



IRF23/2637

## Gateway determination report – PP-2023-811

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Georges River Local Environmental Plan 2021  
Housekeeping Amendments 2023

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Planning Proposal – June 2023
Local Planning Panel report dated 18 May 2023
Local Planning Panel minutes dated 18 May 2023
Environment and Planning Committee report dated 13 June 2023
Environment and Planning Committee minutes dated 13 June 2023
Council Meeting minutes dated 26 June 2023
Finance and Governance Committee report dated 13 March 2023
Land Ownership Details dated 6 July, 4 September, and 29 September 2023

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	Georges River
<b>PPA</b>	Georges River Council
<b>NAME</b>	Georges River Local Environmental Plan 2021 - Housekeeping Amendment 2023
<b>NUMBER</b>	PP-2023-811
<b>LEP TO BE AMENDED</b>	Georges River Local Environmental Plan 2021 (Georges River LEP 2021)
<b>ADDRESS</b>	Various
<b>RECEIVED</b>	28/06/2023
<b>FILE NO.</b>	IRF23/2637
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose, and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives and Intended Outcome

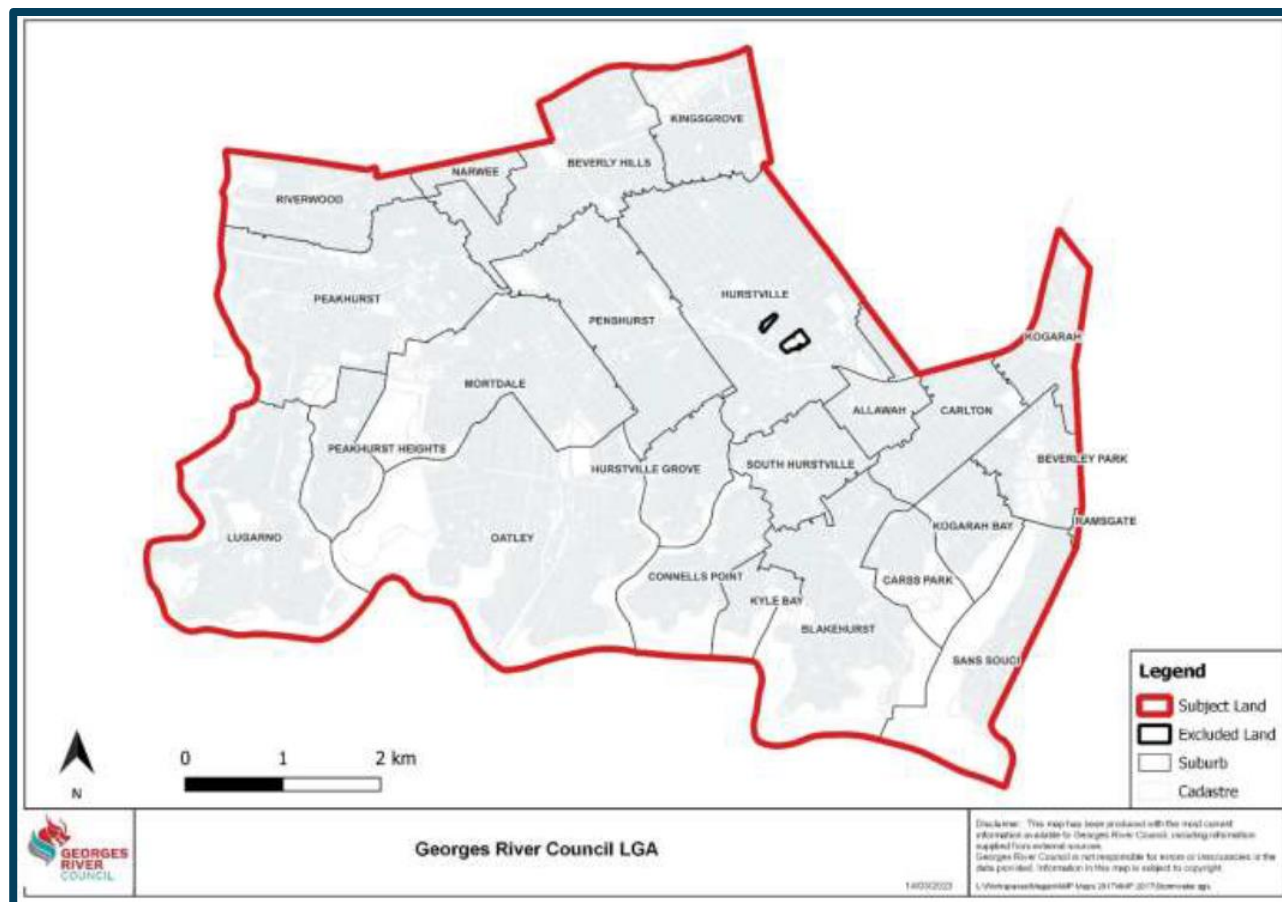
The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal. The objectives of the planning proposal are to:

- *improve the operation and accuracy of the Georges River Local Environmental Plan 2021;*
- *correct identified anomalies and inconsistencies to existing provisions and maps;*
- *update property descriptions; and*
- *introduce Special Flood Consideration from the Standard Instrument – Principal Local Environmental Plan.*

The objectives of this planning proposal are clear and adequate.

## 1.3 Site description and surrounding area

The planning proposal applies to land in the Georges River local government area (**Figure 1**).



**Figure 1: Subject area of the planning proposal outlined in red (Planning Proposal, 2023)**

## 1.4 Background

On 8 October 2021, the Georges River LEP 2021 commenced, replacing the former Hurstville LEP 2012 and Kogarah LEP 2012.

The housekeeping matters addressed within this proposal have arisen since the commencement of Georges River LEP 2021.

### Georges River Local Planning Panel

On 18 May 2023, the Georges River Local Planning Panel (the LPP) recommended to Council the proposal proceed subject to additional amendments to further improve the operation of the Georges River LEP 2021. These amendments by the LPP have been incorporated into the planning proposal submitted for a Gateway determination – see **Section 2 Explanation of Provisions of this report** for further discussion.

### Council's Environment and Planning Committee Resolution

On 13 June 2023, Council's Environment and Planning Committee (the committee) resolved to support the proposal and recommend to Council that it be submitted to the Department for a Gateway determination.

The version of the proposal considered by the committee included the amendments recommended by the LPP.

### Council's Resolution

On 26 June 2023, Council considered the recommendations of the LPP and the committee and resolved to support the proposal and recommend to Council that it be submitted to the Department for a Gateway determination.

The version of the proposal considered by the committee included the amendments recommended by the LPP.

## 2 Explanation of Provisions

To achieve the objectives and intended outcomes, the planning proposal seeks to amend the Georges River LEP 2021, by:

- simplifying floor space ratio provisions;
- introducing Clause 5.22 - Special flooding considerations clause from the *Standard Instrument - Principal Local Environmental Plan* (the Standard Instrument);
- minor amendments to stormwater management and environmental sustainability provisions;
- amendments to landscaping provisions, including a new landscaping requirement for semi-detached dwellings;
- administrative amendments to Schedule 5 – Environmental Heritage and associated mapping;
- updates to the land reservation and acquisition maps;
- resolving zoning map anomalies to protect existing public open spaces;
- introducing a minimum non-residential FSR of 1.5:1 to E2 zoned land in the Hurstville City Centre;
- introduction of a minimum non-residential FSR of 0.3:1 to E2 zoned land in other centres;
- requirement for active street frontage on E2 zoned land; and
- resolving anomalies with permissible land use on certain sites following introduction of the employment zone reforms.

The explanation of provisions is accurate and clear. The proposal includes draft provisions seeking to demonstrate the intended amendments. It is recommended a Gateway condition require the planning proposal be updated to include an explanatory note that final drafting of the instrument is subject to the legal drafting process by Parliamentary Council.

The proposed amendments are discussed in detail at **Sections 2.1 to 2.4** below.

## 2.1 Instrument Only Amendments (excluding Part 5 Environmental heritage)

The following amendments to the Georges River LEP 2021 affect the written instrument. The proposed amendments are explained below with proposed changes identified in red.

**Table 3 Instrument Only Amendments (excluding Part 5 Environmental heritage)**

Clause 4.4A Exceptions to floor space ratio — certain residential accommodation									
Proposed Amendment	<p>The amendment seeks to replace the formula for calculating the maximum floor space ratio with a set floor space ratio. The existing formulas are overly complicated and redundant as the <math>\text{site area} \div \text{site area} = 1</math>.</p> <p><i>“(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.</i></p> <table> <tr> <th>Site Area</th><th>Maximum floor space ratio</th></tr> <tr> <td>Not more than 650 square metres</td><td><del><math>[\text{site area} \times 0.55] \div \text{site area} - 1</math></del> 0.55:1</td></tr> </table> <p><i>“(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.”</i></p> <table> <tr> <th>Site Area</th><th>Maximum floor space ratio</th></tr> <tr> <td>Not more than 1000 square metres</td><td><del><math>[\text{site area} \times 0.6] \div \text{site area} - 1</math></del> 0.6:1</td></tr> </table>	Site Area	Maximum floor space ratio	Not more than 650 square metres	<del><math>[\text{site area} \times 0.55] \div \text{site area} - 1</math></del> 0.55:1	Site Area	Maximum floor space ratio	Not more than 1000 square metres	<del><math>[\text{site area} \times 0.6] \div \text{site area} - 1</math></del> 0.6:1
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Site Area	Maximum floor space ratio								
Not more than 1000 square metres	<del><math>[\text{site area} \times 0.6] \div \text{site area} - 1</math></del> 0.6:1								
Department comments	No objection to amendment because this has no impact on the existing maximum FSR.								

Clause 5.22 Special flood considerations	
Proposed Amendment	<p>Insert <a href="#">Clause 5.22 Special flood considerations</a> from the Standard Instrument without variation.</p> <p>The clause will allow Council to further consider flood impacts for sensitive and hazardous development types for land between the flood planning area and probably maximum flood level.</p> <p>Council is proposing to include all the listed land uses that can qualify as <b>sensitive and hazardous development</b> in the Standard Instrument, being:</p> <ul style="list-style-type: none"> <li>(a) boarding houses,</li> <li>(b) caravan parks,</li> <li>(c) correctional centres,</li> <li>(d) early education and care facilities,</li> <li>(e) eco-tourist facilities,</li> <li>(f) educational establishments,</li> <li>(g) emergency services facilities,</li> <li>(h) group homes,</li> <li>(i) hazardous industries,</li> </ul>



	<ul style="list-style-type: none"> <li>(j) hazardous storage establishments,</li> <li>(k) hospitals,</li> <li>(l) hostels,</li> <li>(m) information and education facilities,</li> <li>(n) respite day care centres,</li> <li>(o) seniors housing,</li> <li>(p) sewerage systems,</li> <li>(q) tourist and visitor accommodation,</li> <li>(r) water supply systems.</li> </ul>
Council's justification	<p>The clause would allow 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"> <li>• will not affect the safe occupation and efficient evacuation of people in the event of a flood,</li> <li>• incorporates appropriate measures to manage risk to life in the event of a flood, and</li> <li>• will not adversely affect the environment in the event of a flood.</li> </ul>
Department comments	No objection to amendment – see <b>Section 5.3 of this report</b> for further discussion.

### Clause 6.3 Stormwater Management

Proposed Amendment	<p>Amend Clause 6.3(2)(b) to delete the word 'practicable' and replace with 'applicable' to strengthen the requirement for on-site detention (OSD) to be provided on sites where necessary under Council's Stormwater Management Policy.</p> <p><i>"(b) includes, if <del>practicable</del> 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..."</i></p>
Council's Justification	<p>Since the commencement of the Georges River LEP 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'. 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 Stormwater Management Policy</p>
Department's comments	<p>It is appreciated that the current wording of the provision is too flexible and may not be providing for the provisions intended outcome.</p> <p>It is recommended that the planning proposal be updated to note that final wording is subject to the legal drafting process by Parliamentary Counsel.</p>

### Clause 6.11 Environmental Sustainability

Proposed Amendment	<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>2(b) that involves—</p>
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	<ul style="list-style-type: none"> <li>i. the erection of a new building, or</li> <li><del>ii. the change of use of an existing building, or</del></li> <li>iii. alterations or additions to an existing building that, in the opinion of the consent authority, are significant.</li> </ul>
Council's Justification	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.
Department's comments	No objection to amendment – see <b>Section 5.1 of this report</b> for further discussion.

