formula for calculating the maximum floor space ratio.

- (2) The maximum floor space ratio for a dwelling house on land identified as “Area 1” on the Floor Space Ratio Map must not exceed the maximum floor space ratio specified in the table to this subclause.

Site area

not more than 650 square metres

Maximum floor space ratio

~~$[\text{site area} \times 0.55] \div \text{site area}$~~ :1
0.55:1

- (4) The maximum floor space ratio for a dual occupancy must not exceed the maximum floor space ratio specified in the table to this subclause.

Site area

not more than 1,000 square metres

Maximum floor space ratio

~~$[\text{site area} \times 0.6] \div \text{site area}$~~ :1
0.6:1

- b. Inserting *Clause 5.22 Special flood considerations* from the Standard Instrument LEP. The clause is optional for Councils and if adopted for the GRLEP 2021, would allow Council to consider flood impacts for sensitive and hazardous development types (which are listed in the clause) for land between the flood planning area (FPA) and the probable maximum flood (PMF).
- c. Amending *Clause 6.3 Stormwater management* to delete the word ‘practicable’ and replace with ‘applicable’ to align with Council’s *Stormwater Management Policy*. Since the commencement of the GRLEP 2021, some implementation issues have arisen with *Clause 6.3 Stormwater management*, where applicants are not providing on-site stormwater detention (OSD) or retention on sites that require it, due to the wording ‘if practicable’. The proposed amendment will strengthen the requirement for OSD to be provided on sites that require it under Council’s *Stormwater Management Policy*.
- d. Amending *Clause 6.11 Environmental sustainability* to delete the application of the clause to development that involves a change of use of an existing building.
- e. Amending *Clause 6.12 Landscaped area* to address several operational issues by:
 - Adding a new sub-clause outlining that the clause only applies to the erection of a new building or development that is significant to prevent unnecessary restrictions and reporting of minor applications.
 - Inserting wording to enable trees to be removed, where warranted, as part of a DA, as the current wording does not allow this.
 - Inserting wording to allow natural rock formations to be considered as part of the landscaped area where these are naturally occurring on sites.
 - Adding semi-detached dwellings as a development type requiring a minimum landscaped area, which are not currently specified.
 - Inserting a clause that clarifies that the provisions do not apply to strata or community title subdivisions.

Instrument only amendments – Schedule 5 Environmental Heritage

12. Instrument only amendments – *Schedule 5 Environmental Heritage* (Items 6–24 of the attached Planning Proposal) include various administrative amendments to update

property addresses and property descriptions to align with the mapped data, and one update to the item name to reflect the significant components of the site.

Map only amendments

13. Map only amendments (Items 25–29 of the attached Planning Proposal) includes amendments to the GRLEP 2021 Land Zoning (LZN) map to align the zoning with the current and intended use as a public reserve, as well as updating the Land Reservation Acquisition (LRA) map to remove the layer from a number of sites which have already been acquired by the acquisition authority.

Instrument and map amendments

14. The instrument and map amendments (Items 30–36 of the attached Planning Proposal) are amendments that relate to both the GRLEP instrument and associated mapping and includes:
- Amending the Floor Space Ratio (FSR) map and *Clause 4.4B(4) Exceptions to floor space ratio–non-residential uses* to add a non-residential floor space ratio of at least 1.5:1 that will apply to the Hurstville E2 Commercial Centre zone.
 - Amending the Additional Permitted Uses (APU) map, *Clause 6.13 Development in certain business zones* and *Schedule 1 Additional permitted uses* to allow an additional permitted use for RFBs along the Roberts Lane frontage in Hurstville.
 - Amending the Additional Permitted Uses (APU) map and *Schedule 1 Use of certain land in Zone E1* to resolve a number of minor inconsistencies following the commencement of the *State Environmental Planning Policy Amendment (Land Use Zones) (No 3) 2022* which commenced on 26 April 2023.
 - Amending the Land Reservation Acquisition (LRA) map, Additional Permitted Uses (APU) map and *Schedule 1 Additional permitted uses* following subdivision and a realignment of lot boundaries at 5 and 5R Denman Street, Hurstville.
 - Amending the Heritage map and *Schedule 5 Environmental heritage* for Item I206 ‘Terraces and garden, “Beatrice” and “Lillyville”’, following a recent lot consolidation and demolition works resulting in a reduced curtilage.
 - Amending the Heritage map and *Schedule 5 Environmental heritage* for Item I217 ‘Cottage “Killarney” and setting’, following subdivision resulting in the heritage item being wholly on Lot 66B Moons Ave, Lugarno, not on 66A Moons Avenue, Lugarno.
 - Inserting a State listed heritage item, ‘Thurlow House’, at 9 Stuart Crescent, Blakehurst (Lot D, DP 346635) into *Schedule 5 Environmental heritage*.
15. The proposed amendments are detailed within the draft PP provided in **Attachment 1**.

Assessment of the Planning Proposal

16. The following **Tables 1 to 5** provide a detailed assessment and justification of the strategic and site-specific merit of the proposed housekeeping amendments to determine whether the PP should be supported. The Tables contain the 12 questions from the DPE’s *Local Environmental Plan Making Guideline* dated September 2022 which outlines the matters for consideration when describing, evaluating and justifying a proposal.

Table 1: Section A – Need for the planning proposal

Question	Considerations
1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?	<p>The proposed amendments cover a range of instrument and mapping related matters which have been identified as administrative or housekeeping issues that need to be addressed to ensure that the GRLEP operates as originally intended and/or to improve its operation.</p> <p>While the PP is not a direct result of an endorsed LSPS, strategic study or</p>

Question	Considerations
	report, it is consistent with a number of priorities within the <i>Georges River Local Strategic Planning Statement 2040</i> ('LSPS 2040') as discussed in Question 4 below.
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	Yes, the PP is the best and only means of addressing the administrative and housekeeping related matters that have been identified within the GRLEP 2021.

Table 2: Section B – Relationship to the strategic planning framework

Question	Considerations
3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?	<p>Yes. The PP gives effect to the following objectives within the <i>Greater Sydney Region Plan – A Metropolis of Three Cities</i>:</p> <ul style="list-style-type: none"> • <i>Objective 2. Infrastructure aligns with forecast growth.</i> The PP gives effect to this objective by updating the Land Reservation Acquisition (LRA) maps to remove the layer from sites which have already been acquired for public infrastructure (i.e. classified roads and local open space). • <i>Objective 10. Greater housing supply.</i> The PP gives effect to this objective by allowing an additional permitted use of residential flat buildings for a portion of land along Roberts Lane, Hurstville, consistent with the site specific DCP controls already adopted for the site. • <i>Objective 13. Environmental heritage is identified, conserved and enhanced.</i> The PP gives effect to this objective by amending <i>Schedule 5 Environmental Heritage</i> and the Heritage maps within the GRLEP 2021 so that all property descriptions, item names and maps are accurate for all local and State heritage items within the Georges River LGA. • <i>Objective 22. Investment and business activity in centres.</i> The PP gives effect to this objective as it proposes to introduce a minimum non-residential floor space ratio (FSR) control in the E2 Commercial Centre zoned component of the Hurstville strategic centre to ensure no net loss in non-residential floor space and that baseline job targets can be met despite recent Build to Rent (BTR) housing provisions being added to the <i>State Environmental Planning Policy (Housing) 2021</i>. • <i>Objective 27. Biodiversity is protected, urban bushland and remnant vegetation is enhanced.</i> The PP gives effect to this objective by amending the current <i>Clause 6.12 Landscaped areas in certain residential and environment protection zones</i> to ensure that the original intent of the clause is achieved; and to ensure that semi-detached housing provides a minimum landscaped area. It also gives effect to this objective by ensuring that public reserves are zoned appropriately and that land that has been acquired for local open space purposes is removed from the LRA maps. • <i>Objective 37. Exposure to natural and urban hazards is reduced.</i> The PP gives effect to this objective by inserting a new clause from the Standard Instrument LEP, <i>Clause 5.22 Special flood considerations</i>. The clause applies to sensitive and hazardous development on land between the flood planning area and the probable maximum flood to build resilience in future development and reduce the extent of property damage and potential loss of life from severe to extreme flooding. <p>The PP also gives effect to the planning priorities of the <i>South District Plan</i>:</p> <ul style="list-style-type: none"> • <i>Planning Priority S1. Planning for a city supported by infrastructure.</i> The PP gives effect to this planning priority by updating the Land Reservation Acquisition (LRA) maps to remove the layer from sites which have already been acquired for public infrastructure (i.e. classified roads and local open space). • <i>Planning Priority S5. Providing housing supply, choice and affordability, with access to jobs, services and public transport.</i> The PP gives effect to this planning priority by allowing an additional permitted use of residential flat buildings for a portion of land along Roberts Lane, Hurstville, consistent with the site specific DCP controls already adopted for the site.

Question	Considerations
	<ul style="list-style-type: none"> • <i>Planning Priority S6. Creating and renewing great places and local centres, and respecting the District's heritage.</i> The PP gives effect to this planning priority by amending <i>Schedule 5 Environmental Heritage</i> and the Heritage maps within GRLEP 2021 so that all property descriptions, item names and maps are accurate for all local and State heritage items within the Georges River LGA. • <i>Planning Priority S9. Growing investment, business opportunities and jobs in strategic centres.</i> The PP gives effect to this planning priority as it proposes to introduce a minimum non-residential floor space ratio (FSR) control in the E2 Commercial Centre zoned component of the Hurstville strategic centre to ensure no net loss in non-residential floor space and that baseline job targets can be met despite recent Build to Rent (BTR) housing provisions being added to the <i>State Environmental Planning Policy (Housing) 2021</i>. • <i>Planning Priority S18. Adapting to the impacts of urban and natural hazards and climate change.</i> The PP gives effect to this planning priority by inserting a new clause from the Standard Instrument LEP, <i>Clause 5.22 Special flood considerations</i>. The clause applies to sensitive and hazardous development on land between the flood planning area and the probable maximum flood to build resilience in future development and reduce the extent of property damage and potential loss of life from severe to extreme flooding.
<p>4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?</p>	<p>Yes. The PP is consistent with the endorsed Georges River Local Strategic Planning Statement 2040 ('LSPS 2040'), specifically the following planning priorities:</p> <ul style="list-style-type: none"> • <i>P4. Collaboration supports innovation and delivers infrastructure, services and facilities.</i> The PP is consistent with this priority as it proposes to update the Land Reservation Acquisition (LRA) maps to remove the layer from sites which have already been acquired for public infrastructure (i.e. classified roads and local open space). • <i>P10. Homes are supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces.</i> The PP is consistent with this priority by amending the current <i>Clause 6.12 Landscaped areas in certain residential and environment protection zones</i> to ensure that the original intent of the clause is achieved; and to ensure that semi-detached housing provides a minimum landscaped area. The PP is also consistent with this priority as it ensures that public reserves are zoned appropriately and that land that has been acquired for local open space purposes is removed from the LRA maps. • <i>P11. Aboriginal and other heritage is protected and promoted.</i> The PP is consistent with this priority as it seeks to amend <i>Schedule 5 Environmental Heritage</i> and the Heritage maps within the GRLEP 2021 so that all property descriptions, item names and maps are accurate for all local and State heritage items within the Georges River LGA. • <i>P15. All local centres are supported to evolve for long-term viability.</i> The PP is consistent with this priority as it seeks to introduce a minimum non-residential floor space ratio (FSR) control in the E2 Commercial Centre zoned component of the Hurstville strategic centre to ensure no net loss in non-residential floor space and that baseline job targets can be met despite recent Build to Rent (BTR) housing provisions being added to the <i>State Environmental Planning Policy (Housing) 2021</i>. • <i>P17. Tree canopy, bushland, landscaped settings and biodiversity are protected, enhanced and promoted.</i> The PP is consistent with this priority as it proposes to amend the current <i>Clause 6.12 Landscaped areas in certain residential and environment protection zones</i> to rectify operational issues and to ensure that semi-detached housing provides a landscaped area. • <i>P19. Everyone has access to quality, clean, useable, passive and active open and green spaces and recreation places.</i> The PP is consistent with this priority as it seeks to amend the current <i>Clause 6.12 Landscaped</i>

Question	Considerations												
	<p>areas in certain residential and environment protection zones to ensure that the original intent of the clause is achieved; and to ensure that semi-detached housing provides a minimum landscaped area. The PP is also consistent with this priority as it ensures that public reserves are zoned appropriately and that land that has been acquired for local open space purposes is removed from the LRA maps.</p> <ul style="list-style-type: none"> • <i>P20. Development is managed to appropriately respond to hazards and risks.</i> The PP is consistent with this priority as it seeks to insert a new clause from the Standard Instrument LEP, <i>Clause 5.22 Special flood considerations</i>. The clause applies to sensitive and hazardous development on land between the flood planning area and the probable maximum flood to build resilience in future development and reduce the extent of property damage and potential loss of life from severe to extreme flooding. 												
5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?	There are no other applicable State and regional studies or strategies.												
6. Is the planning proposal consistent with applicable SEPPs?	<p>The PP is consistent with the following SEPPs:</p> <table border="1"> <thead> <tr> <th data-bbox="555 826 954 857">SEPP</th><th data-bbox="954 826 1479 857">Comment on consistency</th></tr> </thead> <tbody> <tr> <td data-bbox="555 857 954 1783"><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></td><td data-bbox="954 857 1479 1783"> <p>This SEPP consolidates, transfers and repeals provisions of the following 11 SEPPs (or deemed SEPPs):</p> <ul style="list-style-type: none"> • <i>SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)</i> • <i>SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)</i> • <i>SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)</i> • <i>Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)</i> • <i>SEPP No 19—Bushland in Urban Areas (SEPP 19)</i> • <i>SEPP No 50—Canal Estate Development (SEPP 50)</i> • <i>SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP)</i> • <i>Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No 2 – 1997) (Hawkesbury–Nepean River SREP)</i> • <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)</i> • <i>Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP)</i> • <i>Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property (Willandra Lakes REP)</i> <p>The PP is not inconsistent with the SEPP.</p> </td></tr> <tr> <td data-bbox="555 1783 954 1868"><i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i></td><td data-bbox="954 1783 1479 1868">The PP is not inconsistent with the SEPP.</td></tr> <tr> <td data-bbox="555 1868 954 1953"><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></td><td data-bbox="954 1868 1479 1953">The PP is not inconsistent with the SEPP.</td></tr> <tr> <td data-bbox="555 1953 954 2007"><i>State Environmental Planning Policy (Housing) 2021</i></td><td data-bbox="954 1953 1479 2007">The PP is not inconsistent with the SEPP.</td></tr> <tr> <td data-bbox="555 2007 954 2119"><i>State Environmental Planning Policy (Industry and Employment) 2021</i></td><td data-bbox="954 2007 1479 2119"> <p>This SEPP consolidates, transfers and repeals the provisions of the following 2 SEPPs:</p> <ul style="list-style-type: none"> • <i>SEPP (Western Sydney Employment</i> </td></tr> </tbody> </table>	SEPP	Comment on consistency	<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	<p>This SEPP consolidates, transfers and repeals provisions of the following 11 SEPPs (or deemed SEPPs):</p> <ul style="list-style-type: none"> • <i>SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)</i> • <i>SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)</i> • <i>SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)</i> • <i>Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)</i> • <i>SEPP No 19—Bushland in Urban Areas (SEPP 19)</i> • <i>SEPP No 50—Canal Estate Development (SEPP 50)</i> • <i>SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP)</i> • <i>Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No 2 – 1997) (Hawkesbury–Nepean River SREP)</i> • <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)</i> • <i>Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP)</i> • <i>Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property (Willandra Lakes REP)</i> <p>The PP is not inconsistent with the SEPP.</p>	<i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>	The PP is not inconsistent with the SEPP.	<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>	The PP is not inconsistent with the SEPP.	<i>State Environmental Planning Policy (Housing) 2021</i>	The PP is not inconsistent with the SEPP.	<i>State Environmental Planning Policy (Industry and Employment) 2021</i>	<p>This SEPP consolidates, transfers and repeals the provisions of the following 2 SEPPs:</p> <ul style="list-style-type: none"> • <i>SEPP (Western Sydney Employment</i>
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Question	Considerations
	<p>Area) 2009 (Western Sydney Employment SEPP)</p> <ul style="list-style-type: none"> SEPP 64 – Advertising and Signage (SEPP 64) <p>The PP is not inconsistent with the SEPP.</p>
	<p>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</p> <p>The PP is not inconsistent with the SEPP.</p>
	<p>State Environmental Planning Policy (Planning Systems) 2021</p> <p>This SEPP consolidates and repeals the provisions of the following 3 SEPPs:</p> <ul style="list-style-type: none"> SEPP (State and Regional Development) 2011 (State and Regional Development SEPP) SEPP (Aboriginal Land) 2019 (Aboriginal Land SEPP) SEPP (Concurrences and Consents) 2018 (Concurrence SEPP) <p>The PP is not inconsistent with the SEPP.</p>
	<p>State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021</p> <p>The PP is not inconsistent with the SEPP. The site is not the subject of a Precinct identified by the SEPP.</p>
	<p>State Environmental Planning Policy (Primary Production) 2021</p> <p>This SEPP consolidates, transfers and repeals the provisions of the following SEPPs:</p> <ul style="list-style-type: none"> SEPP (Primary Production and Rural Development) 2019 (Primary Production and Rural Development SEPP) Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas) (Central Coast Plateau SREP) <p>The PP is not inconsistent with the SEPP.</p>
	<p>State Environmental Planning Policy (Resilience and Hazards) 2021</p> <p>This SEPP consolidates and repeals the provisions of the following 3 SEPPs:</p> <ul style="list-style-type: none"> SEPP (Coastal Management) 2018 (Coastal Management SEPP) SEPP 33 – Hazardous and Offensive Development (SEPP 33) SEPP 55 – Remediation of Land (SEPP 55) <p>The PP is not inconsistent with the SEPP.</p>
	<p>State Environmental Planning Policy (Resources and Energy) 2021</p> <p>This SEPP consolidates and repeals the provisions of the following 2 SEPPs:</p> <ul style="list-style-type: none"> SEPP (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP) Sydney Regional Environmental Plan No. 9 – Extractive Industries (No 2 – 1995) (Extractive Industries SREP) <p>The PP is not inconsistent with the SEPP.</p>
	<p>State Environmental Planning Policy (Sustainable Buildings)</p> <p>The PP is not inconsistent with the SEPP.</p>
	<p>State Environmental Planning Policy (Transport and Infrastructure) 2021</p> <p>This SEPP consolidates and repeals the provisions of the following 4 SEPPs:</p> <ul style="list-style-type: none"> SEPP (Infrastructure) 2007 (Infrastructure SEPP) SEPP (Educational Establishments and Childcare Facilities) 2017 (Education and Childcare SEPP) SEPP (Major Infrastructure Corridors) 2020 (Corridor SEPP) SEPP (Three Ports) 2013 (Three Ports

