

Part A – Planning Proposal Report

**Biodiversity, Character and Foreshore Scenic
Protection Area Planning Proposal (PP2024/0002)**

For Gateway Determination – November 2024

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1. Introduction

This Planning Proposal (PP), known as the Biodiversity, Character & Foreshore Scenic Protection Area (FSPA) Planning Proposal, has been prepared to implement the *Georges River Biodiversity Study* and the *Foreshore Scenic Character Study* (Foreshore Study) in accordance with the Local Housing Strategy Approval Conditions. This PP comprises of the following components:

- **Biodiversity:** Introduce new biodiversity objectives, planning provision and mapping overlay to preserve and protect areas of moderate and high local terrestrial biodiversity values as identified by the *Biodiversity Study*,
- **Unique Character Area:** Introduce new local character objectives, planning provision and mapping overlay to provide statutory protection to Unique Character Areas (UCAs) as identified by the *Foreshore Study*,
- **Foreshore Scenic Protection Area:** Replace the existing Foreshore Scenic Protection Area (FSPA) planning provision and amend the mapped extent to ensure the role of the FSPA focuses on foreshore scenic character as identified by the *Foreshore Study*,
- **Design Excellence:** Amend *Clause 6.10 Design Excellence* to consider visual amenity and visual impacts when viewed from the foreshore and waterway of the Georges River and local character,
- **Lot Size:**
 - Retain existing lot size requirements within areas proposed to be removed from the existing FSPA as follows:
 - Subdivision lot size: 700sqm
 - Dual occupancy lot size: 1,000sqm
 - Increase lot size requirements for areas proposed to be added to the proposed FSPA and/or UCAs as follows:
 - Increase subdivision lot size from 450sqm to 700sqm
 - Increase dual occupancy lot size from 650sqm to 1,000sqm
 - Insert objectives to ensure that lots in the FSPA are of sufficient size to protect natural values, in particular areas of high terrestrial biodiversity value,
- **Floor Space Ratio:** Reduce the maximum permissible Floor Space Ratio (FSR) for R2 Low Density Residential zoned land located within the existing FSPA, proposed FSPA and the proposed UCA from 0.55:1 for dwelling houses and 0.6:1 for dual occupancies to 0.5:1 for all development typologies,
- **Landscaping:**
 - Amend the landscaped area planning provisions through the insertion of new objectives to:
 - Protect, maintain and improve the diversity and condition of native vegetation and habitats across the Local Government Area (LGA),
 - Encourage the recovery of threatened species and their communities, populations and habitats across the LGA,
 - Retain and strengthen the green and leafy character of the LGA, including trees in the private domain that contribute to local character and visual amenity,
 - Increase the minimum landscaped area requirement for dwelling houses and dual occupancies by 5% to 30% and 35% respectively for land zoned R2 Low Density

- Residential located within the existing FSPA, proposed FSPA and the proposed UCA, and
- Introduce a minimum 20% landscaped area requirement for multi dwelling housing, terraces and manor houses across the LGA in response to the NSW Government's *Low and Mid-Rise Housing Reform*.

As part of this PP Council is requesting the Department of Planning, Housing and Infrastructure (DPHI) to exclude the application of the *Low-Rise Housing Diversity Code* from the proposed FSPA and proposed UCA to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the Development Application process.

2. Background

Draft Georges River Local Environmental Plan 2020

The consolidated Local Environmental Plan (LEP) for the Georges River LGA, also known as draft LEP 2020, was publicly exhibited and submitted for plan-making in 2020.

The draft LEP 2020 had originally proposed to reduce the extent of the existing FSPA in the former Hurstville LGA. The minimum lot size required for dual occupancy developments in the areas removed from the FSPA was proposed to be reduced from 1,000sqm to 650sqm, which would have enabled increased development potential (i.e., eligible for dual occupancies) for 742 sites.

The reduced FSPA extent was endorsed by the then Department of Planning, Industry and Environment (DPIE) through its Gateway Determination of the draft LEP 2020 before the proposal was placed on public exhibition.

The draft LEP 2020 was publicly exhibited from 1 April to 31 May 2020 (inclusive) and a total of 1,153 community submissions were received. Over 400 submissions objected to the removal of properties within the FSPA due to concerns for overdevelopment as a result of the increased dual occupancy development potential and the loss of vegetation and biodiversity.

As the PP authority, the Georges River Local Planning Panel (LPP) considered the draft LEP 2020 for finalisation at its meeting dated 25 and 26 June 2020.

To address the concerns raised by the submissions in relation to the FSPA, the LPP made a number of amendments to the draft LEP 2020 before it was submitted to the then DPIE for final plan-making, including:

- Increase the minimum landscaped area requirements for dual occupancies (non-FSPA) to 25% and dual occupancies (FSPA) to 30% and to ensure new developments are accompanied by increased planting and vegetation,
- Insert a new local provision to protect trees in the R2 and R3 zones, and
- Retain the existing extent of the FSPA in the Hurstville LEP while expanding the FSPA to the former Kogarah LGA in accordance with the as-exhibited version. Refer **Figure 1** below for the final FSPA extent proposed by the draft LEP 2020.

In addition, further investigation of the role, extent and zoning of the FSPA was requested by the LPP in its recommendation:

- *The Panel recommends that Council as part of the preparation of the draft Local Environmental Plan in 2021/2022, further define the role, mapped extent and zoning of the FSPA, in both the former Hurstville and Kogarah Local Government Areas, having regard to those properties and ridge lines visible to and from the Georges River and its tributaries, and associated environmental protection applying to those areas in order to better reflect the objectives of Clause 6.7 of the Georges River Local Environmental Plan 2020. This may include the consideration of additional environmental protection zones or modifications of the FSPA.*

The draft LEP 2020 was gazetted on 24 September 2021 and came into effect as the *Georges River Local Environmental Plan 2021 (GRLEP)* on 8 October 2021.

The post-exhibited amendments of increasing the landscaped area for dual occupancies and the retention of the FSPA in the Hurstville LEP were adopted in the GRLEP while the local provision relating to the protection of trees in the R2 and R3 zones was not supported by DPIE and it was removed by the NSW Parliamentary Counsel's Office through the plan-making process, as it had not been subject to public exhibition.

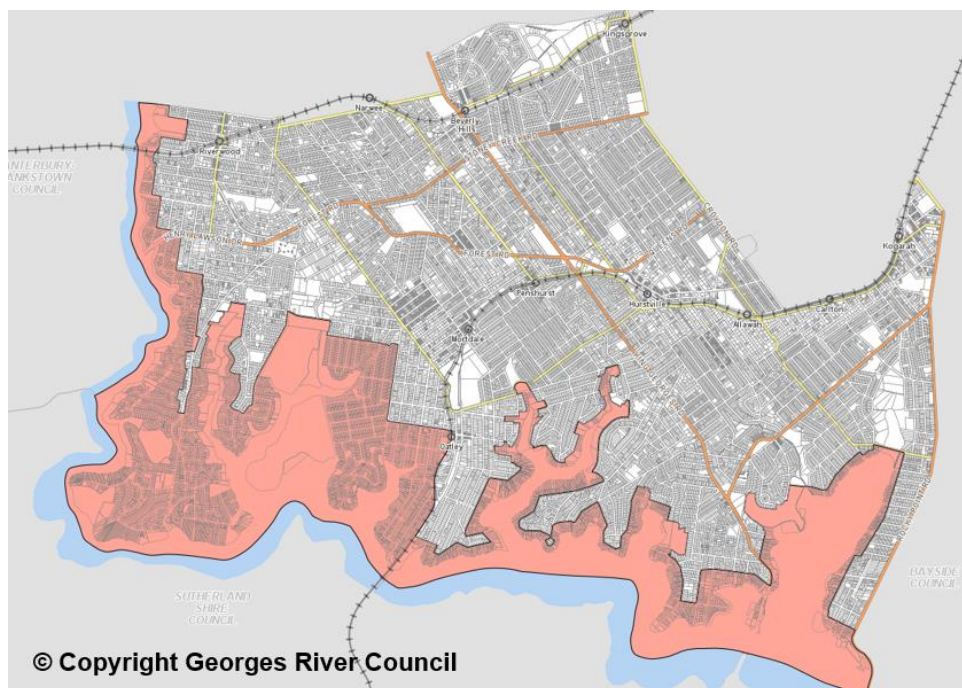


Figure 1 - Map of FSPA submitted for finalisation as part of LEP 2020

NSW Government's Conditions of Approval for the Georges River Local Housing Strategy

On 23 June 2021, a letter of approval was issued by the then DPIE for the *Georges River Local Housing Strategy* (refer **Attachment 1**). The approval is subject to Council addressing a set of requirements.

Specifically, requirement Condition No. 15 requires Council to submit a PP in 2022 to the then Department of Planning and Environment (DPE) to amend the GRLEP in accordance with the recommendations of the *Foreshore Study*:

Subject to completing appropriate studies, including the Biodiversity Study, Council is to bring forward a Planning Proposal in 2022 to implement Council's Foreshore Scenic Character Review. The Planning Proposal is to be supported by further evidence, including data on the number of affected lots and potential yield, to assess the potential benefits and of the proposed amendments to minimum subdivision lot sizes and changes to the Foreshore Protection Area.

Biodiversity Study

In 2021, Total Earth Care prepared an LGA-wide *Georges River Biodiversity Study* (refer **Attachment 2**) to identify the key biodiversity values within the LGA by assessing the diversity of flora (plant) and fauna (animal) present, analysing historical changes and identifying key opportunities to protect and conserve biodiversity.

In addition to providing a holistic and LGA-wide assessment of the current biodiversity values, conditions, locations and opportunities, the Biodiversity Study will also inform amendments to the GRLEP, the *Georges River Development Control Plan 2021* (GRDCP) and other relevant environmental strategies.

The key planning-related recommendations are summarised as follows:

- Develop biodiversity controls in the LEP as the Georges River LGA does not have a dedicated provision to protect existing moderate to high value biodiversity,
- Develop a Habitat Connectivity Plan to inform the planning of the Green Grid across the LGA,
- Develop and implement initiatives for private landholders to improve vegetation condition and extend street tree canopy onto private land, and
- Develop and implement a planting plan to increase the tree canopy in streets corridors.

The *Biodiversity Study* was noted by Council at its meeting dated 28 June 2021.

Foreshore Scenic Character Study

In accordance with the LPP's recommendation, the *Foreshore Scenic Character Study* (Foreshore Study, refer **Attachment 3**) was prepared by Ethos Urban in 2021 to further investigate the mapped extent and zoning of the FSPA. **Attachment 4** contains the Neighbourhood Character Site Survey Matrix (which is an Appendix to the Foreshore Study). This is achieved through further clarifying the character typologies present in the visual catchment to and from the Georges River by building upon the existing evidence base provided by the Foreshore Strategic Directions Paper (2018).

The key recommendations relating to the planning controls are summarised as follows:

- The existing FSPA control is not working as it tries to address too many planning considerations,
- Revise the FSPA extent to exclude areas that:
 - Are not visible from the river, and/or
 - Do not contribute to the scenic character of the river,
- Revise the objectives of the FSPA clause to focus on scenic character,
- Introduce a new standalone provision in the LEP to protect and enhance biodiversity as informed by the findings of the Biodiversity Study,
- Introduce a new overlay to identify Unique Character Areas that require greater protection,
- Retain the dual occupancy lot size of 1,000sqm and 30% landscaped area in the FSPA and UCA, and
- Council to consider seeking exemption from the *Low Rise Housing Diversity Code* for the above areas.

In light of the *Foreshore Study's* findings, recommendations for a set of planning controls relating to the FSPA, biodiversity and local character have been developed by Ethos Urban in collaboration with Total Earth Care.

Community Information Webinar

On 3 August 2021, a community information webinar was held to present the findings and recommendations of the *Biodiversity Study* and *Foreshore Study*.

The online webinar comprised of two presentations by the technical consultants (Ethos Urban and Total Earth Care) of the respective Studies followed by an interactive question and answer session where the community asked questions of Council's project team and presenters. A total of 56 community members registered and attended the webinar. The key issues raised by the attendees are summarised as follows:

- The preparation of a Biodiversity Strategy should be prioritised in accordance with the recommended actions of the *Biodiversity Study*,
- The trees and vegetation in backyards are equally as important as parks and reserves for wildlife, especially the protection of mature, hollow-bearing trees,
- The reduction of the FSPA will lead to overdevelopment and loss of trees, and
- The existing FSPA acts as a buffer that protects the biodiversity of Oatley Park and should not be reduced.

Furthermore, there was a strong request for the community to be involved in the process of implementing the recommendations of the *Foreshore Study*. In particular, the attendees requested for the extent of the recommended FSPA to be reviewed and revised by Ethos Urban; and for inclusion of community input in the development of planning controls.

Pre-exhibition Community Consultation

Subsequently pre-exhibition consultation with the Georges River community was conducted for the purpose of inviting community input into the preparation of planning controls relating to biodiversity, local character and the FSPA. The pre-exhibition consultation period commenced on 17 October 2022 and concluded on 31 March 2023 (inclusive). The consultation period lasted for a total of 24 weeks.

The consulted changes to planning controls are summarised in **Table 1** below.

Table 1 – Overview of Consulted Changes to Planning Controls

Values		Proposed Key Planning Controls
1	Biodiversity	<ul style="list-style-type: none"> Introduce a Terrestrial Biodiversity local provision and mapping overlay in the GRLEP, including the relocation of biodiversity-related controls from the existing FSPA clause. The main objective of this control is to protect trees and other natural landscape features that contribute to terrestrial biodiversity within and adjacent to development sites. Areas identified as Terrestrial Biodiversity are supported by a 40m buffer zone. The purpose of this buffer zone is to prevent degradation by managing edge effects like weed invasion and spread. Replace the existing Green Web control in the GRDCP 2021 with a series of Green Corridors across the LGA to protect existing habitat corridors and facilitate more opportunities for creating a corridor where there is little existing vegetation.
2	Local Character	<ul style="list-style-type: none"> Introduce Unique Character Areas (UCAs) to ensure locations with strong naturalistic qualities are protected and enhanced through new developments, including areas that are not visible from the Georges River. Some of the UCAs will replace the existing FSPA in the western portion of the LGA while the UCA will be applied to land not located within the existing FSPA in the eastern portion. Introduce detailed character statements and tailored provisions in the GRDCP 2021 to ensure new developments will have the desired characteristics of the respective UCA. Land located within the UCA will have the same larger minimum lot size requirement as the FSPA under the GRLEP to assist with maintaining the naturalistic qualities created by the presence of extensive landscaping – 700sqm for the creation of new lots and 1,000sqm for dual occupancies.
3	Foreshore Scenic Character	<ul style="list-style-type: none"> Reduce the extent of the existing FSPA on the western side of the LGA and insert additional areas on the eastern side. Revise the existing FSPA clause in the GRLEP to ensure the focus is directed at protecting the scenic character of the Georges River and the views to and from the River. Revise the existing FSPA clause to clearly identify the protection of trees, vegetation and other natural elements that contribute to scenic character while ensuring the built form integrates with the natural environment.

Values		Proposed Key Planning Controls
		<ul style="list-style-type: none"> Introduce provisions within the GRDCP 2021 to further enhance the protection of the foreshore scenic character. Retain the existing larger lot size requirements in the proposed FSPA.

In addition, a Lot Size Poll was conducted for properties which are currently located within the FSPA but would not be included in the proposed UCA or the amended FSPA. The purpose and outcomes of the Poll is detailed under the Results of the Lot Size Poll heading. In summary, the existing lot size requirements are not proposed to be reduced.

Results of the Lot Size Poll

The GRLEP has controls in place which specify the minimum subdivision lot size to create a new parcel of land and the minimum lot size requirement to carry out a dual occupancy development.

Currently, there are two sets of lot size controls in place with a smaller requirement for land located outside of the FSPA and a larger requirement for land located within the FSPA as follows:

- Subdivision lot size outside of the FSPA: 450sqm
- Dual occupancy lot size outside of the FSPA: 650sqm
- Subdivision lot size within the FSPA: 700sqm
- Dual occupancy lot size within the FSPA: 1,000sqm

The *Foreshore Study* recommends retaining the existing larger lot size requirements for land located within the existing FSPA and to expand the larger lot size requirement to the proposed FSPA and UCAs.

However, during the draft LEP 2020 consultation process Council did receive requests for properties which were to be removed from the FSPA to adopt the smaller lot size requirement to enable greater development potential.

In response, the Lot Size Poll was made available during the pre-exhibition community consultation program to gather community feedback regarding the outcome of lot size requirements for the areas excluded from the proposed FSPA and UCAs (but within the current FSPA).

The location of land with potential lot size changes is shown in **Figure 2** below.

The Poll was comprised of five (5) sections corresponding to each of the 5 localities of Connells Point, Mortdale, Oatley West, Peakhurst and Peakhurst Heights – refer to **Figure 2** below.

The following options were available for selection for each locality:

- Keep lot sizes the same, do not reduce them
- Reduce lot sizes so they are the same as other areas in the LGA
- I don't mind what happens in this area

A total of 178 responses were received on the Lot Size Poll. The majority of the responses sought to retain existing lot size requirements in the areas excluded from the proposed FSPA and UCAs.

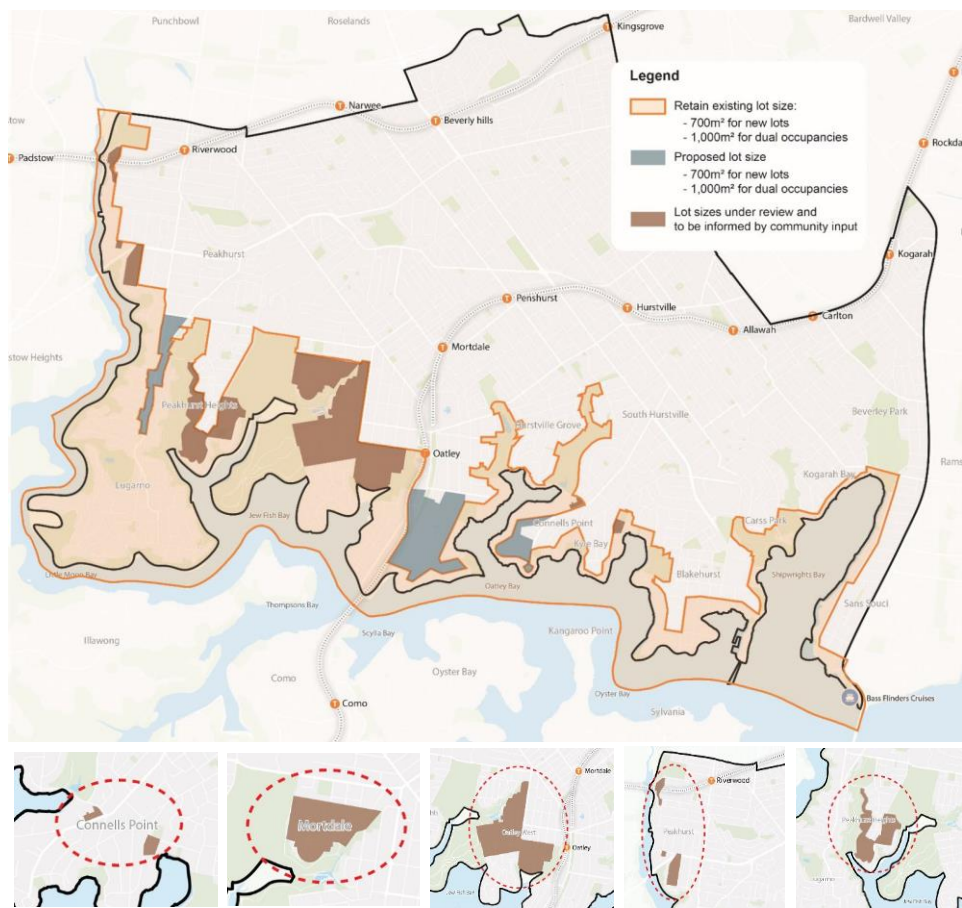


Figure 2 - Location of Potential Lot Size Changes

The results of the Lot Size Poll are tabulated in **Table 2** below.

Table 2 – Results of the Lot Size Poll

	Connells Point	Mortdale	Oatley West	Peakhurst	Peakhurst West
Keep lot sizes the same	81%	84%	88%	78%	86%
Reduce lot sizes	9%	9%	7%	10%	8%
Don't mind what happens here	10%	7%	4%	12%	6%

Analysis of Submissions

A total of 325 submissions were received during the pre-exhibition consultation period. The Community Consultation Summary Report is provided in **Attachment 5** which provides a summary of the consultation activities undertaken and the submissions received by Council.

