

COMMITTEE REPORTS

Item: ENV025-24 **Endorsement of Biodiversity, Character and FSPA Planning Proposal for Gateway Determination**

Author: Principal Strategic Planner and Manager Strategic Planning

Directorate: Environment and Planning

Matter Type: Committee Reports

ENV025-24

<Summary Section>

RECOMMENDATION:

- (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*.

EXECUTIVE SUMMARY

1. This Planning Proposal (PP) (known as the Biodiversity, Character and Foreshore Scenic Protection Area Planning Proposal) comprises of the following components:
 - (a) **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,
 - (b) **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 Scenic Character Study,
 - (c) **Foreshore Scenic Protection Area:** Amend the existing Clause 6.6 Foreshore Scenic Protection Area (FSPA) local provision and the existing mapped extent to ensure the role of the FSPA focuses on foreshore scenic character as identified by the Foreshore Scenic Character Study,
 - (d) **Design Excellence:** Amend existing Clause 6.10 Design Excellence local provision to consider visual amenity, visual impacts and the local character of developments when viewed from the foreshore and waterway of the Georges River,
 - (e) **Lot Size:**
 - (i) Retain existing lot size requirements within areas proposed to be removed from the existing FSPA as follows:
 - a) Subdivision lot size: 700sqm
 - b) Dual occupancy lot size: 1,000sqm
 - (ii) Increase lot size requirements for areas proposed to be added to the proposed FSPA and/or UCAs as follows:
 - a) Increase subdivision lot size from 450sqm to 700sqm

- b) Increase dual occupancy lot size from 650sqm to 1,000sqm
- (iii) Insert objectives to ensure that lots in the proposed FSPA are of sufficient size to protect natural values, in particular areas of high terrestrial biodiversity value,
- (f) **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 UCAs from 0.55:1 for dwelling houses and 0.6:1 for dual occupancies to 0.5:1 for all development typologies, and

2. Landscaping:

- (a) Amend the existing Clause 6.12 Landscaped areas in certain residential and conservation zones local provision through the insertion of new objectives to:
 - (i) Protect, maintain, and improve the diversity and condition of native vegetation and habitats across the Local Government Area (LGA),
 - (ii) Encourage the recovery of threatened species and their communities, populations, and habitats across the LGA, and
 - (iii) 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,
 - (b) 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 UCAs, and
 - (c) 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 proposal.
3. The PP applies to land covered by the Georges River LEP 2021. The GRLEP 2021 does not apply to land identified as "Deferred Matter" on the GRLEP Land Application Map which consists of the Westfield's site within the Hurstville City Centre.
4. A copy of the PP is included in **Attachment 1** to this report. The PP is accompanied by the following attachments:

Table 1 – List of Attachments to the PP

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	Minutes of Council Meeting held 25 March 2024

Attachments	
10	
Attachment 11	Local Character Statements for land in FSPA
Attachment 12	Local Character Statements for Local Character Clause

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5. The above attachments can be found on Council's website at <https://www.georgesriver.nsw.gov.au/Development/Planning-Controls/Planning-Proposals/Planning-Proposal-for-Biodiversity-Character-and-the-Foreshore-Scenic-Protection-Area>
6. 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 UCA to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the Development Application process.
7. 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 the Planning Proposal is to be referred to the Local Planning Panel before it is forwarded for Gateway Determination (approval).
8. The Georges River Local Planning Panel at its meeting held 20 June 2024 considered the PP and recommended as follows:
 - (a) *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.*
 - (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 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.*
 - (d) *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.*

BACKGROUND

Georges River Local Environmental Plan 2020

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

11. 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.
12. 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.
13. As the planning proposal authority, the Georges River Local Planning Panel ("LPP") considered the draft LEP 2020 for finalisation at its meeting dated 25 and 26 June 2020.
14. To address the concerns raised by the submissions in relation to the FSPA, the LPP made the following amendments to the draft LEP 2020 before it was submitted to the then DPIE for final plan-making, including:
 - (a) 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,
 - (b) Insert a new local provision to protect trees in the R2 and R3 zones, and
 - (c) 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.