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Question		Considerations
	1.17 Implementation of the Bays West Place Strategy	NA
	1.18 Implementation of the Macquarie Park Innovation Precinct	NA
	1.19 Implementation of the Westmead Place Strategy	NA
	1.20 Implementation of the Camellia-Rosehill Place Strategy	NA
	1.21 Implementation of the South West Growth Area Structure Plan	NA
	1.22 Implementation of the Cherrybrook Station Place Strategy	N/A
	2 Design and Place	
	3 Biodiversity and Conservation	
	3.1 Conservation Zones	Consistent – The PP does not affect land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP.
	3.2 Heritage Conservation	Consistent – The PP seeks to make minor administrative amendments to <i>Schedule 5 Environmental Heritage</i> and associated Heritage maps within the GRLEP 2021 to ensure property descriptions, item names and maps are accurate for all local and State heritage items within the Georges River LGA.
	3.3 Sydney Drinking Water Catchments	NA – the PP affects the Georges River LGA which the Direction does not apply to.
	3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	NA
	3.5 Recreation Vehicle Areas	Consistent – The PP does not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>).
	3.6 Strategic Conservation Planning	NA
	3.7 Public Bushland	Consistent – The PP does not propose any changes to existing controls protecting bushland in urban areas.
	3.8 Willandra Lakes Region	NA
	3.9 Sydney Harbour Foreshores and Waterways Area	NA – The PP does not affect land within the Foreshores and Waterways Area as defined in the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> .
	3.10 Water Catchment Protection	N/A – The PP does not propose any changes to controls that would impact on water catchments.
	4 Resilience and Hazards	
	4.1 Flooding	Consistent – The PP proposes to adopt <i>Clause 5.22 Special flood considerations</i> which will enable Council to consider flood impacts for sensitive and hazardous development types for land between the flood planning area (FPA) and the probable maximum flood (PMF). The PP is consistent with the objectives of the Direction.
	4.2 Coastal Management	Consistent – The PP affects land within the Coastal Zone however it does not propose an intensification of uses permitted. The PP does not propose any changes relating to coastal management.
	4.3 Planning for Bushfire Protection	Consistent – The PP does not result in controls that place development in hazardous areas. It does not change any existing provisions relating

Question	Considerations
	to bushfire prone land.
4.4 Remediation of Contaminated Land	Consistent – The PP does not affect any known contaminated land.
4.5 Acid Sulfate Soils	Consistent – The PP does not seek to introduce or change provisions relating to Acid Sulfate Soils.
4.6 Mine Subsidence and Unstable Land	Consistent – The PP does not permit development on land that: (a) is within a mine subsidence district, or (b) has been identified as unstable in a study, strategy or other assessment undertaken: (i) by or on behalf of the relevant planning authority, or (ii) on behalf of a public authority and provided to the relevant planning authority.
5 Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Consistent – The PP proposes minor alterations to provisions relating to urban land, however is consistent with <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).
5.2 Reserving Land for Public Purposes	Consistent – The PP proposes to remove the LRA layer from a number of parcels which have already been acquired by the relevant authority (either Council or Transport for NSW). The mapping is no longer required. It is recommended that Transport for NSW be consulted as part of the Gateway Determination.
5.3 Development Near Regulated Airports and Defence Airfields	NA – The PP does not create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.
5.4 Shooting Ranges	NA – The PP does not seek to affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.
6 Housing	
6.1 Residential Zones	Consistent – The PP is minor and consistent with the objectives of the Direction to encourage a variety of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and minimise the impact of residential development on the environment and resource lands. It achieves this by allowing an additional permitted use of residential flat buildings for a portion of land along Roberts Lane, Hurstville, consistent with the site specific DCP controls already adopted for the site.
6.2 Caravan Parks and Manufactured Home Estates	Consistent – The PP does not propose to permit development for the purposes of a caravan park or manufactured home estate.
7. Industry and Employment	
7.1 Business and Industrial Zones	Consistent – The PP affects land within an existing or proposed business or industrial zone and is consistent with the objectives of the Direction. It achieves the objectives of the Direction to protect employment land in employment zones and support the viability of identified centres. The PP gives effect to this objective as it proposes to introduce a minimum non-residential floor space ratio (FSR) control in the E2 Commercial Centre zoned component of the Hurstville strategic centre to ensure no net loss in non-residential floor space and that baseline job targets can be met despite recent Build to Rent (BTR) housing provisions being

Question	Considerations
	added to the <i>State Environmental Planning Policy (Housing) 2021</i> .
7.2 Reduction in non-hosted short-term rental accommodation period	NA – The PP does not cover the Byron Shire Council area or identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out within the LGA.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	NA
8 Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	NA – The PP does not have the effect of: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.
9 Primary Production	
9.1 Rural Zones	NA – The PP does not affect any land within an existing or proposed rural zone.
9.2 Rural Lands	NA
9.3 Oyster Aquaculture	NA – The PP does not propose a change in land use which could impact on a Priority Oyster Aquaculture Area.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	NA

Table 3: Section C – Environmental, social and economic impact

Question	Considerations
8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?	No, the PP only proposes to make amendments to the LEP that are of a minor administrative or housekeeping nature so it is not expected that any critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal.
9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	No other environmental impacts are anticipated other than positive environmental effects as a result of the proposed changes to <i>Clause 6.12 Landscaped areas in certain residential and environment protection zones</i> .
10. Has the planning proposal adequately addressed any social and economic effects?	Yes, the PP is likely to have positive social and economic effects due to the LEP operating in a more efficient and accurate manner which will better align the objectives of the instrument with appropriate development.

Table 4: Section D – Infrastructure (Local, State and Commonwealth)

Question	Considerations
11. Is there adequate public infrastructure for the planning proposal?	The PP does not create additional requirements for public infrastructure.

Table 5: Section E – State and Commonwealth Interests

Question	Considerations
12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway Determination?	Council has not yet consulted with relevant State and/or Commonwealth public authorities but will do so in accordance with the conditions of the Gateway Determination.

LPP008-23

Summary of Assessment/Conclusion

17. In summary, the PP seeks to amend the GRLEP 2021 via a number of instrument and mapping amendments to respond to a range of administrative and housekeeping issues to the instrument and accompanying mapping which have arisen since its commencement in October 2021. The changes will improve the overall operation and accuracy of the Plan.
18. Items 1–5 on pages 5-11 of the attached Planning Proposal document are amendments to the GRLEP 2021 affecting the written instrument only, and do not affect any of the GRLEP map sheets.
19. Items 6–24 on pages 12-19 of the attached Planning Proposal document are administrative amendments to *Schedule 5 Environmental Heritage* of the GRLEP 2021. These amendments include updates to item names, addresses and property descriptions.
20. Items 25–29 on pages 20-26 of the attached Planning Proposal document are housekeeping amendments to the GRLEP 2021 maps, including the Land Zoning (LZN) and Land Reservation Acquisition (LRA) maps.
21. Items 30–36 on pages 27-41 of the attached Planning Proposal document are amendments that relate to both the GRLEP instrument and associated mapping.
22. The PP meets both the strategic and site-specific merit tests that are outlined in the *Local Environmental Plan Making Guideline* dated September 2022.
23. In terms of Strategic Merit, the PP:
 - a. Gives effect to the following objectives within the *Greater Sydney Region Plan – A Metropolis of Three Cities* as discussed in Table 2 of this report:
 - *Objective 2. Infrastructure aligns with forecast growth.*
 - *Objective 10. Greater housing supply.*
 - *Objective 13. Environmental heritage is identified, conserved and enhanced.*
 - *Objective 22. Investment and business activity in centres.*
 - *Objective 27. Biodiversity is protected, urban bushland and remnant vegetation is enhanced.*
 - *Objective 37. Exposure to natural and urban hazards is reduced.*
 - b. Gives effect to the following planning priorities of the *South District Plan*:
 - *Planning Priority S1. Planning for a city supported by infrastructure.*
 - *Planning Priority S5. Providing housing supply, choice and affordability, with access to jobs, services and public transport.*
 - *Planning Priority S6. Creating and renewing great places and local centres, and respecting the District's heritage.*
 - *Planning Priority S9. Growing investment, business opportunities and jobs in strategic centres.*
 - *Planning Priority S18. Adapting to the impacts of urban and natural hazards and climate change.*
 - c. Is consistent with the following planning priorities of the endorsed Georges River Local Strategic Planning Statement 2040 ('LSPS 2040'):

- *P4. Collaboration supports innovation and delivers infrastructure, services and facilities.*
 - *P10. Homes are supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces.*
 - *P11. Aboriginal and other heritage is protected and promoted.*
 - *P15. All local centres are supported to evolve for long-term viability.*
 - *P17. Tree canopy, bushland, landscaped settings and biodiversity are protected, enhanced and promoted.*
 - *P19. Everyone has access to quality, clean, useable, passive and active open and green spaces and recreation places.*
 - *P20. Development is managed to appropriately respond to hazards and risks.*
24. In terms of Site-Specific merit, the PP:
- a. Does not adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.
 - b. Does not create additional requirements for public infrastructure.
 - c. Is likely to have positive social and economic effects due to the LEP operating in a more efficient and accurate manner which will better align the objectives of the instrument with appropriate development.

Community Consultation

25. Should the PP be supported, it will be forwarded to the delegate of the Minister for Planning and Public Spaces requesting a Gateway Determination.
26. If a Gateway Determination is issued, it is intended to exhibit the PP for a period of 28 days as specified in the Gateway Determination.
27. It is intended to make the PP available for viewing at:
 - a. Council's Your Say website;
 - b. Georges River Civic Centre, MacMahon Street, Hurstville, between 8.30am and 5.00pm, Monday to Friday;
 - c. Clive James (Kogarah) Library and Service Centre, during library hours; and
 - d. Hurstville Library, during library hours.
28. Consultation will also be undertaken with any relevant public authorities / organisations as conditioned by the Gateway Determination. It is also proposed to consult with Transport for NSW.
29. The project timeframe will depend on the Gateway Determination date and the required public exhibition period. The indicative project timeline is below.

Indicative project timeline

Stage	Timeframe/date
Consideration by the Georges River LPP	18 May 2023
Report to Council seeking endorsement to forward the PP for a Gateway Determination	26 June 2023
Gateway Determination	August 2023
Pre-exhibition tasks, e.g. complete technically compliant mapping	August/September 2023
Commencement and completion of public exhibition period	September/October 2023
Consideration of submissions	November/December 2023
Post-exhibition review and additional studies	November 2023
Report to Council on the results of the community consultation and finalisation of the PP	February 2024


Stage	Timeframe/date
Submission to the Department for finalisation	March 2024
Gazettal of LEP amendment	April/May 2024

30. It is noted that the project timeline will be assessed by the DPE and may be amended by the Gateway Determination.

Next Steps

31. The PP will be presented at a future Environment and Planning (E&P) Committee meeting for consideration, including the LPP recommendations. The minutes of the E&P Committee meeting will subsequently be considered at a future Council meeting. If the PP is endorsed by Council, it will be forwarded to the Minister for Planning and Public Spaces for a Gateway Determination under Section 3.34 of the EP&A Act.

ATTACHMENTS

Attachment [↓](#)1  Planning Proposal 2023/0002 - Pre Gateway Version - May 2023



Planning Proposal

No. 2023/0002

Georges River Local
Environmental Plan 2021 –
Housekeeping Amendment
2023

May 2023

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1. INTRODUCTION

This Planning Proposal (PP) seeks to amend the *Georges River Local Environmental Plan 2021* (GRLEP 2021) to respond to a range of administrative and housekeeping issues to the instrument and accompanying mapping which have arisen since its commencement in October 2021. The changes will improve the overall operation and accuracy of the Plan and applies to land covered by the GRLEP 2021 as shown in **Figure 1**. The GRLEP 2021 does not apply to land identified as “Deferred matter” on the GRLEP Land Application Map which consists of the Westfield and Hurstville Civic Precinct sites.

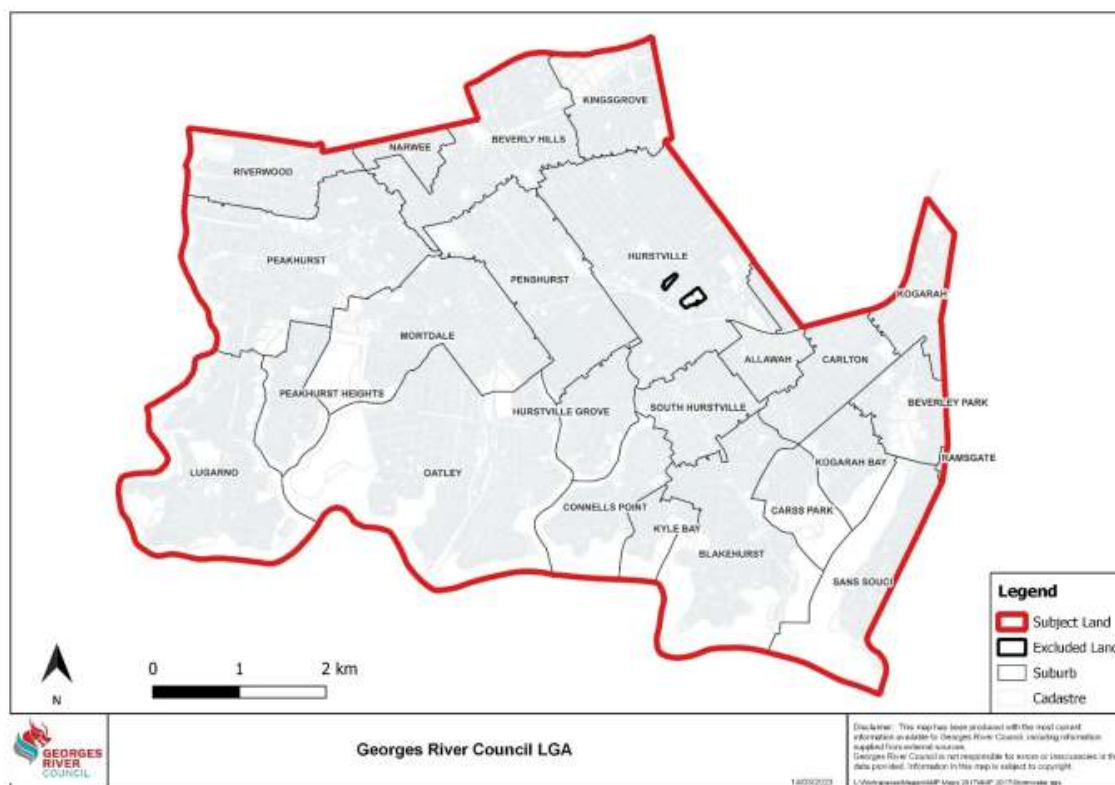


Figure 1 – Subject Land

It is requested that Council be given delegation for the plan making functions for this PP.

2. BACKGROUND

The *Georges River Local Environmental Plan (GRLEP) 2021* commenced on 8 October 2021 and replaced the planning controls of the former *Hurstville Local Environmental Plan (HLEP) 2012* and *Kogarah Local Environmental Plan (KLEP) 2012*.

A report to Council is expected to be considered on 13 June 2023 to consider this PP and the scope of housekeeping matters which have arisen since the commencement of the GRLEP 2021. The report will recommend that Council resolve to submit this PP to the Department of Planning and Environment (DPE) for a Gateway Determination.

3. OBJECTIVE AND INTENDED OUTCOME

3.1 Objective

The objective of the PP is to amend the *Georges River Local Environmental Plan (GRLEP) 2021* to improve its operation and accuracy by correcting identified anomalies and inconsistencies to existing provisions and maps, updating property descriptions and adding a new provision from the Standard Instrument LEP.

3.2 Intended Outcome

The intended outcome of the PP is an up to date and accurate GRLEP devoid of anomalies and inconsistencies to improve the Plan's overall operation.

4. EXPLANATION OF PROVISIONS

To achieve the objectives and intended outcomes, the PP proposes to amend the GRLEP 2021 via a number of instrument and mapping amendments as explained in the following sections.

4.1 Instrument Only Amendments

Items 1–5 are amendments to the GRLEP 2021 affecting the written instrument only, and do not affect any of the GRLEP map sheets. The proposed housekeeping amendments are explained below with proposed changes identified in red.