The majority of community submissions objected to any changes to existing planning controls. Four (4) recurring themes were identified throughout the objections received:

- *Natural environment* – Objects to the proposed changes because it will destroy the natural environment by allowing more development. Submissions also request better protection of the environment but provide no consideration of the proposed biodiversity controls.
- *Density* – Objects to any increase in density or new development in general. Issues including traffic congestion, old sewers, poor amenity and loss of existing 'exclusivity' are also raised as the negative impacts of increasing housing and density.
- *Lot size* – Objects to the reduction of existing lot size requirements and new development that will increase density.
- *Local character* – Objects to the proposed changes due to concerns about local character being destroyed by new development. Submissions also request stronger protection of local character but provide no consideration on the proposed local character controls.

A summary of all submissions received have been reviewed and summarised, refer **Attachment 6**.

Recommended Planning Controls

The *Foreshore Study* and the *Biodiversity Study* made a number of recommendations, including changes to the GRLEP and the accompanying Development Control Plan to address many of the current gaps and issues to appropriately protect and enhance the values of biodiversity, local character and scenic qualities of the Georges River.

The recommended planning controls are outlined in two reports:

- *Review of Environmental Planning Provisions for Biodiversity in Georges River Local Government Area* (June 2023) (**Attachment 7**), and
- *Review of Environmental Planning Provisions for Local Character in Georges River Local Government Area* (June 2023) (**Attachment 8**).

Council resolution dated 25 March 2024

In response to the submissions received from the community, Council at its Environment and Planning Committee meeting on 11 March 2024 considered a report (ENV008-24) that summarised the submissions received to the pre-exhibition community consultation; assessed whether an amendment to the draft planning controls was required; and detailed the components of the Planning Proposal including post-consultation amendments. A copy of the report is in **Attachment 9**.

Council resolved (CCL015-24) at its meeting held 25 March 2024 to adopt the minutes of the Environment and Planning Committee (held 11 March 2024) as follows:

- (a) That Council notes the outcomes of the pre-exhibition community consultation conducted for the proposed implementation of the Biodiversity Study and Foreshore Scenic Character Study.
- (b) That Council endorses the preparation of the Biodiversity and Character Planning Proposal to amend the Georges River Local Environmental Plan 2021, comprising of the following components:
- (i) Introduce new biodiversity planning provision and mapping overlay to preserve and protect areas of moderate and high terrestrial biodiversity values,
 - (ii) Introduce new local character planning provision and mapping overlay to provide statutory protection to Unique Character Areas (UCA),
 - (iii) Amend the existing Foreshore Scenic Protection Area (FSPA) planning provision and mapped extent to ensure the role of the FSPA focuses on foreshore scenic character,
 - (iv) Retain existing lot size requirements within areas removed from the existing FSPA as follows:
 - A. Subdivision lot size: 700sqm
 - B. Dual occupancy lot size: 1,000sqm
 - (v) Increase lot size requirements for areas proposed to be added to the proposed FSPA and/or UCA as follows:
 - A. Increase subdivision lot size from 450sqm to 700sqm
 - B. Increase dual occupancy lot size from 650sqm to 1,000sqm
 - (vi) Reduce the maximum permissible FSR for R2-zoned land located within the existing FSPA, proposed FSPA and the proposed UCA from 0.55:1 for dwelling houses and 0.6:1 for dual occupancies to 0.5:1 for all development typologies,
 - (vii) Amend the landscaped area planning provision to:
 - A. Protect, maintain and improve the diversity and condition of native vegetation and habitats across the Local Government Area (LGA),
 - B. Encourage the recovery of threatened species and their communities, populations and habitats across the LGA, and
 - C. Retain and strengthen the green and leafy character of the LGA, including trees in the private domain that contribute to local character and visual amenity,
 - (viii) Increase the minimum landscaped area requirement for dwelling houses and dual occupancies by 5% to 30% and 35% respectively for R2-zoned land located within the existing FSPA, proposed FSPA and the proposed UCA,
 - (ix) Introduce minimum 20% landscaped area requirement for multi dwelling house, terraces and manor houses in response to the NSW Government's Low and Mid-Rise Housing Reform, and
 - (x) Request Department of Planning, Housing and Infrastructure to exclude the application of the Low-Rise Housing Diversity Code from the proposed FSPA and proposed UCA to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the Development Application process.
- (c) That all persons who made a submission be advised of Council's decision.

A copy of the minutes is in **Attachment 10**.

Referral to Georges River Local Planning Panel held 20 June 2024

The 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 a Planning Proposal is to be referred to the Local Planning Panel before it is forwarded for Gateway Determination (approval).

The Georges River Local Planning Panel at its meeting held 20 June 2024 considered the PP and recommended as follows:

1. That the Georges River Local Planning Panel recommends to Council that the Planning Proposal No. 2024/0002 (Biodiversity, Character and FSPA) to amend the Georges River Local Environmental Plan (GRLEP) 2021, be forwarded to the Department of Planning, Housing and Infrastructure for a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979.
2. That the Director Environment and Planning be authorised to make minor editorial amendments to the Planning Proposal as required throughout the reporting process.
3. That the Georges River Local Planning Panel notes that the Council is seeking exclusion of the application of the Low Rise Housing Diversity Code from the proposed Foreshore Scenic Protection Area and proposed Unique Character Area to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the Development Application process in these locations.
4. The Panel notes that this planning proposal has to be considered in conjunction with the Additional and Diverse Housing Planning Proposal (PP2024/0004) which provides for increased housing numbers with the Local Government Area.

A copy of the report that was referred to the LPP is available on Council's website.

Council resolution dated 22 July 2024

Council at its Environment and Planning Committee meeting on 8 July 2024 considered a report (ENV0025-24) that recommended that Council forward Planning Proposal No. 2024/0002 (Biodiversity, Character and FSPA) to the Department of Planning, Housing and Infrastructure for a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979. A copy of the report is in **Attachment 11**.

Council resolved (CCL048-24) at its meeting held 22 July 2024 to adopt the minutes of the Environment and Planning Committee (held 8 July 2024) as follows:

- (a) *That Council forward Planning Proposal No. 2024/0002 (Biodiversity, Character and FSPA) enclosed in Attachment 1 to the Department of Planning, Housing and Infrastructure for a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979.*
- (b) *That the Director Environment and Planning be authorised to make minor editorial amendments to the Planning Proposal as required throughout the reporting process.*

- (c) That Council endorse to publicly exhibit the Planning Proposal in accordance with the terms of the Gateway Determination issued by the Department of Planning, Housing and Infrastructure in accordance with the Georges River Council Engagement Strategy.

A copy of the minutes is in **Attachment 12**.

3. Objectives and Intended Outcomes

Objective

To amend the GRLEP to implement the recommendations of the *Biodiversity Study* and *Foreshore Study* in accordance with the approval conditions of the *Local Housing Strategy*.

Intended Outcome

The intended outcomes are to:

- **Biodiversity:** Introduce new biodiversity objectives, planning provision and mapping overlay to preserve and protect areas of moderate and high local terrestrial biodiversity values,
- **Unique Character Area:** Introduce new local character objectives, planning provision and mapping overlay to provide statutory protection to UCAs,
- **Foreshore Scenic Protection Area:** Replace the existing FSPA planning provision and amend the mapped extent to ensure the role of the FSPA focuses on foreshore scenic character,
- **Design Excellence:** Amend *Clause 6.10 Design Excellence* to consider visual amenity and visual impacts when viewed from the foreshore and waterway of the Georges River and local character,
- **Lot Size:**
 - Retain existing lot size requirements within areas proposed to be removed from the existing FSPA as follows:
 - Subdivision lot size: 700sqm
 - Dual occupancy lot size: 1,000sqm
 - Increase lot size requirements for areas proposed to be added to the proposed FSPA and/or UCAs as follows:
 - Increase subdivision lot size from 450sqm to 700sqm
 - Increase dual occupancy lot size from 650sqm to 1,000sqm
 - Insert objectives to ensure that lots in the FSPA are of sufficient size to protect natural values, in particular areas of high terrestrial biodiversity value,
- **Floor Space Ratio:** Reduce the maximum permissible FSR for R2 Low Density Residential zoned land located within the existing FSPA, proposed FSPA and the proposed UCA from 0.55:1 for dwelling houses and 0.6:1 for dual occupancies to 0.5:1 for all development typologies,
- **Landscaping:**
 - Amend the landscaped area planning provisions through the insertion of new objectives to:
 - Protect, maintain and improve the diversity and condition of native vegetation and habitats across the LGA,

- Encourage the recovery of threatened species and their communities, populations and habitats across the LGA, and
- Retain and strengthen the green and leafy character of the LGA, including trees in the private domain that contribute to local character and visual amenity,
- Increase the minimum landscaped area requirement for dwelling houses and dual occupancies by 5% to 30% and 35% respectively for low density land located within the existing FSPA, proposed FSPA and the proposed UCA,
- Introduce a minimum 20% landscaped area requirement for multi dwelling housing, terraces and manor houses across the LGA in response to the NSW Government's Low and Mid-Rise Housing Reform.

As part of this PP Council is requesting the DPHI to exclude the application of the *Low-Rise Housing Diversity Code* from the proposed FSPA and proposed UCAs to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the Development Application process.

4. Explanation of Provisions

Intended Provisions

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

Council is also seeking to be excluded from the application of the *Low Rise Housing Diversity Code* for the FSPA and proposed UCA to ensure that dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the Development Application process. Please refer to **Item 15** for more information.

Explanatory Note: The drafting of the instrument is subject to the legal drafting process by Parliamentary Counsel.

Item 1 – Amendments to Clause 1.2 Aims of the Plan

To insert an additional aim (ee) in Clause 1.2(2) to address character and to amend (e) so that it only relates to natural, built, cultural and Aboriginal heritage of Georges River.

Reasons:

Currently heritage and local character are combined in object (e).

The *Foreshore Study* and the *Review of Environmental Planning Provisions for Local Character in Georges River LGA (Attachment 8)* have recommended separating the two matters to both signal the importance of local character in its own right and recognise the difference in definition and planning approach between the two concepts.

A key outcome of the proposed amendment is that development should respect local character. The *Review of Environmental Planning Provisions for Local Character* concludes that there are a number of amendments to the GRLEP that would strengthen the consideration of local character and to ensure development is consistent with the character of localities identified by the *Foreshore Study*.

Proposed amendment to Clause 1.2 – Aims of Plan

- (1) *This Plan aims to make local environmental planning provisions for land in Georges River in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*
- (2) *The particular aims of this Plan are as follows—*
 - (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
 - (a) *to provide for housing choices to cater for changing demographics and population needs,*
 - (b) *to provide for a range of business uses which promote employment and economic growth and contribute to the viability and vibrancy of centres,*

Item 1 – Amendments to Clause 1.2 Aims of the Plan

- (c) *to promote and facilitate an ecologically and economically sustainable and vegetated urban environment in which the needs and aspirations of the community are realised,*
- (d) *to provide for a range of recreational, social, cultural and community service opportunities to meet the needs of the Georges River community,*
- (e) *to protect and preserve the natural, built, cultural and Aboriginal heritage of Georges River ~~and to build upon and enhance the character of local areas,~~*
- (ee) *to respect the character of Georges River communities,*
- (f) *to promote a high standard of urban design and built form,*
- (g) *to protect, preserve and enhance the natural landform, vegetation and open space, especially foreshores or bushland, in order to maintain landscape amenity and public access and use,*
- (h) *to protect, maintain and improve waterway health to achieve the environmental values of the community and uses for waterways,*
- (i) *to facilitate infrastructure to support new development,*
- (j) *to promote and facilitate transit-oriented development that encourages the use of public transport, cycling and walking.*

Item 2 – Amendment to the objectives to the R2 Low Density Residential Zone

To amend the zone objective relating to local character in the R2 Low Density Residential Zone (R2 zone) so that a high standard of urban design and built form that enhances local character is promoted.

Reasons:

The *Foreshore Study* found that local character is not always well-aligned with suburb boundaries. Rather, local character is more nuanced, being shaped by factors such as topography, vegetation and built form. Therefore the *Review of Environmental Planning Provisions for Local Character* has recommended that the reference to “suburb” be deleted in the objectives for the R2 and R3 Zones.

Proposed amendment to the Zone objectives for R2 zone

Zone R2 Low Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To promote a high standard of urban design and built form that enhances ~~the~~ local character ~~of the suburb~~ and achieves a high level of residential amenity.*
- *To provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River local government area.*

Item 3 – Amendment to the objectives to the R3 Medium Density Residential Zone

To amend the zone objective relating to local character in the R3 Medium Density Residential Zone (R3 zone) so that a high standard of urban design and built form that enhances local character is promoted.

Reasons:

The *Foreshore Study* found that local character is not always well-aligned with suburb boundaries. Rather, local character is more nuanced, being shaped by factors such as topography, vegetation and built form. Therefore the *Review of Environmental Planning Provisions for Local Character* has recommended that the reference to “suburb” be deleted in the objectives in the R2 and R3 zones.

Proposed amendment to the Zone objectives for R3

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To enable other land uses that contribute to the vibrancy of the neighbourhood.
- To promote a high standard of urban design and built form that enhances ~~the~~ local character ~~of the suburb~~ and achieves a high level of residential amenity.
- To provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River local government area.

Item 4 – Additional objective to be inserted into the zone objectives of the RE1 Public Recreation & RE2 Private Recreation Zones

To insert a new objective in the zone objectives for the RE1 and RE2 Zones to reinforce the protection of the environmental values of the land, in particular areas of high biodiversity significance.

No amendments are proposed to the permissibility of land uses in the land use tables for the RE1 and RE2 Zones.

Reasons:

Considerable areas of trees and vegetation are included in the RE1 Public Recreation and RE2 Private Recreation Zones. Critically, this includes higher value native vegetation in bushland locations such as Oatley Park.

These zones have the following similar objectives:

- to enable land to be used for (public or private) open space or recreational purposes
- to provide a range of recreational settings and activities and compatible land uses
- to protect and enhance the natural environment for recreational purposes.

Item 4 – Additional objective to be inserted into the zone objectives of the RE1 Public Recreation & RE2 Private Recreation Zones

A range of uses, including centre-based child care facilities, markets, recreation facilities (major), restaurants or cafes, and roads are permitted with consent in one or both of these zones. While it is acknowledged the primary intent of these zones is to enable recreation uses, some areas are considered to be of such high biodiversity value that allowing recreation uses threatens the integrity of these values.

Acknowledging that zone objectives are intended to primarily focus on land use and associated physical elements, most land use zone objectives are considered to provide councils the ability to require the assessment of biodiversity through protection of trees, vegetation and other natural contributory elements such as waterways, through the Development Application process.

However, a significant proportion of high value trees are located on land that is included in recreation zones. The objectives do not explicitly reference protection of these trees. The absence of such an objective is considered a risk to biodiversity outcomes. The biodiversity work to date recommends that a new objective be inserted in the recreation zones to protect areas of high biodiversity significance.

Proposed Amendments to the objectives of the RE1 Public Recreation Zone

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect the environmental values of the land, in particular areas of high biodiversity significance

Proposed Amendments to the objectives of the RE2 Private Recreation Zone

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To ensure the scale, density and form of development reflects the nature of the recreational use of the land and is compatible with the surrounding urban form and natural setting.
- To protect the environmental values of the land, in particular areas of high biodiversity significance.

Item 5 – Clause 4.1 Minimum subdivision lot size and Lot Size Map

To amend the Lot Size Map (Sheets LSZ_001, LSZ_002, LSZ_003, LSZ_005, LSZ_006, LSZ_009, LSZ_011 and LSZ_012) to increase the lot size requirements from 450sqm (Area G) to 700sqm (Area Q) for areas within the proposed FSPA and/or UCA. The amendments only affect R2 Low Density Residential zoned land.

Note:

- No word changes to Clause 4.1 Minimum subdivision lot size.
- The existing subdivision lot size requirements for areas removed from the existing FSPA will be retained at 700sqm.

Reasons

This amendment to the Lot Size Map to increase the lot size requirements for areas within the proposed FSPA and/or UCA is required to reflect the proposed FSPA Map (refer to **Item 10** below). The area affected will have an increase in lot size requirements from 450sqm (Area G) to 700sqm (Area Q).

A total of 887 lots are affected by this change as comprised of the following distribution:

- 170 lots in Connells Point
- 403 lots in Oatley
- 314 lots in Peakhurst

Figure 3 below shows the land area to be added to “Area Q” by this Planning Proposal, as outlined in red.

The GRLEP has controls in place which specify the minimum subdivision lot size to create a new parcel of land. Currently, there are two sets of lot size controls in place with a smaller requirement for land located outside of the FSPA and a larger requirement for land located within the FSPA as follows:

- Subdivision lot size outside of the FSPA: 450sqm
- Subdivision lot size within the FSPA: 700sqm

The *Foreshore Study* recommends retaining the existing larger subdivision lot size requirements (700sqm) for land located within the existing FSPA. This is supported by the outcome of the Lot Size Poll held during the pre-exhibition community consultation (refer to **Section 2 – Background** of this Report).

The *Foreshore Study* also recommends expanding the larger lot size requirement to the proposed FSPA and UCAs to ensure scenic and local character attributes such as larger setbacks, more landscaping and less site coverage is retained by future developments.

Item 5 – Clause 4.1 Minimum subdivision lot size and Lot Size Map

Land area to be covered by Area Q under this amendment to Lot Size Map

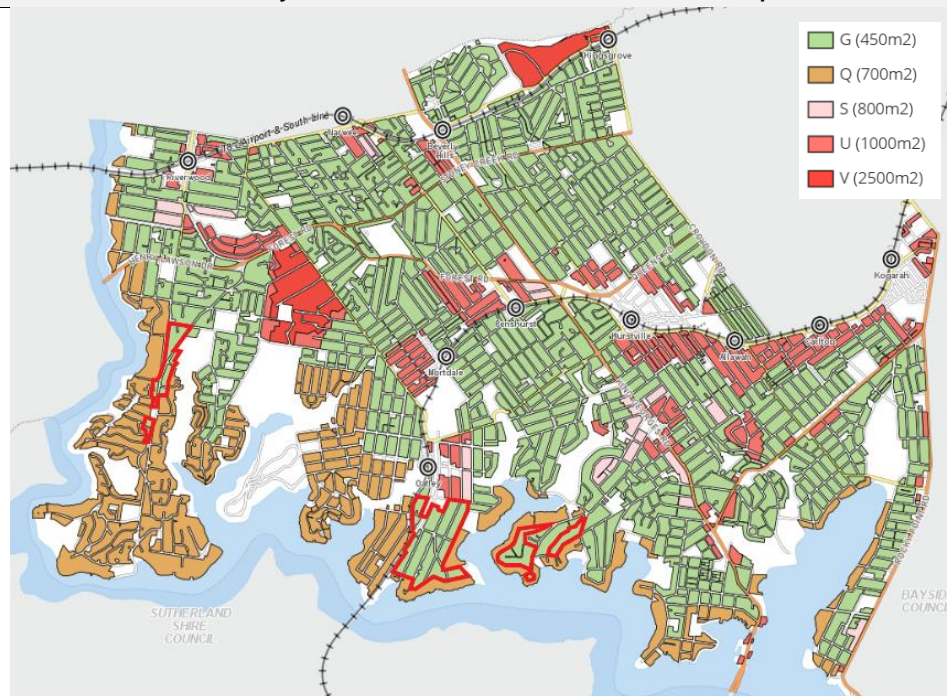


Figure 3 - Land to be added to “Area Q” on the Lot Size Map (outlined in red)

Item 6 – Clause 4.1A Minimum subdivision lot size for dual occupancies and Minimum Lot Size for Dual Occupancy Map

To amend Clause 4.1A and the Minimum Lot Size for Dual Occupancy Map (Sheets LSD_001, LSD_002, LSD_003, LSD_005, LSD_006, LSD_009, LSD_011 and LSD_012) to increase the minimum lot size requirements for dual occupancies from 650sqm (Area O) to 1000sqm (Area U) for areas within the proposed FSPA and/or UCA.

Figure 4 shows the land area to be covered by “Area U” under this amendment.

Reasons:

This amendment to Clause 4.1A and the Minimum Lot Size for Dual Occupancy Map to increase the dual occupancy lot size requirements for areas within the proposed FSPA and/or UCA is required to reflect the proposed FSPA Map (refer to **Item 10** below).

The GRLEP has controls in place which specify the minimum lot size requirement to carry out a dual occupancy development. Currently, there are two sets of lot size controls in place with a smaller

Item 6 – Clause 4.1A Minimum subdivision lot size for dual occupancies and Minimum Lot Size for Dual Occupancy Map

requirement for land located outside of the FSPA and a larger requirement for land located within the FSPA as follows:

- Dual occupancy lot size outside of the FSPA: 650sqm
- Dual occupancy lot size within the FSPA: 1,000sqm

The *Foreshore Study* recommends retaining the existing larger dual occupancy lot size requirements (1,000sqm) for land located within the existing FSPA. This is supported by the outcomes of the Lot Size Poll held during the pre-exhibition community consultation (refer to **Section 2 – Background** of this report).