### Clause 6.12 Landscaped areas in certain residential and conservation zones

Proposed Amendment	<p>Add a new sub-clause outlining that the clause only applies to the erection of a new building or additions or external alterations where there is an increase in the footprint of the building to prevent unnecessary restrictions on minor applications.</p> <p><i>This clause applies to development on land referred to in subclause (2) involving—</i></p> <ul style="list-style-type: none"> <li><i>a) the erection of a new building, or</i></li> <li><i>b) additions or external alterations to an existing building that, in the opinion of the consent authority, are significant.</i></li> </ul> <p>Amend clause 6.12 (4)(c) and (d) to enable trees to be removed, where warranted, as part of a DA, as the current wording does not allow this.</p> <p><i>(c) <del>does not</del> it is not likely to adversely impact the health, condition and structure of existing trees, tree canopies and tree root systems that are required to be retained on the land or adjacent land that are required to be retained, and</i></p> <p><i>(d) it is not likely to adversely impact the health, condition and structure of existing trees, tree canopies and tree root systems on adjoining land, and</i></p> <p>Amend clause 6.12(5) to allow natural rock formations to be considered as part of the landscaped area where these are naturally occurring on sites.</p> <p><i>(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—</i></p> <p>Add semi-detached dwellings as a development type requiring a minimum landscaped area to clause 6.12(5)</p> <p><i>(5)....</i></p> <ul style="list-style-type: none"> <li><i>(c) for a dual occupancy or semi-detached dwelling located on land outside the Foreshore Scenic Protection Area—25% of the site area, or</i></li> <li><i>(d) for a dual occupancy or semi-detached dwelling located on land within the Foreshore Scenic Protection Area—30% of the site area, or</i></li> </ul> <p>Insert a new clause to clarify that the provisions of clause 6.12(5) do not apply to strata or community title subdivisions.</p> <p><i>Subclause (5) does not apply to a subdivision of land under the <u>Community and Development Act 1989</u> or the <u>Strata Schemes (Freehold Development) Act 1973</u>.</i></p>
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Council's Justification	<p>The current wording of Clause 6.12 (4)(c) is problematic as it does not allow for the removal of any tree through the development application process. This means that the applicant has to also lodge a Tree Permit Application. 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 to the LPP. It is proposed to amend the clause to clarify that the clause applies to only development involving the erection of a new building or additions or external alterations where there is an increase in the footprint of the building.</p> <p>The clause is also unclear whether both resulting lots of a dual occupancy development need to meet the landscaped area 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>
Department's comments	<p>No objection to amendment – see <b>Section 5.1 of this report</b> for further discussion.</p> <p>It is recommended that the planning proposal be updated to note that final wording is subject to the legal drafting process by Parliamentary Counsel.</p>

### Clause 6.13 Development in Zones E1 and MU1

Proposed Amendment	<p>Amend the title of Clause 6.13 to include the E2 zone.</p> <p>Amend subclause 2 to include E2 zone. This would require active street frontages in the E2 zone.</p> <p>Add an additional provision to clause 6.13 to ensure ground floor non-residential floor space within the Hurstville Town Centre:</p> <p><b>“(6) Development consent must not be granted for the erection of a building on land identified as “Area 7” on the Floor Space Ratio Map unless the consent authority is satisfied that the ground floor area is used for purposes other than residential accommodation.”</b></p>
Council's Justification	<p>These proposed amendments seek to ensure uses permitted in the E2 zone which do not constitute an active street frontage, including backpackers' accommodation, local distribution premises and mortuaries are not located on the ground floor.</p> <p>Council has clarified this amendment does not seek to limit the delivery of build-to-rent housing.</p>
Department's comments	<p>This amendment is supported – see <b>Section 5.3 of this report</b> for further discussion.</p>

## 2.2 Instrument Only Amendments – Schedule 5 Environmental heritage

The below items are administrative amendments to Schedule 5 Environmental Heritage of the Georges River LEP 2021. These amendments include updates to item names, addresses and property descriptions which are explained below with proposed changes identified in red.

These amendments are minor in nature and supported – see **Section 5.3 of this report** for further discussion.

**Table 4 Instrument Only Amendments – Schedule 5 Environmental Heritage**

Schedule 5 Environmental heritage – Item I3 ‘House and garden, “McWilliam House”’	
Proposed Amendment	Update the address for Item I3 to <b>186</b> -188 Princes Highway to align with the mapped data.
Schedule 5 Environmental heritage – Item I6 ‘Beverly Hills Railway Station Group’	
Proposed Amendment	Update the property description (Lot and DP) for Item I6 to include <b>‘Part of’</b> Lot 10, DP1211599 in the property description to align with the mapped data.
Schedule 5 Environmental heritage – Item I42 ‘Carlton Railway Station’	
Proposed Amendment	Update the property description (Lot and DP) for Item I42 to include <b>‘Part of’</b> Lot 1, DP 1138068 in the property description to align with the mapped data.
Schedule 5 Environmental heritage – Item I63 ‘Federation house “Dungog” and setting’	
Proposed Amendment	Update the property description (Lot and DP) for Item I63 to reflect the current Lot and Deposited Plan.
Schedule 5 Environmental heritage – Item I66 ‘Hurstville Oval and Velodrome’	
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.
Schedule 5 Environmental heritage – Item I95 ‘Group of shops’	
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.
Schedule 5 Environmental heritage – Item I116 ‘Friendly Societies’ Dispensary Building’	
Proposed Amendment	Update the property description (strata plan number) for Item I116 to delete SP 72896.
Schedule 5 Environmental heritage – Item I164 ‘House and garden’	
Proposed Amendment	Update the property address for Item I164 to delete 5 Chapel Street to align with the mapped data.

## Schedule 5 Environmental heritage – Item I179 ‘Terraces, “Leah Buildings”’

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.
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**Schedule 5 Environmental heritage – Item I196 ‘HV Evatt Memorial Reserve’**

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.
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**Schedule 5 Environmental heritage – Item I205 ‘House and garden, “Hindmarsh”’**

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.
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**Schedule 5 Environmental heritage – Item I210 ‘Kyle Bay Bowling Club’**

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.
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**Schedule 5 Environmental heritage – Item I236 ‘Oatley Railway Station Group’**

Proposed Amendment	Update the property description (Lot and DP) for Item I236 to insert ‘Part of’ to align with the mapped data.
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**Schedule 5 Environmental heritage – Item I241 ‘George Fincham Pipe Organ’**

Proposed Amendment	Update the property description (Lot and DP) for Item I241 to insert ‘Part of’ to align with the mapped data.
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**Schedule 5 Environmental heritage – Item I261 ‘Salt Pan Creek sewage aqueduct’**

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. Update the address to “behind 11A Elwin Street” rather than ‘behind 9 Elwin Street’.
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**Schedule 5 Environmental heritage – Item I266 ‘Fig tree in Pickering Park’**

Proposed Amendment	Update the property description (Lot and DP) for Item I266 to add ‘Part of’ to align with the mapped data.
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**Schedule 5 Environmental heritage – Item I267 ‘Fig tree in Lambert Reserve’**

Proposed Amendment	Update the property description (Lot and DP) for Item I267 to add ‘Part of’ to align with the mapped data.
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**Schedule 5 Environmental heritage – Item I278 ‘Penshurst Railway Station Group’**

Proposed Amendment	Update the property description (Lot and DP) for Item I278 to add ‘Part of’ to align with the mapped data.
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### Schedule 5 Environmental heritage – Item I303 ‘Sans Souci Park, public baths and bathers pavilion’

Proposed Amendment	Update Item No. I303 name to reflect the significant components of the site, including the Moreton Bay Fig tree and sandstone wall. The Heritage Inventory Sheet will also be updated.
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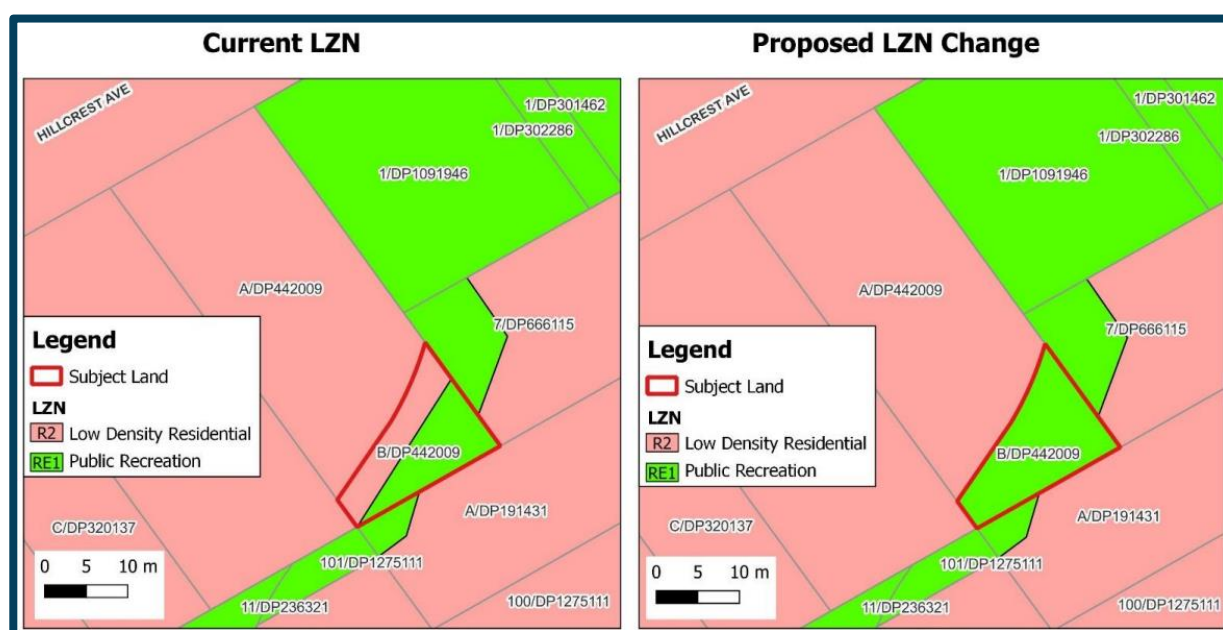
## 2.3 Map Only Amendments

Items below are housekeeping amendments to the Georges River LEP 2021 maps, including Land Zoning (LZN) and Land Reservation Acquisition (LRA) maps.

**Table 5 Map only amendments**

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

**Proposed Amendment:** Rezone 54 Hillcrest Avenue, Hurstville to RE1 Public Recreation (**Figure 2**).



**Figure 2: Land Zoning Map changes 'Part of Denman Street Reserve' (Planning Proposal, 2023)**

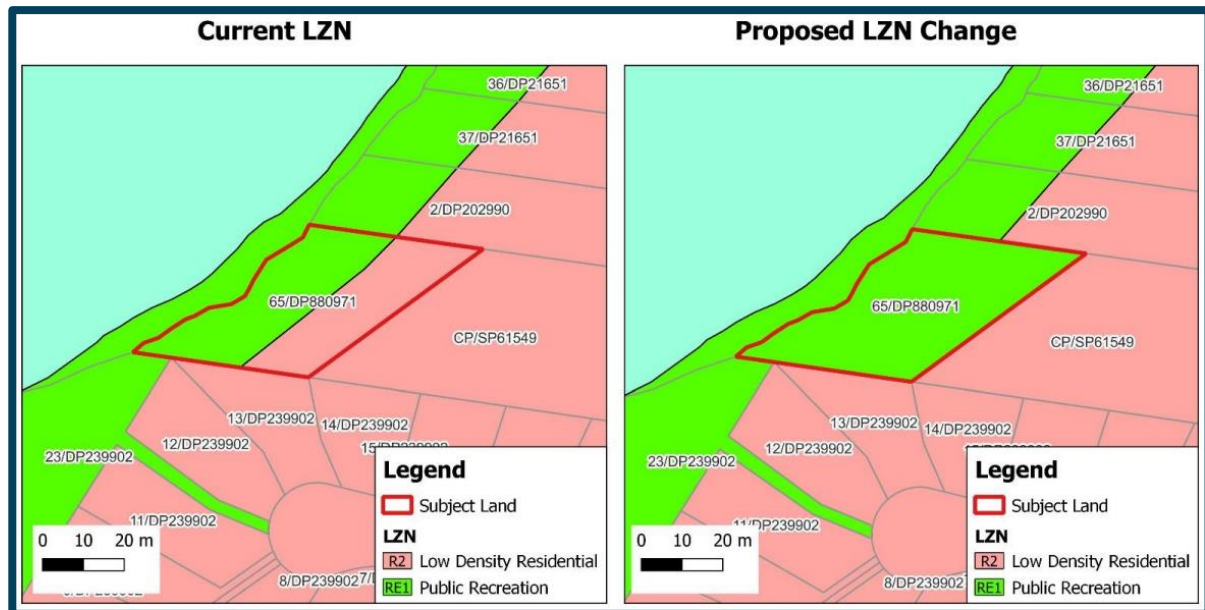
**Council Justification:** The land is owned by Council and is part of Denman Street Reserve. It is zoned part R2 Low Density Residential and part RE1 Public Recreation. The part zoned R2 Low Density Residential is proposed to be rezoned RE1 Public Recreation consistent with the current public reserve use.