Item	Clause	Summary of proposed amendment								
1	Clause 4.4A Exceptions to floor space ratio—certain residential accommodation	<p>Issue and Justification: The formulas within Clause 4.4A(2) and 4.4A(4) are unnecessarily complex as the site area ÷ site area = 1. It is proposed to simplify the formula to avoid overcomplication and make them more user friendly.</p> <p>Proposed Amendment: Amend Clause 4.4A(2) and 4.4A(4) to simplify the formula for calculating the maximum floor space ratio.</p> <p>(2) The maximum floor space ratio for a dwelling house on land identified as “Area 1” on the Floor Space Ratio Map must not exceed the maximum floor space ratio specified in the table to this subclause.</p> <table><tr><th>Site area</th><th>Maximum floor space ratio</th></tr><tr><td>not more than 650 square metres</td><td>{site area × 0.55} ÷ site area:1 0.55:1</td></tr></table> <p>(4) The maximum floor space ratio for a dual occupancy must not exceed the maximum floor space ratio specified in the table to this subclause.</p> <table><tr><th>Site area</th><th>Maximum floor space ratio</th></tr><tr><td>not more than 1,000 square metres</td><td>{site area × 0.6} ÷ site area:1 0.6:1</td></tr></table> <p>NB: The change results in <u>no</u> additional FSR.</p>	Site area	Maximum floor space ratio	not more than 650 square metres	{site area × 0.55} ÷ site area:1 0.55:1	Site area	Maximum floor space ratio	not more than 1,000 square metres	{site area × 0.6} ÷ site area:1 0.6:1
Site area	Maximum floor space ratio									
not more than 650 square metres	{site area × 0.55} ÷ site area:1 0.55:1									
Site area	Maximum floor space ratio									
not more than 1,000 square metres	{site area × 0.6} ÷ site area:1 0.6:1									

2	<p>Clause 5.22 Special flood considerations</p> <p>[new clause]</p>	<p>Issue and Justification:</p> <p>On 14 July 2021, the <i>Standard Instrument (Local Environmental Plans) Amendment (Flood Planning) Order 2021</i> (the Amendment) came into force. The Amendment had the effect of inserting a new optional clause into the Standard Instrument LEP under Part 5 Miscellaneous provisions – <i>Clause 5.22 Special flood considerations</i>.</p> <p>If adopted for the GRLEP 2021, the clause would allow Council to consider flood impacts for sensitive and hazardous development types (which are listed in the clause) for land between the flood planning area (FPA) and the probable maximum flood (PMF).</p> <p>The clause would enable Council to ensure that development:</p> <ul style="list-style-type: none"> – will not affect the safe occupation and efficient evacuation of people in the event of a flood, – incorporates appropriate measures to manage risk to life in the event of a flood, and – will not adversely affect the environment in the event of a flood. <p>Proposed Amendment:</p> <p>Insert Clause 5.22 from the Standard Instrument LEP as below.</p> <p>5.22 Special flood considerations</p> <p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> (a) to enable the safe occupation and evacuation of people subject to flooding, (b) to ensure development on land is compatible with the land’s flood behaviour in the event of a flood, (c) to avoid adverse or cumulative impacts on flood behaviour, (d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events, (e) to avoid adverse effects of hazardous development on the environment during flood events. <p>(2) This clause applies to—</p> <ul style="list-style-type: none"> (a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and (b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may— <ul style="list-style-type: none"> (i) cause a particular risk to life, and (ii) require the evacuation of people or other safety considerations.
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		<p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</p> <ul style="list-style-type: none"> (a) will not affect the safe occupation and efficient evacuation of people in the event of a flood, and (b) incorporates appropriate measures to manage risk to life in the event of a flood, and (c) will not adversely affect the environment in the event of a flood. <p>(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.</p> <p>(5) In this clause—</p> <p><i>Considering Flooding in Land Use Planning Guideline</i>—see clause 5.21(5).</p> <p><i>flood planning area</i>—see clause 5.21(5).</p> <p><i>Floodplain Development Manual</i>—see clause 5.21(5).</p> <p><i>probable maximum flood</i> has the same meaning as it has in the Floodplain Development Manual.</p> <p><i>sensitive and hazardous development</i> means development for the following purposes—</p> <ul style="list-style-type: none"> (a) boarding houses, (b) caravan parks, (c) correctional centres, (d) early education and care facilities, (e) eco-tourist facilities, (f) educational establishments, (g) emergency services facilities, (h) group homes, (i) hazardous industries, (j) hazardous storage establishments, (k) hospitals, (l) hostels, (m) information and education facilities, (n) respite day care centres, (o) seniors housing, (p) sewerage systems, (q) tourist and visitor accommodation, (r) water supply systems
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3	Clause 6.3 Stormwater management	<p>Issue and Justification:</p> <p>Since the commencement of the GRLEP 2021, some implementation issues have arisen with <i>Clause 6.3 Stormwater management</i>, where applicants are not providing on-site stormwater detention (OSD) or retention on sites that require it, due to the wording 'if practicable'. OSD involves the temporary storage and controlled release of stormwater generated within a site, and is required to ensure that post-development stormwater runoff does not increase flooding problems downstream. The proposed amendment will strengthen the requirement for OSD to be provided on sites that require it under Council's <i>Stormwater Management Policy</i>.</p> <p>Proposed Amendment:</p> <p>Amend Clause 6.3(2)(b) to delete the word 'practicable' and replace with 'applicable' to align with Council's <i>Stormwater Management Policy</i>.</p> <p>(2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development—</p> <p>...</p> <p>(b) includes, if practicable applicable, on-site stormwater detention or retention to minimise stormwater runoff volumes and reduce the development's reliance on mains water, groundwater or river water, and...</p> <p>NB: 'Applicable' means that OSD is applicable and required under Council's Stormwater Management Policy.</p>
4	Clause 6.11 Environmental sustainability	<p>Issue and Justification:</p> <p>The current clause has the objective of ensuring development is consistent with the principles of best practice environmentally sensitive design, and currently applies to development in certain zones involving a change of use. Upon review of the clause, it is considered that the application of the clause to change of use developments is too onerous and should be deleted.</p> <p>Proposed Amendment:</p> <p>Amend Clause 6.11 by deleting the application of the clause to development that involves a change of use of an existing building.</p> <p>Clause 6.11 Environmental sustainability</p> <p>(1) The objective of this clause is to ensure that development to which this clause applies is consistent with principles of best practice environmentally sensitive design.</p> <p>(2) This clause applies to development—</p> <p>(a) on land in the following zones—</p> <p>(i) Zone R4 High Density Residential,</p> <p>(ii) Zone E1 Local Centre,</p>

		<ul style="list-style-type: none"> (iii) Zone E2 Commercial Centre, (iv) Zone MU1 Mixed Use, (v) Zone E4 General Industrial, and (b) that involves— <ul style="list-style-type: none"> (i) the erection of a new building, or (ii) the change of use of an existing building, or (iii) alterations or additions to an existing building that, in the opinion of the consent authority, are significant. (3) Development consent must not be granted to development on land to which this clause applies if the building is 1,500 square metres in gross floor area or greater unless adequate consideration has been given to the following in the design of the building— <ul style="list-style-type: none"> (a) water demand reduction, including water efficiency, water recycling and minimisation of potable water usage, (b) energy demand reduction, including energy generation, use of renewable energy and reduced reliance on mains power, (c) indoor environmental quality, including daylight provision, glare control, cross ventilation and thermal comfort, (d) the minimisation of surfaces that absorb and retain heat and the use of surfaces that reflect heat where possible, (e) a reduction in new materials consumption and use of sustainable materials, including recycled content in concrete, sustainable timber and PVC minimisation, (f) transport initiatives to reduce car dependence such as providing cycle facilities, car share and small vehicle parking spaces.
5	<p>Clause 6.12</p> <p>Landscaped area</p>	<p>Issue and Justification:</p> <p>The current wording of Clause 6.12 (4)(c) is problematic as it does not allow for the removal of any tree via a Development Application (DA) or a Modification Application. This means that the applicant has to lodge a Tree Permit Application as well as a DA. The intent of the provision was to ensure that development does not adversely impact the health, condition and structure of existing trees proposed to be retained in the development, not all trees on the site. Accordingly, it is proposed to amend this provision to enable trees to be removed, where warranted, as part of a DA or Modification application.</p> <p>The clause also does not allow natural rock formations to be considered as part of the landscaped area where these are naturally occurring on sites. It is proposed to amend the clause so that natural rock outcrops can be included as part of the percentage site area for landscaping.</p> <p>The current wording of Clause 6.12 (5) requires all DAs, including minor DAs (including those not amending the building envelope) on sites that have an existing non-compliance, to comply with a minimum landscaped area. This results in unnecessary delays and reporting of applications to the Local Planning Panel (LPP), clogging up the system. It is proposed to amend the clause to clarify that the clause applies to only development involving the erection of a new building or significant additions or external alterations to an existing building.</p> <p>The clause is also unclear whether both resulting lots of a dual occupancy development need to meet the landscaped area</p>

		<p>requirements. It is proposed to amend the clause to make it clear that semi-detached housing must meet the same landscaped area requirements as dual occupancy development.</p> <p>It is also proposed to insert a clause that clarifies that the provisions do not apply to strata or community title subdivisions, as the intention is that they apply to Torrens title subdivisions only.</p> <p>Proposed Amendment:</p> <p>Amend Clause 6.12 by:</p> <ul style="list-style-type: none"> - Adding a new sub-clause outlining that the clause only applies to the erection of a new building or development that is significant to prevent unnecessary restrictions on minor applications. - Inserting wording to enable trees to be removed, where warranted, as part of a DA, as the current wording does not allow this. - Inserting wording to allow natural rock formations to be considered as part of the landscaped area where these are naturally occurring on sites. - Adding semi-detached dwellings as a development type requiring a minimum landscaped area. - Inserting a clause that clarifies that the provisions do not apply to strata or community title subdivisions. <p>Clause 6.12 Landscaped area</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure adequate opportunities exist for the retention or provision of vegetation that contributes to biodiversity and enhances the tree canopy of the Georges River local government area,</p> <p>(b) to minimise urban run-off by maximising permeable areas on the sites of development,</p> <p>(c) to ensure that the visual impact of development is minimised by sufficient and appropriately located landscaping that complements the scale of buildings,</p> <p>(d) to ensure that the use of surfaces that absorb and retain heat are minimised.</p> <p>(2) This clause applies to development on land referred to in subclause (3) involving—</p> <p>(a) the erection of a new building, or</p> <p>(b) additions or external alterations to an existing building that, in the opinion of the consent authority, are significant.</p> <p>(3)(2) This clause applies to land in the following zones—</p> <p>(a) Zone R2 Low Density Residential,</p> <p>(b) Zone R3 Medium Density Residential,</p> <p>(c) Zone R4 High Density Residential,</p> <p>(d) Zone E2 Environmental Conservation.</p> <p>(4)(3) Despite subclause (2) (3), this clause does not apply to development referred to in <i>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</i>, clause 4.</p> <p>(5)(4) Development consent must not be granted to development on land to which the clause applies unless the consent authority is satisfied that the development—</p>
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		<p>(a) allows for the establishment of appropriate plantings—</p> <p>(i) that are of a scale and density commensurate with the height, bulk and scale of the buildings to which the development relates, and</p> <p>(ii) that will maintain and enhance the streetscape and the desired future character of the locality, and</p> <p>(b) maintains privacy between dwellings, and</p> <p>(c) does not adversely impact the health, condition and structure of existing trees, tree canopies and tree root systems on the land or adjacent land that are required to be retained, and</p> <p>(d) enables the establishment of indigenous vegetation and habitat for native fauna, and</p> <p>(e) integrates with the existing vegetation to protect existing trees and natural landscape features such as rock outcrops, remnant bushland, habitats and natural watercourses.</p> <p>(6) (5) Development consent must not be granted to development on land to which this clause applies unless a percentage of the site area consists of landscaped areas and natural rock outcrops that is at least—</p> <p>(a) for a dwelling house located on land outside the Foreshore Scenic Protection Area—20% of the site area, or</p> <p>(b) for a dwelling house located on land within the Foreshore Scenic Protection Area—25% of the site area, or</p> <p>(c) for a dual occupancy or semi-detached dwelling located on land outside the Foreshore Scenic Protection Area—25% of the site area, or</p> <p>(d) for a dual occupancy or semi-detached dwelling located on land within the Foreshore Scenic Protection Area—30% of the site area, or</p> <p>(e) for development in Zone R3 Medium Density Residential—20% of the site area, or</p> <p>(f) for development in Zone R4 High Density Residential—10% of the site area, or</p> <p>(g) for development in Zone E2 Environmental Conservation—70% of the site area.</p> <p>(7) (6) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle and any right of carriageway is not to be included in calculating the site area for the purposes of subclause (6) (5).</p> <p>(8) Subclause (6) does not apply to a subdivision of land under the <u>Community Land Development Act 1989</u> or the <u>Strata Schemes (Freehold Development) Act 1973</u>.</p> <p>(9) (7) In this clause—</p> <p>Foreshore Scenic Protection Area means land shown on the <u>Foreshore Scenic Protection Area Map</u></p>
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4.2 Instrument Only Amendments – Schedule 5 Environmental Heritage

Items 6–24 are administrative amendments to Schedule 5 Environmental Heritage of the GRLEP 2021. These amendments include updates to item names, addresses and property descriptions which are explained below with proposed changes identified in red.

6. Schedule 5 Environmental heritage – Item I3 ‘House and garden, “McWilliam House”’	
Issue and Justification: The property address for Heritage Item I3 is not correct. The heritage item is across two (2) lots, Lots 5 and 6, DP 17522, which corresponds to 186-188 Princes Highway. This also corresponds with the Heritage Inventory Sheet.	
Proposed Amendment: Update the address for Item I3 to include 186 Princes Highway to align with the mapped data.	
Existing Schedule 5	Proposed Schedule 5
Item No: I3 Item: House and garden, “McWilliam House” Address: 188 Princes Highway Suburb: Beverley Park Property Description: Lots 5 and 6, DP 17522 Significance: Local	Item No: I3 Item: House and garden, “McWilliam House” Address: 186–188 Princes Highway Suburb: Beverley Park Property Description: Lots 5 and 6, DP 17522 Significance: Local

7. Schedule 5 Environmental heritage – Item I6 ‘Beverly Hills Railway Station Group’	
Issue and Justification: The property description (Lot and DP) for Heritage Item I6 is not correct. The heritage item is mapped over only part of Lot 10, DP 1211599.	
Proposed Amendment: Update the property description (Lot and DP) for Item I6 to include ‘Part of’ in the property description to align with the mapped data.	
Existing Schedule 5	Proposed Schedule 5
Item No: I6 Item: Beverly Hills Railway Station Group Address: East Hills rail line Suburb: Beverly Hills Property Description: Lot 10, DP 1211599 Significance: State	Item No: I6 Item: Beverly Hills Railway Station Group Address: East Hills rail line Suburb: Beverly Hills Property Description: Part of Lot 10, DP 1211599 Significance: State

8. Schedule 5 Environmental heritage – Item I42 ‘Carlton Railway Station’	
Issue and Justification: The property description (Lot and DP) for Heritage Item I42 is not correct. The heritage item is mapped over only part of Lot 1, DP 1138068.	
Proposed Amendment: Update the property description (Lot and DP) for Item I42 to include ‘Part of’ in the property description to align with the mapped data.	
Existing Schedule 5	Proposed Schedule 5
Item No: I42 Item: Carlton Railway Station Address: Railway Parade Suburb: Carlton Property Description: Lot 1, DP 1138068 Significance: Local	Item No: I42 Item: Carlton Railway Station Address: Railway Parade Suburb: Carlton Property Description: Part of Lot 1, DP 1138068 Significance: Local

9. Schedule 5 Environmental heritage – Item I63 ‘Federation house “Dungog” and setting’	
Issue and Justification: The property description (Lot and DP) for Heritage Item I63 is not correct. A plan of redefinition for Lot 33, DP 1866 was registered on 19 February 2021 which created a new land title Lot 330, DP 1265294.	
Proposed Amendment: Update the property description (Lot and DP) for Item I63 to reflect the current Lot and DP.	
Existing Schedule 5	Proposed Schedule 5
Item No: I63 Item: Federation house “Dungog” and setting Address: 4 Clevedon Road Suburb: Hurstville Property Description: Lot 33, DP 1866 Significance: Local	Item No: I63 Item: Federation house “Dungog” and setting Address: 4 Clevedon Road Suburb: Hurstville Property Description: Lot 33-DP 1866 Lot 330, DP 1265294 Significance: Local

10. Schedule 5 Environmental heritage – Item I66 ‘Hurstville Oval and Velodrome’	
Issue and Justification: The property address for Heritage Item I66 is not correct. The heritage item is across two (2) lots, Lot 1, DP 919317 and Lot 53, DP 9355, which corresponds to 30 and 30D Dora Street, Hurstville.	
Proposed Amendment: Update the property address for Item I66 to add 30D Dora Street to align with the mapped data. The Heritage Inventory Sheet will also be updated.	
Existing Schedule 5	Proposed Schedule 5
Item No: I66 Item: Hurstville Oval and Velodrome	Item No: I66 Item: Hurstville Oval and Velodrome

Address: 30 Dora Street Suburb: Hurstville Property Description: Lot 1, DP 919317; Lot 53, DP 9355 Significance: Local	Address: 30 and 30D Dora Street Suburb: Hurstville Property Description: Lot 1, DP 919317; Lot 53, DP 9355 Significance: Local
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11. Schedule 5 Environmental heritage – Item I95 ‘Group of shops’	
Issue and Justification: The property address for Heritage Item I95 is not correct. The heritage item does not include 259-261 Forest Road, which is currently included in the property address.	
Proposed Amendment: Update the property address for Item I95 to be ‘255–257; 263–273 Forest Road’ and exclude 259-261 Forest Road to align with the mapped data.	
Existing Schedule 5	Proposed Schedule 5
Item No: I95 Item: Group of shops Address: 255–273 Forest Road Suburb: Hurstville Property Description: Lots 7 and 8, DP 10296; Lots C–G, DP 304794; Lot 1, DP 611044 Significance: Local	Item No: I95 Item: Group of shops Address: 255– 257 ; 263 –273 Forest Road Suburb: Hurstville Property Description: Lots 7 and 8, DP 10296; Lots C–G, DP 304794; Lot 1, DP 611044 Significance: Local

12. Schedule 5 Environmental heritage – Item I116 ‘Friendly Societies’ Dispensary Building’	
Issue and Justification: The property description (strata plan number) for Heritage Item I116 is not correct. It contains two (2) strata plan numbers, SP 58631 and SP 72896, however only SP 58631 is correct.	
Proposed Amendment: Update the property description (strata plan number) for Item I116 to delete SP 72896.	
Existing Schedule 5	Proposed Schedule 5
Item No: I116 Item: Friendly Societies’ Dispensary Building Address: 17 MacMahon Street Suburb: Hurstville Property Description: SP 58631; SP 72896 Significance: Local	Item No: I116 Item: Friendly Societies’ Dispensary Building Address: 17 MacMahon Street Suburb: Hurstville Property Description: SP 58631; SP 72896 Significance: Local