15. 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.
16. The draft LEP 2020 was gazetted on 24 September 2021 and came into effect as the *Georges River Local Environmental Plan 2021* (GRLEP 2021) on 8 October 2021. The local provision relating to the protection of trees in the R2 and R3 zones was removed by the NSW Parliamentary Counsel's Office through the plan-making process, as it had not been subject to public exhibition.

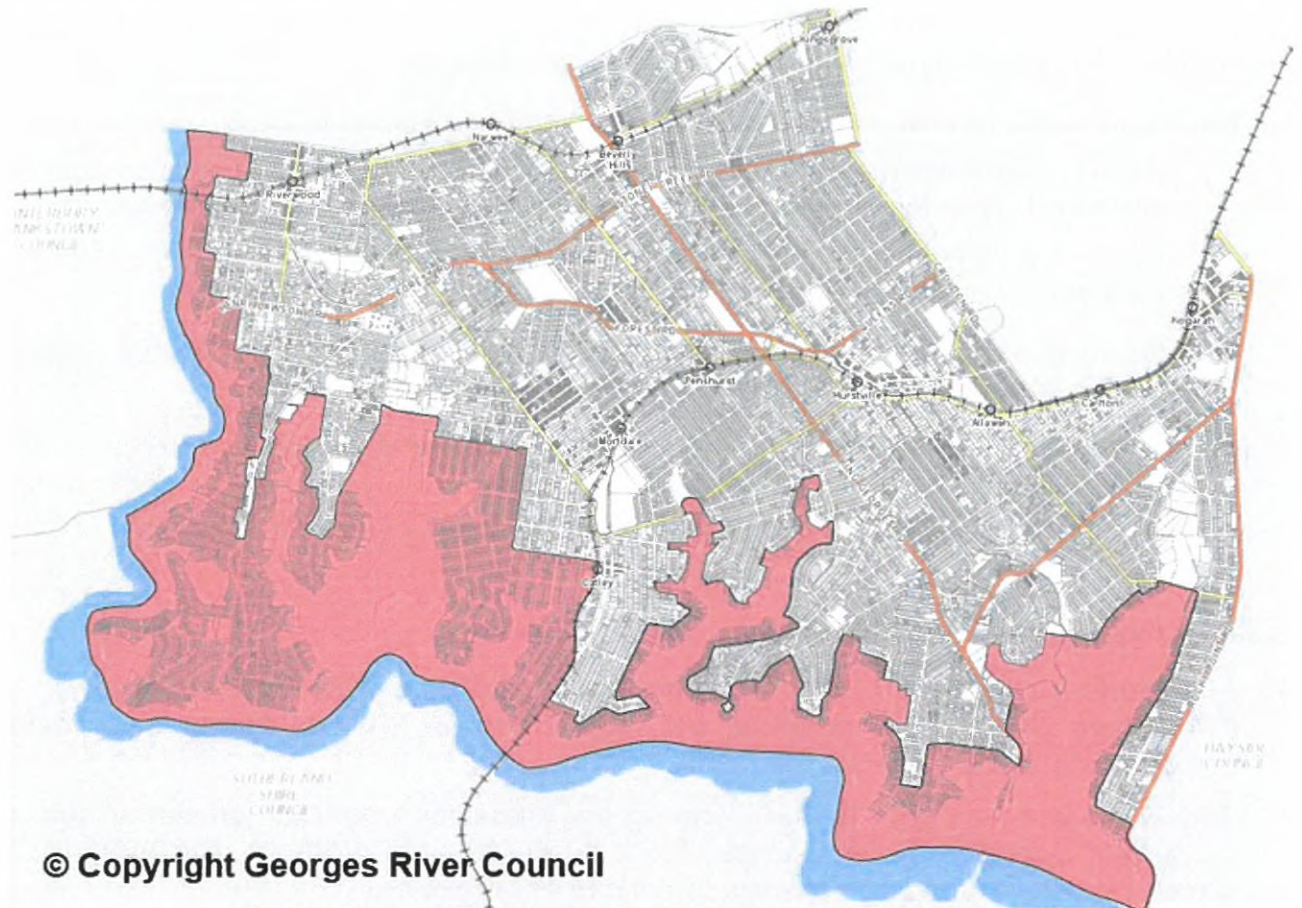


Figure 1 - Map of FSPA submitted for finalisation as part of LEP 2020

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

17. On 23 June 2021, a letter of approval was issued by the then DPIE for the *Georges River Local Housing Strategy*. The approval is subject to Council addressing a set of requirements.
18. Specifically, requirement Condition No. 15 required Council to submit a planning proposal in 2022 to DPHI which will amend the GRLEP 2021 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

19. In 2021, Total Earth Care prepared an LGA-wide *Georges River Biodiversity Study* 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.
20. 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 2021, the *Georges River Development Control Plan 2021* (GRDCP 2021) and other relevant environmental strategies.

21. The key planning-related recommendations are summarised as follows:
 - (a) 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,
 - (b) Develop a Habitat Connectivity Plan to inform the planning of the Green Grid across the LGA,
 - (c) Develop and implement initiatives for private landholders to improve vegetation condition and extend street tree canopy onto private land, and
 - (d) Develop and implement a planting plan to increase the tree canopy in streets corridors.
22. The *Biodiversity Study* was noted by Council at its meeting dated 28 June 2020.

Foreshore Scenic Character Study

23. In accordance with the LPP's recommendation, the *Foreshore Scenic Character Study* ("*Foreshore Study*") was prepared by Ethos Urban in 2021 to further investigate the mapped extent and zoning of the FSPA.
24. 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).
25. A comprehensive overview of the *Foreshore Study* was provided in the report to Environment and Planning Committee (Item ENV024-21) held 15 June 2021. The *Foreshore Study* has recommended amendments to the GRLEP 2021 and accompanying GRDCP 2021.
26. The key recommendations to the GRLEP 2021 are summarised as follows:
 - (a) The existing FSPA control is not working as it tries to address too many planning considerations,