**Department's comment:** Support for this amendment remains unresolved – see **Section 5.3** (Ministerial Direction 5.2 Reserving Land for Public Purposes) of this report for further discussion.



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

**Proposed Amendment:** Rezone 964A Forest Road, Lugarno to RE1 Public Recreation (**Figure 3**).



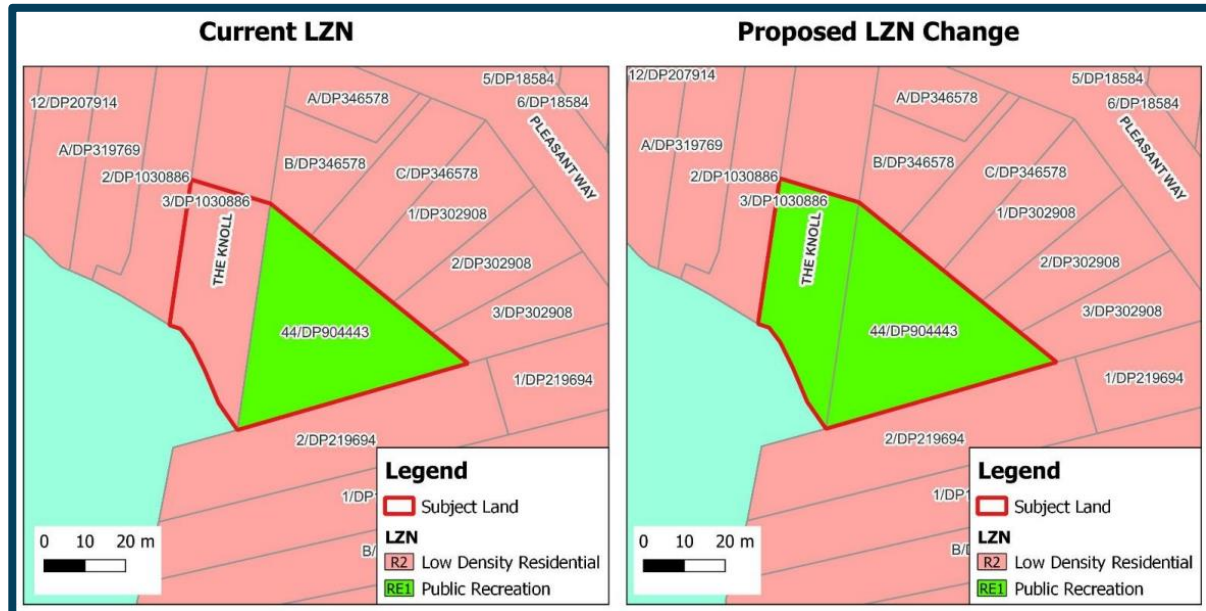
**Figure 3: Land Zoning Map changes 'Part of Salt Pan Creek Reserve (Planning Proposal, 2023)**

**Council Justification:** The 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.

**Department's comment:** Support for this amendment remains unresolved – see **Section 5.3** (Ministerial Direction 5.2 Reserving Land for Public Purposes) of this report for further discussion.

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

**Proposed Amendment:** Amend the Land Zoning map to rezone Part of Lot 7034, DP 1138728 from R2 Low Density Residential to RE1 Public Recreation (**Figure 4**).



**Figure 4: Land Zoning Map changes 'Part of The Knoll Reserve' (Planning Proposal, 2023)**

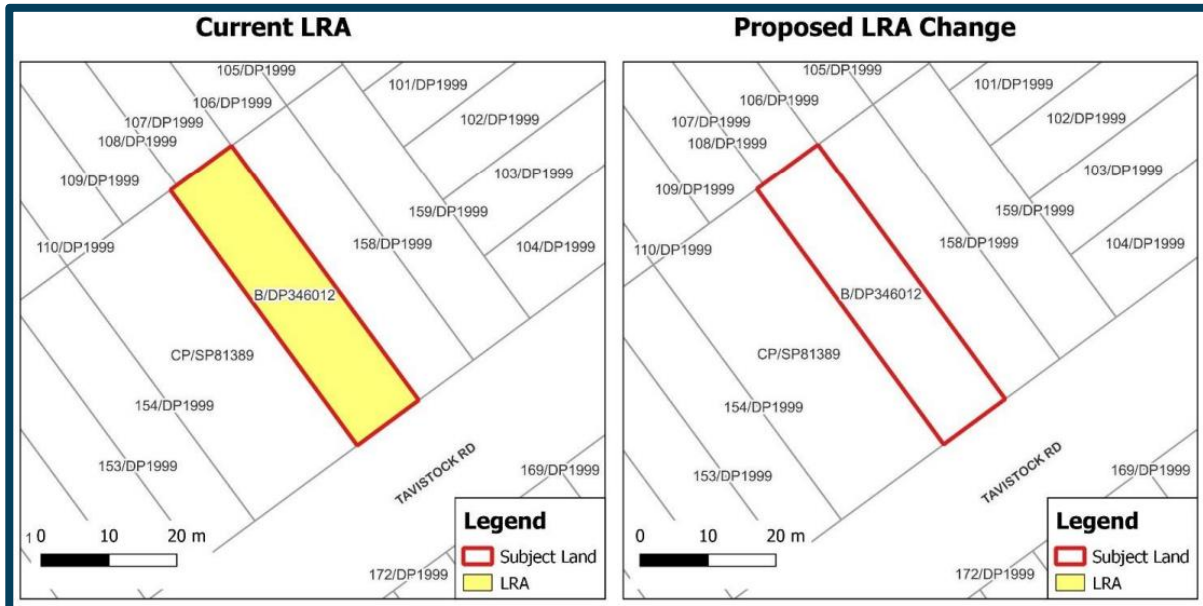
**Council Justification:** The subject land was dedicated to Council as open space in 1998 by the creation of DP 880971, however the RE1 Public Recreation zoning only covers half the lot. The part R2 Low Density Residential zoning is proposed to be rezoned to RE1 Public Recreation in accordance with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

**Department's comment:** Support for this amendment remains unresolved – see **Section 5.3** (Ministerial Direction 5.2 Reserving Land for Public Purposes) of this report for further discussion.



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

**Proposed Amendment:** Remove the LRA layer from Lot B, DP 346012, 11 Tavistock Road, South Hurstville (**Figure 5**).



**Figure 5: Land Reserve Acquisition Map changes '11 Travistock Road' (Planning Proposal, 2023)**

**Council Justification:** The LRA is no longer required as the land has been acquired by Council as the relevant acquisition authority.

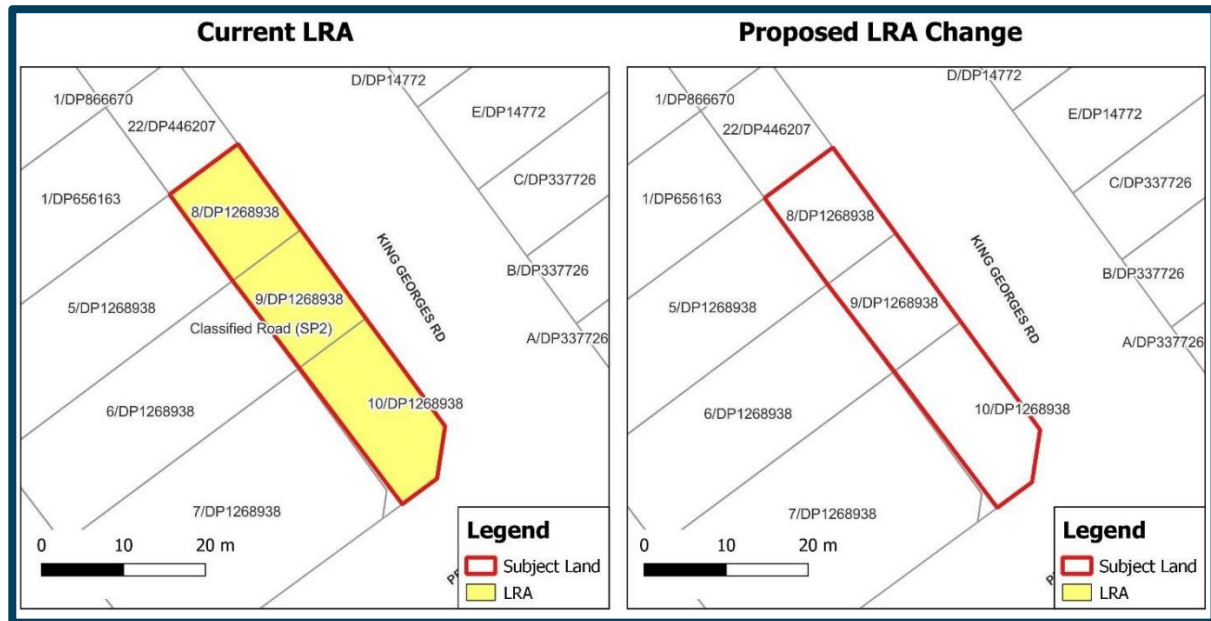
The existing RE1 zoning is retained.

**Department's comment:** Support for this amendment remains unresolved – see **Section 5.3** (Ministerial Direction 5.2 Reserving Land for Public Purposes) of this report for further discussion.

### LRA Map – Lots 8-10 DP 1268938, 637-641 King Georges Road, Penshurst

**Proposed Amendment:** Remove the LRA from (Figure 6):

- 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.



**Figure 6: Land Reserve Acquisition Map '637-641 King Georges Road' (Planning Proposal, 2023)**

**Council Justification:** The LRA is no longer required as the land has been acquired by Transport for NSW (TfNSW) as the relevant acquisition authority.

The existing SP2 Infrastructure (Classified Road) zoning is to be retained.

**Department's comment:** This amendment is supported subject to the planning proposal being updated with land ownership information and consultation with TfNSW – see **Section 5.3** of this report for further discussion.

### LRA Map – 25 Joffre Street, South Hurstville

**Proposed amendment:** The proposed amendment is not currently included in the planning proposal. Council wrote to the Department on 28 June 2023 requesting that the property be considered for removal from the LRA Map. The property has been acquired by Council since the planning proposal was prepared and is no longer required to be included in the LRA mapping. A condition of Gateway is included requiring the Planning Proposal to be updated to include this amendment prior to public exhibition, as well as proof of current ownership.

**Department's comment:** This amendment is generally supported subject to the planning proposal being updated with land ownership information and consultation with Council's property team – see **Section 5.3** of this report for further discussion.

**LRA Map – 247 Princes Highway, Carlton**

**Proposed amendment:** The proposed amendment is not currently included in the planning proposal. Council wrote to the Department on 13 September 2023 requesting that the property be considered for removal from the LRA Map. The property has been acquired by Council since the planning proposal was prepared and is no longer required to be included in the LRA mapping. A condition of Gateway is included requiring the Planning Proposal to be updated to include this amendment prior to public exhibition, as well as proof of current ownership.

**Department's comment:** Support for this amendment remains unresolved – see **Section 5.3** (Ministerial Direction 5.2 Reserving Land for Public Purposes) of this report for further discussion.

## 2.4 Instrument and Map Amendments

The following amendments relate to both the Georges River LEP 2021 instrument and associated mapping.

**Table 6: Instrument and Map Amendments**

### Clause 4.4B - Minimum non-residential FSR in the E2 Commercial Centre Zone

#### Proposed Amendment

Amend Clause 4.4B(4) Exceptions to floor space ratio–non-residential uses to include minimum non-residential FSRs in Council's E2 zoned land, being:

- 1.5:1 in the Hurstville Strategic Centre (**Figure 7**); and
- 0.3:1 for other E2 zoned land. Council has clarified that this requirement has been included to facilitate the operation of the 1.5:1 non-residential FSR because Clause 4.4B requires a 0.3:1 non-residential to employment zones unless otherwise specified.

Hurstville Strategic Centre is the only area in the Georges River LEP 2021 zoned E2 (**Figure 7**). However, because the proposal seeks to apply a 0.3:1 non-residential FSR to the E2 zone this has implications on future E2 zoned land which need to be addressed in this planning proposal.

The land is proposed to be identified on the relevant FSR Maps as 'Area 7' which corresponds directly with the E2 zoned land.