13. Schedule 5 Environmental heritage – Item I164 ‘House and garden’	
Issue and Justification: The property address for Heritage Item I164 is not correct. The heritage item does not include 5 Chapel Street, which is currently included in the property address. This also accords with the heritage inventory sheet.	
Proposed Amendment: Update the property address for Item I164 to delete 5 Chapel Street to align with the mapped data.	
Existing Schedule 5	Proposed Schedule 5
Item No: I164 Item: House and garden Address: 3–5 Chapel Street Suburb: Kogarah Property Description: Lot 19, DP 84876 Significance: Local	Item No: I164 Item: House and garden Address: 3– 5 Chapel Street Suburb: Kogarah Property Description: Lot 19, DP 84876 Significance: Local

14. Schedule 5 Environmental heritage – Item I179 ‘Terraces, “Leah Buildings”’	
Issue and Justification: The property description (Lot and DP) for Heritage Item I179 is no longer current following registration of a plan of consolidation of the former Lots A, B and C, DP 443736 on 6 July 2021.	
Proposed Amendment: Update the property description to delete reference to superseded Lots A, B and C, DP 443736 and replace with consolidated land title, Lot 100, DP 127679.	
Existing Schedule 5	Proposed Schedule 5
Item No: I179 Item: Terraces, “Leah Buildings” Address: 22–28 Montgomery Street Suburb: Kogarah Property Description: Lots A–C, DP 443736; Lot 1, DP 917849 Significance: Local	Item No: I179 Item: Terraces, “Leah Buildings” Address: 22–28 Montgomery Street Suburb: Kogarah Property Description: Lots A–C, DP 443736 Lot 100 DP 127679 ; Lot 1, DP 917849 Significance: Local

15. Schedule 5 Environmental heritage – Item I196 ‘HV Evatt Memorial Reserve’	
Issue and Justification: The property description (Lot and DP) for Heritage Item I196 is not correct. The heritage item is mapped over only part of Lot 2, DP 871296.	
Proposed Amendment: Update the property description (Lot and DP) for Item I196 to insert ‘Part of’ in the property description to align with the mapped data.	
Existing Schedule 5	Proposed Schedule 5
Item No: I196 Item: HV Evatt Memorial Reserve Address: 71 Railway Lands Suburb: Kogarah	Item No: I196 Item: HV Evatt Memorial Reserve Address: 71 Railway Lands Suburb: Kogarah

Property Description: Lot 2, DP 871296 Significance: Local	Property Description: Part of Lot 2, DP 871296 Significance: Local
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16. Schedule 5 Environmental heritage – Item I205 ‘House and garden, “Hindmarsh”’	
Issue and Justification: The property description (Lot and DP) for Heritage Item I205 is no longer current following registration of a plan of consolidation for Lots 81 – 87 of Section B, DP 1397 on 29 July 2020. The heritage item is mapped over only part of the new Lot 3, DP 1265877.	
Proposed Amendment: Update the property description (Lot and DP) for Item I205 to delete reference to Lot 81, Section B, DP 1397 and replace with Part of Lot 3, DP 1265877. Update the address to include ‘Part of’ to align with the mapped data. The Heritage Inventory Sheet will also be updated.	
Existing Schedule 5	Proposed Schedule 5
Item No: I205 Item: House and garden, “Hindmarsh” Address: 2 Victoria Street Suburb: Kogarah Property Description: Lot 81, Section B, DP 1397 Significance: Local	Item No: I205 Item: House and garden, “Hindmarsh” Address: Part of 2 Victoria Street Suburb: Kogarah Property Description: Lot 81, Section B, DP 1397 Part of Lot 3, DP 1265877 Significance: Local

17. Schedule 5 Environmental heritage – Item I210 ‘Kyle Bay Bowling Club’	
Issue and Justification: The property address for Heritage Item I210 is not correct. The heritage item is located at 12 Merriman Street, not 12A Merriman Street.	
Proposed Amendment: Update the property address for Item I210 to delete the letter ‘A’ so that the correct address reads as 12 Merriman Street to align with the mapped data. The Heritage Inventory Sheet will also be updated.	
Existing Schedule 5	Proposed Schedule 5
Item No: I210 Item: Kyle Bay Bowling Club Address: 12A Merriman Street Suburb: Kyle Bay Property Description: Lot 10, DP 21299; Lot 12, DP 650783; Lots 9–11 and 40, Section 1, DP 7641; Lot 7316, DP 1154446 Significance: Local	Item No: I210 Item: Kyle Bay Bowling Club Address: 12A Merriman Street Suburb: Kyle Bay Property Description: Lot 10, DP 21299; Lot 12, DP 650783; Lots 9–11 and 40, Section 1, DP 7641; Lot 7316, DP 1154446 Significance: Local

18. Schedule 5 Environmental heritage – Item I236 ‘Oatley Railway Station Group’	
Issue and Justification: The property description (Lot and DP) for Heritage Item I236 is not correct. The heritage item is mapped over only part of Lot 14, DP 839742.	
Proposed Amendment: Update the property description (Lot and DP) for Item I236 to insert ‘Part of’ to align with the mapped data.	
Existing Schedule 5	Proposed Schedule 5
Item No: I236 Item: Oatley Railway Station Group Address: Illawarra rail line Suburb: Oatley Property Description: Lots 5 and 11 DP 803349; Lot 14, DP 839742 Significance: State	Item No: I236 Item: Oatley Railway Station Group Address: Illawarra rail line Suburb: Oatley Property Description: Lots 5 and 11 DP 803349; Part of Lot 14, DP 839742 Significance: State

19. Schedule 5 Environmental heritage – Item I241 ‘George Fincham Pipe Organ’	
Issue and Justification: The property description (Lot and DP) for Heritage Item I241 is not correct. The heritage item is mapped over only part of Lot 123, DP 801645.	
Proposed Amendment: Update the property description (Lot and DP) for Item I241 to insert ‘Part of’ to align with the mapped data.	
Existing Schedule 5	Proposed Schedule 5
Item No: I241 Item: George Fincham Pipe Organ Address: 1 Myall Street Suburb: Oatley Property Description: Lot 123, DP 801645 Significance: Local	Item No: I241 Item: George Fincham Pipe Organ Address: 1 Myall Street Suburb: Oatley Property Description: Part of Lot 123, DP 801645 Significance: Local

20. Schedule 5 Environmental heritage – Item I261 ‘Salt Pan Creek sewage aqueduct’	
Issue and Justification: The property description (Lot and DP) for Heritage Item I261 is not included in Schedule 5. The heritage item is mapped over part of Lot 7320, DP 1166325.	
Proposed Amendment: Update the property description (Lot and DP) for Item I261 to add ‘Part of Lot 7320, DP 1166325’ to align with the mapped data.	
Existing Schedule 5	Proposed Schedule 5
Item No: I261 Item: Salt Pan Creek sewage aqueduct Address: Behind 9 Elwin Street Suburb: Peakhurst Property Description:	Item No: I261 Item: Salt Pan Creek sewage aqueduct Address: Behind 9 Elwin Street Suburb: Peakhurst

Significance: Local	Property Description: Part of Lot 7320, DP 1166325 Significance: Local
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21. Schedule 5 Environmental heritage – Item I266 ‘Fig tree in Pickering Park’	
Issue and Justification: The property description (Lot and DP) for Heritage Item I266 is not correct. The heritage item is mapped over only part of Lot A, DP 36202.	
Proposed Amendment: Update the property description (Lot and DP) for Item I266 to add ‘Part of’ to align with the mapped data.	
Existing Schedule 5	Proposed Schedule 5
Item No: I266 Item: Fig tree in Pickering Park Address: 16A Isaac Street Suburb: Peakhurst Heights Property Description: Lot A, DP 36202 Significance: Local	Item No: I266 Item: Fig tree in Pickering Park Address: 16A Isaac Street Suburb: Peakhurst Heights Property Description: Part of Lot A, DP 36202 Significance: Local

22. Schedule 5 Environmental heritage – Item I267 ‘Fig tree in Lambert Reserve’	
Issue and Justification: The property description (Lot and DP) for Heritage Item I267 is not correct. The heritage item is mapped over only part of Lot 37, DP 209573.	
Proposed Amendment: Update the property description (Lot and DP) for Item I267 to add ‘Part of’ to align with the mapped data.	
Existing Schedule 5	Proposed Schedule 5
Item No: I267 Item: Fig tree in Lambert Reserve Address: 13D Whitegates Avenue Suburb: Peakhurst Heights Property Description: Lot 37, DP 209573 Significance: Local	Item No: I267 Item: Fig tree in Lambert Reserve Address: 13D Whitegates Avenue Suburb: Peakhurst Heights Property Description: Part of Lot 37, DP 209573 Significance: Local

23. Schedule 5 Environmental heritage – Item I278 ‘Penshurst Railway Station Group’	
Issue and Justification: The property description (Lot and DP) for Heritage Item I278 is not correct. The heritage item is mapped over only part of Lot 1, DP 1154260.	
Proposed Amendment: Update the property description (Lot and DP) for Item I278 to add ‘Part of’ to align with the mapped data.	
Existing Schedule 5	Proposed Schedule 5
Item No: I278	Item No: I278

Item: Penshurst Railway Station Group Address: Illawarra rail line—corner of Laycock Road (South) and Bridge Street Suburb: Penshurst Property Description: Lot 1, DP 1154260 Significance: Local	Item: Penshurst Railway Station Group Address: Illawarra rail line—corner of Laycock Road (South) and Bridge Street Suburb: Penshurst Property Description: Part of Lot 1, DP 1154260 Significance: Local
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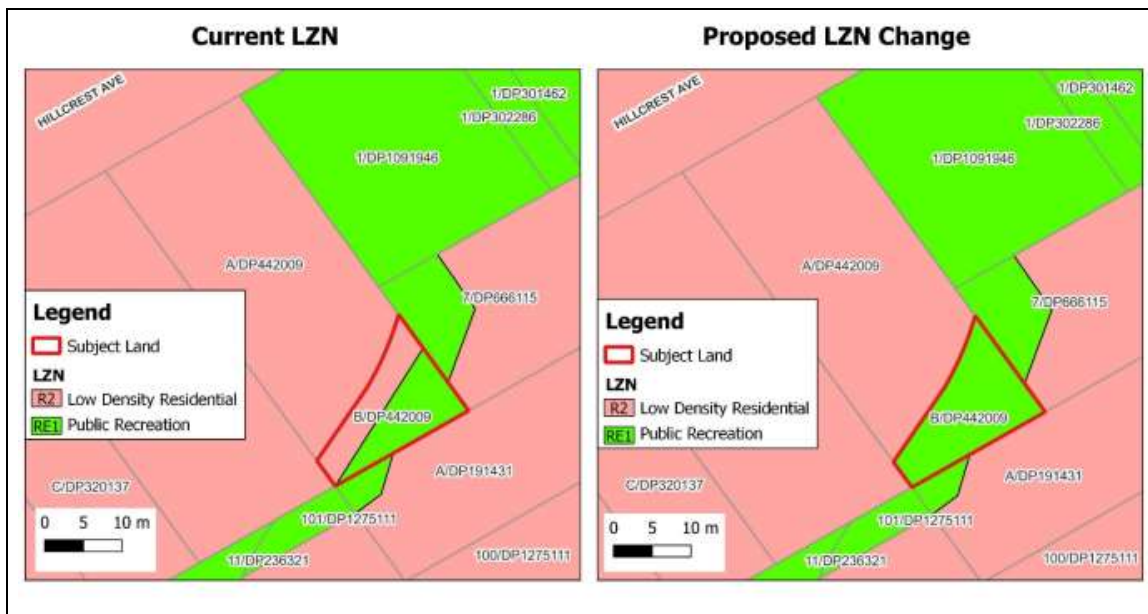
24. Schedule 5 Environmental heritage – Item I303 ‘Sans Souci Park, public baths and bathers pavilion’	
Issue and Justification: Council resolved on 26 April 2021 (ENV012-21) to update the heritage listing for item I303, currently known as ‘Sans Souci Park, public baths and bathers pavilion’ to include the Moreton Bay Fig Tree and sandstone wall in the item name. The Statement of Significance on the NSW Heritage Inventory has been updated to highlight the importance of the sandstone wall and highly significant tree which adds much visual amenity to the surrounding area. The former bathers pavilion has also been demolished as part of DA2020/0166 so it is necessary to update the item name to reflect this.	
Proposed Amendment: Update Item No. I303 name to reflect the significant components of the site. The Heritage Inventory Sheet will also be updated.	
Existing Schedule 5	Proposed Schedule 5
Item No: I303 Item: Sans Souci Park, public baths and bathers pavilion Address: 521 Rocky Point Road and 10 Water Street Suburb: Sans Souci Property Description: Lot 7046, DP 93515; Lot 519, DP 752056 Significance: Local	Item No: I303 Item: Sans Souci Park, public baths and bathers pavilion Sans Souci Park (including public baths, Moreton Bay fig tree (adjacent to Water Street) and sandstone wall) Address: 521 Rocky Point Road and 10 Water Street Locality: Sans Souci Property Description: Lot 7046, DP 93515; Lot 519, DP 752056 Significance: Local

4.3 Map Only Amendments

Items 25–29 are housekeeping amendments to the GRLEP 2021 maps, including Land Zoning (LZN) and Land Reservation Acquisition (LRA) maps.

25. Land Zoning Map – Part of Denman Street Reserve, Part Lot B DP 442009, 54 Hillcrest Avenue, Hurstville

<p>Issue and Justification: The subject land is owned by Council and is part of Denman Street Reserve. It is zoned part R2 Low Density Residential and part RE1 Public Recreation. The part zoned R2 Low Density Residential is proposed to be rezoned RE1 Public Recreation consistent with the current public reserve use.</p>	
<p>Proposed Amendment: Amend the Land Zoning map to rezone 54 Hillcrest Avenue, Hurstville entirely RE1 Public Recreation.</p>	



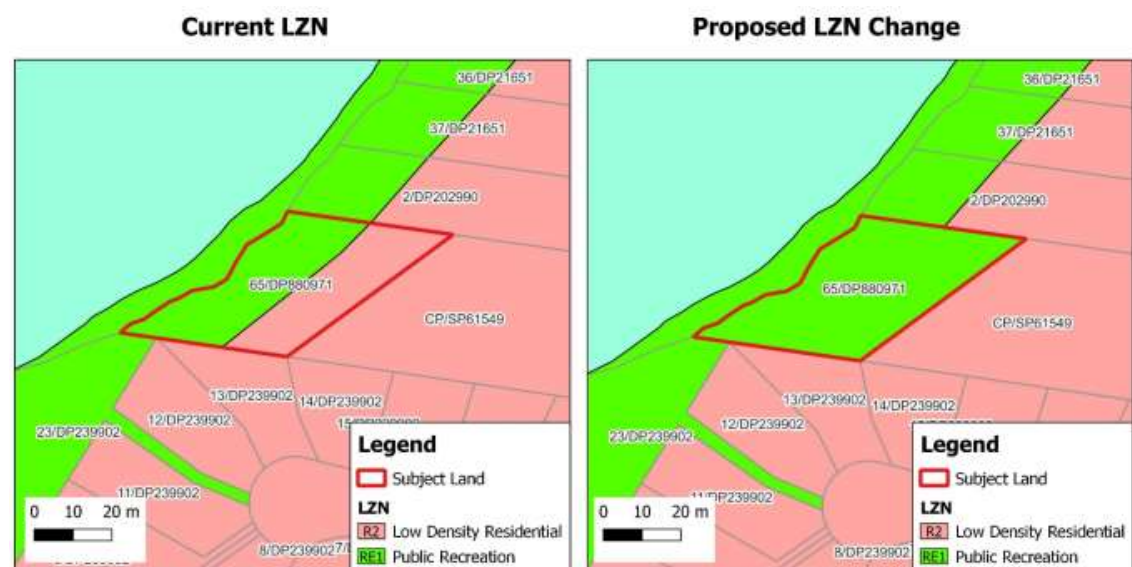
26. Land Zoning Map – Part of Salt Pan Creek Reserve, Lot 65 DP 880971, 964A Forest Road, Lugarno



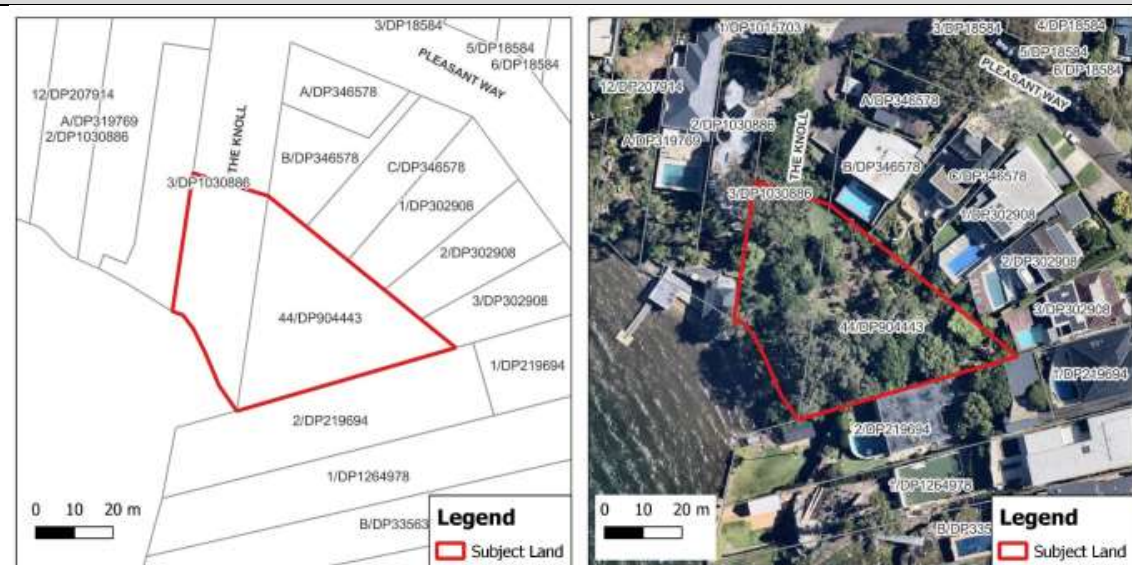
Issue and Justification: The subject land was dedicated to Council as open space in 1998 by the creation of DP 880971, however the RE1 Public Recreation zoning only covers half the lot. The part of the lot zoned R2 Low Density Residential should be rezoned to RE1 Public

Recreation in accordance with the original intention of the dedication of land for public purposes.