The Planning Proposal also seeks to retain the existing lot sizes within the existing FSPA in line with the intent of implementing the *Foreshore Study*. The Study does not make recommendations to reduce or amend the lot size provisions within areas which are proposed to be removed from the FSPA. Accordingly, the existing subdivision and dual occupancy lot size requirements remain unchanged within the existing FSPA. This also echoes the community sentiment of maintaining the status quo in terms of development potential within the foreshore localities. The larger lot sizes (i.e. 1,000sqm for dual occupancy developments) are recommended by the Foreshore Study in the UCAs, see extract from page 83 of the Study:

Large, spacious lots are characteristic of the Bush Suburban precinct. On this basis it is recommended that existing requirements for larger lot sizes be retained.

In the Garden Suburban Naturalistic precinct, it is recommended that larger lot sizes are retained in order to preserve the high levels of vegetation planting that is a defining feature of the local character area.

It is evident from the above extract that larger lot sizes are the essential to maintain the defining characteristics of these UCAs. Given the outstanding vegetated qualities of these UCAs and the creation of 8,130 additional dwellings in other areas of the LGA, there is sufficient planning merit to justify the lot sizes proposed by the subject Planning Proposal.

The area affected will have an increase in lot size requirements from 650sqm (Area O) to 1,000sqm (Area U) as these areas are included within the proposed FSPA and UCAs. A total of 887 lots are affected by this change as comprised of the following distribution:

- 170 lots in Connells Point
- 403 lots in Oatley
- 314 lots in Peakhurst

Figure 4 below shows the land area to be added to “Area U” by this Planning Proposal, as outlined in red.

However, it should be noted that out of the 887 lots affected, only 162 lots will be affected by a reduction in development potential as they will no longer be eligible for dual occupancy

Item 6 – Clause 4.1A Minimum subdivision lot size for dual occupancies and Minimum Lot Size for Dual Occupancy Map

developments under the proposed amendment. The locations of these lots are shown in **Figure 18** later in this Report.

A portion of the Garden Suburban Naturalistic UCA is located within the 800m radius from Oatley Station. In accordance with the *Foreshore Study*, the minimum lot size for dual occupancies is proposed to be increased from 650sqm to 1,000sqm within the Garden Suburban Naturalistic UCA. This will lead to a loss of development potential for approx. 30 properties within 800m of Oatley Station.

However, the intent of this Planning Proposal is not to reduce housing opportunities or to impede housing delivery. This is reinforced by the creation of 8,130 additional dwellings across the northern portions of the LGA where there is excellent access to public transport and essential services (further detailed in **Part B** of this Planning Proposal).

It should be noted that Oatley Station has been nominated by Council as a precinct where new R3 and R4 zoned land are to be created as part of the upcoming review of Council's Local Strategic Planning Statement. This is affirmed via the Council meeting resolution dated 12 February 2024:

(d) That Council request the DPHI to defer the implementation of the Low and Mid-Rise Housing Reform within the Georges River LGA so Council is given the opportunity to review its Local Strategic Planning Statement (LSPS) to create capacity for additional and diverse housing through the creation of new R3 and R4 zones within the following 12 precincts:

- (i) Hurstville Railway Station and Hurstville City Centre (Strategic Centre)*
- (ii) Kogarah Railway Station and Kogarah Town Centre (Strategic Centre)*
- (iii) Beverly Hills Railway Station and Beverly Hills (King Georges Road) Local Centre*
- (iv) Kingsgrove Railway Station and Kingsgrove (Kingsgrove Road) Local Centre*
- (v) Mortdale Railway Station and Mortdale (Morts Road) Local Centre*
- (vi) Penshurst Railway Station and Penshurst (Penshurst Street) Local Centre*
- (vii) Riverwood (Belmore Road) Local Centre*
- (viii) South Hurstville (King Georges Road) Local Centre*
- (ix) Oatley Railway Station and Oatley (Mulga Road) Local Centre (bold for emphasis)***
- (x) Allawah Railway Station*
- (xi) Carlton Railway Station*
- (xii) Narwee Railway Station*

Consequently, the relevance of the UCA classification will be reviewed as part of the rezoning process as the UCAs are only applied to R2 zoned land. R3 and R4 zoned land have different character typologies applied through the DCP.

Amendments to the objectives in Clause 4.1A:

Item 6 – Clause 4.1A Minimum subdivision lot size for dual occupancies and Minimum Lot Size for Dual Occupancy Map

- (1) *The objective of this clause is to ensure that the lot sizes for dual occupancies are appropriate for the environmental capability of the land, having regard to the land's topography and other natural features.*
- (2) *Despite clauses 4.1 and 4.1B, development consent may be granted for the subdivision of land—*
- (a) *in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential if—*
- (i) *there is a dual occupancy on the land that was lawfully erected or a dual occupancy is proposed on the land, and*
- (ii) *the lot size for each resulting lot will be at least 300 square metres, or*
- (b) *on land identified as "Area U" on the Minimum Lot Size for Dual Occupancy Map ~~in the Foreshore Scenic Protection Area on land as identified as on the Foreshore Scenic Protection Area Map~~ if—*
- (i) *there is a dual occupancy on the land that was lawfully erected or a dual occupancy is proposed on the land, and*
- (ii) *the lot size for each resulting lot will be at least 430 square metres.*
- (3) *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 lot size.*

Land area to be covered by Area U under this amendment to Minimum Lot Size for Dual Occupancy Map

See map on following page.

Item 6 – Clause 4.1A Minimum subdivision lot size for dual occupancies and Minimum Lot Size for Dual Occupancy Map

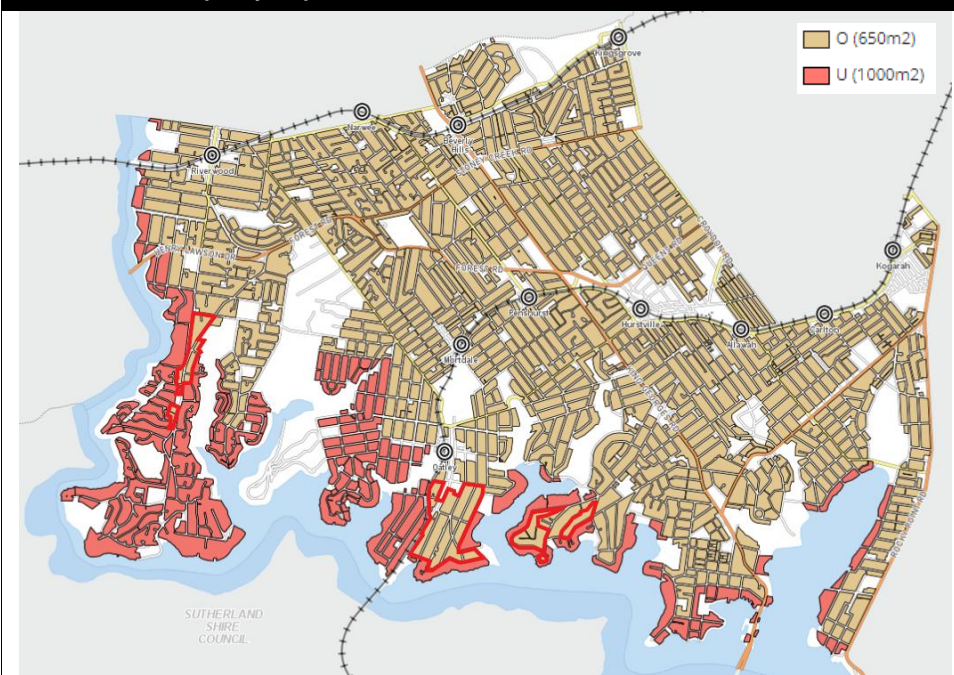


Figure 4 - Land to be added to "Area U" on the Minimum Lot Size for Dual Occupancy Map (outlined in red)

Item 7 – Clause 4.1B Minimum lot sizes and special provisions for certain dwellings

To amend Clause 4.1B to insert a new objective to ensure that lots in the FSPA and UCAs are of sufficient size to protect natural environmental values, in particular areas of high terrestrial biodiversity value.

To amend Clause 4.1B (3) so that the Minimum Lot Size for Dual Occupancy Map and reference to Area U (1,000sqm) replaces the reference to the Foreshore Scenic Protection Area as identified on the Foreshore Scenic Protection Area Map.

Reasons:

This clause (in part) provides for a minimum lot size of 1,000sqm for dual occupancies in the FSPA.

While they are compatible with land use zoning, due to their often greater scale (including larger footprints for buildings and associated hardstand such as carparking areas) dual occupancies can pose a challenge for providing adequate space for trees and biodiversity. As a result, there is a greater potential for removal of trees and reduced scope for the planting of new trees, particularly

Item 7 – Clause 4.1B Minimum lot sizes and special provisions for certain dwellings

in front setbacks. The community perceives new dual occupancy developments as being a form of ‘overdevelopment’ when compared to the post-war freestanding houses that are being replaced. The larger lot size is to remain for the FSPA supported by the introduction of a corresponding objective in Clause 4.1B.

Reference in Clause 4.1B (3) to the Foreshore Scenic Protection Area as identified on the Foreshore Scenic Protection Area Map will need to be replaced with reference to the Minimum Lot Size for Dual Occupancy Map as the 1,000sqm lot size requirement is proposed to be applicable in the existing FSPA, proposed FSPA and the proposed UCA.

Refer to **Figure 4** above for the location of “Area U” on the Minimum Lot Size for Dual Occupancy Map.

Amendments to the objectives provisions in Clause 4.1B:

4.1B Minimum lot sizes and special provisions for certain dwellings

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

- (a) to ensure that lots for residential accommodation are of sufficient size to accommodate proposed dwellings, setbacks to adjoining residential land, private open space and landscaped areas, driveways and vehicle manoeuvring areas,
- (b) to ensure that dual occupancies in Zone R2 Low Density Residential retain the general low-density scale and character of existing single dwelling development,
- (c) to ensure that multi dwelling housing in Zone R3 Medium Density Residential retain the general medium-density scale and character of existing multi dwelling development,
- (d) to minimise any likely adverse impact of the development on the amenity of the area,
- (e) where an existing lot is inadequate in terms of its area or width—to require the consolidation of 2 or more lots.
- (f) To ensure that lots in the FSPA are of sufficient size to protect natural values, in particular areas of high terrestrial biodiversity value.

- (3) Development consent must not be granted for the erection of a dual occupancy *in “Area U” on the Minimum Lot Size for Dual Occupancy Map in the Foreshore Scenic Protection Area as identified on the Foreshore Scenic Protection Area Map* unless the lot has an area of at least 1,000 square metres *as shown on the Lot Size for Dual Occupancy Map.*

Item 8 – Clause 4.4 Floor space ratio and Floor Space Ratio Map

To amend the Floor Space Ratio Map (Sheets FSR_001, FSR_002, FSR_003, FSR_005, FSR_006, FSR_009, FSR_011 and FSR_012) to reduce the mapped maximum permissible FSR from 0.55:1 to 0.5:1 for R2 Low Density Residential zoned land located within the existing FSPA, proposed FSPA and the proposed UCA. No change is proposed to the written provisions of **Clause 4.4 Floor space ratio.**

Item 8 – Clause 4.4 Floor space ratio and Floor Space Ratio Map

Figure 9 below shows the existing FSR Map in the GRLEP. The land area affected by this amendment is shown in **Figure 10** below.

Reasons

This amendment to the Floor Space Ratio Map (Sheets FSR_001, FSR_002, FSR_003, FSR_005, FSR_006, FSR_009, FSR_011 and FSR_012) to reduce the maximum permissible FSR for R2-zoned land located within the existing FSPA, proposed FSPA and the proposed UCA from 0.55:1 to 0.5:1 for all development typologies is required to address the concerns of the community that were raised during the pre-exhibition community consultation regarding the existing FSPA.

The existing FSPA is perceived by the community as an environmental protection mechanism akin to the terrestrial biodiversity provision in other LEPs across NSW. This perception is reinforced by the findings of the *Biodiversity Study* which has found extensive presence of terrestrial biodiversity along the Georges River foreshore to the west of Tom Uglys Bridge. The absence of terrestrial biodiversity to the east of Tom Uglys Bridge and the inland localities coincides with the historic absence of the FSPA overlay. This relationship is shown by the comparison of the proposed terrestrial biodiversity layer and the existing FSPA extent in **Figure 5** below.



Figure 5 – Location of existing FSPA vs proposed Terrestrial Biodiversity

Community submissions have repeatedly expressed the importance of continued environmental protection for land which are removed from the existing FSPA. Consideration was given to the conversion of the existing FSPA into the C4 Environmental Living zone to strengthen the focus on

Item 8 – Clause 4.4 Floor space ratio and Floor Space Ratio Map

ecological protection. However, Foreshore Study concludes that while the objectives of the C4 zone are aligned with environmental protection, the C4 zone provides limited consideration towards scenic character when compared to the FSPA local provision. The C4 zone also unreasonably restricts development by negatively impacting the property owner's ability to use their land when compared to the existing R2 zone.

The existing FSPA is valued by the residents for its 'green and leafy' local character, which is recognised by the designation of certain character typologies by the *Foreshore Study*. Council during the pre-exhibition community consultation received numerous submissions objecting to new developments which have been occurring within the existing FSPA even though the planning controls for the FSPA have not been changed.

Submissions stated that there is a notable loss of tree canopy and vegetation on sites with new development. The building footprint of recent development is significantly larger compared to the single storey post-war bungalows that are being replaced. When the overall building footprint is increased, the amount of landscaped area is subsequently decreased as a result. The loss of landscaping through new development is perceived by the community as a form of overdevelopment and an increase in density.

The community's concern of new developments taking on a larger footprint and providing less landscaped area prompted a review of the maximum FSR for dwelling houses and dual occupancies within the existing FSPA.

The reason for this review stems from the modelling undertaken for the preparation of the comprehensive GRLEP. The modelling demonstrated that a development site which fully utilises the FSR granted by the LEP is unlikely to accommodate a landscaped area that exceeds the minimum landscaped area requirement of 25% for dwelling houses and 30% for dual occupancies.

It is evident that dwelling houses in the Georges River LGA are 10% larger than the neighbouring LGAs of Bayside, Canterbury-Bankstown and Sutherland (0.55:1 vs 0.5:1) while dual occupancies are 20% larger due to the difference in maximum permissible FSR (0.6:1 vs 0.5:1).

The more generous FSR granted by the GRLEP 2021 results in greater site coverage and less landscaped area of up to 10% when compared to development outcomes in the R2 zone of neighbouring councils. Accordingly, the subject Planning Proposal seeks to amend the maximum FSR so the Georges River LGA provides consistent development outcomes to adjoining LGAs.

A comparison of the FSR granted by the GRLEP and the respective LEPs of the neighbouring councils at Bayside, Canterbury-Bankstown, and Sutherland Shire is tabulated below:

FSR	Georges River	Bayside	Canterbury-Bankstown	Sutherland Shire
Dwelling houses	0.55:1	0.5:1	0.5:1	0.5:1
Dual occupancies	0.6:1	0.5:1	0.5:1	0.5:1

Item 8 – Clause 4.4 Floor space ratio and Floor Space Ratio Map

The existing 'green' character of the FSPA is attributed to the dominance of natural landscape over built form, as reinforced by Objective (d) of *Clause 6.6 Foreshore scenic protection area* in the GRLEP:

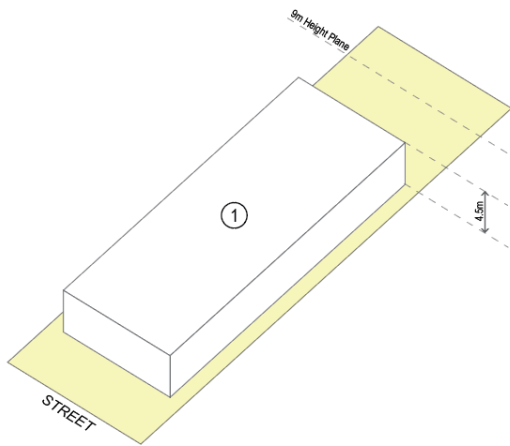
- (d) to reinforce and improve the dominance of landscape over built form, hard surfaces and cut and fill,

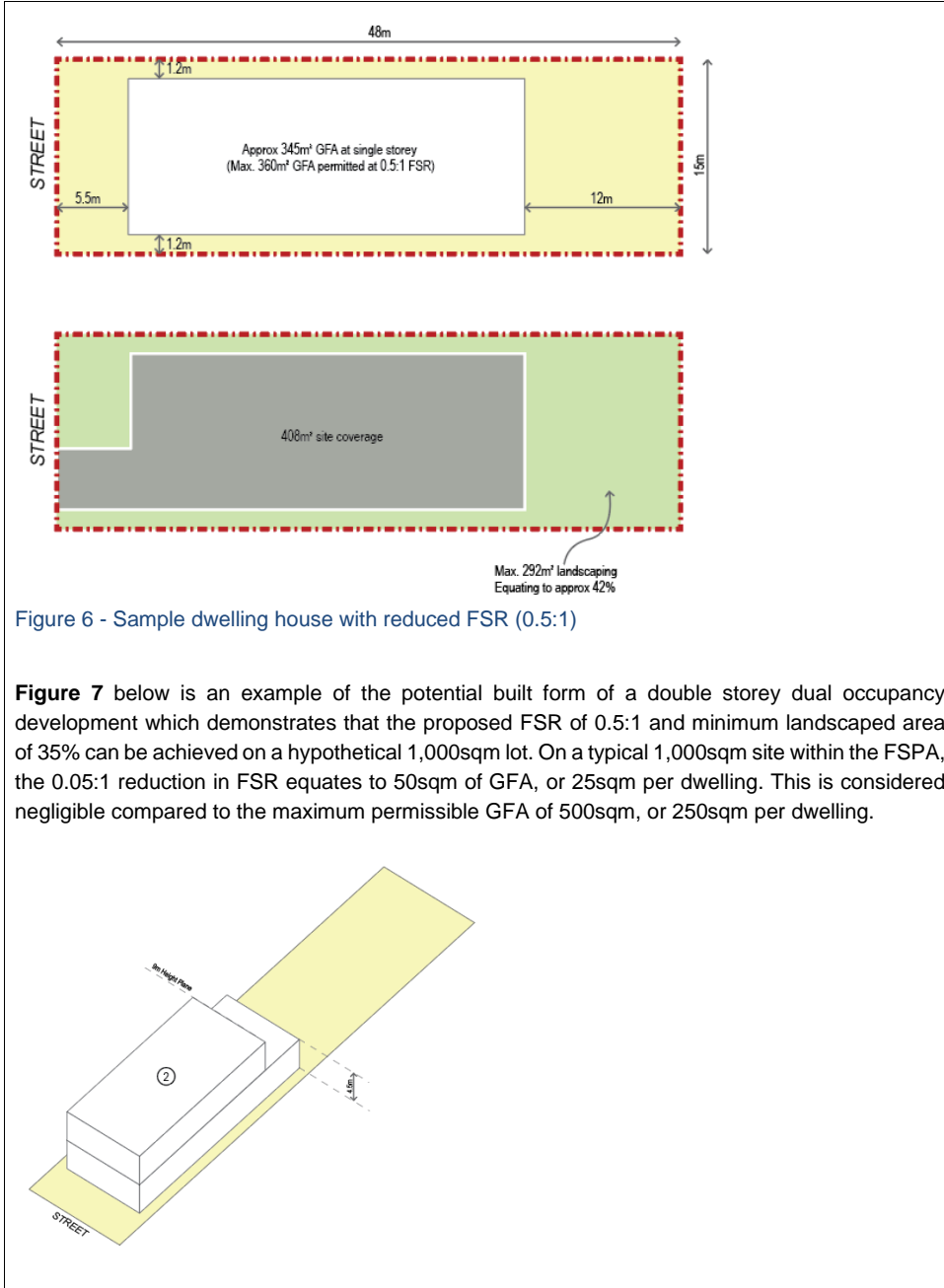
A reduction in the maximum permissible FSR to 0.5:1 for R2 zoned land within the existing FSPA is recommended to ensure Objective (d) can be achieved. The reduced FSR is also recommended to be applied to R2 zoned land located within the proposed FSPA and UCAs to ensure the strong naturalistic qualities of these areas are adequately protected moving forward.

In summary, the proposed FSR for R2 zoned land is as follows:

- Land located within the existing FSPA – 0.5:1 for all development
- Land located within the proposed FSPA – 0.5:1 for all development
- Land located within the proposed UCA – 0.5:1 for all development
- Land located in the remainder of the LGA – 0.55:1 for dwelling houses and 0.6:1 for dual occupancies

Figure 6 below is an example of the potential built form of a single storey dwelling house which demonstrates that the proposed FSR of 0.5:1 and minimum landscaped area of 30% can be achieved on a hypothetical 720sqm lot. On a typical 720sqm site within the FSPA, the 0.05:1 reduction in FSR equates to 35sqm of GFA. This is considered negligible compared to the maximum permissible GFA of 360sqm.