The proposal's amendments to existing Clause 4.4B are identified below in red:

- (1) *The objective of this clause is to encourage an appropriate mix of residential and non-residential uses in order to ensure a suitable level of non-residential floor space is provided to promote employment and reflect the hierarchy of Zone E1 Local Centre, **Zone E2 Commercial Centre**, and Zone MU1 Mixed Use.*
- ...
- (3) *Development consent must not be granted for development on land in Zone E1 Local Centre, **Zone E2 Commercial Centre**, or Zone MU1 Mixed Use unless the non-residential floor space ratio is at least 0.3:1*
- (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.'

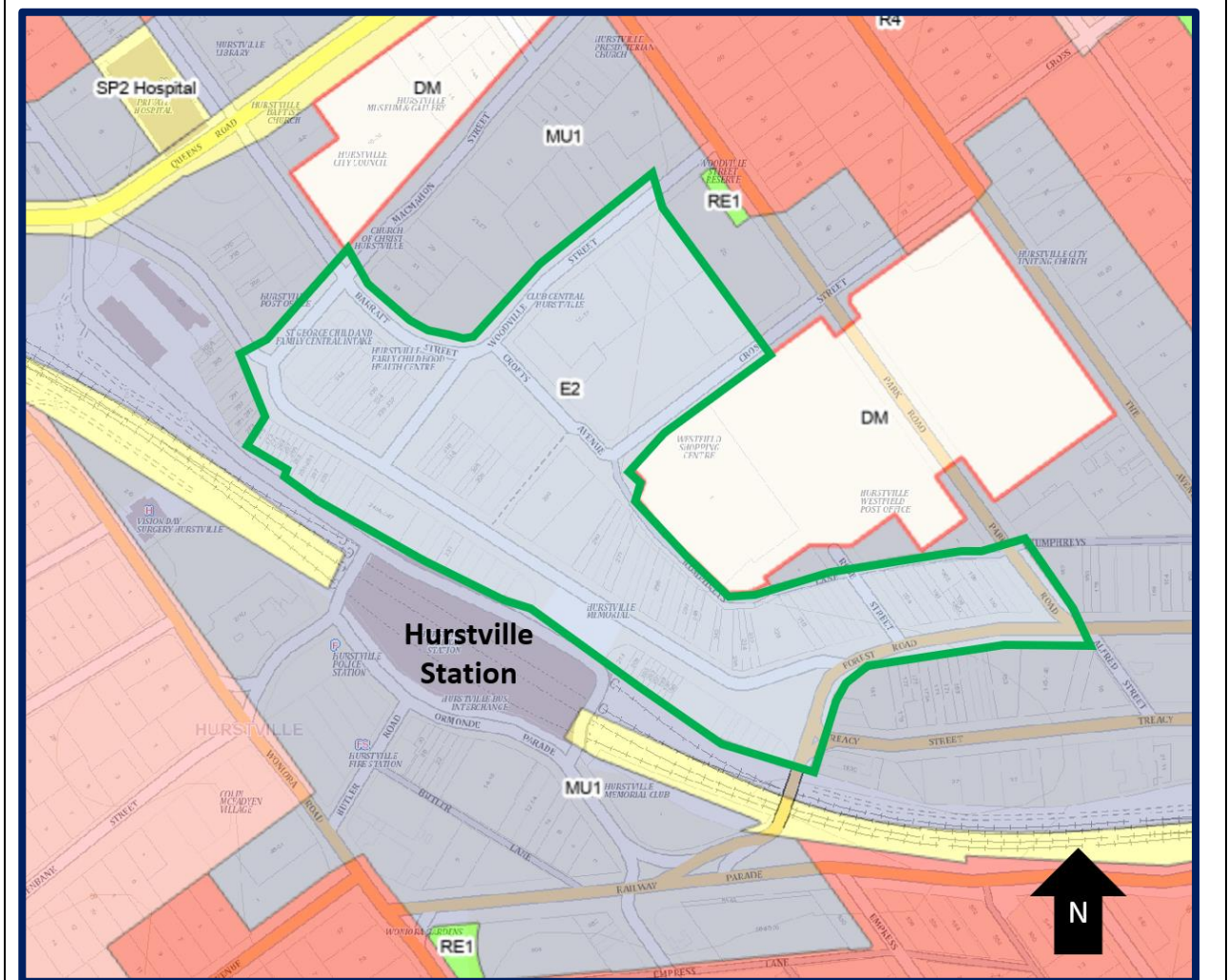


Figure 7: E2 Commercial Centre zoned land highlighted green (NSW Spatial Viewer 2023)

**Council's Justification:** The proposal states that the non-residential floor space requirements are in response to the build-to-rent housing provisions introduced into the Housing SEPP in November 2021.

A minimum non-residential FSR of 1.5:1 is proposed to be introduced in the E2 zone whenever a build-to-rent housing development is proposed to ensure a reasonable supply of employment floorspace can be provided for the Hurstville strategic centre to address the baseline job target.

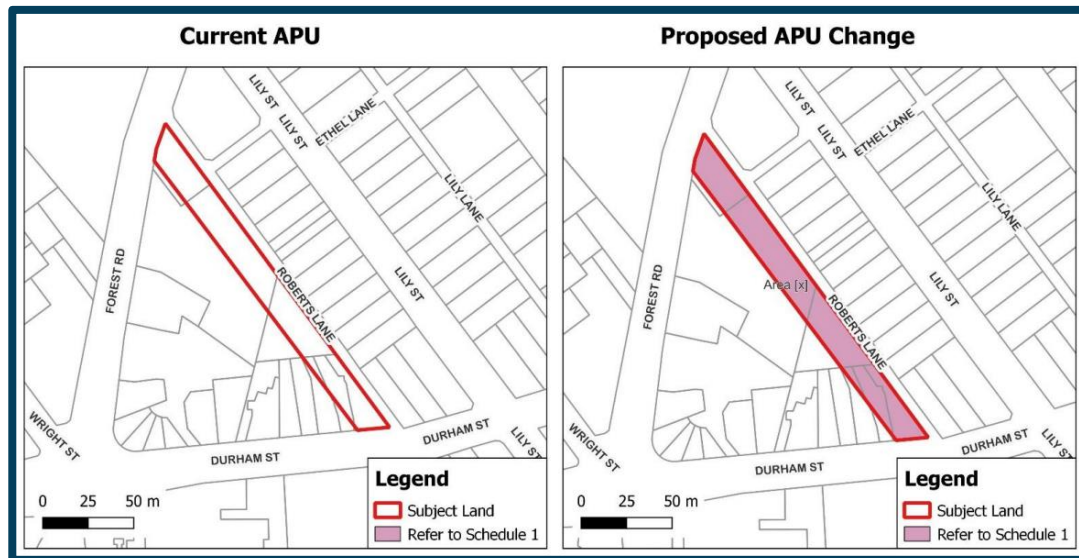
**Department's comment:** This amendment is not supported with the Gateway conditioned to delete the proposed amendment – see **Section 5.4** of this report for further discussion.



### Schedule 1 - Residential Flat Buildings as an additional permitted use along Roberts Lane, Hurstville (Landmark Square site)

#### Proposed Amendment

Allow an additional permitted use for 'residential flat buildings' along the Roberts Lane, Hurstville frontage (Figure 8).



**Figure 8: Additional Permitted Use – Residential Flat Buildings on Roberts Lane (Planning Proposal, 2023)**

**Council's Justification:** Part of the site fronting Roberts Lane identified above is currently zoned MU1 Mixed Use zone under the Georges River LEP 2021. A non-residential FSR of 0.5:1 applies to this land.

The new Georges River LEP 2021 maintains the same MU1 Mixed Use zone for the site. However, the Land Use Table for the MU1 Mixed Use zone has been modified with residential flat buildings listed as prohibited. 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 Hurstville LEP 2012 and requires Residential Flat Buildings (RFBs) to be located on the Roberts Lane frontage, however these are prohibited in the MU1 zone.

LEP needs to be updated to facilitate development for the purposes of residential flat buildings on the Roberts Lane frontage of the site as was intended by the original and previous LEP.

**Department's comment:** On 7 August 2020, Amendment No.16 of the Hurstville LEP 2012 was notified. This followed Council's support for making the plan as the Local Plan Making Authority (22 July 2019 Council resolution).

This planning proposal only sought to facilitate active street frontages along Forest Road and Durham Street. The B4 Mixed Use zone of the Hurstville LEP 2012 permitted residential flat buildings with development consent.

This new amendment is supported, because:

- it implements the intent of Amendment No.16 of the Hurstville LEP 2012; and
- resolves an anomaly on the site resulting from the introduction of the employment zones – with residential flat buildings not being permitted in the Georges River LEP 2021 MU1 Mixed Use zone.

The employment zone reforms intended to facilitate land use permissibility and flexibility in zones.

See **Sections 5.1** and **5.3** of this report for further discussion.

#### Schedule 1 – Item 15 Use of certain land in Zone E1 Local Centre – Princes Highway, Kogarah

##### Amendment:

- transition the map identification from 'Area A' on the Land Zoning Map to 'Area C' on the Additional Permitted Uses Map (**Figures 9 and 10 – which shows Area (X)**); and
- remove 'backpackers' accommodation' from Schedule 1- Item 15 Use of certain land in Zone E1.

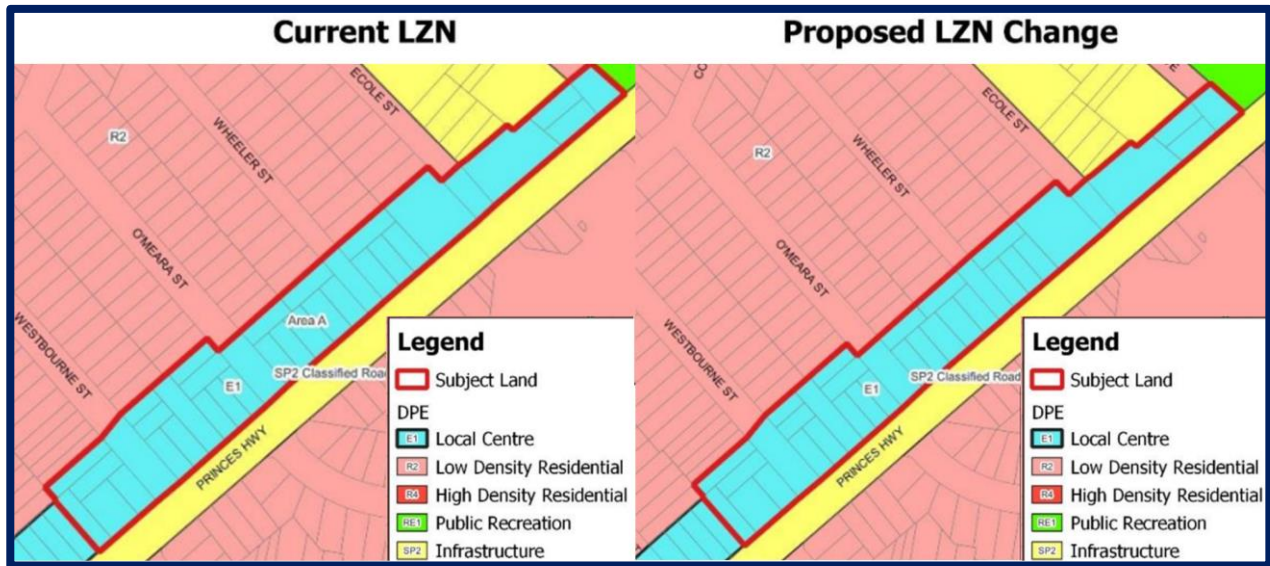


Figure 9: Use of certain land in Zone E1 Local Centre (Planning Proposal, 2023)

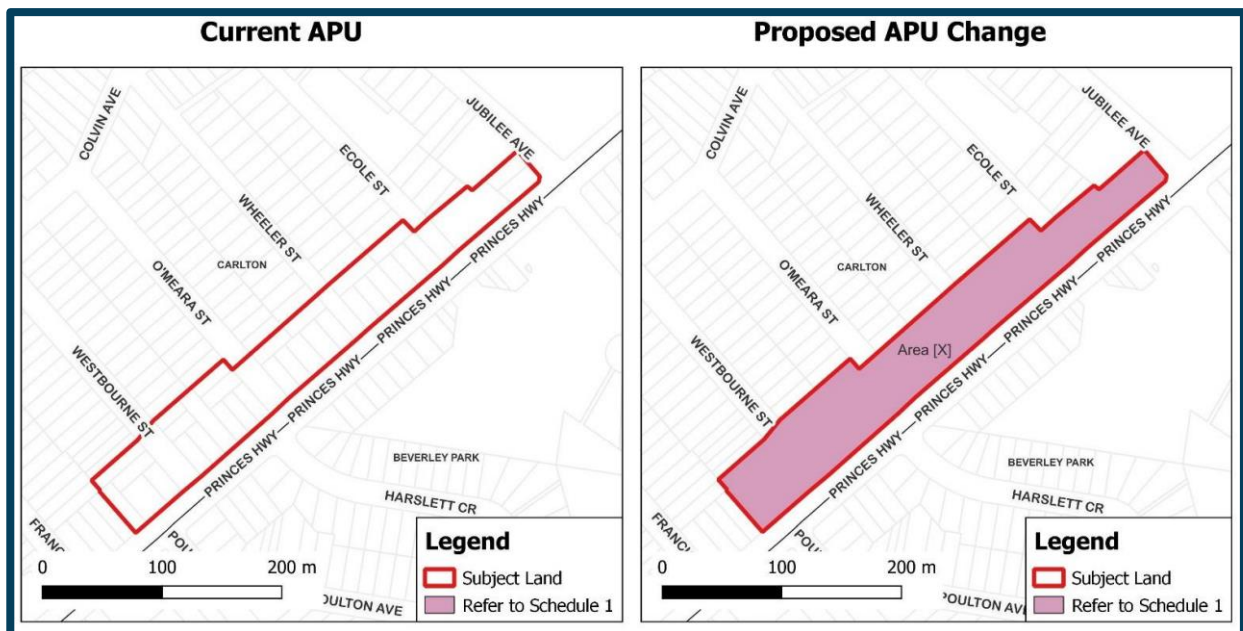


Figure 10: Use of certain land in Zone E1 Local Centre (Planning Proposal, 2023)

**Council's Justification:** The SEPP Amendment (Land Use Zones) (No 3) 811 commenced on 26 April 2023 to implement DPE led employment zones reforms.