 - (b) Revise the FSPA extent to exclude areas that:
 - (i) Are not visible from the river, and/or
 - (ii) Do not contribute to the scenic character of the river,
 - (c) Revise the objectives of the FSPA clause to focus on scenic character,
 - (d) Introduce a new standalone provision in the LEP to protect and enhance biodiversity as informed by the findings of the Biodiversity Study,
 - (e) Introduce a new overlay to identify Unique Character Areas (UCA) that require greater protection,
 - (f) Retain the dual occupancy lot size of 1,000sqm and 30% landscaped area in the FSPA and UCA, and
 - (g) Council to consider seeking exemption from the *Low Rise Housing Diversity Code* for the above areas.
27. 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

28. On 3 August 2021, a community information webinar was held to present the findings and recommendations of the *Biodiversity Study* and *Foreshore Study*.
29. 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 sessions 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:
 - (a) The preparation of a Biodiversity Strategy should be prioritised in accordance with the recommended actions of the *Biodiversity Study*,
 - (b) The trees and vegetation in backyards are equally as important as parks and reserves for wildlife, especially the protection of mature, hollow-bearing trees,
 - (c) The reduction of the FSPA will lead to overdevelopment and loss of trees, and
 - (d) The existing FSPA acts as a buffer that protects the biodiversity of Oatley Park and should not be reduced.
30. 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

31. 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.
32. 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.
33. A total of 325 submissions were received during the pre-exhibition consultation period.
34. The majority of community submissions objected to any changes to existing planning controls. Four (4) recurring themes were identified throughout the objections received:
 - (a) 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.
 - (b) 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.
 - (c) Lot size – Objects to the reduction of existing lot size requirements and new development that will increase density.
 - (d) 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.
35. 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 UCAs or the amended FSPA. A total of 178 responses have been received on the Lot Size Poll. The majority of the responses

seek to retain existing lot size requirements in the areas excluded from the proposed FSPA and UCAs.