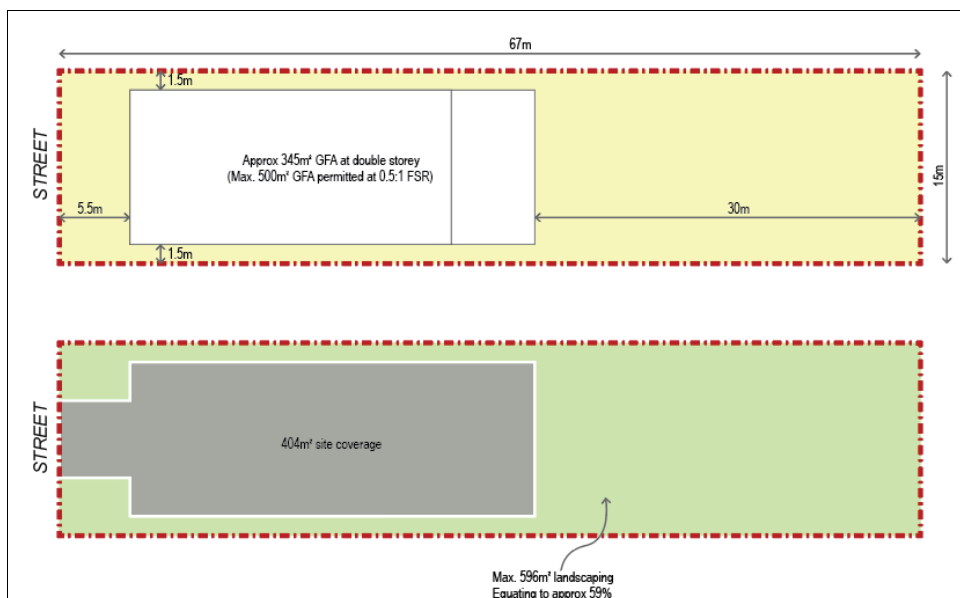


Figure 7 - Sample dual occupancy with reduced FSR (0.5:1)

Whilst the prevailing subdivision pattern sees a minimum lot size of 600sqm in the existing FSPA, proposed FSPA and proposed UCAs, testing has been conducted on a hypothetical lot with 450sqm site area using existing GRDCP setback controls, see **Figure 8** below.

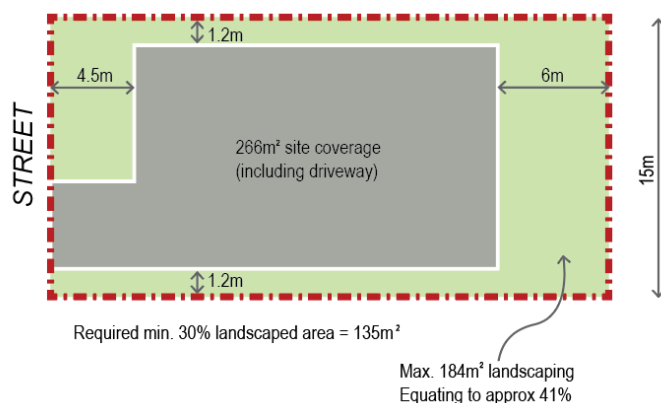


Figure 8 - Testing of viability of 30% landscaped area on a hypothetical 450sqm site

It is evident that the proposed increase in minimum landscaped area from 25% to 30% within the existing FSPA, proposed FSPA and proposed UCAs can be adequately accommodated within DCP-compliant setback spaces while allowing a buffer of over 10% to enable the provision of outbuildings and small pools.

Item 8 – Clause 4.4 Floor space ratio and Floor Space Ratio Map

Impact of reducing FSR in areas with high capacity for change

The areas with less sensitivities to change as identified by the Foreshore Study can be considered as possessing a higher capacity for redevelopment. These areas include character typologies such as Garden Suburban Traditional, Garden Court and Emerging Contemporary. Redevelopment may be in the form of new dwelling houses through knock-down-rebuilds and/or new dual occupancies which replace existing freestanding family homes.

There are currently two (2) approvals pathway available for both these types of development:

- 1) Development application using GRLEP controls, or
- 2) Complying development using Codes SEPP controls

A comparison of the GFA and FSR afforded by the Codes SEPP and the existing and proposed GRLEP controls is tabulated below for dwelling houses and dual occupancies.

Table A – Comparison of Codes SEPP and GRLEP for dwelling houses

Site Area	Codes SEPP GFA	Codes SEPP FSR	Existing GRLEP GFA	Existing GRLEP FSR	Proposed GRLEP GFA	Proposed GRLEP FSR
450	262.5	0.58	247.5	0.55	225	0.50
500	290	0.58	275	0.55	250	0.50
550	290	0.53	302.5	0.55	275	0.50
600	300	0.50	330	0.55	300	0.50
650	335	0.52	357.5	0.55	325	0.50
700	335	0.48	372.5	0.53	340	0.49
750	337.5	0.45	387.5	0.52	355	0.47
800	350	0.44	402.5	0.50	370	0.46
850	362.5	0.43	417.5	0.49	385	0.45
900	375	0.42	432.5	0.48	400	0.44
950	387.5	0.41	447.5	0.47	415	0.44

Table B – Comparison of Codes SEPP and GRLEP for dual occupancies

Site Area	Codes SEPP GFA	Codes SEPP FSR	Existing GRLEP GFA	Existing GRLEP FSR	Proposed GRLEP GFA	Proposed GRLEP FSR
1000	550	0.55	600	0.60	500	0.50
1250	612.5	0.49	675	0.54	575	0.46
1500	675	0.45	750	0.50	650	0.43
1750	737.5	0.42	800	0.46	700	0.40
2000	800	0.40	850	0.43	750	0.38
2250	862.5	0.38	875	0.39	775	0.34
2500	925	0.37	900	0.36	800	0.32

It is evident from Table A above that irrespective of the FSR provided by the GRLEP for dwelling houses, the Codes SEPP remains more generous until lots exceed 600sqm in site area. The average lot size in the areas with higher capacity for change generally do not exceed 600sqm.

Item 8 – Clause 4.4 Floor space ratio and Floor Space Ratio Map

Currently, complying development is commonly used as the preferred approval pathway due to the minimal presence of environmental constraints in these areas.

For dual occupancy developments in areas with higher capacity for change, the floor space afforded by the Codes SEPP is comparable to the proposed GRLEP controls, as seen in Table B above. Therefore, reducing maximum permissible FSR to 0.5:1 is not anticipated to impact development take up nor is it expected to sterilise development.

Additionally, neighbouring councils of Bayside, Canterbury-Bankstown, and Sutherland Shire all specify a maximum FSR of 0.5:1 for both dwelling houses and dual occupancies. Development activity in the surrounding LGAs is more prolific when compared to the Georges River LGA according to DPHI's [Urban Development Program Dashboard](#).

Table C below provides a comparison of the number of dwellings approved in the “low density” and “medium density 1 and 2 storeys” categories from July 2013 to July 2023 as provided by the [Urban Development Program dataset](#).

Table C – Comparison of dwelling house and 1-2 storey medium density approvals in surrounding LGAs

LGA	Georges River	Bayside	Canterbury Bankstown	Sutherland Shire
Approvals	4,078 dwellings	3,318 dwellings	15,443 dwellings	7,689 dwellings

Note: The Urban Development Program dataset does not have “dual occupancies” as a separate typology and instead it is combined within the “medium density” group with townhouses and terraces. A portion of the above data may be comprised of multi dwelling housing developments.

Impact of FSR reduction on non-residential land uses in the R2 zone

The R2 zone within the GRLEP 2021 permits a number of non-residential land uses with development consent in accordance with the zone objective: “To enable other land uses that provide facilities or services to meet the day to day needs of residents.” However, most of these non-residential land uses are permitted and regulated through SEPPs which override council LEPs, as tabulated below.

Land Use	SEPP Permissibility
Bed and breakfast accommodation	Permissibility through LEP only, however no DAs for this land use have been received in the R2 zone since the commencement of GRLEP 2021
Centre-based child care facilities	Yes, through the Transport and Infrastructure SEPP
Community facilities	Permissibility through LEP only, however no DAs for this land use have been received in the R2 zone since the commencement of GRLEP 2021
Early education and care facilities	Yes, through the Transport and Infrastructure SEPP
Educational establishments	Yes, through the Transport and Infrastructure SEPP

Item 8 – Clause 4.4 Floor space ratio and Floor Space Ratio Map

Emergency services facilities	Permissibility through LEP only, however no DAs for this land use have been received in the R2 zone since the commencement of GRLEP 2021
Environmental facilities	Permissibility through LEP only, however no DAs for this land use have been received in the R2 zone since the commencement of GRLEP 2021
Group homes	Yes, through the Housing SEPP
Health services facilities	Yes, through the Transport and Infrastructure SEPP
Public administration buildings	Permissibility through LEP only, however no DAs for this land use have been received in the R2 zone since the commencement of GRLEP 2021
Seniors housing	Yes, through the Housing SEPP

Centre-based child care facilities are considered to be the most prevalent non-residential development type in the R2 zone. Council's records show that there are currently 38 child care centres located within the R2 zone. In accordance with the DPHI's *Child Care Planning Guideline*, a maximum FSR of 0.5:1 applies for child care facilities in R2 zones, which is consistent with the FSR proposed by the subject Planning Proposal.

In light of existing SEPP permissibility for a significant portion of non-residential land uses within the R2 zone and the consistent FSR for centre-based child care facilities, there is minimal (if any) impact on development feasibility as a result of the reduction in FSR from 0.55:1 to 0.5:1 within the existing FSPA, proposed FSPA and proposed UCAs.

Land area affected by amendment to Floor Space Ratio Map - R2 land within the existing FSPA, proposed FSPA and the proposed UCA

See map on following page.

Item 8 – Clause 4.4 Floor space ratio and Floor Space Ratio Map

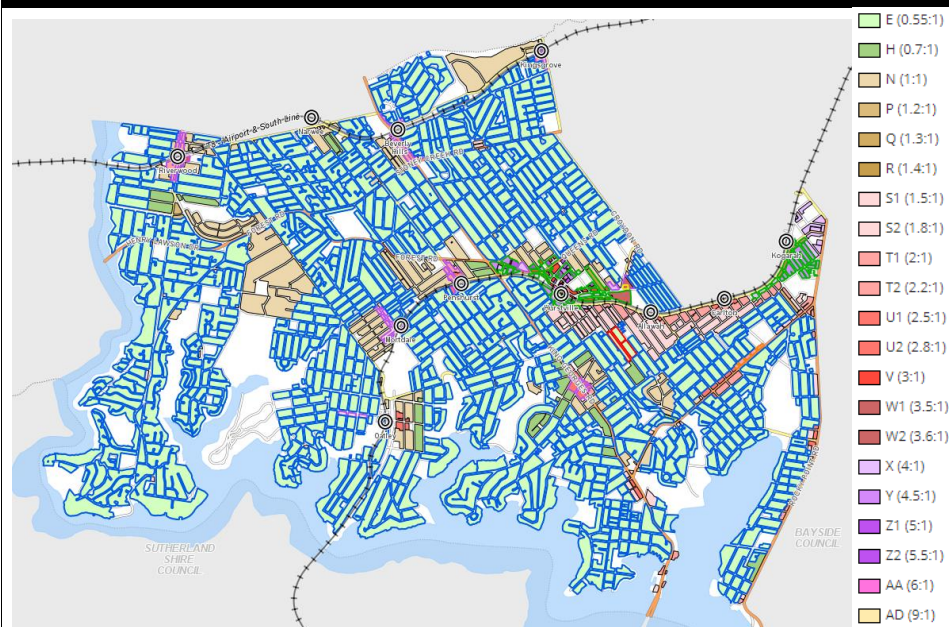


Figure 9 – Existing FSR Map in GRLEP

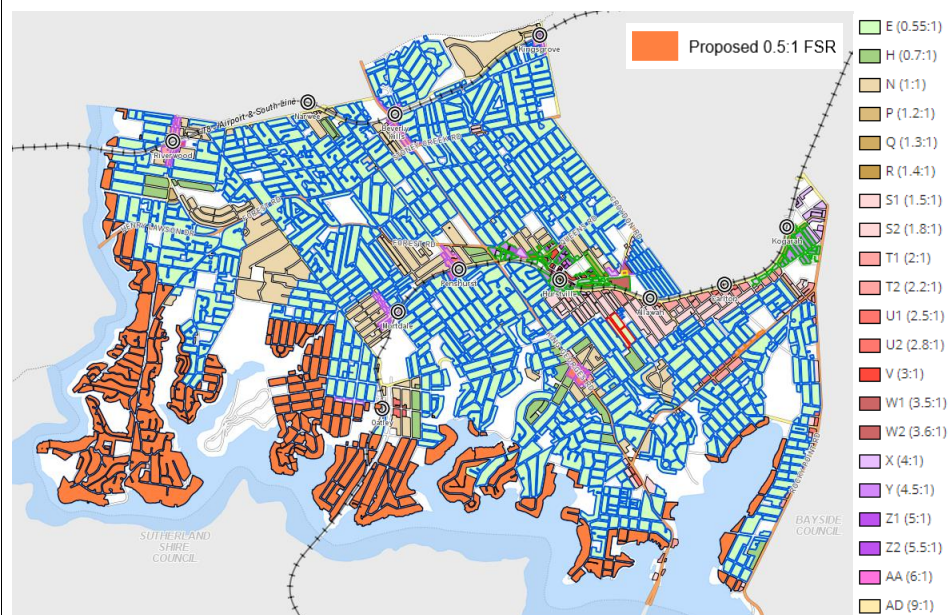


Figure 9 - Areas with proposed 0.5:1 FSR (shown in orange)

Item 9 – Clause 4.4A Exceptions to floor space ratio—certain residential accommodation and Floor Space Ratio Map

To amend Clause 4.4A to:

- Reduce the maximum permissible FSR to 0.5:1 for R2 zoned land located within the existing FSPA, proposed FSPA and the proposed UCA, and
- Insert two additional sliding scale FSR to tabulate the maximum GFA permissible on larger sites based on the reduced 0.5:1 for R2 zoned land located within the existing FSPA, proposed FSPA and the proposed UCA. One of the tables relate to dwelling houses and the other relates to dual occupancies.

To amend the Floor Space Ratio Map to identify the affected land as “Area 7 – Refer Clause 4.4A”. The land affected by this amendment is shown in **Figure 11** below and is the same as Item 8 above.

Note:

- Land located in the remainder of the LGA will remain unchanged as “Area 1” and retains the existing FSR – i.e. 0.55:1 for dwelling houses and 0.6:1 for dual occupancies.
- “Area 7” will replace “Area 1” in the affected areas and additional subclauses referencing “Area 7” is required in Clause 4.4A, see proposed subclauses below.

Reasons

This amendment seeks to reduce the maximum permissible FSR to 0.5:1 for R2 zoned land located within the existing FSPA, proposed FSPA and the proposed UCA to address the concerns of the community that were raised during the pre-exhibition community consultation regarding overdevelopment within the existing FSPA. The reasons for this amendment are detailed in **Item 8** above.

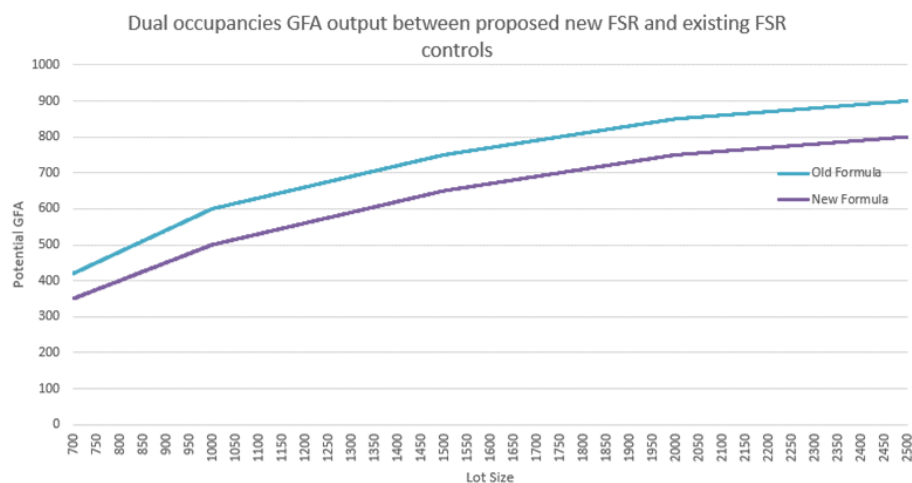
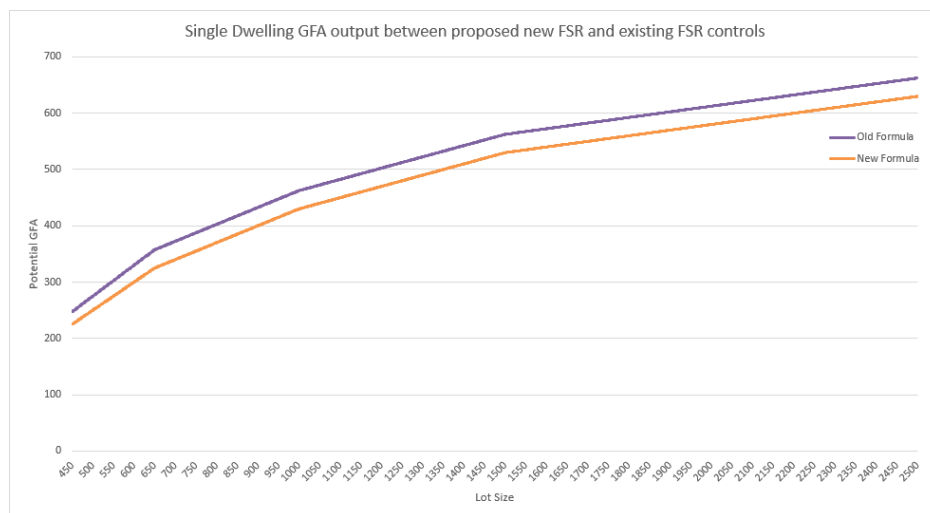
The existing GRLEP utilises the sliding scale approach to regulate the bulk and scale of dwelling houses and dual occupancies on larger lots. Currently when a dwelling house is proposed on a lot with site area of greater than 650sqm, the maximum permissible GFA is determined via the sliding scale formula in subclause (2) of Clause 4.4A.

Similarly, when a dual occupancy is proposed on a lot with site area of greater than 1,000, the maximum permissible GFA is determined via the sliding scale formula in subclause (4) of Clause 4.4A. The existing sliding scale formulas are based on the existing base FSR of 0.55:1.

Due to the reduction of the base FSR from 0.55:1 to 0.5:1 for R2 zoned land located within the existing FSPA, proposed FSPA and the proposed UCAs, the sliding scale approach requires minor amendments to ensure the maximum permissible GFA on larger lots is reduced relative to the 0.5:1 base FSR.

The charts below illustrate the GFA output between the proposed new FSR sliding scale (new formula with a base of 0.5:1) and the existing FSR sliding scales (old formula). The proposed sliding scale formulas will enable a consistent 10% reduction in overall GFA for both dwelling houses and dual occupancies on larger lots.