As a result of the amendment, the former B1 Neighbourhood Centre, B2 Local Centre and B6 Enterprise

Corridor zones under the Georges River LEP 2021 were replaced by the new E1 Local Centre (E1) zone. Backpacker's accommodation is permitted under the new zone E1 backpackers' accommodation so is no longer required as an additional permitted use. It is therefore proposed to be removed from Schedule 1 Additional Permitted Uses, Clause (2).

Schedule 1 currently refers to Zone E1 as it was prepared for the employment zone reforms and prior to an Additional Permitted Uses Map being applicable to Georges River LEP 2021. It is proposed that the reference to the Land Zoning Map now be replaced with Additional Permitted Uses Map for clarity.

**Department's comment:** This amendment is supported noting 'backpackers' accommodation' is permitted with development consent in the Georges River LEP E1 zone.

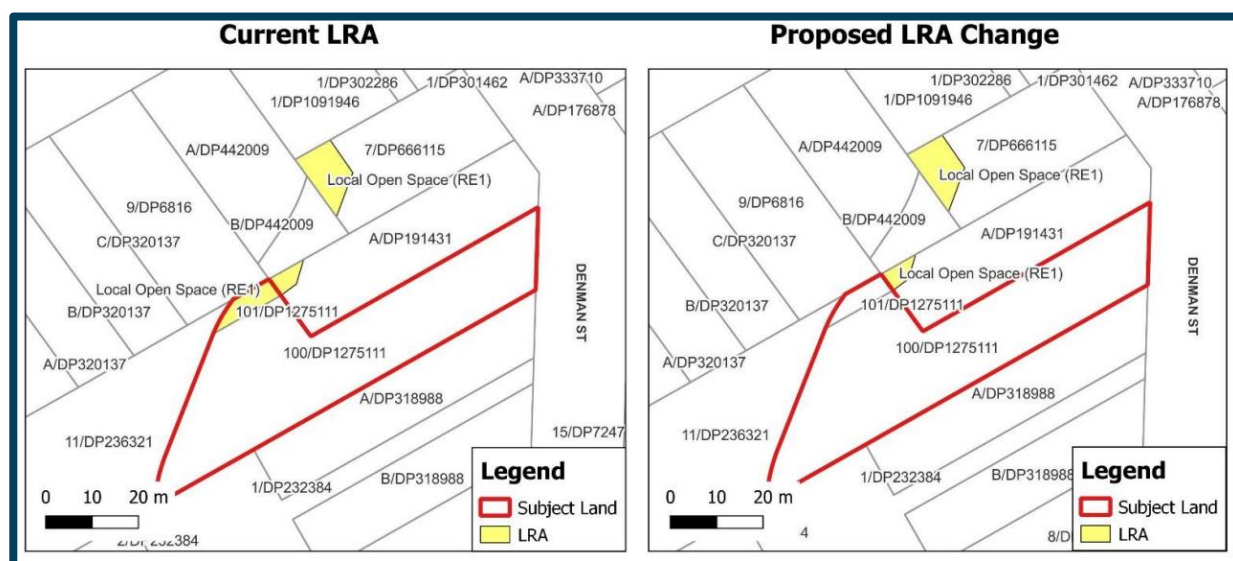
### Schedule 1 – Item 10 Use of certain land for multi dwelling housing or dual occupancies (detached) - Lots 100 and 101 DP 1275111, 5 and 5R Denman Street, Hurstville

#### Proposed Amendment

- Amend Schedule 1, Item 10 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; and
- Amend to account for acquisition of part of the site for RE1 Public Open Space.

#### Proposed Map Amendments:

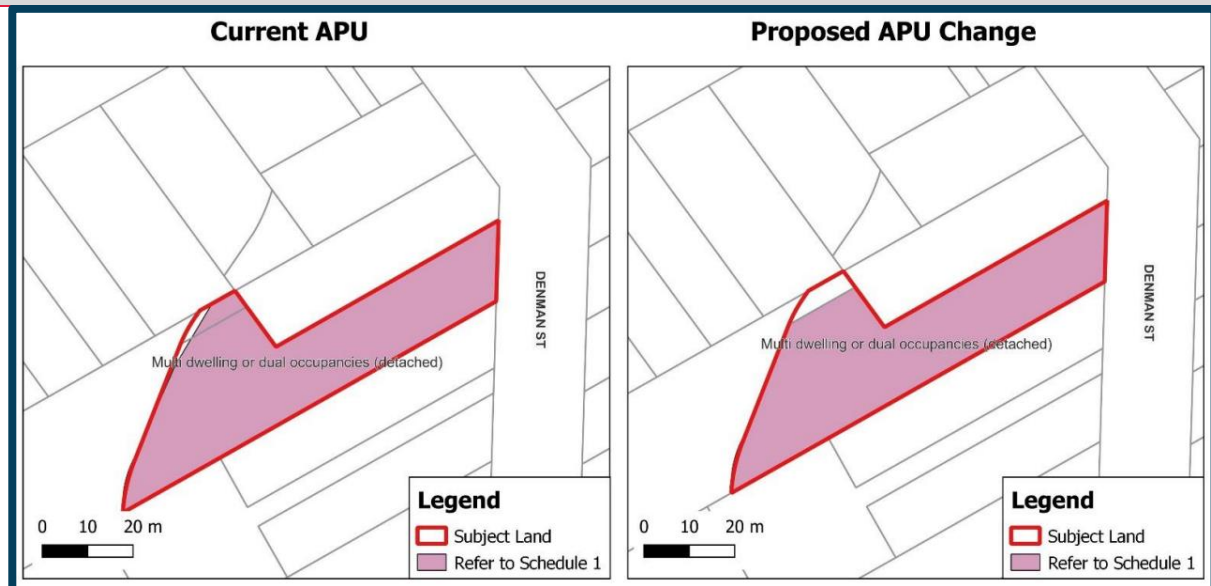
- Amend the Land Reservation Acquisition (LRA) map to remove the layer from Lot 101, DP 1275111, 5R Denman Street (**Figure 11**);
- Amend the Additional Permitted Uses (APU) map so that the APU is wholly over Lot 100, DP 1275111, 5 Denman Street and does not include Lot 101, DP 1275111, 5R Denman Street (**Figure 12**); and
- Amend the Land Zoning Map (LZN) so that Lot 100, DP 1275111 is zoned entirely R2 Low Density Residential (**Figure 13**).



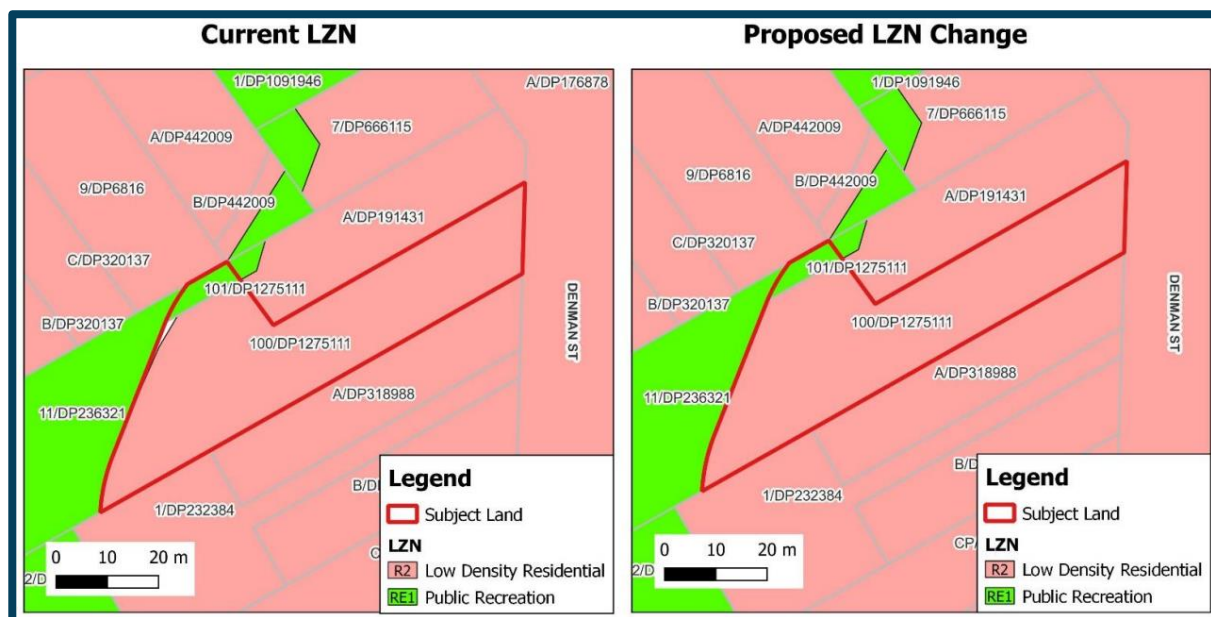
**Figure 11: LRA Map changes to Lots 100 and 101 DP 1275111, 5 and 5R Denman Street (Planning Proposal, 2023)**



**Schedule 1 – Item 10 Use of certain land for multi dwelling housing or dual occupancies (detached) - Lots 100 and 101 DP 1275111, 5 and 5R Denman Street, Hurstville**



**Figure 12: Changes to APUs for Lots 100 and 101 DP 1275111, 5 and 5R Denman Street (Planning Proposal, 2023)**



**Figure 13: Land Zoning Maps - Lots 100 and 101 DP 1275111, 5 and 5R Denman Street (Planning Proposal, 2023)**

**Council 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.



**Schedule 1 – Item 10 Use of certain land for multi dwelling housing or dual occupancies (detached) - Lots 100 and 101 DP 1275111, 5 and 5R Denman Street, Hurstville**

**Department's comment:** Support for this amendment remains unresolved – see **Section 5.3** of this report for further discussion.