Recommended Planning Controls

36. 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.
37. The recommended planning controls are outlined in two reports:
 - (a) *Review of Environmental Planning Provisions for Biodiversity in Georges River Local Government Area* (June 2023), and
 - (b) *Review of Environmental Planning Provisions for Local Character in Georges River Local Government Area* (June 2023).

Council resolution dated 25 March 2024

38. In response to the submissions received from the community, the 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.
39. 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.*

PLANNING PROPOSAL

- 40. A draft PP to amend the GRLEP has been prepared and is provided in **Attachment 1** to this report. The PP is known as the Biodiversity, Character, and Foreshore Scenic Protection Area (FSPA) PP and will be Amendment No.9 to the GRLEP.
- 41. The PP has been prepared to amend various clauses and maps to the GRLEP 2021 to implement the recommendations of the Biodiversity Study and Foreshore Study in accordance with the approval conditions of the Local Housing Strategy. The implementation of the recommendations also requires two additional clauses (relating to local character and biodiversity) as well as two additional maps.
- 42. The PP applies to land covered by the GRLEP 2021. The GRLEP 2021 does not apply to land identified as "Deferred Matter" on the GRLEP Land Application Map which consists of the Westfield's site within the Hurstville City Centre.

Scope of Amendments


- 43. The PP seeks the following amendments (as set out in **Table 2** below) to the Georges River LEP 2021:

Table 2 - Table of Amendments

Item	Amendment to the GRLEP
Item 1 – Amendments to Clause 1.2 Aims of the Plan To insert an additional aim (ee) in	<p>Amendments proposed by this PP are shown in red text:</p> <p>Clause 1.2 – Aims of Plan</p> <p>(1) <i>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.</i></p>

Item	Amendment to the GRLEP
<p>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.</p>	<p>(2) <i>The particular aims of this Plan are as follows—</i></p> <ul style="list-style-type: none"> (aa) <i>to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</i> (a) <i>to provide for housing choices to cater for changing demographics and population needs,</i> (b) <i>to provide for a range of business uses which promote employment and economic growth and contribute to the viability and vibrancy of centres,</i> (c) <i>to promote and facilitate an ecologically and economically sustainable and vegetated urban environment in which the needs and aspirations of the community are realised,</i> (d) <i>to provide for a range of recreational, social, cultural and community service opportunities to meet the needs of the Georges River community,</i> (e) <i>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,</i> (ee) <i>to respect the character of Georges River communities,</i> (f) <i>to promote a high standard of urban design and built form,</i> (g) <i>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,</i> (h) <i>to protect, maintain and improve waterway health to achieve the environmental values of the community and uses for waterways,</i> (i) <i>to facilitate infrastructure to support new development,</i> (j) <i>to promote and facilitate transit-oriented development that encourages the use of public transport, cycling and walking.</i>
<p>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.</p>	<p>Amendments proposed by this PP are shown in red text:</p> <p>Zone R2 Low Density Residential</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community within a low-density residential environment.</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> • <i>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.</i> • <i>To provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River local government area.</i>
<p>Item 3 – Amendment to the objectives to the R3 Medium Density Residential Zone To amend the zone objective relating to local character in the</p>	<p>Amendments proposed by this PP are shown in red text:</p> <p>Zone R3 Medium Density Residential</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community within a medium density residential environment.</i> • <i>To provide a variety of housing types within a medium density residential environment.</i> • <i>To enable other land uses that provide facilities or services to</i>