Proposed Amendment: Amend the Land Zoning map for 964A Forest Road, Lugarno from part R2 Low Density Residential and part RE1 Public Recreation to entirely RE1 Public Recreation.



27. Land Zoning Map – Part of The Knoll Reserve, Lot 7034 DP 1138728, The Knoll, Lugarno



Issue and Justification: The subject land was dedicated to Council as open space in 1998 by the creation of DP 880971, however the RE1 Public Recreation zoning only covers half the lot. The part R2 Low Density Residential zoning is proposed to be rezoned to RE1 Public Recreation in accordance with the original intention of the dedication of land for public purposes.

Proposed Amendment: Amend the Land Zoning map to rezone Part of Lot 7034, DP 1138728 from R2 Low Density Residential to RE1 Public Recreation.



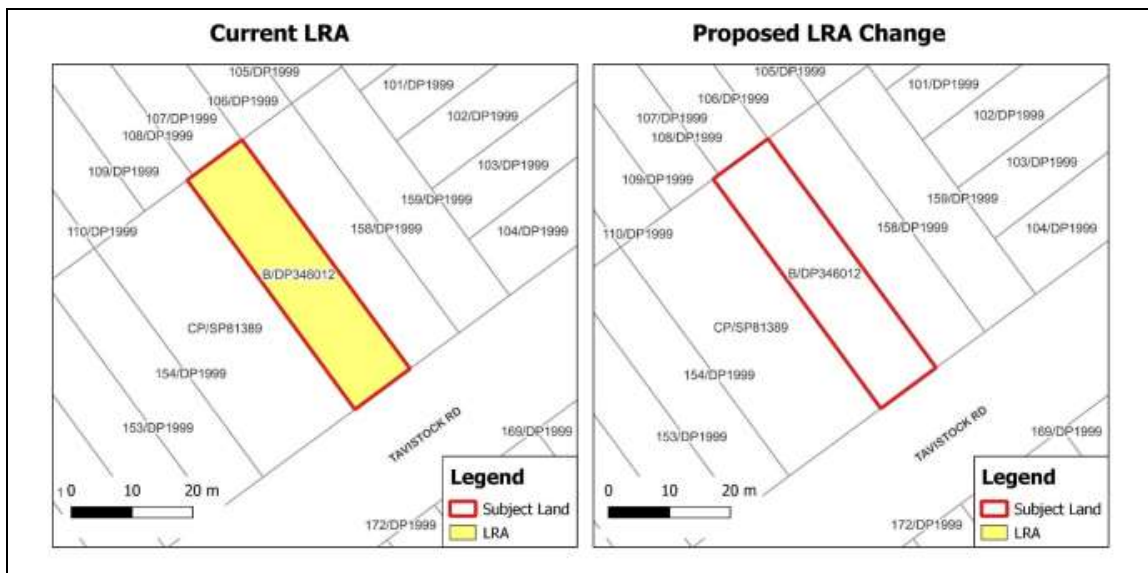
28. Land Reservation Acquisition (LRA) Map – Lot B DP 346012, 11 Tavistock Road, South Hurstville



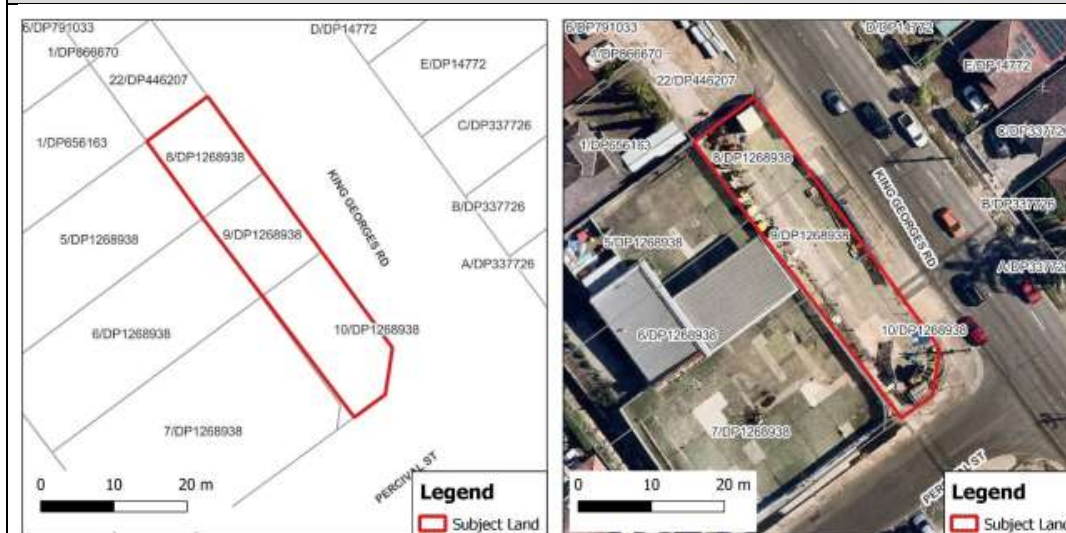
Issue and Justification: The Land Reservation Acquisition (LRA) mapping layer currently applies to the subject site, however is no longer required as the land has been acquired by Council as the relevant acquisition authority.

Note: The RE1 Public Recreation zoning is retained.

Proposed Amendment: Amend the LRA map to remove the LRA layer from Lot B, DP 346012, 11 Tavistock Road, South Hurstville.



29. Land Reservation Acquisition (LRA) Map – Lots 8-10 DP 1268938, 637-641 King Georges Road, Penshurst

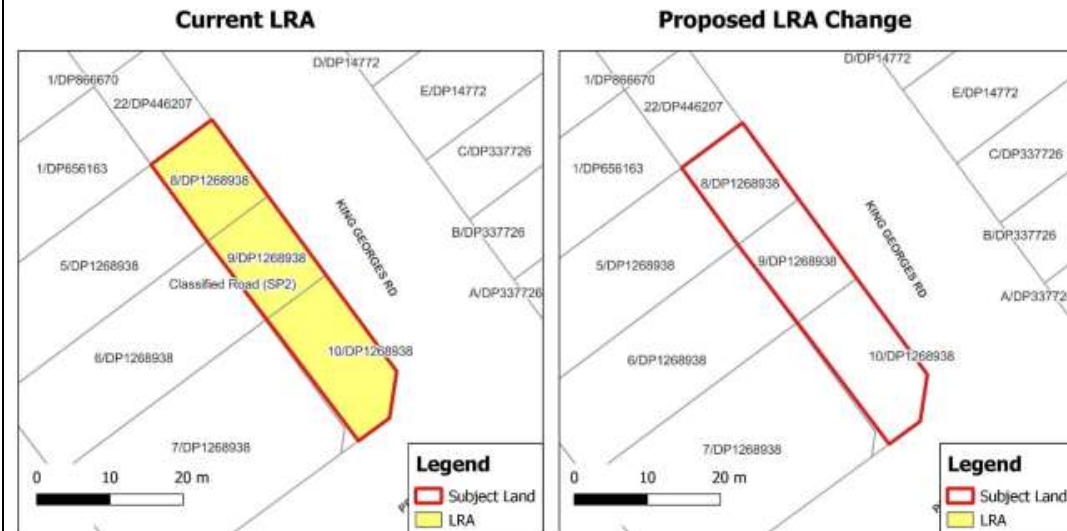


Issue and Justification: The Land Reservation Acquisition (LRA) mapping layer currently applies to the subject sites, however the mapping is no longer required as the land has been acquired by Transport for NSW (TfNSW) as the relevant acquisition authority.

Note: The SP2 Infrastructure (Classified Road) zoning is retained.

Proposed Amendment: Amend the LRA map to remove the LRA layer from

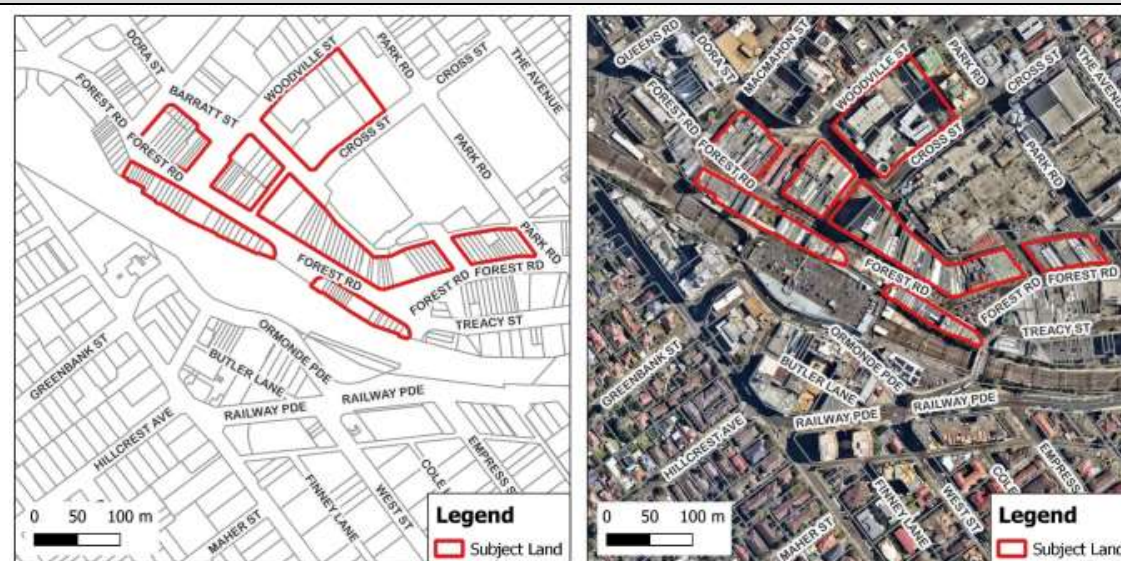
- Lot 8 DP 1268938, 637R King Georges Road, Penshurst;
- Lot 9 DP 1268938, 639R King Georges Road, Penshurst; and
- Lot 10 DP 1268938, 641R King Georges Road, Penshurst.



4.4 Instrument and Map Amendments

Items 30–36 are amendments that relate to both the GRLEP instrument and associated mapping, with proposed changes to the instrument identified in **red**.

30. Floor Space Ratio – Minimum non-residential FSR in the E2 Commercial Centre Zone



Issue and Justification: Build to rent (BTR) housing provisions were introduced in the *State Environmental Planning Policy (Housing) 2021* in November 2021. BTR is a form of residential accommodation. The provisions in the SEPP allow development to be used as BTR housing anywhere residential flat buildings or shop top housing is permitted, as well as in the E2 Commercial Centre, MU1 Mixed Use and B8 Metropolitan Centre zones. All forms of residential accommodation are prohibited within the E2 Commercial Centre zone (applying to Hurstville only) under the GRLEP 2021. In response to the introduction of the SEPP which would permit BTR in the E2 zone, it is proposed to introduce minimum non-residential FSR controls in the E2 zone to ensure the continued provision of commercial floor space. It is proposed to introduce a minimum non-residential FSR control of at least 1.5:1 to control the development density of BTR housing land uses in the E2 zone. As the E2 zone does not permit residential accommodation there is no non-residential minimum FSR control in the LEP.

The Hurstville City Centre (HCC) is a strategic centre and has a 2036 baseline job target of 15,000 jobs and a 2036 higher job target of 20,000 jobs as prescribed by the *South District Plan*. With no requirement for the provision of non-residential floor space as part of BTR developments within the E2 zone, there will be a net loss in non-residential floor space in the HCC and the ability of the HCC to provide essential services and employment opportunities for its surrounding communities will be significantly compromised. Council's *Commercial Centres Strategy* (2020)

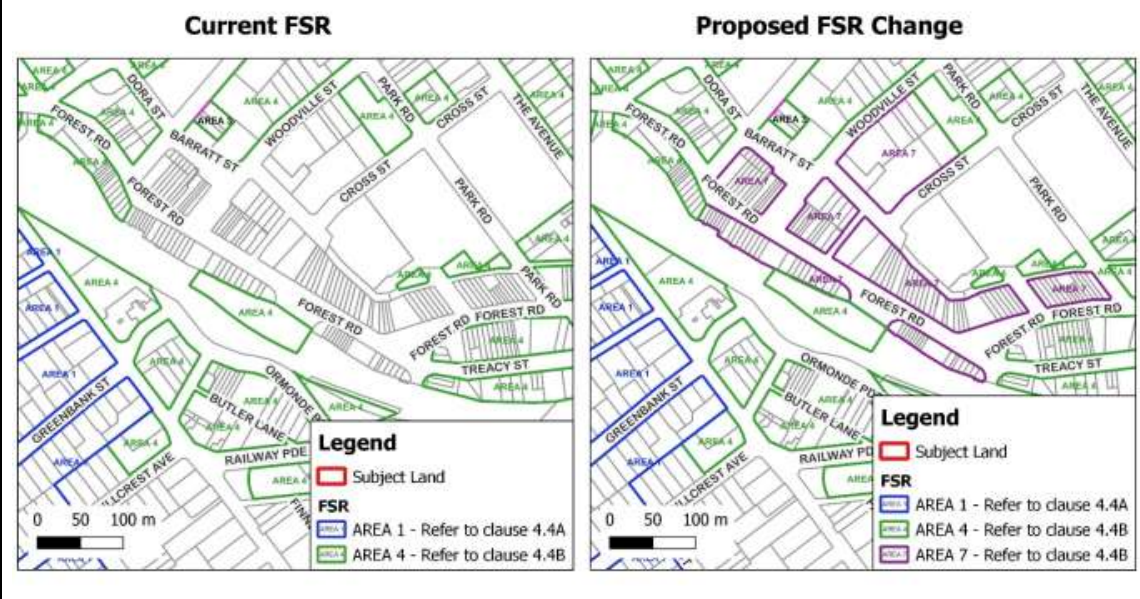
forecasts that the HCC will need a minimum non-residential FSR of 1.48:1 to meet the demands of the population by 2036 and to meet the baseline job target as specified by the *South District Plan*.

Accordingly, a minimum non-residential FSR of 1.5:1 is proposed to be introduced in the E2 zone whenever a BTR development is proposed to ensure a reasonable supply of employment floorspace can be provided for the HCC strategic centre and that the baseline job target can be met.

Proposed Amendment: Amend Clause 4.4B(4) Exceptions to floor space ratio–non-residential uses to add a non-residential floor space ratio of at least 1.5:1 that will apply to the Hurstville E2 Commercial Centre zone.

- (4) Development consent must not be granted for development on the following land identified on the [Floor Space Ratio Map](#) unless the non-residential floor space ratio is—
- (a) for land identified as “Area 3”—at least 0.5:1,
 - (b) for land identified as “Area 4”—at least 1:1,
 - (c) for land identified as “Area 7”—at least 1.5:1.

Amend the Floor Space Ratio (FSR) map to apply an area based minimum non-residential FSR of 1.5:1 mapped as ‘Area 7’ to land zoned E2 Commercial Centre.



31. Additional Permitted Use – Residential Flat Buildings, Roberts Lane frontage, Landmark Square site



Issue and Justification: Part of the site fronting Roberts Lane identified above are currently zoned MU1 Mixed Use zone under the GRLEP 2021. A non-residential FSR of 0.5:1 applies to these sites.

Since the gazettal of the new controls for the site proposed through Amendment No. 16 to the HLEP 2012 on 7 August 2020, the HLEP 2012 has been replaced by the new GRLEP. While the new GRLEP maintains the same MU1 Mixed Use zone for the site, the Land Use Table for the MU1 Mixed Use zone has been modified with residential flat buildings listed as prohibited. Under *Clause 6.13 Development in certain business zones* of the GRLEP which applies to the MU1 zone, one of the objectives is 'to maintain existing, and encourage additional, non-residential uses along ground floor street frontages'. It is also prescribed in Clause 6.13 'development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied the development will not cause a part of the ground floor of a building that is facing a street to be used for the purposes of residential accommodation or tourist and visitor accommodation'.

The specific DCP controls for the site (Hurstville Development Control Plan No. 2 – Amendment No. 12) reflects the concept plan that was lodged for the rezoning of the site under Amendment No. 16 to the HLEP 2012 and requires Residential Flat Buildings (RFBs) to be located on the Roberts Lane frontage, however these are prohibited in the MU1 zone. As *Clause 6.13 Development in certain business zones* prohibits the ground floor of a building that is facing a street to be used for the purposes of residential accommodation or tourist and visitor accommodation; the LEP provisions need to be updated to facilitate development for the purposes

of RFBs on the Roberts Lane frontage of the site. No changes are proposed to the FSR and height of development permitted in the GRLEP 2021.

Proposed Amendment: Amend *Clause 6.13 Development in certain business zones* and *Schedule 1 Additional permitted uses* to allow an additional permitted use for RFBs along the Roberts Lane frontage by:

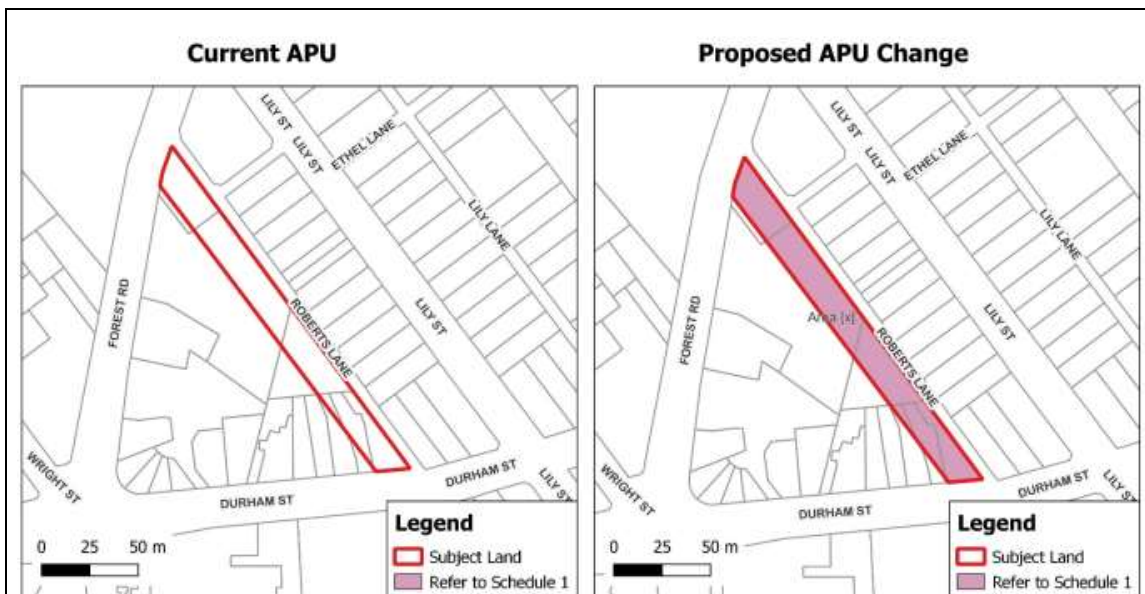
- 1) Introducing “residential flat building” as an additional permitted use within Schedule 1 and the Additional Permitted Uses map for “Area [x]” (number to be allocated at drafting stage); and
- 2) Excluding the application of *Clause 6.13 Development in certain business zones* from “Area [x]” of the Site

Where “Area [x]” means Part of Lot A, DP 372835, 53 Forest Road, Hurstville; Part of Lot 1, DP 225302, 61-65 Forest Road, Hurstville; Part of Lot 1, DP 172819, 9 Roberts Lane, Hurstville; Part of Lot B, DP 391801, 112 Durham Street, Hurstville; Part of Lot C, DP 391801, 110 Durham Street, Hurstville; and Part of Lot D, DP 391801, 108 Durham Street, Hurstville.