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

**Existing Schedule 5**

**Item No:** I206

**Item:** Terraces and garden, “Beatrice” and “Lillyville”

**Address:** 14–16 Victoria Street

**Suburb:** Kogarah

**Property Description:** Lots 72 and 73, Section B, DP 1397

**Significance:** Local

**Proposed Schedule 5**

**Item No:** I206

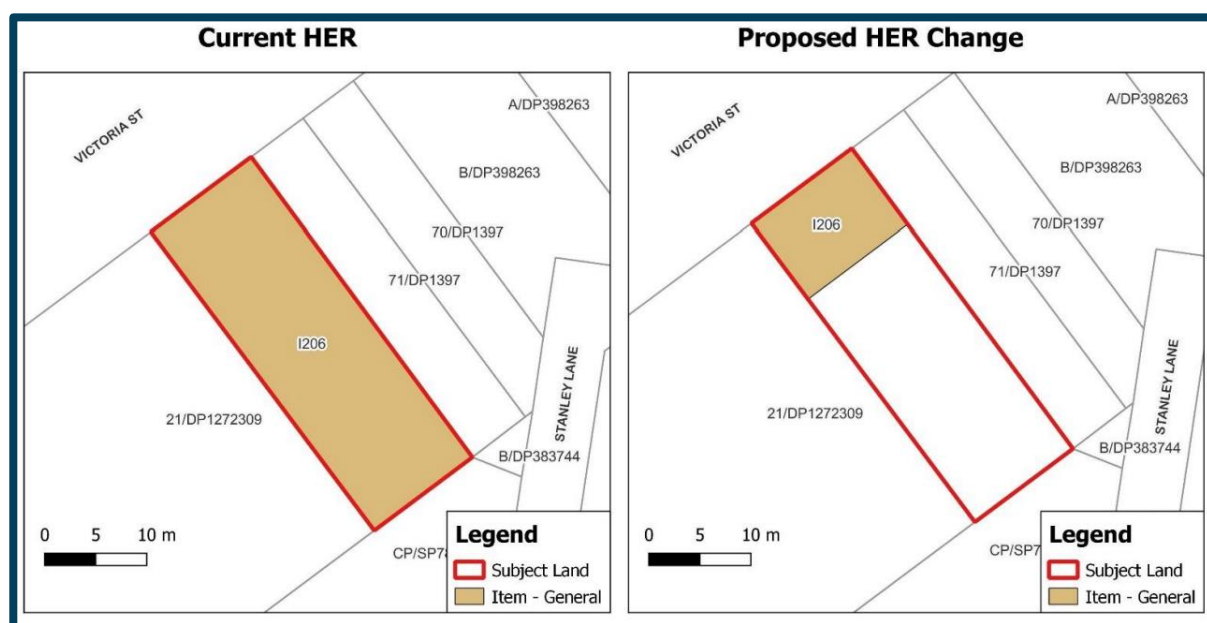
**Item:** Terraces and garden, “Beatrice” and “Lillyville”

**Address:** ~~Part of 6–16 14–16~~ Victoria Street

**Suburb:** Kogarah

**Property Description:** ~~Part of Lot 21, DP 1272309~~ ~~Lots 72 and 73, Section B, DP 1397~~

**Significance:** Local



**Figure 14: Item 206 ‘Terraces and garden, “Beatrice” and “Lillyville” (Planning Proposal, 2023)**

**Council 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, and 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.

**Department's comment:** This amendment is supported– see **Section 5.3** of this report for further discussion.

**Schedule 1 – Item 10 Use of certain land for multi dwelling housing or dual occupancies (detached) - Lots 100 and 101 DP 1275111, 5 and 5R Denman Street, Hurstville**

**Schedule 5 - Environmental Heritage – Item I217 ‘Cottage “Killarney” and setting’**

**Existing Schedule 5**

**Item No:** I217

**Item:** Cottage “Killarney” and setting

**Address:** 66A Moons Avenue

**Suburb:** Lugarno

**Property Description:** Lot 1, DP 506036

**Significance:** Local

**Proposed Schedule 5**

**Item No:** I217

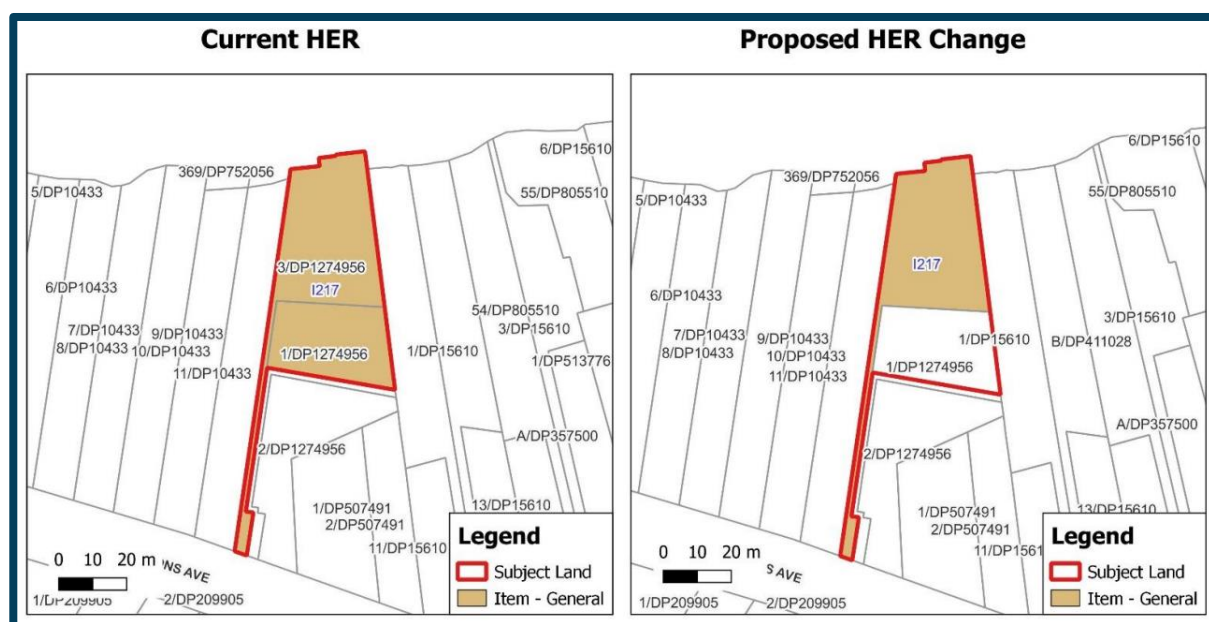
**Item:** Cottage “Killarney” and setting

**Address:** ~~66A~~ ~~66B~~ Moons Avenue

**Suburb:** Lugarno

**Property Description:** Lot 1, DP 506036 ~~Lot 3, DP 1274956~~

**Significance:** Local



**Figure 15: Item I217 ‘Cottage “Killarney” and setting’ (Planning Proposal, 2023)**

**Council 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.

**Department’s comment:** This amendment is supported– see **Section 5.3** of this report for further discussion.

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

#### 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**

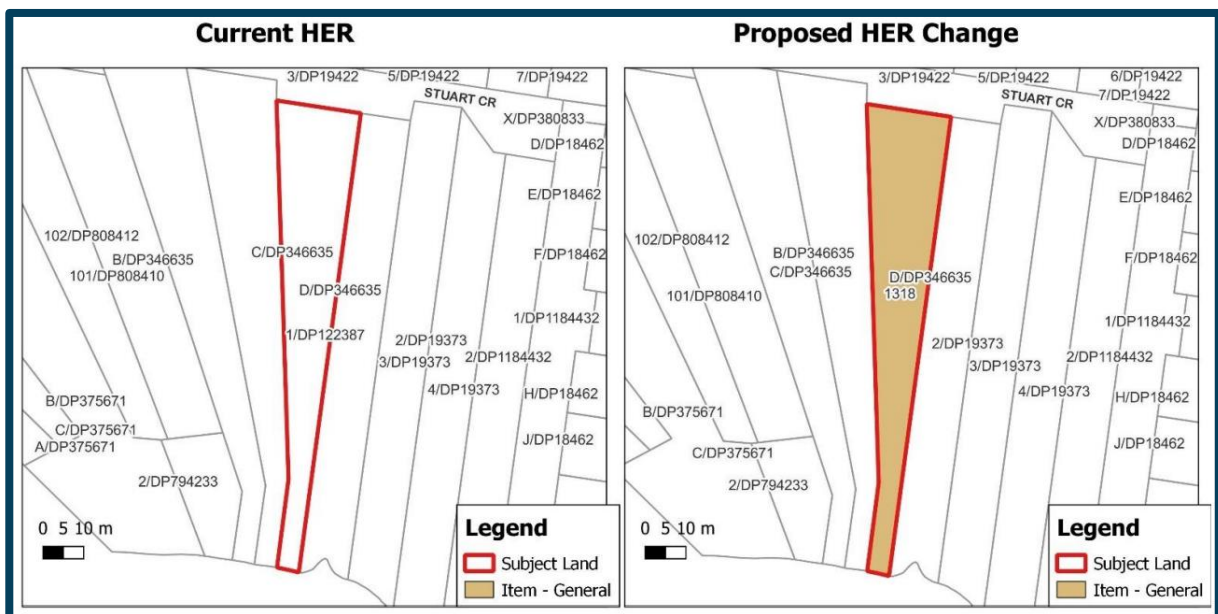


Figure 16: ‘Thurlow House’, 9 Stuart Crescent, Blakehurst (Planning Proposal, 2023)

#### Council 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 Georges River LEP 2021.

**Department’s comment:** Support for this amendment remains unresolved – see **Section 5.3** of this report for further discussion.

## 3 Mapping

The Planning Proposal will result in amendments to the following maps of Georges River LEP 2021 as outlined above in **Sections 2.3** and **2.4**:

- Land Zoning Maps;
- Land Reserve Acquisition Maps;
- Floor Space Ratio Maps;
- Additional Permitted Use Maps; and
- Heritage Maps.

The planning proposal includes mapping which adequately identifies the proposed mapping amendments for the purposes of community consultation.

## 4 Need for the planning proposal

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

While the planning proposal is not a direct result of an endorsed local strategic planning statement, strategic study or report, it is consistent with several priorities within the Georges River Local Strategic Planning Statement 2040 (LSPS 2040)

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 Georges River LEP 2021 operates as originally intended and/or to improve its operation.

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

Yes, the planning proposal is the best and only means of addressing the administrative and housekeeping related matters that have been identified within the Georges River LEP 2021.

Other amendments are machinery in nature to improve the operation of the LEP or to correct errors that have been encountered. This includes provision anomalies which currently prohibit DA assessment, clarifying the application of clauses relating to landscaped areas in certain residential and conservation zones

A planning proposal is the best means to achieve the intended outcomes as it is the only mechanism by which the proposed provisions, maps and definitions may be introduced, amended or removed from the LEP.

The proposal includes non-residential floor space requirements for E2 zoned land in response to the Housing SEPP permitting build-to-rent housing. These provisions will have no effect because of the non-discretionary development standards of SEPP Housing 2021 ([Clause 74](#)) - see **Section 5.4 of this report** for further discussion. A Gateway condition requires Council remove these proposed provisions from the planning proposal.

## 5 Strategic assessment

### 5.1 District Plan

The site is within the Southern District. The former Greater Sydney Commission released the South District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

**Table 8: District Plan assessment**

District Plan Priorities	Assessment
Planning Priority S1 Planning for a city supported by infrastructure	<p>Planning Priority S1 seeks to align future growth with infrastructure.</p> <p>The proposal meets this priority by updating the LRA maps to remove reservation that have been acquired by the relevant acquisition authority.</p>
Planning Priority S5 Providing housing supply, choice and affordability, with access to jobs, services and public transport.	<p>Planning Priority S5 seeks to ensure the provision of housing supply is in proximity to existing infrastructure, services and jobs.</p> <p>The planning proposal supports housing supply by:</p> <ul style="list-style-type: none"> <li>• simplifying the requirements of the LEPs landscaping provisions;</li> <li>• permitting residential flat buildings at Roberts Lane, Hurstville;</li> <li>• the introduction of landscaping provisions to semi-detached dwellings does not impact on existing development densities or permissibility – see <b>Section 5.3 of this report</b> for further discussion.</li> </ul> <p><i>Minimum non-residential floor space in E2 Commercial Centres zone</i></p> <p>The proposal also seeks to limit the delivery of build-to-rent housing provided by the Housing SEPP. This is inconsistent with the priority, is not supported and has been conditioned for removal – see <b>Sections 5.4 of this report</b> for further discussion.</p>
Planning Priority S6 Creating and renewing great places and local centres and respecting the District's heritage	<p>Planning Priority S6 seeks to ensure planning proposals include provisions to protect existing heritage and provide spaces and development that improve the amenity of an area for the community.</p> <p>The proposal is consistent with this priority because it:</p> <ul style="list-style-type: none"> <li>• seeks to apply active street frontage requirements to E2 zoned land only found in the Hurstville – a District Plan identified strategic centre. This supports the vibrancy of the centre without impacting housing supply; and</li> <li>• seeks to ensure all property descriptions, item names and maps accurately identify all existing heritage items by resolving anomalies, addressing recent DA consents and a new state heritage listing.</li> </ul>

District Plan Priorities	Assessment
<p>Planning Priority S9. Growing investment, business opportunities and jobs in strategic centres.</p>	<p>Planning Priority S9 seeks to grow investment, business opportunities and jobs within strategic centres such as Hurstville. It states that Hurstville is an important retail destination for the South District, with its high street and large shopping centres. Improvements to Hurstville's public spaces and better integration of these with the shopping centres will help activate streets and attract visitors to the centre.</p> <p>Although the introduction of a minimum non-residential floor space ratio control within the E2 zone of the Hurstville Strategic centre supports Objective 22, this amendment is not supported because it conflicts with the Housing SEPP 2021—see <b>Sections 5.4 of this report</b> for further discussion.</p>
<p>Planning Priority S15 Increasing urban tree canopy cover and delivering Green Grid connections</p>	<p>Planning Priority S9 seeks to increase urban tree canopy cover.</p> <p>The planning proposal gives effect to this planning priority by applying existing LEP landscaping provisions to semi-detached dwellings. This ensures this form of residential development adequately provides areas for tree planting – see <b>Section 5.3 of this report</b> for further discussion.</p>
<p>Planning Priority S16 Delivering high quality open space</p>	<p>Planning Priority S9 seeks to provide appropriate quality, quantity and distribution of open spaces.</p> <p>The planning proposal gives effect to this planning priority by resolving mapping anomalies to protect existing public open spaces owned by Council by rezoning land to RE1 at:</p> <ul style="list-style-type: none"> <li>• The Knoll Reserve;</li> <li>• Salt Pan Creek Reserve; and</li> <li>• Denman Street Reserve.</li> </ul> <p>These amendments remained unresolved – see <b>Section 5.3 of this report</b> for further discussion.</p>
<p>Planning Priority S18. Adapting to the impacts of urban and natural hazards and climate change.</p>	<p>Planning Priority S18 seeks to reduce the exposure to natural and urban hazards. To achieve this objective, the priority includes an action to avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards.</p> <p>The proposal introduces Clause 5.22 Special Flood Considerations from the Standard Instrument and aligns with this priority.</p>



## 5.2 Local

The proposal is consistent with LSPS 2040 as shown by the table below.