Item	Amendment to the GRLEP
<p>R3 zone so that a high standard of urban design and built form that enhances local character is promoted.</p>	<p><i>meet the day to day needs of residents.</i></p> <ul style="list-style-type: none"> <i>To enable other land uses that contribute to the vibrancy of the neighbourhood.</i> <i>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.</i> <i>To provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River local government area.</i>
<p>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.</p>	<p>Amendments proposed by this PP are shown in red text:</p> <p>Zone RE1 Public Recreation</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> <i>To enable land to be used for public open space or recreational purposes.</i> <i>To provide a range of recreational settings and activities and compatible land uses.</i> <i>To protect and enhance the natural environment for recreational purposes.</i> <i>To protect the environmental values of the land, in particular areas of high biodiversity significance</i> <p>Zone RE2 Private Recreation</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> <i>To enable land to be used for private open space or recreational purposes.</i> <i>To provide a range of recreational settings and activities and compatible land uses.</i> <i>To protect and enhance the natural environment for recreational purposes.</i> <i>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.</i> <i>To protect the environmental values of the land, in particular areas of high biodiversity significance.</i>
<p>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</p>	<p>Mapping change only – <i>Lot Size Map</i>.</p> <p>The proposed “Area Q” applies to land within the existing FSPA, proposed FSPA and the proposed UCAs as shown in Figure 2 below.</p>

Item	Amendment to the GRLEP
<p>450sqm (Area G) to 700sqm (Area Q).</p>	 <p>Figure 2 - land to be identified as Area Q on the Lot Size Map</p> <p>Note:</p> <ul style="list-style-type: none"> • No word changes to Clause 4.1 Minimum subdivision lot size • The existing subdivision lot size requirements in the GRLEP within areas removed from the existing FSPA will be retained as 700sqm (Area Q).
<p>Item 6 – Clause 4.1A Minimum subdivision lot size for dual occupancies and Minimum Lot Size for Dual Occupancy Map</p> <p>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).</p>	<p>Amendments proposed by this PP are shown in red text:</p> <p>Clause 4.1A Minimum subdivision lot size for dual occupancies</p> <p>...</p> <p>(2) Despite clauses 4.1 and 4.1B, development consent may be granted for the subdivision of land—</p> <p>(a) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential if—</p> <p>(i) there is a dual occupancy on the land that was lawfully erected, or a dual occupancy is proposed on the land, and</p> <p>(ii) the lot size for each resulting lot will be at least 300 square metres, or</p> <p>(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—</p> <p>(i) there is a dual occupancy on the land that was lawfully erected, or a dual occupancy is proposed on the land, and</p> <p>(ii) the lot size for each resulting lot will be at least 430 square metres.</p> <p>...</p> <p>The above amendment is supported by an amendment to the <i>Minimum Lot Size for Dual Occupancy Map</i> where the proposed “Area U” applies to land within the existing FSPA, proposed FSPA and the proposed UCAs as shown in Figure 3 below.</p>