Schedule 1 Additional permitted uses

14 Use of certain land for residential flat buildings

- (1) This clause applies to the following land identified as “Area [x]” on the Additional Permitted Uses Map—
 - (a) Part of Lot A, DP 372835, 53 Forest Road, Hurstville,
 - (b) Part of Lot 1, DP 225302, 61-65 Forest Road, Hurstville,
 - (c) Part of Lot 1, DP 172819, 9 Roberts Lane, Hurstville,
 - (d) Part of Lot B, DP 391801, 112 Durham Street, Hurstville,
 - (e) Part of Lot C, DP 391801, 110 Durham Street, Hurstville,
 - (f) Part of Lot D, DP 391801, 108 Durham Street, Hurstville.
- (2) Development for the purposes of residential flat buildings is permitted with development consent.



Clause 6.13 Development in certain business zones

- (1) The objectives of this clause are as follows—
 - (a) to promote uses that attract pedestrian traffic along ground floor street frontages,
 - (b) to maintain existing, and encourage additional, non-residential uses along ground floor street frontages,
 - (c) to strengthen the viability of existing established centres,
 - (d) to maintain opportunities for business and retail development that is suited to high exposure locations.
- (2) This clause applies to land in the following zones—
 - (a) Zone E1 Local Centre,
 - (b) Zone MU1 Mixed Use.
- (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied the development will not cause a part of the ground floor of a building that is facing a street to be used for the purposes of residential accommodation or tourist and visitor accommodation.
- (4) Subclause (3) does not apply to a part of a building that is used for the following purposes—
 - (a) entrances and lobbies, including as part of a mixed use development,
 - (b) access for fire services,
 - (c) essential services.
- (5) For development in Zone E1 Local Centre that is the erection of a new building, or alterations or additions to an existing building, that has a gross floor area on the ground floor greater than 500 square metres—development consent must not be granted for the development unless the consent authority is satisfied that at least 500 square metres of the gross floor area on the ground floor of the building will be used for both—
 - (a) purposes other than residential accommodation or tourist and visitor accommodation, and
 - (b) uses specified in subclause (4).
- (5A) This clause does not apply to part of Lot 30, DP 785238, 9 Gloucester Road, Hurstville, identified as “Area A” on the Additional Permitted Uses Map.

(5B) This clause does not apply to the following land identified as “Area [x]” on the Additional Permitted Uses Map—

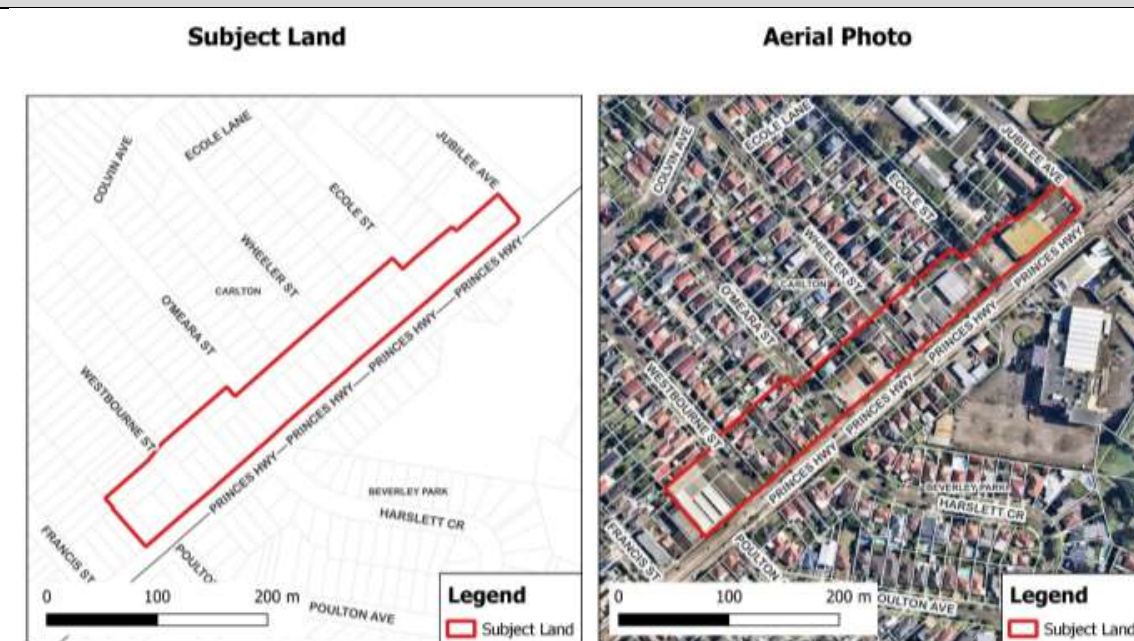
- (a) Part of Lot A, DP 372835, 53 Forest Road, Hurstville,
- (b) Part of Lot 1, DP 225302, 61-65 Forest Road, Hurstville,
- (c) Part of Lot 1, DP 172819, 9 Roberts Lane, Hurstville,
- (d) Part of Lot B, DP 391801, 112 Durham Street, Hurstville,
- (e) Part of Lot C, DP 391801, 110 Durham Street, Hurstville,
- (f) Part of Lot D, DP 391801, 108 Durham Street, Hurstville.

(6) In this clause—

essential services means the following—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the supply of telecommunications facilities,
- (d) the disposal and management of sewage,
- (e) stormwater drainage or on-site conservation,
- (f) suitable vehicular access.

32. Schedule 1 Additional permitted uses – Use of certain land in Zone E1 Local Centre



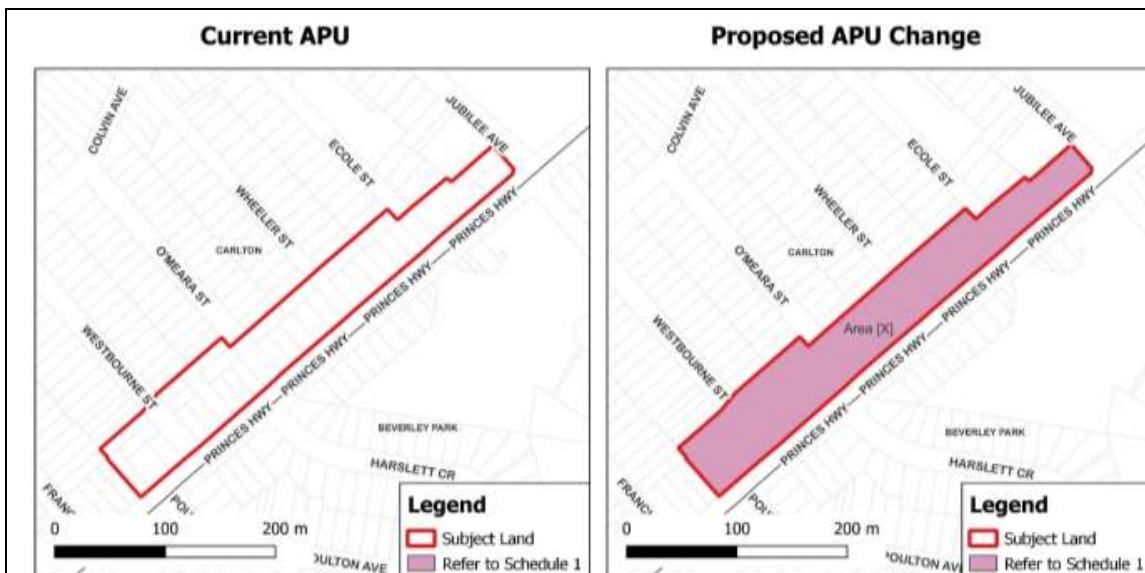
Issue and Justification: The *State Environmental Planning Policy Amendment (Land Use Zones) (No 3) 2022* commenced on 26 April 2023. The amendment relates to the employment zones reforms undertaken by the DPE to replace the former business and industrial zones with new zones. As a result of the amendment, the former B1 Neighbourhood Centre, B2 Local Centre and B6 Enterprise Corridor zones under the GRLEP 2021 were replaced by the new E1 Local

Centre zone. Since the former B6 zone permitted more land uses than the former B1 and B2 zones, an Additional Permitted Uses clause and mapping was inserted into the GRLEP to accommodate these uses. One of these land uses listed as an additional permitted use is backpackers' accommodation. However, it is already permissible in the E1 zone under tourist and visitor accommodation and is not required to be listed as an additional permitted use. The amendment also identifies the E1 zoned area where the additional permitted use applies on the Land Zoning Map as the DPE had agreed to this amendment prior to an Additional Permitted Uses Map being applicable to the GRLEP 2021 which only came into effect on 25 November 2022 as a result of Amendment No. 5 to the GRLEP applying to 9 Gloucester Road, Hurstville.

Proposed Map Amendment:

- Delete "Area A" on the Land Zoning Map; and
- Identify the area as "Area C" on the Additional Permitted Uses Map for certain lots within the E1 Local Centre Zone that were previously zoned B6 Enterprise Corridor.





Proposed Amendment: Amend Schedule 1 Use of certain land in Zone E1 by:

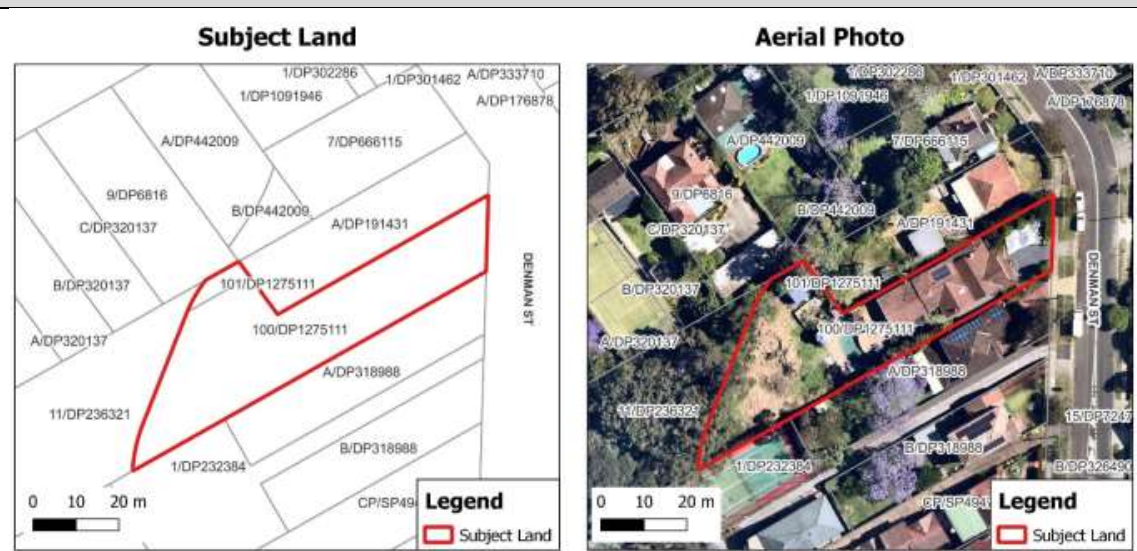
- 1) Deleting 'backpackers' accommodation' from the list of additional permissible uses;
- 2) Deleting the reference to the Land Zoning Map and replacing it with a reference to the Additional Permitted Uses Map; and
- 3) Replacing the reference to 'Area A' with 'Area C'.

Schedule 1 Additional permitted uses

Use of certain land in Zone E1

- (1) This clause applies to land in Zone E1 that is identified as ~~"Area A"~~ "Area C" on the ~~Land Zoning Map~~ Additional Permitted Uses Map.
- (2) Development for the following purposes is permitted with development consent—
 - ~~(a) backpackers' accommodation;~~
 - ~~(b)~~ (a) storage premises,
 - ~~(c)~~ (b) vehicle repair stations,
 - ~~(d)~~ (c) warehouse or distribution centres,
 - ~~(e)~~ (d) wholesale supplies

33. Land Reservation Acquisition (LRA), Additional Permitted Use (APU) and Land Use Zoning Maps – Lots 100 and 101 DP 1275111, 5 and 5R Denman Street, Hurstville



Issue and Justification: The Land Reservation Acquisition (LRA) layer currently applies to Lot 101, DP 1275111, 5R Denman Street (which is zoned RE1 Public Recreation), however is no longer required as the land has been acquired by Georges River Council as the relevant acquisition authority. Following subdivision and a realignment of lot boundaries, the corresponding Additional Permitted Uses (APU) map also needs adjusting to be entirely within Lot 100 DP 1275111, 5 Denman Street (which is zoned R2 Low Density Residential).

Following introduction of the new Employment Zones mapping, a minor misalignment of cadastral boundaries has also resulted in an area of unzoned land for Lot 100, DP 1275111, 5 Denman Street on the Land Zoning Map, which should be entirely zoned R2 Low Density Residential.

Proposed Instrument Amendment: Amend Schedule 1 Additional permitted uses to delete Lot 12, DP 236321 corresponding to 5 Denman Street, and replace it with the current Lot and DP, which is Lot 100, DP 1275111.

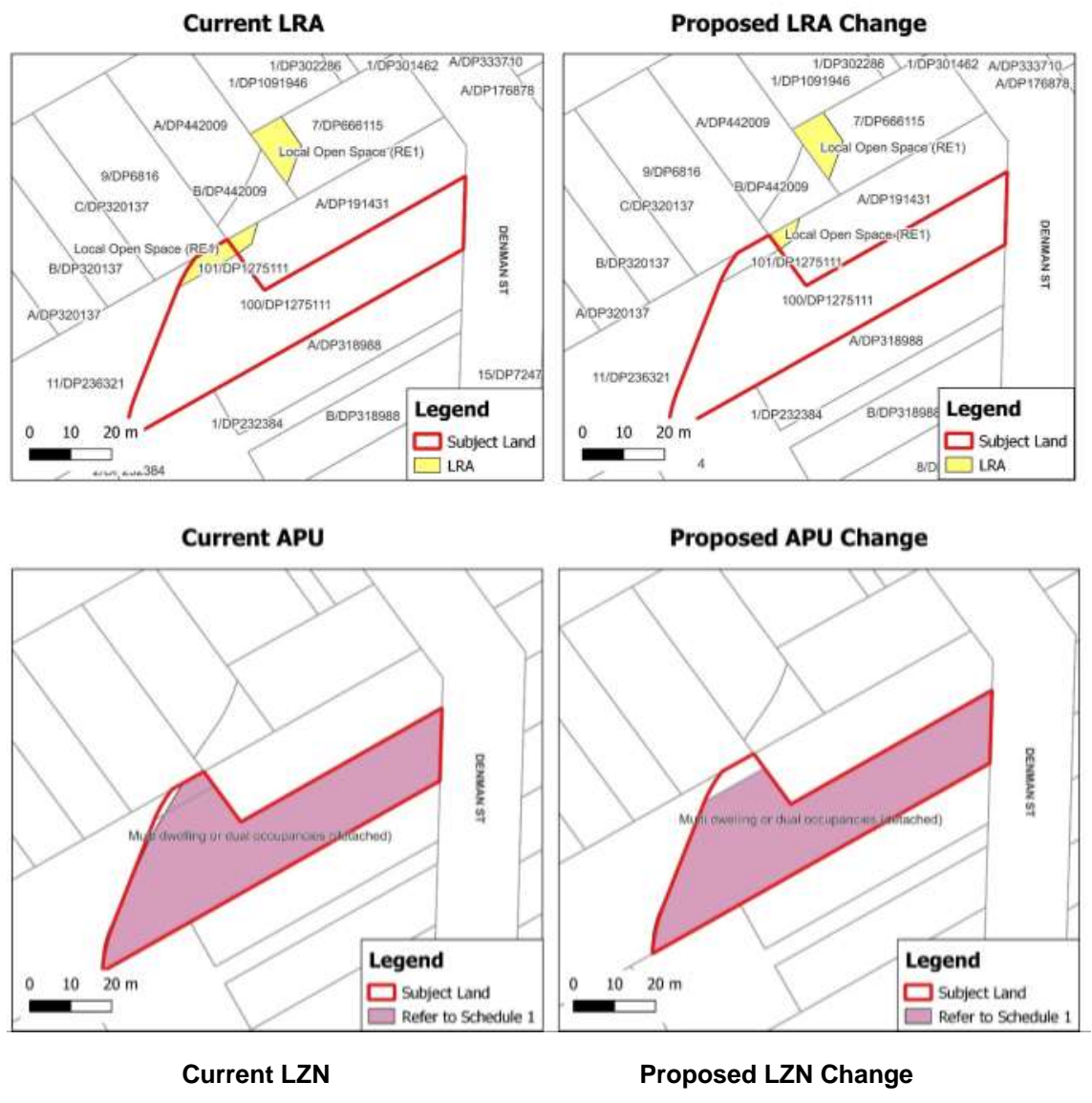
Schedule 1 Additional permitted uses

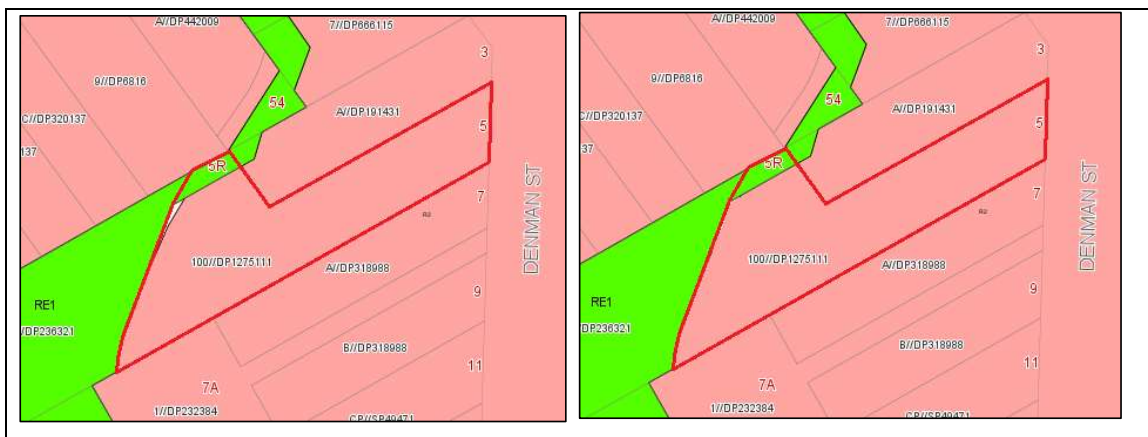
- 10 Use of certain land for multi dwelling housing or dual occupancies (detached)
- (1) This clause applies to the following land—
- (d) 5 Denman Street, Hurstville, being Lot ~~12~~ 100, DP ~~236321~~ 1275111,

Proposed Map Amendments:

- Amend the Land Reservation Acquisition (LRA) map to remove the layer from Lot 101, DP 1275111, 5R Denman Street; and

- Amend the Additional Permitted Uses (APU) map so that the APU is wholly over Lot 100, DP 1275111, 5 Denman Street and does not include Lot 101, DP 1275111, 5R Denman Street.
- Amend the Land Zoning Map (LZN) so that Lot 100, DP 1275111 is zoned entirely R2 Low Density Residential.