**Table 9: Local strategic planning assessment**

Local Strategies	Justification
LSPS 2040	<p>The planning proposal is broadly consistent with the vision and planning priorities of the Georges River Local Strategic Planning Statement 2040 (the LSPS). In particular:</p> <ul style="list-style-type: none"> <li>• <i>P4. Collaboration supports innovation and delivers infrastructure, services and facilities.</i></li> <li>• <i>P9. A mix of well-designed housing for all life stages caters for a range of lifestyle needs and incomes.</i></li> <li>• <i>P10. Homes are supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces.</i></li> <li>• <i>P11. Aboriginal and other heritage is protected and promoted.</i></li> <li>• <i>P15 All local centres are supported to evolve for long-term viability.</i></li> <li>• <i>P17. Tree canopy, bushland, landscaped settings, and biodiversity are protected, enhanced and promoted.</i></li> <li>• <i>P19. Everyone has access to quality, clean, useable, passive and active open and green spaces and recreation places.</i></li> <li>• <i>P20. Development is managed to appropriately respond to hazards and risks</i></li> </ul> <p>The proposal is consistent with the LSPS, because:</p> <ul style="list-style-type: none"> <li>• improve the overall operation and accuracy of the Georges River Local Environmental Plan 2021;</li> <li>• correct identified anomalies and inconsistencies to existing provisions and maps;</li> <li>• update property descriptions;</li> <li>• introduce Clause 5.22 Special Flood Considerations in accordance with the Standard Instrument; and</li> <li>• does not reduce housing supply or diversity.</li> </ul> <p><i>Minimum non-residential floor space in E2 Commercial Centres zone</i></p> <p>The proposal also seeks to limit the delivery of build-to-rent housing provided by the Housing SEPP. This is inconsistent with the LSPS priority to support housing supply and diversity, is not supported and has been conditioned for removal – see <b>Sections 5.4 of this report</b> for further discussion.</p>
Georges River Local Housing Strategy (August 2020)	<p>On 23 June 2021, the Georges River Local Housing Strategy (the LHS) was endorsed by the Department. The LHS sets the housing supply targets expected for Georges River Council for 0-5 years (2016-2021), 6-10 years (2021-2026) and 10-20 years (2026-2036). To achieve this vision, the LHS includes the following 7 objectives:</p> <ol style="list-style-type: none"> <li>1. Accommodate additional housing growth;</li> <li>2. Coordinate growth with infrastructure;</li> <li>3. Provide affordable and inclusive housing;</li> <li>4. Provide greater housing choice and diversity;</li> </ol>

Local Strategies	Justification
	<p>5. Have consistent LEP zoning and controls across the LGA;</p> <p>6. Enhance and protect the local character; and</p> <p>7. Facilitate good design and sustainable development practices.</p> <p>The planning proposal is consistent with the endorsed LHS, because it:</p> <ul style="list-style-type: none"> <li>• simplifies the requirements of the LEPs landscaping provisions;</li> <li>• permits residential flat buildings at Roberts Lane, Hurstville; and</li> <li>• the introduction of landscaping provisions to Semi-detached dwellings does not impact on existing development densities or permissibilities – see <b>Section 5.3 of this report</b> for further discussion.</li> </ul> <p><i>Minimum non-residential floor space in E2 Commercial Centres zone</i></p> <p>The proposal also seeks to limit the delivery of build-to-rent housing provided by the Housing SEPP. This is inconsistent with the priority, is not supported and has been conditioned for removal – see <b>Sections 5.4 of this report</b> for further discussion.</p>
Georges River Commercial Centres Strategy	<p>The Georges River Commercial Centres Strategy (CCS) is proposed to be prepared over two parts to support the stated implementation of Council's LSPS through the Georges River LEP 2021. To date only Part 1 has been prepared.</p> <p>The aims of the CCS Part 1 include to:</p> <ul style="list-style-type: none"> <li>• conduct a stocktake of all business zoned land in the Georges River LGA, including a land use and floor space audit;</li> <li>• give effect to the South District Plans jobs target;</li> <li>• develop an existing centres hierarchy with a clear vision, role and function for each centre to better manage future growth;</li> <li>• determine the appropriate mix of employment and residential floor space to ensure that the provision of additional housing does not affect the viability of centres and jobs growth;</li> <li>• prepare recommendations that will inform future planning controls and policies in response to the need for centres to adapt over time by providing for a broader range of land uses; and</li> <li>• provide the evidence base for Part 2 of the Strategy. The Local Housing Strategy complements the CCS by focusing new growth within the walking catchment of local centres.</li> </ul> <p>These two Strategies are ideally read in conjunction with each other.</p> <p>The CCS included recommended non-residential floor space requirements for various zones and centres, being:</p>



Local Strategies	Justification																																																		
	<table><tr><th rowspan="2">Classification</th><th rowspan="2">Centre Name</th><th colspan="2">Min. non-residential FSR</th></tr><tr><th>Existing LEP</th><th>Proposed LEP 2020</th></tr><tr><td>Strategic centre</td><td>Hurstville City Centre</td><td>0.5:1</td><td>1:1</td></tr><tr><td>Strategic centre</td><td>Kogarah Town Centre</td><td>0.5:1</td><td>1:1</td></tr><tr><td>Local centre</td><td>B2 – Beverly Hills (King Georges Road)</td><td>0.3:1</td><td>0.5:1</td></tr><tr><td>Local centre</td><td>B2 – Kingsgrove (Kingsgrove Road)</td><td>0.3:1</td><td>0.5:1</td></tr><tr><td>Local centre</td><td>B2 – Mortdale (Morts Road)</td><td>0.3:1</td><td>0.5:1</td></tr><tr><td>Local centre</td><td>B1 – Oatley West (Mulga Road)</td><td>0.3:1</td><td>0.5:1</td></tr><tr><td>Local centre</td><td>B2 – Penshurst (Penshurst Street)</td><td>0.3:1</td><td>0.5:1</td></tr><tr><td>Local centre</td><td>B2 – Riverwood (Belmore Road)</td><td>0.3:1</td><td>0.5:1</td></tr><tr><td>Local centre</td><td>B2 – South Hurstville (King Georges Road)</td><td>0.3:1</td><td>0.5:1</td></tr><tr><td>Enterprise corridor</td><td>B6 – Carlton Enterprise Corridor</td><td>0.7:1</td><td>Retain as 0.7:1</td></tr><tr><td colspan="2">All other 38 centres (villages, small villages and neighbourhood centres)</td><td>0.3:1</td><td>Retain as 0.3:1</td></tr></table> <p>These recommended non-residential FSRs anticipated the provision of only employment floor space within the E2 zone (former B3 Commercial Core (B3) zone). With the Housing SEPP now permitting residential flat buildings as build-to-rent in the E2 zone (<a href="#">Clause 72</a>) Council is concerned that:</p> <ul style="list-style-type: none"><li>the provision of employment floor space for jobs support and creation will be undermined; and</li><li>the CCS did not contemplate the permissibility of residential development in its E2 zone (former B3 zone).</li></ul> <p>In response, the proposal seeks to give effect to the CCS by providing for employment floor space in the E2 zone by introducing:</p> <ul style="list-style-type: none"><li>a 1.5:1 non-residential FSR on E2 zoned land in the Hurstville Strategic Centre (3 storeys equivalent); and</li><li>a 0.3:1 non-residential FSR for all other E2 zoned land (ground floor equivalent).</li></ul> <p>The planning proposal does not address how these proposed non-residential floor space requirements:</p> <ul style="list-style-type: none"><li>align with the recommendations of the CCS, noting it pre-dates the Housing SEPP permitting build-to-rent housing in the E2 zone;</li><li>align appropriately with existing non-residential FSR requirements more broadly across the LGA;</li><li>are supported by any detail employment analysis prepared in response to Council’s intended amendment; and</li><li>address the feasibility concerns of applying a 1.5:1 non-residential FSR to mixed use developments raised in the CCS.</li></ul> <p>The E2 zoned land is supported by maximum FSRs mostly ranging from 3:1 to 4:1 (limited sites have a maximum FSR of between 4.5:1 and 6:1)</p> <p>The Department does not support the introduction of the minimum non-residential FSRs into E2 zoned land – see <b>Section 5.4 of this report</b> for further discussion.</p>	Classification	Centre Name	Min. non-residential FSR		Existing LEP	Proposed LEP 2020	Strategic centre	Hurstville City Centre	0.5:1	1:1	Strategic centre	Kogarah Town Centre	0.5:1	1:1	Local centre	B2 – Beverly Hills (King Georges Road)	0.3:1	0.5:1	Local centre	B2 – Kingsgrove (Kingsgrove Road)	0.3:1	0.5:1	Local centre	B2 – Mortdale (Morts Road)	0.3:1	0.5:1	Local centre	B1 – Oatley West (Mulga Road)	0.3:1	0.5:1	Local centre	B2 – Penshurst (Penshurst Street)	0.3:1	0.5:1	Local centre	B2 – Riverwood (Belmore Road)	0.3:1	0.5:1	Local centre	B2 – South Hurstville (King Georges Road)	0.3:1	0.5:1	Enterprise corridor	B6 – Carlton Enterprise Corridor	0.7:1	Retain as 0.7:1	All other 38 centres (villages, small villages and neighbourhood centres)		0.3:1	Retain as 0.3:1
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## 5.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 10: Section 9.1 Ministerial Direction assessment**

Directions	Consistency	Assessment
3.2 Heritage Conservation	Unresolved subject to conditions	<p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance</p> <p>The proposal seeks to make administrative amendments to Schedule 5 Environmental heritage of the Georges River LEP 2021, including listing 'Thurlow House' at 9 Stuart Crescent, Blakehurst (Lot D DP 346635) state heritage item. This is in response to the site's listing on NSW State Heritage Register on 21 October 2016</p> <p>The administrative amendments to the local heritage items are appropriate and consistent with this Direction.</p> <p>However, consistency with the Direction remains unresolved until Heritage NSW are consulted on the listing of 'Thurlow House' at 9 Stuart Crescent, Blakehurst.</p> <p>The Gateway determination has been conditioned to require consultation with Heritage NSW.</p>
4.1 Flooding	Yes	<p>The objectives of this Direction are to:</p> <ol style="list-style-type: none"> <li>ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</li> <li>ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.</li> </ol> <p>The proposal is consistent with this Direction because it seeks to:</p> <ul style="list-style-type: none"> <li>make administrative changes which do not impact existing development densities; and</li> <li>introduce Clause 5.22 Special Flood Consideration – an optional provision in the Standard Instrument.</li> </ul> <p>This provision supports the existing Clause 5.21 Flood planning in the Georges River LEP 2021 by ensuring flooding controls are applied to hazardous and sensitive developments from the flood planning area (typically 1% Annual Exceedance Probability) to the probable maximum flood (PMF). This supports Clause 5.21 which applies flooding controls up to the flood planning area.</p> <p>This ensures that development which the Standard Instrument identifies as hazardous and sensitive development appropriately responds to flooding impacts by demonstrating compatibility with the flooding hazards. This provides more flood resilient development.</p>