Item 9 – Clause 4.4A Exceptions to floor space ratio—certain residential accommodation and Floor Space Ratio Map



Proposed changes to Clause 4.4A Exceptions to floor space ratio—certain residential accommodation

- (1) The objectives of this clause are as follows—
- (a) to ensure that the bulk and scale of development are compatible with the size of the lot,
 - (b) to promote good residential amenity

Item 9 – Clause 4.4A Exceptions to floor space ratio—certain residential accommodation and Floor Space Ratio Map

- (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	Maximum floor space ratio
not more than 650 square metres	0.55:1
more than 650 square metres but not more than 1,000 square metres	$[(\text{site area} - 650) \times 0.3 + 357.5] \div \text{site area}: 1$
more than 1,000 square metres but not more than 1,500 square metres	$[(\text{site area} - 1000) \times 0.2 + 462.5] \div \text{site area}: 1$
more than 1,500 square metres	$[(\text{site area} - 1,500) \times 0.1 + 562.5] \div \text{site area}: 1$

- (3) *The maximum floor space ratio for residential accommodation on land identified as “Area 2” on the Floor Space Ratio Map must not exceed 0.6:1.*

- (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	Maximum floor space ratio
not more than 1,000 square metres	0.6:1
more than 1,000 square metres but not more than 1,500 square metres	$[(\text{site area} - 1000) \times 0.3 + 600] \div \text{site area}: 1$
more than 1,500 square metres but not more than 2,000 square metres	$[(\text{site area} - 1500) \times 0.2 + 750] \div \text{site area}: 1$
more than 2,000 square metres	$[(\text{site area} - 2000) \times 0.1 + 850] \div \text{site area}: 1$

- (5) *The maximum floor space ratio for a dwelling house on land identified as “Area 7” on the Floor Space Ratio Map must not exceed the maximum floor space ratio specified in the table to this subclause.*

Site area	Maximum floor space ratio
Not more than 650 square metres	0.5:1
More than 650 square metres but not more than 1,000 metres	$[(\text{site area} - 650) \times 0.3 + 325] \div \text{site area}: 1$
More than 1,000 metres but not more than 1,500 square metres	$[(\text{site area} - 1000) \times 0.2 + 430] \div \text{site area}: 1$
More than 1,500 square metres	$[(\text{site area} - 1500) \times 0.1 + 530] \div \text{site area}: 1$

- (6) *The maximum floor space ratio for a dual occupancy on land identified as “Area 7” on the Floor Space Ratio Map must not exceed the maximum floor space ratio specified in the table to this subclause.*

Site area	Maximum floor space ratio
Not more than 1,000 square metres	0.5:1
More than 1,000 square metres but not more than 1,500 metres	$[(\text{site area} - 1000) \times 0.3 + 500] \div \text{site area}: 1$
More than 1,500 metres but not more than 2,000 square metres	$[(\text{site area} - 1500) \times 0.2 + 650] \div \text{site area}: 1$
More than 2,000 square metres	$[(\text{site area} - 2000) \times 0.1 + 750] \div \text{site area}: 1$

Proposed changes to Floor Space Ratio Map – Location of “Area 7” replacing “Area 1”

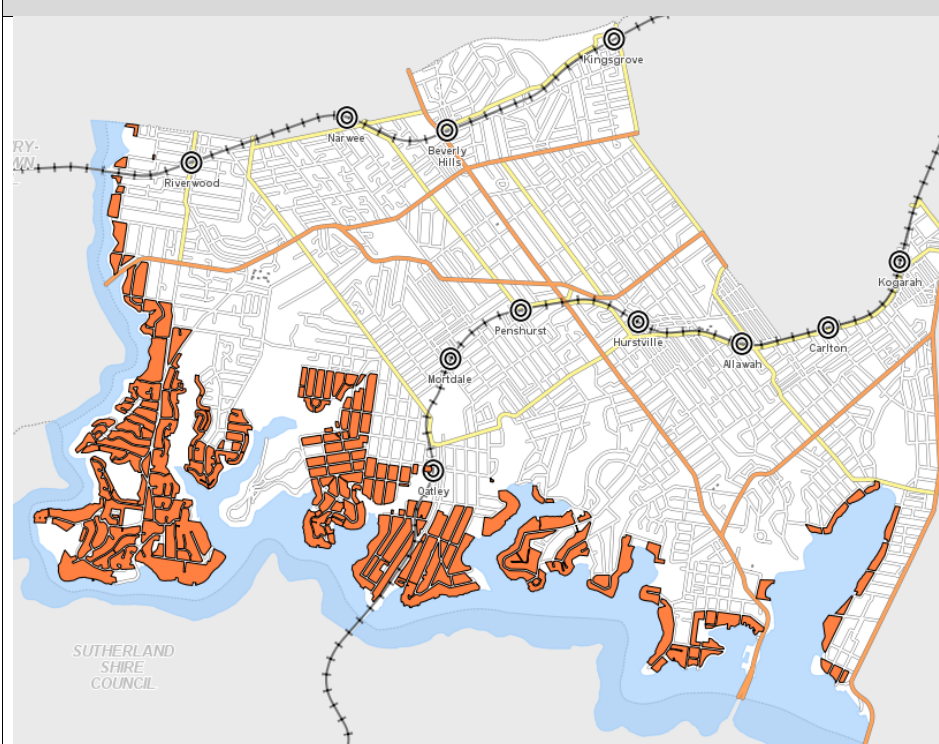


Figure 10 – Proposed location of “Area 7” on the FSR Map (land coloured orange)

Item 10 – Clause 6.6 Foreshore Scenic Protection Area and Foreshore Scenic Protection Area Map

To amend *Clause 6.6 Foreshore scenic protection area* to ensure the role of the FSPA focuses on foreshore scenic character. This is achieved by:

- Replacing the objectives to refine the focus to scenic character and reviews to and from the Georges River,
- Replacing the considerations to provide clarity in relation to the protection of attributes that positively contributes to the scenic character and amenity of the River, and
- Removing duplication of other LEP clauses such as biodiversity and habitat protection.

To amend the accompanying Foreshore Scenic Protection Area Map to reduce the mapped extent of the FSPA in accordance with the findings of the *Foreshore Study*. The land area affected by the new FSPA Map only is shown in **Figure 13**.

Item 10 – Clause 6.6 Foreshore Scenic Protection Area and Foreshore Scenic Protection Area Map

Reasons

In accordance with the LPP's recommendation, the *Foreshore Study* was prepared by Ethos Urban in 2021 to further investigate the mapped extent and zoning of the FSPA.

As indicated in the *Foreshore Study* the existing provisions of Clause 6.6 are not working as they try to address too many planning considerations – biodiversity, character and scenic protection.

To address this issue the key recommendations of the *Foreshore Study* are:

- Revise the FSPA extent to exclude areas that:
 - Are not visible from the river, and/or
 - Do not contribute to the scenic character of the river,
- Revise the objectives of the FSPA clause to focus on scenic character,
- Introduce a new standalone provision in the LEP to protect and enhance biodiversity as informed by the findings of the Biodiversity Study,
- Introduce a new overlay to identify UCAs that require greater protection,
- Retain the dual occupancy lot size of 1,000sqm and 30% landscaped area in the FSPA and UCA, and
- Council to consider seeking exemption from the *Low Rise Housing Diversity Code* for the above areas.

In light of the *Foreshore Study*'s findings, recommendations for a set of planning controls relating to the FSPA, biodiversity and local character have been developed by Ethos Urban in collaboration with Total Earth Care. The recommendations relating to the FSPA include:

- Reduce the extent of the existing FSPA on the western side of the LGA and insert additional areas on the eastern side.
- Revise the existing FSPA clause in the GRLEP to ensure the focus is directed at protecting the scenic character of the Georges River and the views to and from the River.
- Revise the existing FSPA clause to clearly identify the protection of trees, vegetation and other natural elements that contribute to scenic character while ensuring the built form integrates with the natural environment.
- Introduce provisions within the GRDCP 2021 to further enhance the protection of the foreshore scenic character.
- Retain the existing larger lot size requirements in the proposed FSPA.

The FSPA as recommended by the *Foreshore Study* comprises of character typologies that exhibit scenic character, including:

- River Edge Naturalistic (applies to private land)
- River Edge Semi Naturalistic (applies to private land)
- Public Open Space Naturalistic (applies to public reserves)
- Public Open Space Semi Naturalistic (applies to public reserves)

Item 10 – Clause 6.6 Foreshore Scenic Protection Area and Foreshore Scenic Protection Area Map

Attachment 13 contains the information on the character areas within the proposed FSPA.

The mapped extent of the existing FSPA against the proposed FSPA is provided in **Figure 12** below. For comparison, there are approx. 5,630 R2 zoned lots within the existing FSPA vs approx. 2,556 R2 zoned lots located within the proposed FSPA. This represents a reduction of 55% of the number of low density residential zoned lots with the FSPA affectation.

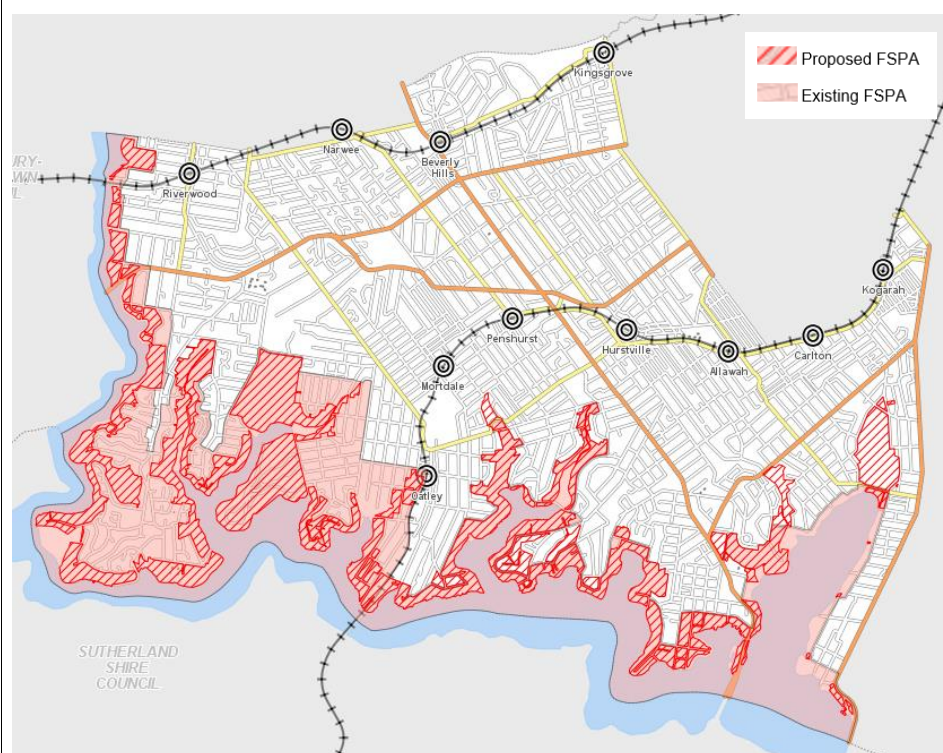


Figure 11 – Comparison of the Existing and Proposed FSPA in GRLEP

Existing Clause 6.6 Foreshore scenic protection area

6.6 Foreshore scenic protection area

(1) The objectives of this clause are—

- (a) to protect, maintain and improve the scenic amenity of the Georges River foreshore,
- (b) to protect, maintain and improve significant views of and from the Georges River,
- (c) to protect, maintain and improve the diversity and condition of native vegetation and habitats,
- (d) to reinforce and improve the dominance of landscape over built form, hard surfaces and cut and fill,

Item 10 – Clause 6.6 Foreshore Scenic Protection Area and Foreshore Scenic Protection Area Map

- (e) *to encourage the recovery of threatened species and their communities, populations and habitats,*
- (f) *to enhance existing environmental, cultural and built character values of the foreshore.*
- (2) *This clause applies to land identified as “Foreshore scenic protection area” on the Foreshore Scenic Protection Area Map.*
- (3) *In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must be satisfied that the development would facilitate the following—*
 - (a) *the protection of the natural environment, including topography, rock formations, canopy vegetation or other significant vegetation,*
 - (b) *the avoidance or minimisation of the disturbance and adverse impacts on remnant vegetation communities, habitat and threatened species and populations,*
 - (c) *the maintenance and enhancement of native vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors,*
 - (d) *the achievement of no net loss of significant vegetation or habitat,*
 - (e) *the avoidance of clearing steep slopes and facilitation of the stability of the land,*
 - (f) *the minimisation of the impact on the views and visual environment, including views to and from the Georges River, foreshore reserves, residential areas and public places,*
 - (g) *the minimisation of the height and bulk of the development by stepping the development to accommodate the fall in the land.*

Proposed Clause 6.6 Foreshore scenic protection area

- 1 *The objectives of this clause are as follows:*
 - a) *to protect and strengthen the scenic character of the Georges River foreshore*
 - b) *to protect significant views from the public and private domain to and from the Georges River.*
- 2) *This clause applies to land identified on the Foreshore Scenic Protection Area Map.*
- 3) *Before determining a development application for development on land to which this clause applies, the consent authority is to be satisfied that the development:*
 - a) *retains and protects trees and vegetation that contribute to scenic character*
 - b) *retains and protects other natural elements, including topography, waterways and rock formations that contribute to scenic character*
 - c) *ensures built form is integrated with the natural landscape and is not visually prominent to the detriment of scenic character*
 - d) *avoids significant adverse impact on views obtained from the public domain*
 - e) *enables reasonable sharing of views from the private domain.*

Land area affected by the amended FSPA provision

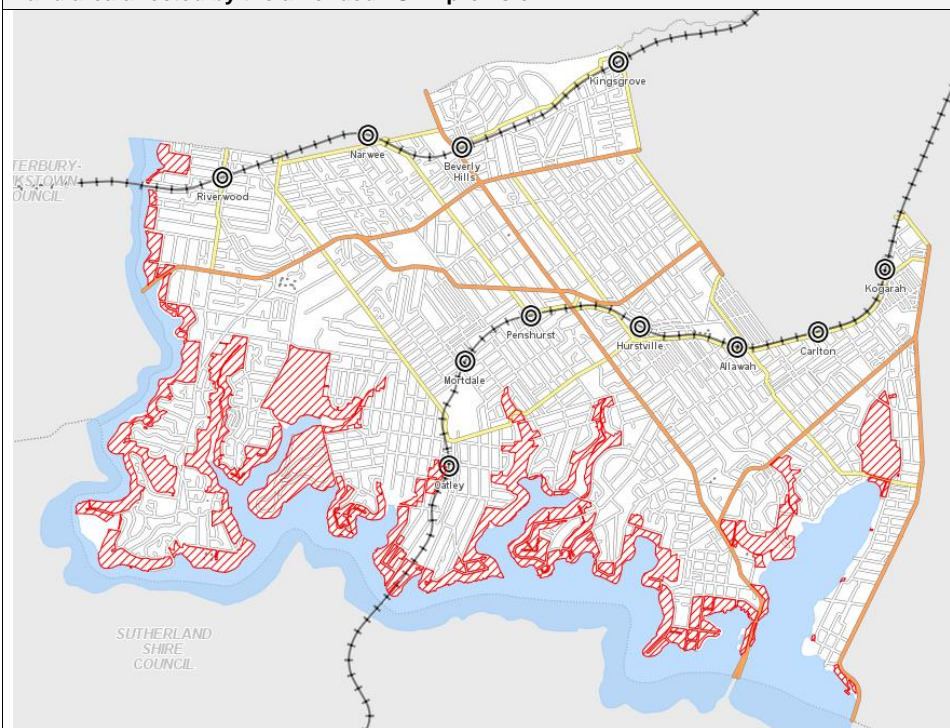


Figure 12 – Mapped Extent of the Proposed FSPA (shown in red hatching)

Item 11 – Amendment to Clause 6.10 Design Excellence

To amend *Clause 6.10 Design Excellence* to consider visual amenity and visual impacts when viewed from the foreshore and waterway of the Georges River and local character.

Reasons:

The objective of this clause is “to deliver the highest standard of sustainable architecture and urban design”. The clause applies to larger scale development in Zone R4 High Density Residential (R4 zone), employment zones (Zones E1, E2, E4 and MU1), as well as most development in the FSPA, including dwelling houses.

Development criteria constitute an extensive list of matters, including a number that reference local character considerations such as “(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved”. By including dwelling houses in the application of the clause, it acknowledges the importance of the FSPA to the overall character of the LGA.

The *Review of Environmental Planning Provisions for Local Character in the Georges River LGA* by Ethos Urban (**Attachment 8**) recommends that *Clause 6.10 Design Excellence* be amended to

Item 11 – Amendment to Clause 6.10 Design Excellence

consider visual amenity and visual impacts when viewed from the foreshore and waterway of the Georges River, as well as local character.

Amendment to Clause 6.10 (5) Design Excellence

- (5) *In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—*
- (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
 - (b) *whether the form and external appearance of the development will improve the quality and amenity of the public domain,*
 - (c) *whether the development detrimentally impacts on view corridors,*
 - (d) *how the development addresses the following matters—*
 - (i) *the suitability of the land for development,*
 - (ii) *existing and proposed uses and use mix,*
 - (iii) *heritage issues and streetscape constraints,*
 - (iv) *the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - (v) *bulk, massing and modulation of buildings,*
 - (vi) *street frontage heights,*
 - (vii) *environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,*
 - (viii) *pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks,*
 - (ix) *the impact on, and proposed improvements to, the public domain,*
 - (x) *achieving appropriate interfaces at ground level between the building and the public domain,*
 - (xi) *excellence and integration of landscape design,*
 - (xii) *the provision of communal spaces and meeting places,*
 - (xiii) *the provision of public art in the public domain,*
 - (xiv) *the provision of on-site integrated waste and recycling infrastructure,*
 - (xv) *the promotion of safety through the application of the principles of crime prevention through environmental design,*
 - (xvi) *the impact on any local character area,*
 - (xvii) *for development within the Foreshore Scenic Protection Area, the impact on visual character and amenity of the foreshore area when viewed from the Georges River or foreshore areas.*

Item 12 – Amendments to Clause 6.12 Landscaped areas in certain residential and conservation zones

To amend *Clause 6.12 Landscaped areas in certain residential and conservation zones* by:

- inserting new objectives to:

Item 12 – Amendments to Clause 6.12 Landscaped areas in certain residential and conservation zones

- Protect, maintain and improve the diversity and condition of native vegetation and habitats across the LGA,
 - Encourage the recovery of threatened species and their communities, populations and habitats across the LGA, and
 - Retain and strengthen the green and leafy character of the LGA, including trees in the private domain that contribute to local character and visual amenity,
- Increasing the minimum landscaped area requirement by 5% for low density land located within the existing FSPA, proposed FSPA and the proposed UCA (Area 7 on the FSR Map, see **Figure 14** below) as follows:
 - Dwelling houses increase from 25% to 30%, and
 - Dual occupancies increase from 30% to 35%, and
- Introducing a minimum 20% landscaped area requirement for multi dwelling housing, terraces and manor houses in response to the NSW Government's *Low and Mid-Rise Housing Reform*.

Reasons

The reasons for this amendment are detailed in **Item 8** above.

Landscaped area for dwelling houses and dual occupancies

In summary, the existing FSPA is valued by the residents for its 'green and leafy' local character; however there is a notable loss of tree canopy and vegetation on sites with new development. As indicated in **Item 8** above, the building footprint of recent development is significantly larger compared to the single storey post-war bungalows that are being replaced. When the overall building footprint is increased, the amount of landscaped area is decreased as the result. The loss of landscaping through new development is perceived by the community as a form of overdevelopment and by extension an increase in development density.

Items 8 & 9 seek to reduce the maximum permissible FSR for R2 Low Density Residential zoned land located within the existing FSPA, proposed FSPA and the proposed UCA from 0.55:1 to 0.5:1 for all development typologies. As a result of the reduction in maximum permissible FSR, the minimum landscaped area within the existing FSPA is able to be increased by 5% as follows shown in red text:

- for a dwelling house located on land within the existing FSPA, proposed FSPA and the proposed UCA (see **Figure 12** below) — ~~25%~~ 30% of the site area
- for a dual occupancy located on land within the existing FSPA, proposed FSPA and the proposed UCA (see **Figure 12** below) — ~~30%~~ 35% of the site area

Testing conducted for potential dwelling house and dual occupancy built form outcomes in **Figures 6 to 8** above shows that the increase of 5% in minimum landscaped area can be accommodated on a typical site. The surplus of landscaped area allows hardscaping and structures (such as courtyards, swimming pools, garden sheds, gazebos) to be provided to support the residential development without affecting the development's ability to comply with the increased landscaped area requirement.

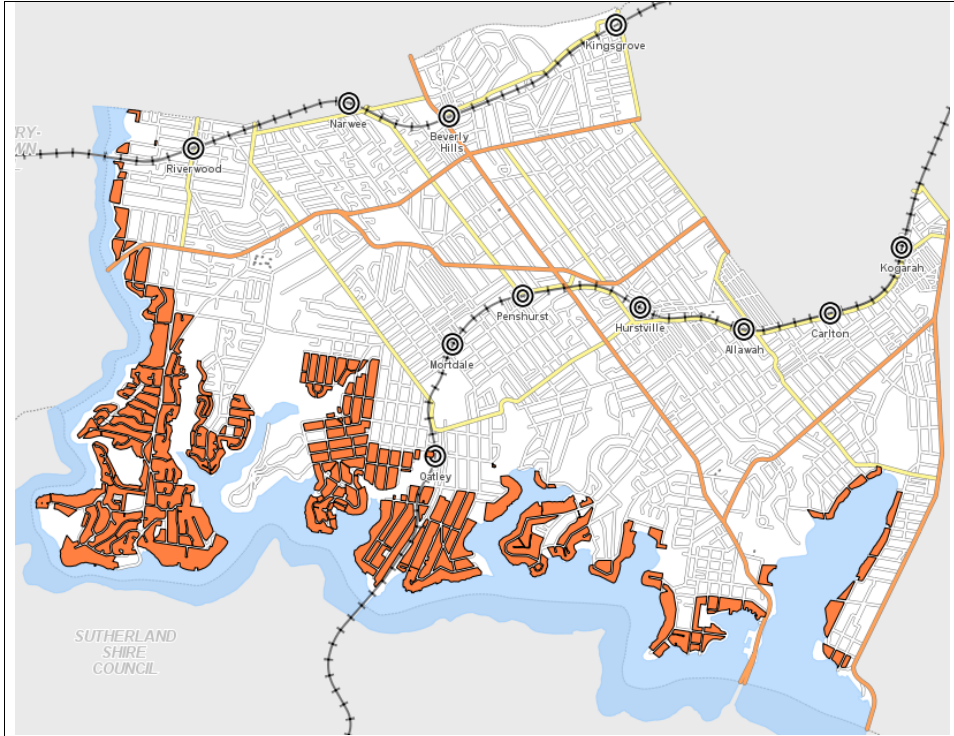


Figure 13 – R2 zoned land affected by the proposed amendment to Clause 6.12

The proposed 35% landscaped area requirement for dual occupancies is less restrictive than the requirements prescribed by Part 3B of the Codes SEPP. Clause 3B.15 of the Codes SEPP specifies that the minimum landscaped area that must be provided is 50% of the parent lot area minus 100sqm. The table below demonstrates a comparison of the proposed LEP control against Clause 3B.15 of the Codes SEPP.