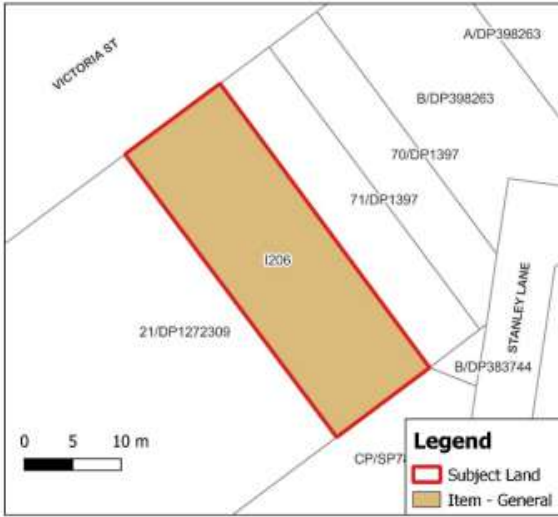
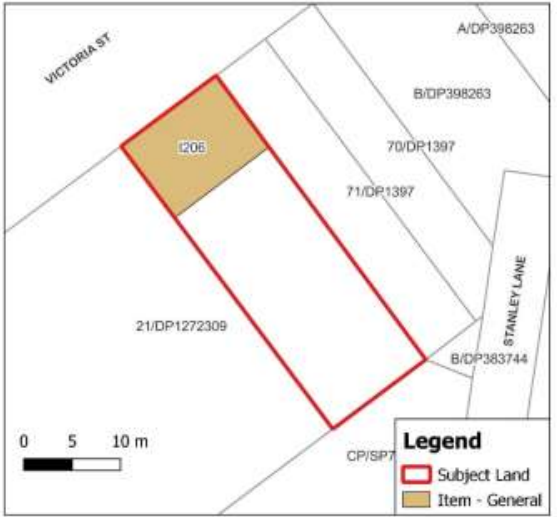


34. Schedule 5 Environmental Heritage – Item I206 ‘Terraces and garden, “Beatrice” and “Lillyville”’

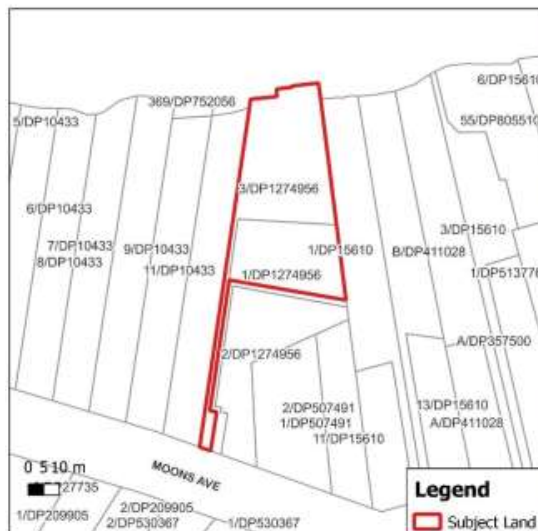


Issue and Justification: 14-16 Victoria Street, Kogarah (Item I206) was subject to a development application (DA2020/0128) approved by the Land and Environment Court (LEC) on 10 February 2021. The DA has resulted in the consolidation of 14-16 Victoria Street, Kogarah with adjoining properties, resulting in a new address of 6-16 Victoria Street, Kogarah. Schedule 5 requires updating to reflect the new consolidated site, Lot 21, DP 1272309.

The LEC decision also approved the partial demolition of the heritage item, and retention of part of the heritage item in a manner that maintains a coherent streetscape presentation. The heritage

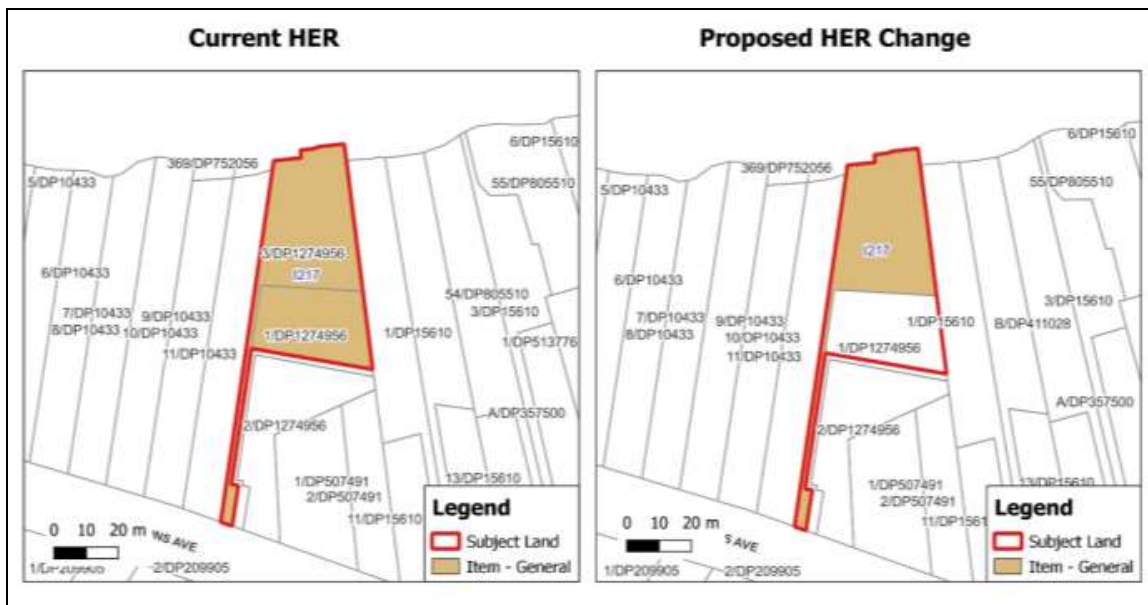
map requires updating to reflect the current reduced curtilage of the heritage item and demolition works.	
Existing Schedule 5	Proposed Schedule 5
<p>Item No: I206</p> <p>Item: Terraces and garden, “Beatrice” and “Lillyville”</p> <p>Address: 14–16 Victoria Street</p> <p>Suburb: Kogarah</p> <p>Property Description: Lots 72 and 73, Section B, DP 1397</p> <p>Significance: Local</p>	<p>Item No: I206</p> <p>Item: Terraces and garden, “Beatrice” and “Lillyville”</p> <p>Address: Part of 6–16 14–16 Victoria Street</p> <p>Suburb: Kogarah</p> <p>Property Description: Part of Lot 21, DP 1272309 Lots 72 and 73, Section B, DP 1397</p> <p>Significance: Local</p>
<p>Current HER</p> 	<p>Proposed HER Change</p> 

35. Schedule 5 Environmental Heritage – Item I217 ‘Cottage “Killarney” and setting’



Issue and Justification: The subject land was subdivided into 2 lots to create 66A (Lot 1, DP 1274956) and 66B Moons Avenue (Lot 3, DP 1274956), Lugarno. The heritage item is located entirely on 66B Moons Avenue, so it is necessary to update the heritage mapping to reflect this.

Existing Schedule 5	Proposed Schedule 5
<p>Item No: I217</p> <p>Item: Cottage “Killarney” and setting</p> <p>Address: 66A Moons Avenue</p> <p>Suburb: Lugarno</p> <p>Property Description: Lot 1, DP 506036</p> <p>Significance: Local</p>	<p>Item No: I217</p> <p>Item: Cottage “Killarney” and setting</p> <p>Address: 66A 66B Moons Avenue</p> <p>Suburb: Lugarno</p> <p>Property Description: Lot 1, DP 506036 Lot 3, DP 1274956</p> <p>Significance: Local</p>



36. Schedule 5 Environmental Heritage – ‘Thurlow House’, 9 Stuart Crescent, Blakehurst (Lot D DP 346635)



Issue and Justification: ‘Thurlow House’ at 9 Stuart Crescent, Blakehurst (Lot D, DP 346635) was added to the NSW State Heritage Register on 21 October 2016. Following the consolidation of the former Kogarah and Hurstville LEPs, it was inadvertently omitted from Schedule 5 Environmental heritage within the consolidated GRLEP 2021.

Proposed Amendment to Schedule 5 Environmental heritage:

Item No: I318

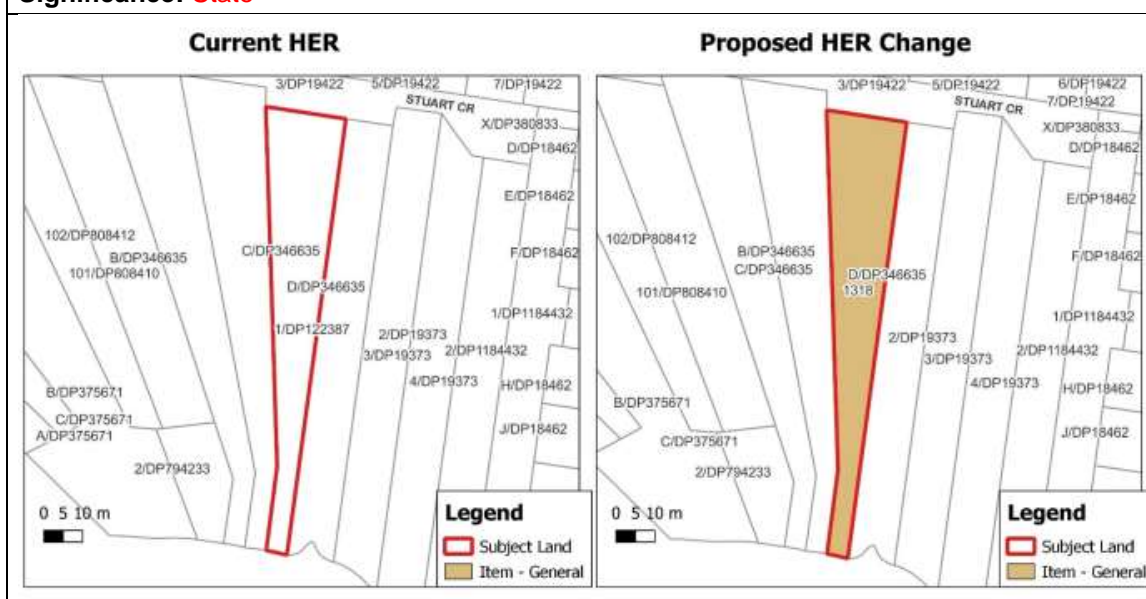
Item: Thurlow House

Address: 9 Stuart Crescent

Suburb: Blakehurst

Property Description: Lot D, DP 346635

Significance: State



5 JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

5.1 Section A – Need for the planning proposal

Question	Considerations
1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?	<p>The proposed amendments cover a range of instrument and mapping related matters which have been identified as administrative or housekeeping issues that need to be addressed to ensure that the GRLEP operates as originally intended and/or to improve its operation.</p> <p>While the PP is not a direct result of an endorsed LSPS, strategic study or report, it is consistent with a number of priorities within the <i>Georges River Local Strategic Planning Statement 2040</i> ('LSPS 2040') as discussed in Question 4 below.</p>
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	<p>Yes, the PP is the best and only means of addressing the administrative and housekeeping related matters that have been identified within the GRLEP 2021.</p>

5.2 Section B – Relationship to the strategic planning framework

Question	Considerations
<p>3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?</p>	<p>Yes. The PP gives effect to the following objectives within the <i>Greater Sydney Region Plan – A Metropolis of Three Cities</i>:</p> <ul style="list-style-type: none"> • <i>Objective 2. Infrastructure aligns with forecast growth.</i> The PP gives effect to this objective by updating the Land Reservation Acquisition (LRA) maps to remove the layer from sites which have already been acquired for public infrastructure (i.e. classified roads and local open space). • <i>Objective 10. Greater housing supply.</i> The PP gives effect to this objective by allowing an additional permitted use of residential flat buildings for a portion of land along Roberts Lane, Hurstville, consistent with the site specific DCP controls already adopted for the site. • <i>Objective 13. Environmental heritage is identified, conserved and enhanced.</i> The PP gives effect to this objective by amending <i>Schedule 5 Environmental Heritage</i> and the Heritage maps within the GRLEP 2021 so that all property descriptions, item names and maps are accurate for all local and State heritage items within the Georges River LGA. • <i>Objective 22. Investment and business activity in centres.</i> The PP gives effect to this objective as it proposes to introduce a minimum non-residential floor space ratio (FSR) control in the E2 Commercial Centre zoned component of the Hurstville strategic centre to ensure no net loss in non-residential floor space and that baseline job targets can be met despite recent Build to Rent (BTR) housing provisions being added to the <i>State Environmental Planning Policy (Housing) 2021</i>. • <i>Objective 27. Biodiversity is protected, urban bushland and remnant vegetation is enhanced.</i> The PP gives effect to this objective by amending the current <i>Clause 6.12 Landscaped areas in certain residential and environment protection zones</i> to ensure that the original intent of the clause is achieved; and to ensure that semi-detached housing provides a minimum landscaped area. It also gives effect to this objective by ensuring that public reserves are zoned appropriately and that land that has been acquired for local open space purposes is removed from the LRA maps. • <i>Objective 37. Exposure to natural and urban hazards is reduced.</i> The PP gives effect to this objective by inserting a new clause from the Standard Instrument LEP, <i>Clause 5.22 Special flood considerations</i>. The clause applies to sensitive and hazardous development on land between the flood planning area and the probable maximum flood to build resilience in future development and reduce the extent of property damage and potential loss of life from severe to extreme flooding. <p>The PP also gives effect to the planning priorities of the <i>South District Plan</i>:</p> <ul style="list-style-type: none"> • <i>Planning Priority S1. Planning for a city supported by infrastructure.</i> The PP gives effect to this planning priority by updating the Land Reservation Acquisition (LRA) maps to remove the layer from sites which have already been acquired for public infrastructure (i.e. classified roads and local open space).