Directions	Consistency	Assessment
5.2 Reserving Land for Public Purposes	Unresolved	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>a) facilitate the provision of public services and facilities by reserving land for public purposes, and</li> <li>b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</li> </ul> <p>The proposal seeks to be consistent with the direction by removing the LRA layer from several sites, which have now been acquired by the relevant authority (being either Council or Transport for NSW).</p> <p>Council has provided land ownership details of the affected land following its Gateway request.</p> <p>Despite this, consistency with the Direction remains unresolved until the relevant acquisition authorities (Transport for NSW and Council's property team) are consulted and confirm they have no objection to the removal of the relevant reservation for acquisition.</p> <p>The Gateway determination has been conditioned to:</p> <ul style="list-style-type: none"> <li>• include the landowner's details; and</li> <li>• require consultation with the relevant acquisition authorities during community consultation.</li> </ul>
6.1 Residential Zones	Yes – subject to Gateway condition resolving consistency	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>a) encourage a variety and choice of housing types to provide for existing and future housing needs,</li> <li>b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</li> <li>c) minimise the impact of residential development on the environment and resource lands.</li> </ul> <p>The planning proposal gives effect to this direction by amending LEP provisions which facilitate development approvals, remove unnecessary requirements and clarify the operation of provisions, including to:</p> <ul style="list-style-type: none"> <li>• simplifies the requirements of the LEPs landscaping provisions; and</li> <li>• permits residential flat buildings at Roberts Lane, Hurstville as was originally intended by a previous LEP (amendment No. 16).</li> </ul> <p>The planning proposal also seeks to:</p> <ul style="list-style-type: none"> <li>• introduce landscaping provisions to semi-detached dwellings; and</li> <li>• introduce non-residential floor space requirements into the E2 zone in response to build-to-rent housing now being permitted under the Housing SEPP.</li> </ul> <p>These are discussed in further detail below.</p> <p><u>Landscaped area requirements for semi-detached dwellings</u></p>

Directions	Consistency	Assessment
		<p>Clause 6.12 Landscaped areas<sup>1</sup> in certain residential and conservation zones of the Georges River LEP 2021 prescribes landscaping requirements for certain development in certain zones, including:</p> <ul style="list-style-type: none"> <li>20% (25% in Foreshore Scenic Protection Area adjoining the Georges River) of site area for a dwelling house<sup>2</sup> in the residential zones and C2 Environmental Conservation (C2) zone; and</li> <li>25% (30% in Foreshore Scenic Protection Area adjoining the Georges River) of site area for a dual occupancy<sup>3</sup> in the residential zones and C2 zone.</li> </ul> <p>The proposal seeks to extend the existing landscaped area requirements for dual occupancy developments to semi-detached dwellings also<sup>4</sup>.</p> <p>The planning proposal justifies applying the same landscaped area requirement to semi-detached dwellings because these are the defined development for a subdivided dual occupancy.</p> <p>It is noted that in circumstances where a detached dual occupancy<sup>5</sup> is subdivided, landscaping provisions apply because the subdivided development would become two dwelling houses (a dwelling on each lot of land). The application of landscaping requirements would capture the subdivision of an attached dual occupancy<sup>6</sup> addressing the change in development definition resulting from the land's subdivision.</p> <p>This amendment is supported and is consistent with the Direction, because:</p> <ul style="list-style-type: none"> <li>it does not affect realising the current maximum FSRs for semi-detached dwellings whilst complying with current DCP controls.</li> </ul> <p>These DCP controls include the provision of compliant car parking, building setbacks and outdoor living spaces such as patios/alfresco areas; and</p> <ul style="list-style-type: none"> <li>the landscaped area requirements are less than <i>State Environmental Planning Policy (Exempt and Complying Development) 2008</i> which requires 28% of the site area for a dual occupancy for landscaping.</li> </ul> <p><u>Non-residential floor space in the E2 zone</u></p> <p>As previously discussed, the planning proposal seeks to introduce non-residential floor space requirements in the E2 zone.</p> <p>These amendments are in response to the Housing SEPP now permitting build-to-rent housing. Council's E2 zone (former B3 zone) did not previously permit residential development.</p> <p>The proposal is inconsistent with this Direction because it seeks to limit the build-to-rent housing permitted under the Housing SEPP (Clauses 71 to 78).</p>

<sup>1</sup> **landscaped area** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

<sup>2</sup> **dwelling house** means a building containing only one dwelling.

<sup>3</sup> **dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

<sup>4</sup> **semi-detached dwelling** means a dwelling that is on its own lot of land and is attached to only one other dwelling.

<sup>5</sup> **dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

<sup>6</sup> **dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Directions	Consistency	Assessment
		These provisions are recommended to be removed – see <b>Section 5.4 of this report</b> for further discussion.
7.1 Employment Zones	Yes	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>a) encourage employment growth in suitable locations,</li> <li>b) protect employment land in employment zones, and</li> <li>c) support the viability of identified centres.</li> </ul> <p>The proposal seeks to give effect to this objective by:</p> <ul style="list-style-type: none"> <li>• introduction a minimum non-residential floor space ratios in the E2 zone, including: <ul style="list-style-type: none"> <li>○ a 1.5:1 non-residential FSR in the Hurstville Strategic Centre (3 storeys equivalent); and</li> <li>○ a 0.3:1 non-residential FSR in all other areas (ground floor equivalent);</li> </ul> </li> <li>• requiring active street frontages in the E2 zone.</li> </ul> <p><u>Non-residential floor space</u></p> <p>The objectives of these provisions are to ensure no net loss in non-residential floor space and that baseline job targets can be met despite recent build-to-rent housing provisions being introduced into the Housing SEPP.</p> <p>These provisions are not supported – see <b>Section 5.4</b> of this report for further discussion.</p> <p><u>Active street frontages</u></p> <p>This amendment is consistent with this Direction because it supports appropriate and permitted employment uses on the ground floor of developments which facilitates ground floor activation and the vitality of the Hurstville Strategic Centre.</p>

## 5.4 State environmental planning policies (SEPPs)

The planning proposal's consistency with all relevant SEPPs as discussed in the table below.

**Table 11: Assessment of planning proposal against relevant SEPPs**

SEPPs	Consistency	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Housing) 2021 (the Housing SEPP)	Yes – subject to Gateway conditions	<p>The Housing SEPP is designed to facilitate development of affordable and diverse housing in the right places and for every stage of life.</p> <p>To facilitate these outcomes, the Housing SEPP includes provisions for permitting build-to-rent housing, including the E2 zone across the Greater Sydney Region (<a href="#">Clause 71</a>).</p> <p>The proposal seeks to:</p> <ul style="list-style-type: none"> <li>include minimum non-residential floor space ratios in the E2 zone, including: <ul style="list-style-type: none"> <li>a 1.5:1 non-residential FSR in the Hurstville Strategic Centre (3 storeys equivalent); and</li> <li>a 0.3:1 non-residential FSR in all other centres (ground floor equivalent).</li> </ul> </li> <li>require active street frontages in the E2 zone.</li> </ul> <p><u>Non-residential Floor Space Requirement for the E2 zone</u></p> <p>The planning proposal seeks to introduce non-residential floor space requirements in response to the Housing SEPP, to:</p> <ul style="list-style-type: none"> <li>protect the District Plans jobs target for the Hurstville Strategic centre; and</li> <li>give effect to Council's CCS which has identified the necessary employment floor space targets to deliver the District Plans job targets.</li> </ul> <p>The proposed non-residential FSR amendment is recommended to be removed from the planning proposal, because:</p> <ul style="list-style-type: none"> <li>Hurstville is an identified strategic centre in the District Plan located near existing public transport, services and infrastructure. This makes it an appropriate area for housing delivery;</li> <li>other centres in the LGA are located near existing infrastructure, making them appropriate for housing delivery;</li> <li>it is inconsistent with the NSW Government's priorities for: <ul style="list-style-type: none"> <li>housing delivery in response to the Housing Crisis;</li> <li>meeting the goals of the National Housing Accord; and</li> <li>intention to allow more housing development near existing public transport, infrastructure, and services.</li> </ul> </li> <li>it is inconsistent with the objectives and provisions of the Housing SEPP; and</li> <li>it will have no effect because of the non-discretionary development standards in the Housing SEPP (<a href="#">Clause 74</a>).</li> </ul>

SEPPs	Consistency	Reasons for Consistency or Inconsistency
		<p><u>Active Street Frontage Requirement for the E2 zone</u></p> <p>This amendment is supported because it facilitates ground floor activation and the vitality of the Hurstville Strategic Centre.</p> <p>This amendment will not impact build-to-rent housing requirements in the Housing SEPP because this is already required in business zones under <a href="#">Clause 76</a>.</p>

## 6 Site-specific assessment

### 6.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 12: Environmental impact assessment**

Environmental Impact	Assessment
Flooding	See <b>Section 5.3 of this report</b> for further discussion.
Heritage	See <b>Section 5.3 of this report</b> for further discussion.
Habitat and Species	The proposed amendments to the LEP are minor in nature, and it is not expected or intended for any critical habitat or threatened species, populations, or ecological communities to be affected.

### 6.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 13: Environmental impact assessment**

Social and Economic Impact	Assessment
Social	<p>The planning proposal benefits social aspects of the Georges River LGA, including protecting:</p> <ul style="list-style-type: none"> <li>existing open spaces;</li> <li>updating and resolving anomalies with heritage item descriptions.</li> </ul> <p>The Gateway determination has been conditioned to remove the proposed non-residential floor space requirements, facilitating build-to-rent housing – see <b>Section 5.4 of this report</b> for further discussion.</p>

Social and Economic Impact	Assessment
Economic	The proposal outlines that if successfully finalised at the completion of this proposal (as updated in accordance with conditions) that the changes made to the LEP will have a positive influence on economic aspects of the LGA due to a more efficient planning instrument aligning the objectives of the plan with appropriate developments.

## 7 Consultation

### 7.1 Community

Council proposes to exhibit the planning proposal 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 planning proposal is intended to be exhibited for a period of 30 days.

It is intended to make the planning proposal 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.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

### 7.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Transport for NSW;
- Georges River Council – Property Team; and
- Heritage NSW.

## 8 Timeframe

Council proposes a 9 month time frame to complete the LEP.

Given the minor nature of the proposal the Department recommends a timeframe of 7 months, consistent with its commitment to reduce processing times for planning proposals. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.



## 9 Local plan-making authority

Council has not requested delegation to be the local plan making authority (LPMA) because the planning proposal involves changes to land owned by Council.

Further to this as the planning proposal is considered to require alterations before proceeding to public exhibition the Department concurs with Council that it not be authorised to be the local plan-making authority for this proposal.

The Department should retain delegation as the LPMA also, because:

- the proposal intended to limit application of build-to-rent housing provisions in the Housing SEPP which have been conditioned for removal; and
- consistency with Ministerial Directions 3.2 Heritage Conservation and 5.2 Reserving Land for Public Purposes remain unresolved subject to agency consultation.

## 10 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- it is consistent with the relevant provisions of the Greater Sydney Region Plan and the South District Plan;
- it is consistent with State Environmental Planning Policies and Section 9.1 Ministerial Directions (or capable of being consistent subject to further agency consultation);
- it will provide for and retain the potential for housing diversity and supply (subject to conditions) near existing transport, infrastructure and services; and
- it will improve the function of the Georges River LEP 2021 by addressing anomalies and providing clarity on the operation of provisions.

As discussed in the previous Sections 5 and 6 of this report, the proposal should be updated to:

- include an explanatory note that the drafting of the instrument is subject to the legal drafting process by Parliamentary Counsel;
- remove all proposed minimum non-residential floor space requirements for the E2 Commercial Centre zone;
- include mapping amendments to remove 25 Joffre Street, South Hurstville from the Land Reservation Acquisition Map;
- include mapping amendments to remove 247 Princes Highway, Carlton from the Land Reservation Acquisition Map; and
- include evidence of ownership for all land affected by changes to the Land Reservation for Acquisition mapping and rezonings to RE1 Public Recreation.

# 11 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with the following section 9.1 Directions 5.2 Reserving Land for Public Purposes is unresolved and will require further justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to community consultation to:
  - include an explanatory note that the drafting of the instrument is subject to the legal drafting process by Parliamentary Counsel;
  - remove all proposed minimum non-residential floor space requirements for the E2 Commercial Centre zone;
  - include mapping amendments to remove 25 Joffre Street, South Hurstville from the Land Reservation Acquisition Map;
  - include mapping amendments to remove 247 Princes Highway, Carlton from the Land Reservation Acquisition Map; and
  - include evidence of ownership for all land affected by changes to the Land Reservation for Acquisition mapping and rezonings to RE1 Public Recreation.
2. Prior to community consultation, consultation is required with the following public authorities:
  - Transport for NSW;
  - Georges River Council – Property Team; and
  - Heritage NSW.
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. The timeframe for completing the LEP is to be 7 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



\_\_\_\_\_  
4/10/2023

Alexander Galea  
Manager, Infrastructure & Planning



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19/10/2023

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