Site Area	GRLEP Landscaped Area	Proposed Landscaped Area	Codes SEPP Landscaped Area
1,000sqm	350sqm	350sqm	400sqm
1,500sqm	525sqm	525sqm	650sqm
2,000sqm	700sqm	700sqm	900sqm

It is evident that the Codes SEPP requires more landscaped area to be provided when compared to the GRLEP. Therefore, it is reasonable to conclude that the proposed 5% increase in landscaped area will not impact the viability of dual occupancies as it remains less stringent than the controls prescribed by the Codes SEPP.

Additionally, as demonstrated by the testing conducted for a hypothetical dual occupancy development on a 1,000sqm lot in **Figure 7** above, a maximum of 596sqm of landscaped area (or 59% of the site area) can be provided by a 2 storey dual occupancy development with each dwelling

Item 12 – Amendments to Clause 6.12 Landscaped areas in certain residential and conservation zones

being serviced by its own driveway in the front setback space. Based on the proposed minimum 35% landscaped area, almost one quarter of the site area (or 24%) remains available to accommodate swimming pools, courtyards and ancillary structures in the backyard. This demonstrates the viability of the proposed landscape area controls and the generous flexibility that is retained to support the modern lifestyles of the LGA's residents.

Landscaped area for multi dwelling housing, terraces and manor houses

Council also resolved at its meeting held 25 March 2024 to introduce a minimum 20% landscaped area requirement for multi dwelling housing, terraces and manor houses in response to the NSW Government's *Low and Mid-Rise Housing Reform*.

In late 2023 the NSW Government released a series of housing reform proposals to dramatically increase the supply of housing to address the existing housing crisis. One of the reforms is the *Low and Mid-Rise Housing Reform* which seeks to permit dual occupancies on reduced lot sizes (450sqm) across the R2 zone, permit manor houses, multi dwelling housing and terraces on R2 zoned land within 800m of a 'station and town centre precinct' and to permit 6 storey residential flat buildings in R3 and R4 zones within 800m of a 'station and town centre precinct'. A 'station and town centre precinct' are areas within 800m of a railway station or within 800m of commercial centres that provide a range of frequently needed goods and services, such as full-line supermarkets.

The GRLEP requires a minimum 20% landscaped area for developments within the R3 zone where manor houses, multi dwelling housing and terraces are currently permitted. However, the GRLEP does not nominate the landscaped area required specifically for these development typologies within the R2 zone. This means if these development types are out carried in a R2 zone then there will be no minimum landscaped area requirement. Therefore, an additional provision is proposed to be introduced in Clause 6.12 to provide for a minimum 20% landscaped area requirement for multi dwelling house, terraces and manor housing in response to the NSW Government's *Low and Mid-Rise Housing Reform*.

Proposed Clause 6.12 Landscaped areas in certain residential and conservation zones

(1) *The objectives of this clause are as follows—*

- (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,*
- (b) *to minimise urban run-off by maximising permeable areas on the sites of development,*
- (c) *to ensure that the visual impact of development is minimised by sufficient and appropriately located landscaping that complements the scale of buildings,*
- (d) *to ensure that the use of surfaces that absorb and retain heat are minimised.*
- (e) *to protect, maintain and improve the diversity and condition of native vegetation and habitats,*
- (f) *to encourage the recovery of threatened species and their communities, populations and habitats, and*

Item 12 – Amendments to Clause 6.12 Landscaped areas in certain residential and conservation zones

- (g) *to retain and strengthen the existing green and leafy local character of residential areas, including trees in the private domain that contribute to local character and visual amenity,*
- (2) *This clause applies to land in the following zones—*
 - (a) *Zone R2 Low Density Residential,*
 - (b) *Zone R3 Medium Density Residential,*
 - (c) *Zone R4 High Density Residential,*
 - (d) *Zone C2 Environmental Conservation.*
- (3) *Despite subclause (2), this clause does not apply to residential apartment development within the meaning of State Environmental Planning Policy (Housing) 2021.*
- (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—*
 - (a) *allows for the establishment of appropriate plantings—*
 - (i) *that are of a scale and density commensurate with the height, bulk and scale of the buildings to which the development relates, and*
 - (ii) *that will maintain and enhance the streetscape and the desired future character of the locality, and*
 - (b) *maintains privacy between dwellings, and*
 - (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, and*
 - (d) *enables the establishment of indigenous vegetation and habitat for native fauna, and*
 - (e) *integrates with the existing vegetation to protect existing trees and natural landscape features such as rock outcrops, remnant bushland, habitats and natural watercourses.*
- (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 that is at least—*
 - (a) *for a dwelling house located on land ~~within Area 1 of the FSR Map outside the Foreshore Scenic Protection Area~~—20% of the site area, or*
 - (b) *for a dwelling house located on land ~~within Area 7 of the FSR Map the Foreshore Scenic Protection Area~~—~~25~~ 30% of the site area, or*
 - (c) *for a dual occupancy located on land ~~within in Area 1 of the FSR Map outside the Foreshore Scenic Protection Area~~—25% of the site area, or*
 - (d) *for a dual occupancy located ~~within Area 7 of the FSR Map the Foreshore Scenic Protection Area~~—~~30~~ 35% of the site area, or*
 - (e) *for development in Zone R3 Medium Density Residential—20% of the site area, or*
 - (f) *for development in Zone R4 High Density Residential—10% of the site area, or*
 - (g) *for development in Zone C2 Environmental Conservation—70% of the site area, or*
 - (h) *for multi dwelling housing, terraces and manor houses in the R2 Low Density Residential Zone – 20% of the site area.*
- (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 (5).*
- (7) *In this clause—*

Item 12 – Amendments to Clause 6.12 Landscaped areas in certain residential and conservation zones

~~Foreshore Scenic Protection Area means land shown on the Foreshore Scenic Protection Area Map.~~

Item 13 – Introduction of Clause 6.19 Terrestrial Biodiversity and associated mapping

To insert a new local provision in Part 6 “Additional Local Provisions” titled *Clause 6.19 Terrestrial Biodiversity* aimed at protecting areas of high biodiversity value. The new provision will be accompanied by the Terrestrial Biodiversity Map (refer to **Figure 15** below).

Reasons

Council's *Georges River 2050 Leading for Change* aspires for “A leafy, green place where biodiversity thrives” and an idealistic vision of 2050 where “Enhanced natural assets are focused on the river and catchments, reduced reliance on natural resources and minimised environmental impact”.

Theme 5: ‘Environment and Open Space’ of Council's Local Strategic Planning Statement (LSPS 2040) describes that the LGA's biodiversity corridors are well connected and our bushland and biodiversity are diverse and healthy. In line with Theme 5, one key action of the LSPS 2040 is developing a biodiversity strategy informed by an up-to-date biodiversity study.

In 2020 Council engaged Total Earth Care to prepare an LGA-wide biodiversity study. A key outcome of the *Biodiversity Study* is the identification, mapping and description of areas considered to be of high biodiversity value. While there is mapping of these areas at the State level, the absence of a corresponding section in the GRLEP dedicated to giving effect to this is considered to represent a significant risk to the protection and strengthening of these areas. The new terrestrial biodiversity planning provision and mapping overlay in the LEP will preserve and protect areas of moderate and high local biodiversity values. The mapping overlay also includes a 40m buffer. The purpose of this buffer is to prevent degradation of areas of high terrestrial biodiversity value through management of edge effects, including weed invasion and spread; as well as to encourage strengthening of areas of high terrestrial biodiversity value through supplementary landscaping.

The proposed Terrestrial Biodiversity local provision is recommended by the *Review of Environmental Planning Provisions for Biodiversity in Georges River Local Government Area* (refer **Attachment 7**).

The introduction of this local provision has implications for complying development as this approval pathway will no longer be available. Approval for development on land affected by the Terrestrial Biodiversity mapping will need to be sought via the development application pathway. Additionally, where a property is affected by mapping, consideration of a number of performance-based matters as part of the DA process is triggered. These matters are aimed at protecting and enhancing biodiversity values and will require the development to demonstrate alignment with the “avoid, minimise or mitigate” approach to environmental impact.

Item 13 – Introduction of Clause 6.19 Terrestrial Biodiversity and associated mapping

The drafting of this local provision is based on the drafting of numerous other Sydney Metropolitan councils including but not limited to *Bayside LEP 2021*, *Sutherland LEP 2015*, *Ku-ring-gai LEP 2015* and *Pittwater LEP 2014*.

Inclusion of buffer area in the LEP

The proposed terrestrial biodiversity mapping in the LEP has been developed by ecologists from Total Earth Care with the methodology outlined in **Attachment 15**.

It should be noted that the proposed terrestrial biodiversity mapping within the Planning Proposal is version no.2 (V2) and differentiates from the first version through the extraction of buffer areas as a separate layer instead of being integrated within the terrestrial biodiversity layer. The demotion of certain land from the terrestrial biodiversity layer will reduce the need for a Flora and Fauna Impact Assessment to be prepared as part of a development application, thereby reducing the cost to applicants and additional processes during assessment.

Benchmarking of the proposed terrestrial biodiversity provisions and overlay was completed against the existing LEP and DCP controls of the surrounding council areas of Bayside, Canterbury-Bankstown and Sutherland. It is acknowledged that the adjoining LGAs do not adopt a buffer area as part of the LEP terrestrial biodiversity mapping but some do reference buffer areas within their DCPs. For example, Chapter 39 of the Sutherland DCP contains the following biodiversity buffer distances:

- Coastal Saltmarsh and Sydney Freshwater Wetlands (EECs) - 50m buffer
- Mangrove wetlands - 40m buffer
- Threatened species - 40m buffer

However, it is unclear whether the adjoining LGAs have undertaken a similar approach to the subject Planning Proposal by removing buffer areas from the core terrestrial biodiversity overlay in their LEPs as these maps have not been updated in recent years. The Bayside LEP 2021 terrestrial biodiversity layer is a direct translation from the Rockdale LEP 2011 and the Canterbury-Bankstown LEP 2023 terrestrial biodiversity layer is a translation (with minor additions) from the Bankstown LEP 2015 but these additions have not been adequately justified by their [planning proposal report](#).

Therefore, Council's proposed approach of introducing a buffer area to support the core terrestrial biodiversity layer within the LEP is the preferred approach to ensure the level of protection for moderate to high local terrestrial biodiversity is fit-for-purpose and provides a balanced outcome between promoting development and environmental conservation.

Nomination of 40m buffer area

A standardised buffer area of 40m is proposed to be applied to the entirety of the core terrestrial biodiversity layer. Prior to this, 50m and 100m buffer areas were investigated to maximise the protection provided to the LGA's biodiversity. Ultimately, the aim of increasing the integrity of the biodiversity within the core terrestrial biodiversity layer was balanced with the need to provide

Item 13 – Introduction of Clause 6.19 Terrestrial Biodiversity and associated mapping

flexible development consent pathways. It was determined that the buffer area of 40m is sufficient to protect the core terrestrial biodiversity areas from various edge effects including weed invasion (via wind and water) and the encroachment of garden escapes, micro-climate changes, pollution (i.e. stormwater runoff) and light spill. Development applications within the buffer area are not required to be accompanied by a Flora and Fauna Impact Assessment.

Proposed Terrestrial Biodiversity clause to be inserted into Part 6 of GRLEP**Clause 6.19 Terrestrial Biodiversity**

- 1) *The objective of this clause is to protect and enhance terrestrial biodiversity by:*
 - a) *protecting native plants and animals, and*
 - b) *protecting the ecological processes necessary for their continued existence, and*
 - c) *encouraging the recovery of native plants and animals.*
- 2) *This clause applies to land identified as “Terrestrial Biodiversity” and “40m Buffer” on the Terrestrial Biodiversity Map.*
- 3) *In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the impact of the development on:*
 - i) *the condition, ecological value and significance of native plants and animals on the land, and*
 - ii) *the importance of the vegetation on the land to the habitat and survival of native animals, and*
 - iii) *the potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
 - iv) *habitat elements providing connectivity on the land, and*
 - v) *any opportunity to restore native vegetation*
- 4) *Development consent must not be granted for development on land identified as “Terrestrial Biodiversity” to which this clause applies unless the consent authority is satisfied that—*
 - a) *the development is sited, designed and will be managed to avoid any significant adverse environmental impact, or*
 - b) *if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is sited, designed and will be managed to minimise that impact, or*
 - c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Proposed Terrestrial Biodiversity Map

See map on following page.

Item 13 – Introduction of Clause 6.19 Terrestrial Biodiversity and associated mapping

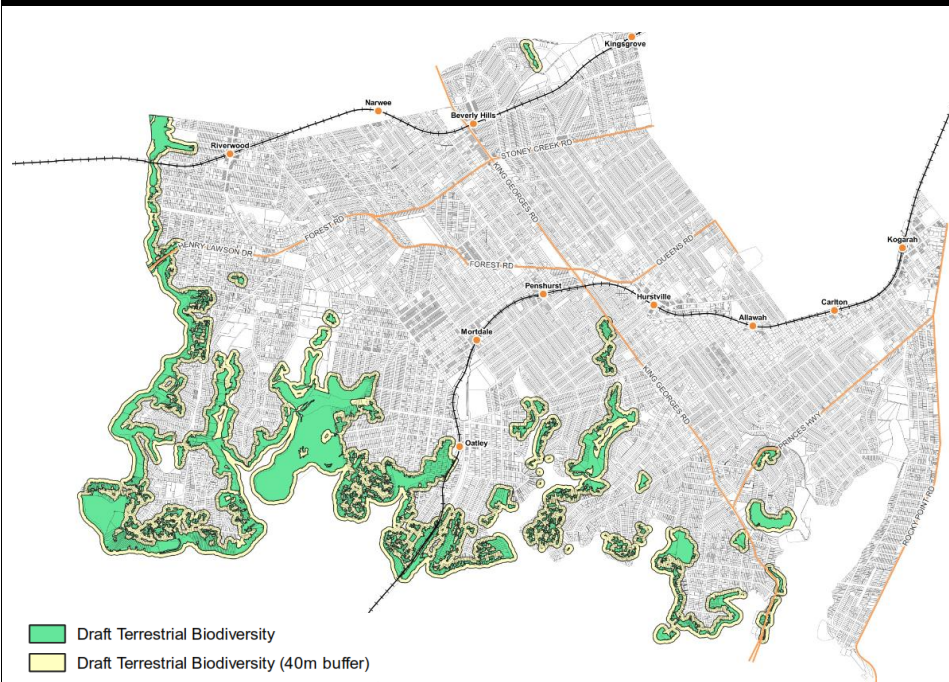


Figure 14 - Map of Proposed Terrestrial Biodiversity clause applies to both the buffer and the Terrestrial Biodiversity layer)

Item 14 – Introduction of Clause 6.20 Unique Character Area and associated mapping

To insert a new local provision in Part 6 “Additional Local Provisions” titled *Clause 6.20 Unique Character Area* to provide statutory protection to the proposed UCA. The new local provision will be accompanied by the Unique Character Area Map (refer to **Figure 16**).

Reasons:

In November 2021, the then DPIE proposed to introduce a new local character planning provision and mapping overlay to provide statutory protection to special character areas via councils’ LEPs.

However in September 2022, Council was advised that the then DPE was no longer proceeding with the proposed local character overlays in LEPs and advised councils to continue to provide guidance on local character through their local strategic planning statements (LSPSs) and DCPs.

Accordingly, community consultation was carried out with the proposal to identify the following UCAs in the GRDCP 2021, comprising of land located within the following character typologies:

- River Edge Naturalistic (applies to private land)
- River Edge Semi Naturalistic (applies to private land)

Item 14 – Introduction of Clause 6.20 Unique Character Area and associated mapping

- Rivers Edge Contemporary (applies to private land)
- Garden Suburban Naturalistic (applies to private land)
- Bush Suburban (applies to private land)
- Public Open Space Naturalistic (applies to public reserves)
- Public Open Space Semi Naturalistic (applies to public reserves)

It should be noted that the UCAs includes areas located within the proposed FSPA due to the homogenous local character within these localities:

- River Edge Naturalistic (applies to private land)
- River Edge Semi Naturalistic (applies to private land)
- Public Open Space Naturalistic (applies to public reserves)
- Public Open Space Semi Naturalistic (applies to public reserves)

In response to community requests for stronger protection of the existing 'green and leafy' character of the above low density residential areas, an amendment is proposed to insert the UCA as an overlay and local provision within the GRLEP to strengthen the protection afforded to these localities (see **Figure 16** below).

The *Foreshore Study* found that scenic character is not the only character worthy of additional protection. Some areas have strong naturalistic qualities, created by the presence of canopy trees and planting in the private domain, even though these areas cannot be seen from the Georges River. If not well managed, new developments can threaten the green and vegetated qualities of these areas. Local character is currently references in a number of different parts of the GRLEP but there is no single consolidated clause addressing the matter.

Accordingly, draft character planning controls have been recommended by the *Review of Environmental Planning Provisions for Local Character in Georges River Local Government Area* (refer **Attachment 8**) to better protect local character:

- Introduce UCA overlay to ensure locations with strong naturalistic qualities are protected and enhanced through new developments, including areas that are not visible from the Georges River.
- Some of the UCA will replace the existing FSPA in the western portion of the LGA while the UCA will be applied to land not located within the existing FSPA in the eastern portion.
- Introduce detailed character statements and tailored provisions to ensure new developments will have the desired characteristics of the respective UCA.
- Land located within the UCA will have the same larger minimum lot size requirement as the FSPA under the GRLEP to assist with maintaining the naturalistic qualities created by the presence of extensive landscaping – 700sqm for the creation of new lots and 1,000sqm for dual occupancies.

Additional guidance for the UCA, including desired future character statements and specific typology-based design controls will continue to be inserted into the GRDCP. **Attachment 14** contains the character statements for each of the UCA.

Item 14 – Introduction of Clause 6.20 Unique Character Area and associated mapping

Development applications affected by this local provision will need to consider and demonstrate consistency with the desired future character of the applicable UCA.

The proposed UCA includes a total of 5,325 R2 zoned lots, including 2,556 lots being located within the proposed FSPA mapped extent and 2,769 lots being located within the proposed UCA only.

The drafting of this local provision is based on the draft model clause for the *Standard Instrument LEP* prepared by the then DPIE in 2021 but references to the published Local Character Areas Statement have been removed.

Proposed Unique Character clause to be inserted into Part 6 of GRLEP

Clause 6.20 Unique Character Area

- 1) *The objectives of this clause are as follows—*
 - a) *to identify local character areas,*
 - b) *to promote the desired future character of unique character areas.*
- 2) *Development consent must not be granted to development on land in a unique character area unless the consent authority has taken into account the desired future character for the land.*
- 4) *In this clause —*
unique character area means land identified as “unique character area” on the Unique Character Area Map.

Proposed Unique Character Area Map

See map on following page.

Item 14 – Introduction of Clause 6.20 Unique Character Area and associated mapping

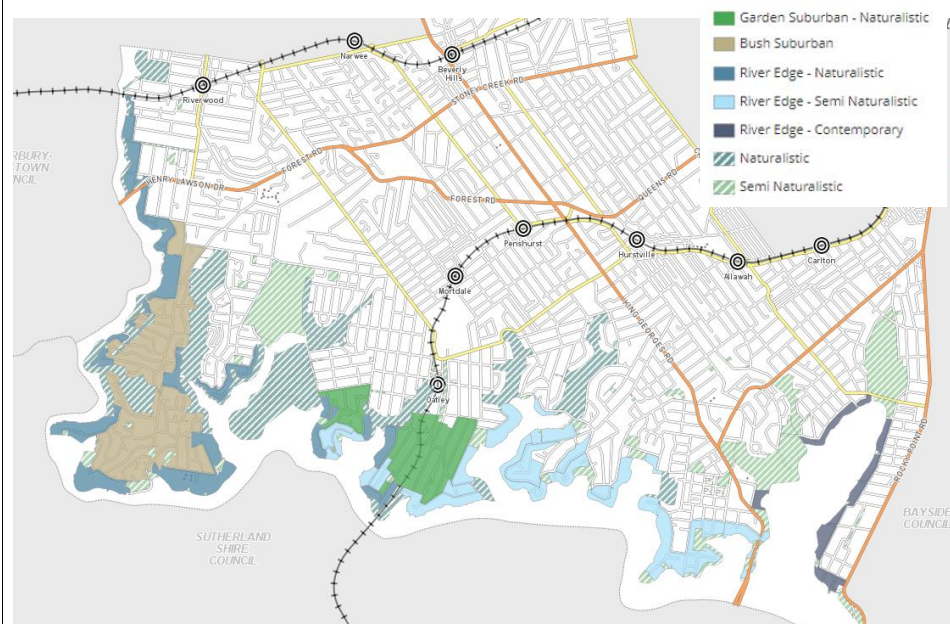


Figure 15 - Map of Proposed UCAs

Item 15 - Exclusion from Complying Development under the Low Rise Housing Diversity Code (Part 3B of the Exempt and Complying Development Codes SEPP)

Council resolved at its meeting held 25 March 2024 to request the DPHI to exclude the application of the *Low Rise Housing Diversity Code* from the proposed FSPA and proposed UCA to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the DA process.