Question	Considerations
	<ul style="list-style-type: none"> • <i>Planning Priority S5. Providing housing supply, choice and affordability, with access to jobs, services and public transport.</i> The PP gives effect to this planning priority by allowing an additional permitted use of residential flat buildings for a portion of land along Roberts Lane, Hurstville, consistent with the site specific DCP controls already adopted for the site. • <i>Planning Priority S6. Creating and renewing great places and local centres, and respecting the District's heritage.</i> The PP gives effect to this planning priority by amending <i>Schedule 5 Environmental Heritage</i> and the Heritage maps within GRLEP 2021 so that all property descriptions, item names and maps are accurate for all local and State heritage items within the Georges River LGA. • <i>Planning Priority S9. Growing investment, business opportunities and jobs in strategic centres.</i> The PP gives effect to this planning priority as it proposes to introduce a minimum non-residential floor space ratio (FSR) control in the E2 Commercial Centre zoned component of the Hurstville strategic centre to ensure no net loss in non-residential floor space and that baseline job targets can be met despite recent Build to Rent (BTR) housing provisions being added to the <i>State Environmental Planning Policy (Housing) 2021</i>. • <i>Planning Priority S18. Adapting to the impacts of urban and natural hazards and climate change.</i> The PP gives effect to this planning priority by inserting a new clause from the Standard Instrument LEP, <i>Clause 5.22 Special flood considerations</i>. The clause applies to sensitive and hazardous development on land between the flood planning area and the probable maximum flood to build resilience in future development and reduce the extent of property damage and potential loss of life from severe to extreme flooding.
<p>4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?</p>	<p>Yes. The PP is consistent with the endorsed Georges River Local Strategic Planning Statement 2040 ('LSPS 2040'), specifically the following planning priorities:</p> <ul style="list-style-type: none"> • <i>P4. Collaboration supports innovation and delivers infrastructure, services and facilities.</i> The PP is consistent with this priority as it proposes to update the Land Reservation Acquisition (LRA) maps to remove the layer from sites which have already been acquired for public infrastructure (i.e. classified roads and local open space). • <i>P10. Homes are supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces.</i> The PP is consistent with this priority by amending the current <i>Clause 6.12 Landscaped areas in certain residential and environment protection zones</i> to ensure that the original intent of the clause is achieved; and to ensure that semi-detached housing provides a minimum landscaped area. The PP is also consistent with this priority as it ensures that public reserves are zoned appropriately and that land that has been acquired for local open space purposes is removed from the LRA maps. • <i>P11. Aboriginal and other heritage is protected and promoted.</i> The PP is consistent with this priority as it seeks to amend <i>Schedule 5 Environmental Heritage</i> and the Heritage maps within the GRLEP 2021 so that all property

Question	Considerations				
	<p>descriptions, item names and maps are accurate for all local and State heritage items within the Georges River LGA.</p> <ul style="list-style-type: none"> • <i>P15. All local centres are supported to evolve for long-term viability.</i> The PP is consistent with this priority as it seeks to introduce a minimum non-residential floor space ratio (FSR) control in the E2 Local Centre zoned component of the Hurstville strategic centre to ensure no net loss in non-residential floor space and that baseline job targets can be met despite recent Build to Rent (BTR) housing provisions being added to the <i>State Environmental Planning Policy (Housing) 2021</i>. • <i>P17. Tree canopy, bushland, landscaped settings and biodiversity are protected, enhanced and promoted.</i> The PP is consistent with this priority as it proposes to amend the current <i>Clause 6.12 Landscaped areas in certain residential and environment protection zones</i> to rectify operational issues and to ensure that semi-detached housing provides a landscaped area. • <i>P19. Everyone has access to quality, clean, useable, passive and active open and green spaces and recreation places.</i> The PP is consistent with this priority as it seeks to amend the current <i>Clause 6.12 Landscaped areas in certain residential and environment protection zones</i> to ensure that the original intent of the clause is achieved; and to ensure that semi-detached housing provides a minimum landscaped area. The PP is also consistent with this priority as it ensures that public reserves are zoned appropriately and that land that has been acquired for local open space purposes is removed from the LRA maps. • <i>P20. Development is managed to appropriately respond to hazards and risks.</i> The PP is consistent with this priority as it seeks to insert a new clause from the Standard Instrument LEP, <i>Clause 5.22 Special flood considerations</i>. The clause applies to sensitive and hazardous development on land between the flood planning area and the probable maximum flood to build resilience in future development and reduce the extent of property damage and potential loss of life from severe to extreme flooding. 				
5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?	There are no other applicable State and regional studies or strategies.				
6. Is the planning proposal consistent with applicable SEPPs?	<p>The PP is consistent with the following SEPPs:</p> <table border="1"> <thead> <tr> <th data-bbox="608 1621 938 1648">SEPP</th><th data-bbox="938 1621 1366 1648">Comment on consistency</th></tr> </thead> <tbody> <tr> <td data-bbox="608 1648 938 1890"><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></td><td data-bbox="938 1648 1366 1890"> <p>This SEPP consolidates, transfers and repeals provisions of the following 11 SEPPs (or deemed SEPPs):</p> <ul style="list-style-type: none"> • <i>SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)</i> • <i>SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)</i> • <i>SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)</i> </td></tr> </tbody> </table>	SEPP	Comment on consistency	<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	<p>This SEPP consolidates, transfers and repeals provisions of the following 11 SEPPs (or deemed SEPPs):</p> <ul style="list-style-type: none"> • <i>SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)</i> • <i>SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)</i> • <i>SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)</i>
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Question	Considerations
	<ul style="list-style-type: none"> Murray Regional Environmental Plan No 2—Riverine Land (Murray REP) SEPP No 19—Bushland in Urban Areas (SEPP 19) SEPP No 50—Canal Estate Development (SEPP 50) SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP) Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No 2 – 1997) (Hawkesbury–Nepean River SREP) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP) Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP) Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property (Willandra Lakes REP) <p>The PP is not inconsistent with the SEPP.</p>
	<p><i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i></p> <p>The PP is not inconsistent with the SEPP.</p>
	<p><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></p> <p>The PP is not inconsistent with the SEPP.</p>
	<p><i>State Environmental Planning Policy (Housing) 2021</i></p> <p>The PP is not inconsistent with the SEPP.</p>
	<p><i>State Environmental Planning Policy (Industry and Employment) 2021</i></p> <p>This SEPP consolidates, transfers and repeals the provisions of the following 2 SEPPs:</p> <ul style="list-style-type: none"> SEPP (Western Sydney Employment Area) 2009 (Western Sydney Employment SEPP) SEPP 64 – Advertising and Signage (SEPP 64) <p>The PP is not inconsistent with the SEPP.</p>
	<p><i>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</i></p> <p>The PP is not inconsistent with the SEPP.</p>
	<p><i>State Environmental Planning Policy (Planning Systems) 2021</i></p> <p>This SEPP consolidates and repeals the provisions of the following 3 SEPPs:</p> <ul style="list-style-type: none"> SEPP (State and Regional Development) 2011 (State and Regional Development SEPP)

Question	Considerations
	<ul style="list-style-type: none"> SEPP (Aboriginal Land) 2019 (Aboriginal Land SEPP) SEPP (Concurrences and Consents) 2018 (Concurrence SEPP) <p>The PP is not inconsistent with the SEPP.</p>
<i>State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021</i>	The PP is not inconsistent with the SEPP. The site is not the subject of a Precinct identified by the SEPP.
<i>State Environmental Planning Policy (Primary Production) 2021</i>	<p>This SEPP consolidates, transfers and repeals the provisions of the following SEPPs:</p> <ul style="list-style-type: none"> SEPP (Primary Production and Rural Development) 2019 (Primary Production and Rural Development SEPP) Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas) (Central Coast Plateau SREP) <p>The PP is not inconsistent with the SEPP.</p>
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	<p>This SEPP consolidates and repeals the provisions of the following 3 SEPPs:</p> <ul style="list-style-type: none"> SEPP (Coastal Management) 2018 (Coastal Management SEPP) SEPP 33 – Hazardous and Offensive Development (SEPP 33) SEPP 55 – Remediation of Land (SEPP 55) <p>The PP is not inconsistent with the SEPP.</p>
<i>State Environmental Planning Policy (Resources and Energy) 2021</i>	<p>This SEPP consolidates and repeals the provisions of the following 2 SEPPs:</p> <ul style="list-style-type: none"> SEPP (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP) Sydney Regional Environmental Plan No. 9 – Extractive Industries (No 2 – 1995) (Extractive Industries SREP) <p>The PP is not inconsistent with the SEPP.</p>
<i>State Environmental Planning Policy (Sustainable Buildings)</i>	The PP is not inconsistent with the SEPP.
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	<p>This SEPP consolidates and repeals the provisions of the following 4 SEPPs:</p> <ul style="list-style-type: none"> SEPP (Infrastructure) 2007 (Infrastructure SEPP) SEPP (Educational Establishments and Childcare Facilities) 2017 (Education and Childcare SEPP) SEPP (Major Infrastructure Corridors) 2020 (Corridor SEPP)

Question	Considerations																															
		<ul style="list-style-type: none">SEPP (Three Ports) 2013 (Three Ports SEPP) <p>The PP is not inconsistent with the SEPP.</p>																														
7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?	<p>The PP is consistent with the applicable Ministerial Directions as follows:</p> <table><tr><th>Ministerial Direction</th><th>Comment</th></tr><tr><td colspan="2">1 Planning Systems</td></tr><tr><td>1.1 Implementation of Regional Plans</td><td>Consistent – The PP is consistent with:<ul style="list-style-type: none">A Metropolis of Three Cities – Greater Sydney Region Plan – see previous discussion on Question 3.South District Plan – see previous discussion on Question 3.</td></tr><tr><td>1.2 Development of Aboriginal Land Council land</td><td>Consistent – The PP does not affect land shown on the Land Application Map of <i>State Environmental Planning Policy (Planning Systems) 2021</i>.</td></tr><tr><td>1.3 Approval and Referral Requirements</td><td>Consistent – The PP does not seek to make any additional provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.</td></tr><tr><td>1.4 Site Specific Provisions</td><td>Consistent – The PP does seek to add an Additional Permitted Use for certain land however the use does not impose any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</td></tr><tr><td colspan="2">1 Planning Systems – Place-based</td></tr><tr><td>1.5 Parramatta Road Corridor Urban Transformation Strategy</td><td>NA</td></tr><tr><td>1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</td><td>NA</td></tr><tr><td>1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</td><td>NA</td></tr><tr><td>1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</td><td>NA</td></tr><tr><td>1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor</td><td>NA</td></tr><tr><td>1.10 Implementation of the Western Sydney Aerotropolis Plan</td><td>NA</td></tr><tr><td>1.11 Implementation of Bayside West Precincts 2036 Plan</td><td>NA</td></tr><tr><td>1.12 Implementation of Planning Principles for the Cooks Cove Precinct</td><td>NA</td></tr></table>		Ministerial Direction	Comment	1 Planning Systems		1.1 Implementation of Regional Plans	Consistent – The PP is consistent with: <ul style="list-style-type: none">A Metropolis of Three Cities – Greater Sydney Region Plan – see previous discussion on Question 3.South District Plan – see previous discussion on Question 3.	1.2 Development of Aboriginal Land Council land	Consistent – The PP does not affect land shown on the Land Application Map of <i>State Environmental Planning Policy (Planning Systems) 2021</i> .	1.3 Approval and Referral Requirements	Consistent – The PP does not seek to make any additional provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.	1.4 Site Specific Provisions	Consistent – The PP does seek to add an Additional Permitted Use for certain land however the use does not impose any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.	1 Planning Systems – Place-based		1.5 Parramatta Road Corridor Urban Transformation Strategy	NA	1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	NA	1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NA	1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NA	1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	NA	1.10 Implementation of the Western Sydney Aerotropolis Plan	NA	1.11 Implementation of Bayside West Precincts 2036 Plan	NA	1.12 Implementation of Planning Principles for the Cooks Cove Precinct	NA
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Question		Considerations
	1.13 Implementation of St Leonards and Crows Nest 2036 Plan	NA
	1.14 Implementation of Greater Macarthur 2040	NA
	1.15 Implementation of the Pyrmont Peninsula Place Strategy	NA
	1.16 North West Rail Link Corridor Strategy	NA
	1.17 Implementation of the Bays West Place Strategy	NA
	1.18 Implementation of the Macquarie Park Innovation Precinct	NA
	1.19 Implementation of the Westmead Place Strategy	NA
	1.20 Implementation of the Camellia-Rosehill Place Strategy	NA
	1.21 Implementation of the South West Growth Area Structure Plan	NA
	1.22 Implementation of the Cherrybrook Station Place Strategy	N/A
	2 Design and Place	
	3 Biodiversity and Conservation	
	3.1 Conservation Zones	Consistent – The PP does not affect land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP.
	3.2 Heritage Conservation	Consistent – The PP seeks to make minor administrative amendments to <i>Schedule 5 Environmental Heritage</i> and associated Heritage maps within the GRLEP 2021 to ensure property descriptions, item names and maps are accurate for all local and State heritage items within the Georges River LGA.
	3.3 Sydney Drinking Water Catchments	NA – the PP affects the Georges River LGA which the Direction does not apply to.
	3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	NA
	3.5 Recreation Vehicle Areas	Consistent – The PP does not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>).
	3.6 Strategic Conservation Planning	NA
	3.7 Public Bushland	Consistent – The PP does not propose any changes to existing controls protecting bushland in urban areas.
	3.8 Willandra Lakes Region	NA
	3.9 Sydney Harbour Foreshores and Waterways Area	NA – The PP does not affect land within the Foreshores and Waterways Area as defined in the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> .

Question	Considerations
	3.10 Water Catchment Protection N/A – The PP does not propose any changes to controls that would impact on water catchments.
	4 Resilience and Hazards
	4.1 Flooding Consistent – The PP proposes to adopt <i>Clause 5.22 Special flood considerations</i> which will enable Council to consider flood impacts for sensitive and hazardous development types for land between the flood planning area (FPA) and the probable maximum flood (PMF). The PP is consistent with the objectives of the Direction.
	4.2 Coastal Management Consistent – The PP affects land within the Coastal Zone however it does not propose an intensification of uses permitted. The PP does not propose any changes relating to coastal management.
	4.3 Planning for Bushfire Protection Consistent – The PP does not result in controls that place development in hazardous areas. It does not change any existing provisions relating to bushfire prone land.
	4.4 Remediation of Contaminated Land Consistent – The PP does not affect any known contaminated land.
	4.5 Acid Sulfate Soils Consistent – The PP does not seek to introduce or change provisions relating to Acid Sulfate Soils.
	4.6 Mine Subsidence and Unstable Land Consistent – The PP does not permit development on land that: (a) is within a mine subsidence district, or (b) has been identified as unstable in a study, strategy or other assessment undertaken: (i) by or on behalf of the relevant planning authority, or (ii) on behalf of a public authority and provided to the relevant planning authority.
	5 Transport and Infrastructure
	5.1 Integrating Land Use and Transport Consistent – The PP proposes minor alterations to provisions relating to urban land, however is consistent with <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).
	5.2 Reserving Land for Public Purposes Consistent – The PP proposes to remove the LRA layer from a number of parcels which have already been acquired by the relevant authority (either Council or Transport for NSW). The mapping is no longer required. It is recommended that Transport for NSW be consulted as part of the Gateway Determination.
	5.3 Development Near Regulated Airports and Defence Airfields NA – The PP does not create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.
	5.4 Shooting Ranges NA – The PP does not seek to affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.
	6 Housing
	6.1 Residential Zones Consistent – The PP is minor and consistent with the objectives of the Direction to encourage a variety of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and minimise the impact of

Question		Considerations
		residential development on the environment and resource lands. It achieves this by allowing an additional permitted use of residential flat buildings for a portion of land along Roberts Lane, Hurstville, consistent with the site specific DCP controls already adopted for the site.
	6.2 Caravan Parks and Manufactured Home Estates	Consistent – The PP does not propose to permit development for the purposes of a caravan park or manufactured home estate.
	7. Industry and Employment	
	7.1 Business and Industrial Zones	Consistent – The PP affects land within an existing or proposed business or industrial zone and is consistent with the objectives of the Direction. It achieves the objectives of the Direction to protect employment land in employment zones and support the viability of identified centres. The PP gives effect to this objective as it proposes to introduce a minimum non-residential floor space ratio (FSR) control in the E2 Commercial Centre zoned component of the Hurstville strategic centre to ensure no net loss in non-residential floor space and that baseline job targets can be met despite recent Build to Rent (BTR) housing provisions being added to the <i>State Environmental Planning Policy (Housing) 2021</i> .
	7.2 Reduction in non-hosted short-term rental accommodation period	NA – The PP does not cover the Byron Shire Council area or identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out within the LGA.
	7.3 Commercial and Retail Development along the Pacific Highway, North Coast	NA
	8 Resources and Energy	
	8.1 Mining, Petroleum Production and Extractive Industries	NA – The PP does not have the effect of: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.
	9 Primary Production	
	9.1 Rural Zones	NA – The PP does not affect any land within an existing or proposed rural zone.
	9.2 Rural Lands	NA
	9.3 Oyster Aquaculture	NA – The PP does not propose a change in land use which could impact on a Priority Oyster Aquaculture Area.
	9.4 Farmland of State and Regional Significance on the NSW Far North Coast	NA

5.3 Section C – Environmental, social and economic impact

Question	Considerations
8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?	No, the PP only proposes to make amendments to the LEP that are of a minor administrative or housekeeping nature so it is not expected that any critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal.
9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	No other environmental impacts are anticipated other than positive environmental effects as a result of the proposed changes to <i>Clause 6.12 Landscaped areas in certain residential and environment protection zones</i> .
10. Has the planning proposal adequately addressed any social and economic effects?	Yes, the PP is likely to have positive social and economic effects due to the LEP operating in a more efficient and accurate manner which will better align the objectives of the instrument with appropriate development.

5.4 Section D – Infrastructure (Local, State and Commonwealth)

Question	Considerations
11. Is there adequate public infrastructure for the planning proposal?	The PP does not create additional requirements for public infrastructure.

5.5 Section E – State and Commonwealth Interests

Question	Considerations
12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway Determination?	Council has not yet consulted with relevant State and/or Commonwealth public authorities but will do so in accordance with the conditions of the Gateway Determination.

6 Maps

The Planning Proposal will result in an amendment to the following maps of the Georges River LEP 2021:

- Land Zoning (LZN) map
- Land Reservation Acquisition (LRA) map

- Floor Space Ratio (FSR) map
- Additional Permitted Use (APU) map
- Heritage (HER) map

The proposed amendments are shown in Part 4 – Explanation of Provisions.

Technically compliant mapping will be prepared following the Gateway Determination, prior to placing the PP on exhibition.

7 Gateway Determination

Subject to Council endorsement, Council intends to forward the PP to the Department of Planning and Environment for a Gateway Determination.

8 Community consultation

Council proposes to exhibit the PP in accordance with the requirements of Schedule 1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and any other requirements as determined by the Gateway process. The PP is intended to be exhibited for a period of 28 days.

It is intended to make the PP available for viewing at:

- Council's Your Say website;
- Georges River Civic Centre, MacMahon Street, Hurstville, between 8.30am and 5.00pm, Monday to Friday;
- Clive James (Kogarah) Library and Service Centre, during library hours; and
- Hurstville Library, during library hours.

Consultation will also be undertaken with any relevant public authorities / organisations as conditioned by the Gateway Determination. It is also proposed to consult with Transport for NSW.

9 Project Timeline

The project timeframe is as follows:

Indicative project timeline

Stage	Timeframe/date
Consideration by the Georges River LPP	18 May 2023
Report to Council seeking endorsement to forward the PP for a Gateway Determination	26 June 2023
Gateway Determination	August 2023

Stage	Timeframe/date
Pre-exhibition tasks, e.g. complete technically compliant mapping	August/September 2023
Commencement and completion of public exhibition period	September/October 2023
Consideration of submissions	November/December 2023
Post-exhibition review and additional studies	November 2023
Report to Council on the results of the community consultation and finalisation of the PP	February 2024
Submission to the Department for finalisation	March 2024
Gazettal of LEP amendment	April/May 2024