The area that Council is seeking exclusion from the Code is shown in **Figure 17** below, and comprises the following character typologies:

- River Edge Naturalistic (applies to private land)
- River Edge Semi Naturalistic (applies to private land)
- Rivers Edge Contemporary (applies to private land)
- Garden Suburban Naturalistic (applies to private land)
- Bush Suburban (applies to private land)
- Public Open Space Naturalistic (applies to public reserves)
- Public Open Space Semi Naturalistic (applies to public reserves)

Item 15 - Exclusion from Complying Development under the Low Rise Housing Diversity Code (Part 3B of the Exempt and Complying Development Codes SEPP)

Reasons

The NSW Government Housing Reforms propose a minimum lot width of 12m and minimum site area of 450sqm for dual occupancy developments in Greater Sydney. Council's GRLEP requires a minimum of 15m lot width and minimum site area of 650sqm and 1,000sqm outside and within the FSPA respectively.

Dual occupancies are currently permitted in the R2 zone of the GRLEP. Concern is raised in relation to the loss of the existing low density character by proliferating dual occupancy developments across the whole LGA. The issue stems from the reduction in minimum site area and frontage under the Housing Reforms will result in more allotments in the R2, R3 and R4 zones being permitted for dual occupancy development - with the most significant impact being within the R2 zone.

Council requires a minimum 300sqm per allotment for dual occupancies created outside the FSPA and a minimum 430sqm within the FSPA. The Reforms propose only a 225sqm per allotment created which will have an adverse impact within all the residential zones under the GRLEP - loss of trees, biodiversity and character; increase in traffic and off-street parking.

Furthermore, the work that has been undertaken to date by Council through the *Biodiversity Study* and *Foreshore Study* will be overridden by the Reforms if implemented. Council has worked extensively with the community since 2020 to ensure new development is balanced by adequate protection of the natural environment. The *Biodiversity Study* found areas of known threatened species, Threatened Ecological Communities (TECs) and native vegetation that provide habitats for native fauna across the LGA, and recommends the introduction of a terrestrial biodiversity overlay into the GRLEP to ensure existing biodiversity is protected during the development process.

At the same time, the *Foreshore Study* surveyed every street across the lower half of the LGA, including all areas within the existing FSPA and beyond, to determine the prevailing character typologies. Numerous areas within the LGA have been identified as character typologies that are significant on a regional level. These existing low density areas have a significant level of vegetation and tree canopy cover enabled by their generous allotment sizes. These areas contribute substantially to the wider urban canopy cover of the LGA and the retention of canopy trees within these areas is crucial to achieving the 40% canopy target for the LGA. The *Foreshore Study* identifies that increases to housing density in these areas will severely compromise the existing green and vegetated character of these neighbourhoods.

Therefore, Council resolved at its meeting held 25 March 2024 to request the DPHI to exclude the application of the *Low Rise Housing Diversity Code* from the proposed FSPA and proposed UCA to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the DA process.

Within the proposed FSPA and UCA, there are approx. 2,650 lots that will be eligible for complying development. This excludes any lots affected by restrictions under Clause 1.17A, 1.18, 1.19 and 1.19A of the Codes SEPP, such as bush fire prone land, land subject to coastal hazards, land with the presence of terrestrial biodiversity, heritage items, etc. It should be noted that this PP does not

seek to 'turn off' complying development completely within the proposed FSPA and UCA, rather the effect is targeted at development under the *Low Rise Housing Diversity Code* only, especially dual occupancy developments via the complying development pathway. Noting that a minimum site area of 1,000sqm and lot with of 15m is required to carry out dual occupancies via the complying development pathway, there are approx. 70 sites that meet these requirements.

Map of areas where Council is seeking an exclusion from Complying Development



5. Justification of Strategic and Site-Specific Merit

Strategic Merit

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 Planning Proposal is the result of the findings and recommendations of the Foreshore Study and Biodiversity Study.</p> <p>The draft planning controls have been developed by Ethos Urban with input from Total Earth Care for the purpose of implementing the findings and recommendations of the <i>Biodiversity Study</i> and <i>Foreshore Study</i>; and have been prepared to respond to the need for balance between enabling development and protecting the environment.</p> <p>In developing the planning controls, the following factors were considered:</p> <ul style="list-style-type: none">• Georges River Council is one of the few councils in Sydney without a dedicated biodiversity control in its LEP to protect local biodiversity when new development occurs.• The existing FSPA currently covers a large portion of inland area and many properties within the FSPA cannot be seen from the Georges River or have views of the River but are still required to comply with the FSPA control of respecting and enhancing the scenic qualities of the River.• The Studies found that scenic character is not the only character worthy of additional protection. Some areas have strong naturalistic qualities, created by the presence of canopy trees and planting in the private domain, even though these areas cannot be seen from the River. If not well managed, new developments can threaten the green and vegetated qualities of these areas.• Changes to existing planning controls are needed to address the issues of lack of clarity, overdevelopment and overprotection. <p>The proposed changes to the planning controls focus on creating the most appropriate controls for the three values of biodiversity, unique local character and foreshore scenic character.</p>

Question	Considerations
	<p>The PP is also the result of a request from the then DPIE. On 23 June 2021, a letter of approval was issued by the then DPIE for the Local Housing Strategy (refer Attachment 1). The approval is subject to Council addressing a set of requirements. Specifically, requirement Condition No. 15 requires Council to submit a PP in 2022 to the then DPE which will amend the GRLEP in accordance with the recommendations of the <i>Foreshore Study</i>:</p> <p><i>Subject to completing appropriate studies, including the Biodiversity Study, Council is to bring forward a Planning Proposal in 2022 to implement Council's Foreshore Scenic Character Review. The Planning Proposal is to be supported by further evidence, including data on the number of affected lots and potential yield, to assess the potential benefits and of the proposed amendments to minimum subdivision lot sizes and changes to the Foreshore Protection Area.</i></p> <p>The PP is also the result of a recommendation from the LPP dated 25 and 26 June 2020 in its consideration of the GRLEP. The LPP recommended:</p> <p><i>that Council as part of the preparation of the draft Local Environmental Plan in 2021/2022, further define the role, mapped extent and zoning of the FSPA, in both the former Hurstville and Kogarah Local Government Areas, having regard to those properties and ridge lines visible to and from the Georges River and its tributaries, and associated environmental protection applying to those areas in order to better reflect the objectives of Clause 6.7 of the Georges River Local Environmental Plan 2020. This may include the consideration of additional environmental protection zones or modifications of the FSPA.</i></p>
<p>2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</p>	<p>Yes, the PP is the best and only means of addressing the recommendations of the <i>Biodiversity Study</i> and <i>Foreshore Study</i>.</p> <p>The PP will be supported by amendments to the Georges River DCP 2021.</p>

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"> <p><i>Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced.</i> The PP gives effect to this objective by seeking to amend the GRLEP to include a provision in Part 6 Additional Local Provisions titled <i>Clause 6.19 Terrestrial Biodiversity</i> aimed at protecting areas of high biodiversity value. The provision will be accompanied by a Terrestrial Biodiversity Map.</p> <p>The local provision and map are the result of the <i>Biodiversity Study</i> and the further work by Ethos in the <i>Review of Environmental Planning Provisions for Biodiversity in Georges River LGA (Attachment 7)</i>. The <i>Biodiversity Study</i> recorded 8 threatened fauna species, one threatened flora species and one threatened flora population.</p> <p><i>Objective 28: Scenic and cultural landscapes are protected.</i> The PP gives effect to this objective by seeking to:</p> <ul style="list-style-type: none"> update <i>Clause 6.6 Foreshore scenic protection area</i> and the Foreshore Scenic Protection Area Map of the GRLEP to ensure that the role of the FSPA focuses on foreshore scenic character. introduce a new local character planning provision and mapping overlay in the LEP to provide statutory protection to the proposed UCAs. <p><i>Objective 30: Urban tree canopy cover is increased.</i> The PP gives effect by seeking to amend <i>Clause 6.12 Landscaped areas in certain residential and conservation zones</i> of the GRLEP by:</p> <ul style="list-style-type: none"> Inserting new objectives to: <ul style="list-style-type: none"> Protect, maintain and improve the diversity and condition of native vegetation and habitats across the LGA, Encourage the recovery of threatened species and their communities, populations and habitats across the LGA, and Retain and strengthen the green and leafy character of the LGA, including trees in the private domain that contribute to local character and visual amenity,

Question	Considerations
	<ul style="list-style-type: none"> ○ Increasing the minimum landscaped area requirement for dwelling houses and dual occupancies by 5% to 30% and 35% respectively for low density land located within the existing FSPA, proposed FSPA and the proposed UCA, and ○ Introducing a minimum 20% landscaped area requirement for multi dwelling housing, terraces and manor houses in response to the NSW Government's Low and Mid-Rise Housing Reform. <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 S14 - Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes and better managing rural areas.</i> The PP gives effect by introducing a new terrestrial biodiversity planning provision and mapping overlay in the LEP to preserve and protect areas of moderate and high biodiversity values. • <i>Planning Priority S15 - Increasing urban tree canopy cover and delivering Green Grid connections.</i> The PP gives effect by amending Clause 6.12 Landscaped areas in certain residential and conservation zones to increase the minimum landscaped area requirement within the existing FSPA, the proposed FSPA, and UCAs, as well as requiring a minimum landscaped area for manor houses, terraces and multi dwelling housing in the R2 zones in response to the NSW Government's Low and Mid-rise Housing proposal. This will ensure that private land provides new vegetation and retains and strengthens the green and leafy character of the LGA, including trees in the private domain that contribute to local character and visual amenity.
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>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>Planning Priority 5 – The community is involved in planning our future:</i> The existing FSPA is valued by the residents for its 'green and leafy' local character. Council has worked with the community to develop the controls through the preparation of the Biodiversity and Foreshore Studies, community webinars and workshops and the pre-exhibition community consultation that

Question	Considerations
	<p>went for 26 weeks. This work with the community culminated in the report to Council's Environment and Planning Committee on 11 March 2024 (Attachment 9) which was adopted by Council on 25 March 2024 (Attachment 10).</p> <ul style="list-style-type: none"> • <i>Planning Priority 7. Residential suburbs will be protected and retained unless identified as areas of change or investigation A42. Identify the key characteristics of each suburb to be protected and/or retained and incorporate into Council's DCP 2020.</i> The PP gives effect to this planning priority and action by proposing a new local character planning provision and mapping overlay to provide statutory protection to the special character areas identified in the work by Ethos Urban. • <i>Planning Priority 10. 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 conservation zones</i> to ensure that all low density development (including areas removed from the existing FSPA) will be given the opportunity to increase the presence of biodiversity through the protection of existing vegetation and the provision of new planting. • <i>Planning Priority 16. Our waterways are healthy and publicly accessible: A83. Review development controls in the foreshore area to protect the Georges River from inappropriate development in Council's LEP 2020 and DCP 2020. A84. Expand the Foreshore Scenic Protection Area across the LGA through Council's LEP 2020:</i> The PP gives effect to this planning priority by amending the existing FSPA planning provision and mapped extent in the LEP to ensure the role of the FSPA focuses on foreshore scenic character. • <i>Planning Priority 17. Tree canopy, bushland, landscaped settings and biodiversity are protected, enhanced and promoted.</i> The PP is consistent with this priority by amending the current <i>Clause 6.12 Landscaped areas in certain residential and conservation zones</i> to ensure that all low density development (including areas removed from the existing FSPA) will be given the opportunity to increase the presence of biodiversity through the protection of existing vegetation and the provision of new planting.

Question	Considerations						
	<p>The PP gives effect to this priority by introducing a new terrestrial biodiversity planning provision and mapping overlay in the LEP to preserve and protect areas of moderate and high biodiversity values.</p> <ul style="list-style-type: none"> • <i>Planning Priority 19. Everyone has access to quality, clean, useable, passive and active open and green spaces and recreation places.</i> The PP gives effect by amending <i>Clause 6.12 Landscaped areas in certain residential and conservation zones</i> to increase the minimum landscaped area requirement within the existing FSPA, proposed FSPA and UCAs, as well as requiring a minimum landscaped area for manor houses, terraces, and multi dwelling housing in the R2 zones which will ensure that private land provides new vegetation and retains and strengthens the green and leafy character of the LGA, including trees in the private domain that contribute to local character and visual amenity. 						
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="414 1229 692 1258">SEPP</th><th data-bbox="692 1229 1059 1258">Comment on consistency</th></tr> </thead> <tbody> <tr> <td data-bbox="414 1258 692 1588"><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></td><td data-bbox="692 1258 1059 1588">The PP is not inconsistent with the SEPP. The PP seeks to introduce a new terrestrial biodiversity planning provision and mapping overlay in the LEP to preserve and protect areas of moderate and high local biodiversity values. The proposed controls do not conflict or seek to compete with the provisions of this SEPP.</td></tr> <tr> <td data-bbox="414 1588 692 1805"><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></td><td data-bbox="692 1588 1059 1805">The PP is not inconsistent with the SEPP. Council is however requesting the DPHI as part of this PP to exclude the application of the <i>Low-Rise Housing Diversity Code</i> from the proposed FSPA and proposed UCA to ensure dual</td></tr> </tbody> </table>	SEPP	Comment on consistency	<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	The PP is not inconsistent with the SEPP. The PP seeks to introduce a new terrestrial biodiversity planning provision and mapping overlay in the LEP to preserve and protect areas of moderate and high local biodiversity values. The proposed controls do not conflict or seek to compete with the provisions of this SEPP.	<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>	The PP is not inconsistent with the SEPP. Council is however requesting the DPHI as part of this PP to exclude the application of the <i>Low-Rise Housing Diversity Code</i> from the proposed FSPA and proposed UCA to ensure dual
SEPP	Comment on consistency						
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	The PP is not inconsistent with the SEPP. The PP seeks to introduce a new terrestrial biodiversity planning provision and mapping overlay in the LEP to preserve and protect areas of moderate and high local biodiversity values. The proposed controls do not conflict or seek to compete with the provisions of this SEPP.						
<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>	The PP is not inconsistent with the SEPP. Council is however requesting the DPHI as part of this PP to exclude the application of the <i>Low-Rise Housing Diversity Code</i> from the proposed FSPA and proposed UCA to ensure dual						

Question	Considerations
	occupancies, manor houses, multi dwelling housing and terraces are only permitted through the Development Application process. Refer to Item 15 for additional information.
<i>State Environmental Planning Policy (Housing) 2021</i>	The PP is not inconsistent with the SEPP as a range and density of residential accommodation is still permitted in the land covered by the PP.
<i>State Environmental Planning Policy (Industry and Employment) 2021</i>	The SEPP does not affect employment and industrial lands.
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	The PP is not inconsistent with the SEPP as it does not affect state infrastructure.
<i>State Environmental Planning Policy (Precincts—Central River 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>	The PP is not inconsistent with the SEPP as the PP does not impact on primary production.
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	The PP does not amend the coastal provisions contained in the SEPP; therefore the PP is consistent with the SEPP.
<i>State Environmental Planning Policy (Resources and Energy) 2021</i>	The PP is not inconsistent with the SEPP. The PP does not contain any planning provisions relating to development of mineral, petroleum and extractive material resources, etc.
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	The PP is not inconsistent with the SEPP. The PP does propose two additional provisions in whether or not a development exhibits design

Question	Considerations																					
		excellence – impact of local character and impact of visual character and amenity of the foreshore area.																				
	<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	The PP is not inconsistent with the SEPP as the PP does not impact on the effective delivery of infrastructure across the State.																				
7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority	The PP is consistent with the applicable Ministerial Directions as follows: <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">• <i>A Metropolis of Three Cities – Greater Sydney Region Plan</i> – see previous discussion on Question 3.• <i>South District Plan</i> – 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 not seek to add an Additional Permitted Use .</td></tr><tr><td>1.4A Exclusions of Development Standards from Variation</td><td>Consistent - This PP does not propose to introduce or alter an existing exclusion to Clause 4.6 of a Standard Instrument LEP or an equivalent provision of any other environmental planning instrument.</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>This Direction does not apply to the LGA.</td></tr><tr><td>1.6 Implementation of North West Priority Growth Area Land Use and</td><td>This Direction does not apply to the LGA.</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">• <i>A Metropolis of Three Cities – Greater Sydney Region Plan</i> – see previous discussion on Question 3.• <i>South District Plan</i> – 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 not seek to add an Additional Permitted Use .	1.4A Exclusions of Development Standards from Variation	Consistent - This PP does not propose to introduce or alter an existing exclusion to Clause 4.6 of a Standard Instrument LEP or an equivalent provision of any other environmental planning instrument.	1 Planning Systems – Place-based		1.5 Parramatta Road Corridor Urban Transformation Strategy	This Direction does not apply to the LGA.	1.6 Implementation of North West Priority Growth Area Land Use and	This Direction does not apply to the LGA.
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Question		Considerations
	Infrastructure Implementation Plan	
	1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	This Direction does not apply to the LGA.
	1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	This Direction does not apply to the LGA.
	1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	This Direction does not apply to the LGA.
	1.10 Implementation of the Western Sydney Aerotropolis Plan	This Direction does not apply to the LGA.
	1.11 Implementation of Bayside West Precincts 2036 Plan	This Direction does not apply to the LGA.
	1.12 Implementation of Planning Principles for the Cooks Cove Precinct	This Direction does not apply to the LGA.
	1.13 Implementation of St Leonards and Crows Nest 2036 Plan	This Direction does not apply to the LGA.
	1.14 Implementation of Greater Macarthur 2040	This Direction does not apply to the LGA.
	1.15 Implementation of the Pyrmont Peninsula Place Strategy	This Direction does not apply to the LGA.
	1.16 North West Rail Link Corridor Strategy	This Direction does not apply to the LGA.
	1.17 Implementation of the Bays West Place Strategy	This Direction does not apply to the LGA.
	1.18 Implementation of the Macquarie Park Innovation Precinct	This Direction does not apply to the LGA.

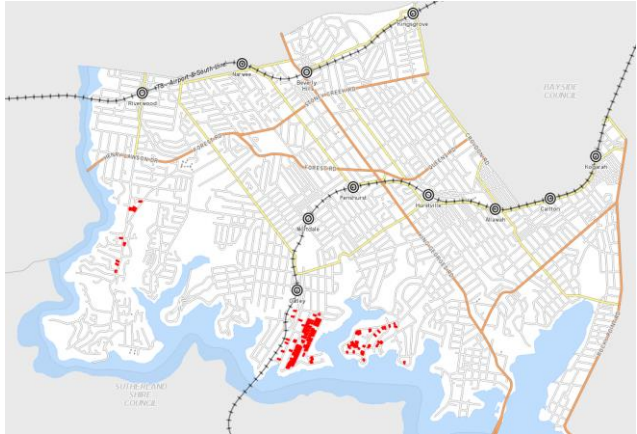
Question		Considerations
	1.19 Implementation of the Westmead Place Strategy	This Direction does not apply to the LGA.
	1.20 Implementation of the Camellia-Rosehill Place Strategy	This Direction does not apply to the LGA.
	1.21 Implementation of the South West Growth Area Structure Plan	This Direction does not apply to the LGA.
	1.22 Implementation of the Cherrybrook Station Place Strategy	This Direction does not apply to the LGA.
	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. The PP does introduce a new terrestrial biodiversity planning provision and mapping overlay in the LEP to preserve and protect areas of moderate and high biodiversity values.
	3.2 Heritage Conservation	Consistent – The PP does not seek to amend the heritage conservation provisions.
	3.3 Sydney Drinking Water Catchments	N/A – 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	This Direction does not apply to the LGA.
	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	Consistent – The PP seeks to protect biodiversity by a new biodiversity provisions and map.

Question		Considerations
	3.7 Public Bushland	Consistent – The PP does not propose any changes to existing controls protecting bushland in urban areas. The PP does introduce a new terrestrial biodiversity planning provision and mapping overlay in the LEP to preserve and protect areas of moderate and high biodiversity values which includes bushland areas.
	3.8 Willandra Lakes Region	This Direction does not apply to the LGA.
	3.9 Sydney Harbour Foreshores and Waterways Area	N/A – 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 does not propose any changes to controls relating to flooding.
	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:

Question		Considerations
		(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 does not propose to make any changes to land reservations.
	5.3 Development Near Regulated Airports and Defence Airfields	N/A – The PP does not create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence field.
	5.4 Shooting Ranges	N/A – 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.
	5.5 High Pressure Dangerous Goods Pipelines	N/A – The PP does not propose to make any changes to land within the applicable area of the high pressure gas pipeline. The pipeline in question is located along the T8 railway line at the northern boundary of the LGA.
	6 Housing	
	6.1 Residential Zones	<p>The PP does not alter permissible uses on residential land but is inconsistent with Objective 2(b) of this Direction as it will reduce the permissible residential density of 162 properties by increasing the minimum lot size required for a dual occupancy development from 650sqm to 1,000sqm. Additionally, the PP does seek to minimise the impact of residential development on the environment by reducing the permissible FSR by 0.05 and increasing the required landscaped area by 5%.</p> <p>This inconsistency is justified as the PP has been prepared to implement the Biodiversity Study and Foreshore Study in accordance with the LHS</p>

Question		Considerations
		<p>Approval Conditions. The Biodiversity Study has identified areas of moderate to high value terrestrial biodiversity while the Foreshore Study has identified a green and vegetated local character in the same areas. The proposed increase in dual occupancy lot size requirement will ensure sufficient site area is provided by developments to enable an orderly development while protecting the LGA's terrestrial biodiversity.</p> <p>Despite the loss of 162 dwelling capacity, this PP is being progressed concurrently with the Additional and Diverse Housing Planning Proposal which creates capacity for an additional 8,130 dwellings. This means the two PPs will generate a net increase of 7,968 additional dwellings.</p> <p>Furthermore, the reduction of permissible FSR from 0.55 to 0.5:1 is considered of minor significance as it is only a reduction of 10%. This reduction sees the residential density of the foreshore localities being brought in line with neighbouring LGAs of Bayside, Canterbury-Bankstown and Sutherland.</p>
	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 Employment Zones	Consistent – The PP does not propose to make any changes to business and industrial zones.
	7.2 Reduction in non-hosted short-term rental accommodation period	N/A – 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	This Direction does not apply to the LGA.

Question	Considerations										
	<p>8 Resources and Energy</p> <table border="1"> <tr> <td data-bbox="421 499 660 891">8.1 Mining, Petroleum Production and Extractive Industries</td><td data-bbox="660 499 1058 891"> <p>N/A – The PP does not have the effect of:</p> <p>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</p> <p>(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.</p> </td></tr> </table> <p>9 Primary Production</p> <table border="1"> <tr> <td data-bbox="421 913 660 1003">9.1 Rural Zones</td><td data-bbox="660 913 1058 1003"> <p>N/A – The PP does not affect any land within an existing or proposed rural zone.</p> </td></tr> <tr> <td data-bbox="421 1003 660 1059">9.2 Rural Lands</td><td data-bbox="660 1003 1058 1059"> <p>This Direction does not apply to the LGA.</p> </td></tr> <tr> <td data-bbox="421 1059 660 1149">9.3 Oyster Aquaculture</td><td data-bbox="660 1059 1058 1149"> <p>N/A – The PP does not propose a change in land use which could impact on a Priority Oyster Aquaculture Area.</p> </td></tr> <tr> <td data-bbox="421 1149 660 1249">9.4 Farmland of State and Regional Significance on the NSW Far North Coast</td><td data-bbox="660 1149 1058 1249"> <p>This Direction does not apply to the LGA.</p> </td></tr> </table>	8.1 Mining, Petroleum Production and Extractive Industries	<p>N/A – The PP does not have the effect of:</p> <p>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</p> <p>(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.</p>	9.1 Rural Zones	<p>N/A – The PP does not affect any land within an existing or proposed rural zone.</p>	9.2 Rural Lands	<p>This Direction does not apply to the LGA.</p>	9.3 Oyster Aquaculture	<p>N/A – The PP does not propose a change in land use which could impact on a Priority Oyster Aquaculture Area.</p>	9.4 Farmland of State and Regional Significance on the NSW Far North Coast	<p>This Direction does not apply to the LGA.</p>
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9.4 Farmland of State and Regional Significance on the NSW Far North Coast	<p>This Direction does not apply to the LGA.</p>										
	<p>Key Government Priorities:</p> <p>The PP is not inconsistent with key government priorities.</p> <p>The PP does not alter permissible uses on residential land.</p> <p>The PP does seek to minimise the impact of residential development on the environment by reducing the permissible FSR within the areas of the LGA that have high biodiversity and character and increasing the required landscaped area.</p> <p>By increasing the subdivision allotment size for areas within the existing FSPA, proposed FSPA and UCAs there will be a loss of 162 dwellings. Council has a concurrent proposal for "Additional and Diverse Housing" (refer to Part B of this Planning Proposal) that will create capacity for an additional 8,130 dwellings. In total, the two PPs will create 7,968 additional dwellings across the LGA.</p>										

Question	Considerations
	<p>The loss of 162 dwellings occurs in the proposed FSPA and UCAs as the minimum lot size for dual occupancies increase from 650sqm to 1,000sqm. These occur in the character typologies:</p> <ul style="list-style-type: none"> • Bush Suburban – in Peakhurst • Garden Suburban Naturalistic – in Oatley • River's Edge Semi-Naturalistic – in Connells Point <p>The location of the 162 sites which lose the development potential for dual occupancies is shown in Figure 18 below:</p>  <p><i>Figure 17 - Location of sites that lose dual occupancy development potential</i></p>

Site-Specific Merit

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?	<p>The PP seeks to include a provision in Part 6 Additional Local Provisions titled <i>Clause 6.19 Terrestrial Biodiversity</i> aimed at protecting areas of high biodiversity value. The provision is supported by a Terrestrial Biodiversity Map. The local provision and map are the result of the <i>Biodiversity Study</i> and the further work by Ethos in the <i>Review of Environmental Planning Provisions for Biodiversity in Georges River LGA (Attachment 7)</i>.</p> <p>The key findings of the <i>Biodiversity Study</i> have been summarised as follows, according to fauna and flora species.</p> <p><u>Fauna</u></p>

Question	Considerations
	<ul style="list-style-type: none"> • Eight threatened fauna species were recorded, including two species previously unrecorded in the LGA. Species are listed as follows: <ul style="list-style-type: none"> i. Grey-headed flying fox (<i>Pteropus poliocephalus</i>); ii. Powerful Owl (<i>Ninox strenua</i>); iii. White-Bellied Sea Eagle (<i>Haliaeetus leucogaster</i>); iv. Eastern Coastal Free-tailed Bat (<i>Micronomus norfolkensis</i>); v. Little Bent-winged Bat (<i>Miniopterus australis</i>); vi. Large Bent-winged Bat (<i>Miniopterus orianae oceanensis</i>); vii. Southern Myotis (<i>Myotis macropus</i>); and the viii. Greater Broad-nosed Bat (<i>Scoteanax rueppellii</i>). • The abundance and diversity of honeyeaters (Family: Meliphagidae), other than the Noisy Miners (<i>Manorina melanocephala</i>), was low. The abundance and diversity of small scrub-dependant birds (i.e. wrens, thornbills, and robins) were low. This may be influenced by the limited shrub-layer in the dominate vegetation communities (i.e. Coastal Enriched Sandstone Dry Forest) and/ or the pressure from Noisy Miners (<i>Manorina melanocephala</i>). The abundance and diversity of shorebird species (i.e. snipes, curlews) was lower than expected. • Few predatory bird species (i.e. raptors and owls) were recorded, as such it is likely there are few roosting in the LGA. However, they may utilise the area as foraging habitat. • Indications of the presence of gliders (likely the Sugar Glider (<i>Petaurus brevicep</i>) were recorded at several sites. There are previously only two records (in 2014 and 2018) of the species in the LGA. <p><u>Flora</u></p> <ul style="list-style-type: none"> • The survey recorded one threatened flora species and one threatened flora population, being the Magenta Lilly Pilly (<i>Syzygium paniculatum</i>) and Gosford Wattle (<i>Acacia prominens</i>), respectively and a number of Threatened Ecological Communities, being: Coastal Saltmarsh, Freshwater Wetlands; Littoral Rainforest; Swamp Oak Floodplain Forest; Swamp Sclerophyll Forest on Coastal Floodplains; and Sydney Turpentine Ironbark Forest. • The Study found that the Coastal Enriched Sandstone Dry Forest is the most prevalent native vegetation community in the LGA. Flora details are further outlined as follows:

Question	Considerations
	<ul style="list-style-type: none"> ○ Most of the vegetation remaining in the LGA is on sandstone geology around the foreshore areas. There is little shale influenced vegetation remaining as areas with this geology are mostly developed urban areas on the plateaus of headlands and the northern section of the LGA. As such, the few patches of shale influenced communities remaining are of conservations significance (i.e. Coastal Shale-Sandstone Forest at Oatley Point Reserve and Sydney Turpentine Ironbark Forest at Myles Dunphy Reserve, Quarry Reserve and Black Forest Reserve). ○ All patches of Estuarine Swamp Oak Forest were highly impacted by weeds with dominance of <i>Tradescantia fluminensis</i> (Wandering Jew) and/or <i>Asparagus</i> spp. (Asparagus fern) in the understory. The larger patches of vegetation are typically in better condition. This is likely due to having higher resilience and less pressures (i.e. weed invasion, predation by exotic fauna, edge effects). ○ The extent of most mangrove communities has expanded in the past 50 years. This is likely due to sedimentation from development and climate change impacts. ○ Numerous individuals of the endangered population <i>Acacia prominens</i> (Gosford Wattle) were recorded. Due to the locations of many of these plants, it is likely many have been planted. ○ The retention of vegetation, particularly mature trees (i.e. with large canopies and hollows), in street corridors and on private property is important in supporting connectivity between larger patches. • Overall, there is generally greater biodiversity in the south western suburbs of the LGA and less in the northern more urbanised suburbs. This is predominantly due to historical urbanisation and fewer bushland areas in the north.
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 increase landscaped area requirements; reduce FSR for land in the existing FSPA, proposed FSPA and proposed UCAs; increase the lot size requirements for areas proposed to be added to the proposed FSPA and UCAs; and the new clauses for local character and biodiversity.

Question	Considerations
10. Has the planning proposal adequately addressed any social and economic effects?	<p>Yes, the PP is likely to have positive social and economic effects as:</p> <ul style="list-style-type: none"> • Green infrastructure will be enhanced, • There will be stronger protection of the existing 'green and leafy' character of low density residential areas in the Foreshore Study Area, • Community concerns relating to the loss of landscaping through new development, which is perceived by the community as a form of overdevelopment and an increase in density, will be addressed. • The protection of existing trees contributes to the mitigation of economic losses due to extreme climate events as existing trees are protected and are able to continue to sequester CO₂ and thereby reduce overall carbon emissions.

Section D – Infrastructure (Local, State and Commonwealth)

Question	Considerations
11. Is there adequate public infrastructure for the planning proposal?	<p>The PP does not create additional requirements for public infrastructure, as the PP does not seek to increase the number of dwellings permitted within the GRLEP. This PP will result in the loss of development potential for 162 dwellings due to the increase in minimum lot size requirements for dual occupancies.</p> <p>However, Council has a concurrent proposal for "Additional and Diverse Housing" (refer to Part B of this Planning Proposal Report) that will create capacity for an additional 8,130 dwellings and the infrastructure impacts will be separately addressed by Part B, known as PP2024/0004.</p>

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?	<p>To date Council has not consulted any government agencies to inform the PP. Council will seek the views of State and Federal public authorities and government agencies in accordance with the Gateway Determination.</p>

6. Maps

The PP will result in an amendment to the following maps of the GRLEP:

- Lot Size (LSZ) Map
- Minimum Lot Size for Dual Occupancy (LSD) Map
- Floor Space Ratio (FSR) Map (see **Attachment 16**)
- Foreshore Scenic Protection Area (FSP) Map (see **Attachment 16**)

Two new maps are proposed:

- Terrestrial Biodiversity Map (see **Attachment 16**)
- Unique Character Areas Map (see **Attachment 16**)

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

7. Community Consultation

It is anticipated that this PP will be exhibited for a minimum period of 28 days in accordance with the provisions of the *Environmental Planning & Assessment Act 1979* and the *Environmental Planning & Assessment Regulation 2021* and any requirements of the Gateway Determination.

Exhibition material, including plain English explanatory information, fact sheets, description of the objectives and intended outcomes, copy of the Planning Proposal and relevant maps will be available for viewing during the exhibition period on Council's website and hard copies available at Council offices and libraries.

Notification of the public exhibition will be through:

- Newspaper advertisement in The Leader,
- Exhibition notice on Council's website,
- Community engagement project on Council's YourSay website,
- Notices in Council offices and libraries,
- Letters to landowners of properties affected by a proposed change in the planning controls, and
- Letters to State and Commonwealth Government agencies identified in the Gateway Determination.

8. Project Timeline

The anticipated project timeline for completion of this PP is shown below:

Task	Anticipated Timeframe
Prepare Biodiversity and Character Planning Proposal	March to May 2024
Referral to LPP in accordance with S9.1 Ministerial Directions	June 2024
Report to Council on Planning Proposal seeking endorsement to forward Planning Proposal for a Gateway Determination	July 2024
Planning Proposal to be forwarded to the DPHI for a Gateway Determination	July 2024 (returned) November 2024 (resubmission)
Anticipated commencement date (date of Gateway Determination)	January 2025
Timeframe for public exhibition (including both government agency and community consultation as required by Gateway Determination)	March 2025
Timeframe for consideration of submissions	April 2025
Report to Council on community consultation and finalisation	May 2025
Submission to the Department to finalise the Biodiversity and Character Planning Proposal as an amendment to the GRLEP	May 2025

Amendments to the GRDCP will also be prepared to support the proposed amendments to the GRLEP. This will be the subject of a separate process which is anticipated to be reported to Council following the receipt of a Gateway Determination from the DPHI.

The amendments to the GRDCP will include:

- Replacing the existing Green Web control with a series of Green Corridors (see **Figure 19** below) across the LGA to protect existing habitat corridors and facilitate more opportunities for creating a corridor where there is little existing vegetation,
- Introducing supporting biodiversity controls, including a list of preferred plant species,
- Introducing detailed character statements and tailored provisions to ensure new developments will have the desired characteristics of the respective UCA, and
- Introducing provisions to further enhance the protection of the foreshore scenic character.



Figure 18 - Map of proposed Green Corridor in GRDCP

9. Conclusion

In summary the PP seeks the following amendments to the GRLEP:

Item No.	Amendment to the Georges River LEP 2021
Item 1 – Amendments to Clause 1.2 Aims of the Plan	To insert an additional aim (ee) in Clause 1.2(2) to address character and to amend (e) so that it only relates to natural, built, cultural and Aboriginal heritage of Georges River.
Item 2 – Amendment to the objectives to the R2 Low Density Residential Zone	To amend the zone objective relating to local character in the R2 zone so that a high standard of urban design and built form that enhances local character is promoted.
Item 3 – Amendment to the objectives to the R3 Medium Density Residential Zone	To amend the zone objective relating to local character in the R3 zone so that a high standard of urban design and built form that enhances local character is promoted.
Item 4 – Additional objective to the RE1 Public Recreation & RE2 Private Recreation Zones	To insert a new objective in the zone objectives for the RE1 and RE2 zones to protect the environmental values of the land, in particular areas of high biodiversity significance.
Item 5 – Clause 4.1 Minimum Subdivision Lot Size and Lot Size Map	To amend the Lot Size Map (Sheets LSZ_001, LSZ_002, LSZ_003, LSZ_005, LSZ_006, LSZ_009, LSZ_011 and LSZ_012) to increase the lot size requirements for areas proposed to be added to the proposed Foreshore Scenic Protection Area (FSPA) and/or Unique Character Area (UCAs) from 450sqm (Area G) to 700sqm (Area Q).
Item 6 – Clause 4.1A Minimum subdivision lot size for dual occupancies and Minimum Lot Size for Dual Occupancy Map	To amend Clause 4.1A and the Minimum Lot Size for Dual Occupancy Map (Sheets LSD_001, LSD_002, LSD_003, LSD_005, LSD_006, LSD_009, LSD_011 and LSD_012) to increase the minimum lot size requirements for dual occupancies for areas proposed to be added to the proposed FSPA and/or UCAs from 650sqm (Area O) to 1000sqm (Area U).
Item 7 – Clause 4.1B Minimum lot sizes and special provisions for certain dwellings	<p>To amend Clause 4.1B to:</p> <ul style="list-style-type: none"> Insert a new objective to ensure that lots in the FSPA are of sufficient size to protect natural values, in particular areas of high terrestrial biodiversity value, and <p>Amend subclause (3) so that the Minimum Lot Size for Dual Occupancy Map and reference to Area U (1000sqm) replaces the reference to the FSPA so Area U is applied to the existing FSPA, proposed FSPA and the proposed UCAs.</p>

Item No.	Amendment to the Georges River LEP 2021
Item 8 – Clause 4.4 Floor space ratio and Floor Space Ratio Map (map change only)	To amend the Floor Space Ratio Map (Sheets FSR_001, FSR_002, FSR_003, FSR_005, FSR_006, FSR_009, FSR_011 and FSR_012) to reduce the maximum permissible FSR from 0.55:1 to 0.5:1 for R2 zoned land located within the existing FSPA, proposed FSPA and the proposed UCAs for all development typologies. No change is proposed to the provisions of Clause 4.4 Floor space ratio.
Item 9 – Clause 4.4A - Exceptions to floor space ratio—certain residential accommodation and Floor Space Ratio Map	To amend Clause 4.4A to introduce two additional FSR sliding scales (two additional tables) relating to dwelling houses and dual occupancies respectively for R2 zoned land located within the existing FSPA, proposed FSPA and the proposed UCAs in response to the reduction in maximum FSR from 0.55:1 and 0.5:1. The applicable areas are proposed to be identified as "Area 7" on the Floor Space Ratio Map.
Item 10 – Clause 6.6 Foreshore Scenic Protection Area and Foreshore Scenic Protection Area Map	To amend Clause 6.6 and the associated Foreshore Scenic Protection Area Map to ensure that the role of the FSPA focuses on foreshore scenic character.
Item 11 – Amendment to Clause 6.10 Design Excellence	To amend Clause 6.10 to introduce consideration of the visual amenity and visual impacts when viewed from the foreshore and waterway of the Georges River and local character.
Item 12 – Amendments to Clause 6.12 Landscaped areas in certain residential and conservation zones	To amend Clause 6.12 by: <ul style="list-style-type: none"> • Inserting new objectives relating to the LGA-wide protection and improvement of native vegetation, habitats, threatened species and the green and vegetated character of the LGA, • Increasing the minimum landscaped area requirement for dwelling houses and dual occupancies by 5% to 30% and 35% respectively for R2 zoned land located within the existing FSPA, proposed FSPA and the proposed UCAs, and • Introducing a minimum 20% landscaped area requirement for multi dwelling housing, terraces and manor housing in response to the NSW Government's <i>Low and Mid-Rise Housing</i> proposal.
Item 13 – Introduction of Clause 6.19 Terrestrial Biodiversity and associated mapping	To insert a new local provision in Part 6 Additional Local Provisions titled "Terrestrial Biodiversity" aimed at protecting areas of high biodiversity value. The new provision will be accompanied by a Terrestrial Biodiversity Map.

Item No.	Amendment to the Georges River LEP 2021
Item 14 – Introduction of Clause 6.20 Unique Character Area and associated mapping	To insert a new local provision in Part 6 Additional Local Provisions titled “Unique Character Area” to provide statutory protection to the proposed UCAs. The new local provision will be accompanied by a Unique Character Area Map.
Item 15 – Exclusion from Complying Development under the Low Rise Housing Diversity Code	Exclude the application of the <i>Low Rise Housing Diversity Code</i> from the proposed FSPA and proposed UCAs to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the DA process.

10. Attachments

Attachments	
Attachment 1	Letter of approval issued by the then DPIE for the Local Housing Strategy
Attachment 2	Georges River Biodiversity Study
Attachment 3	Foreshore Scenic Character Study
Attachment 4	Neighbourhood Character Site Survey Matrix
Attachment 5	Community Consultation Summary Report Pre-exhibition
Attachment 6	Summary of Submissions
Attachment 7	Review of Environmental Planning Provisions for Biodiversity in Georges River Local Government Area (June 2023)
Attachment 8	Review of Environmental Planning Provisions for Local Character in the Georges River Local Government Area (June 2023)
Attachment 9	Report to Environment and Planning Committee (Item ENV008-24) held 11 March 2024
Attachment 10	Minutes of Council Meeting held 25 March 2024
Attachment 11	Report to Environment and Planning Committee (Item ENV0025-24) held 8 July 2024
Attachment 12	Minutes of Council Meeting held 22 July 2024
Attachment 13	Local Character Statements for land in FSPA
Attachment 14	Local Character Statements for Local Character Clause
Attachment 15	Methodology for proposed terrestrial biodiversity mapping by Total Earth Care
Attachment 16	Supporting Maps to Part A: Biodiversity, Character and Foreshore Scenic Protection Area