Item

Amendment to the GRLEP

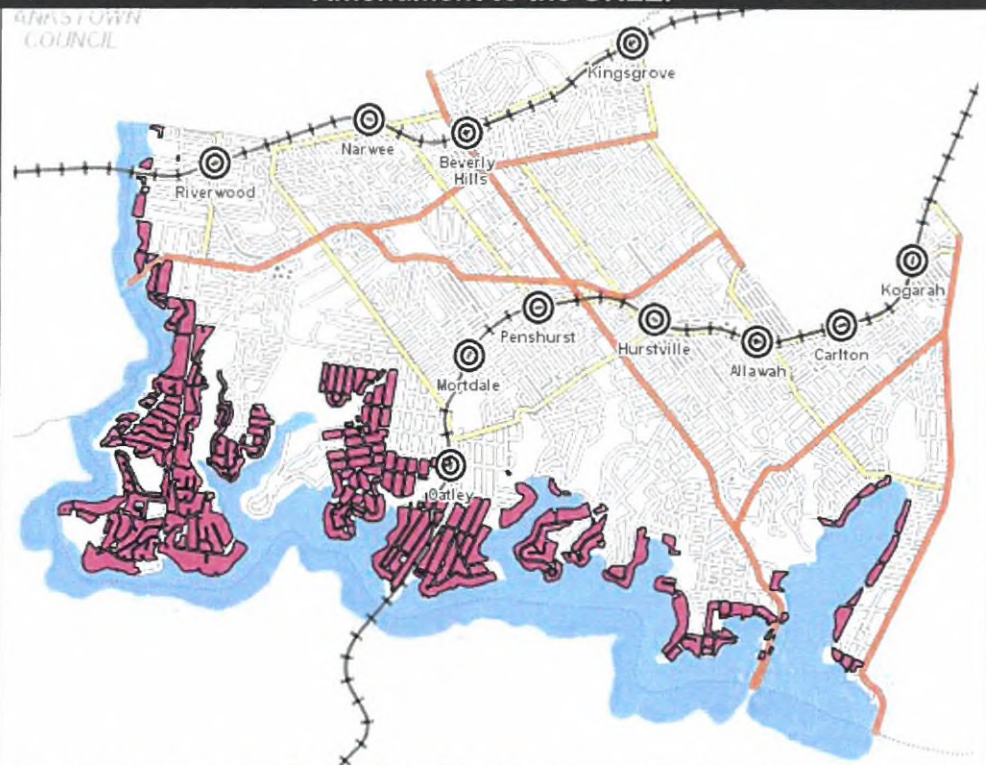


Figure 3 - land to be identified as "Area U" on the Minimum Lot Size for Dual Occupancy Map

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

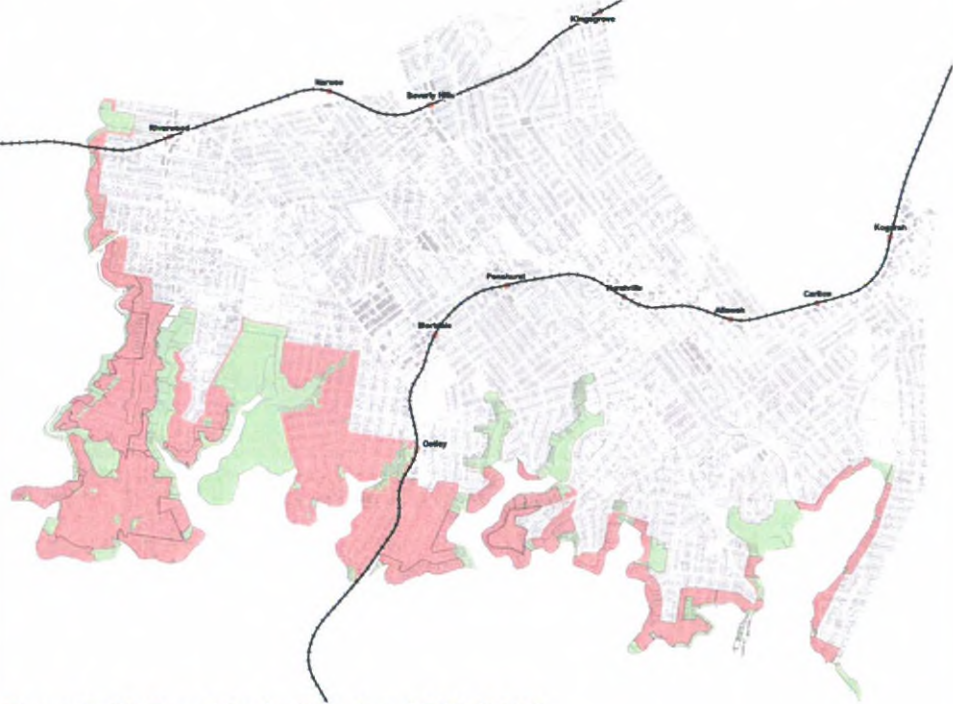
To amend Clause 4.1B to:

- Insert a new objective to ensure that lots in the FSPA are of sufficient size to protect natural values, in particular areas of high terrestrial biodiversity value, and
- 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,

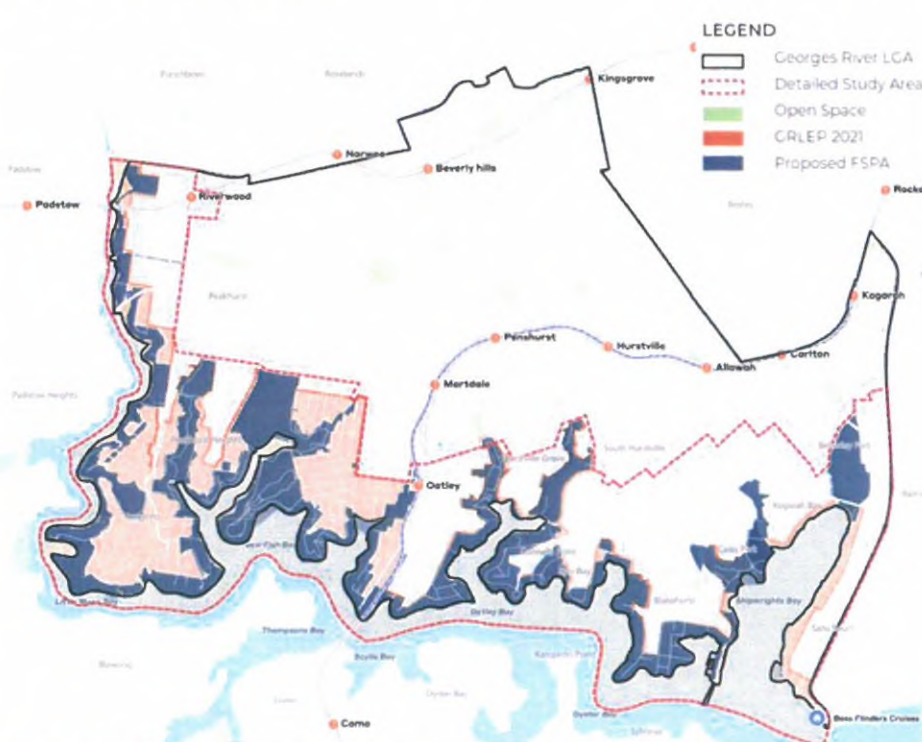
Amendments proposed by this PP are shown in **red text**:

Clause 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	Amendment to the GRLEP																				
<p>proposed FSPA and the proposed UCAs.</p>																					
<p>Item 8 – Clause 4.4 Floor space ratio and Floor Space Ratio Map (map change only)</p> <p>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.</p>	<p>Mapping change only – <i>Floor Space Ratio Map</i>.</p> <p>The reduction in maximum permissible FSR from 0.55:1 to 0.5:1 is to be applied to R2 zoned land located within the existing FSPA, proposed FSPA and the proposed UCAs as shown in Figure 4 below.</p>  <p><i>Figure 4 - R2 Zoned land with reduced FSR (0.5:1)</i></p>																				
<p>Item 9 – Clause 4.4A Exceptions to floor space ratio—certain residential accommodation and Floor Space Ratio Map</p> <p>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</p>	<p>Amendments proposed by this PP are shown in red text:</p> <p>Clause 4.4A Exceptions to floor space ratio—certain residential accommodation</p> <p>Insert the following subclauses:</p> <p>(5) <i>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.</i></p> <table border="1"> <thead> <tr> <th>Site area</th><th>Maximum floor space ratio</th></tr> </thead> <tbody> <tr> <td>Not more than 650 square metres</td><td>0.5:1</td></tr> <tr> <td>More than 650 square metres but not more than 1,000 metres</td><td>$[(\text{site area} - 650) \times 0.3 + 325] \div \text{site area}:1$</td></tr> <tr> <td>More than 1,000 metres but not more than 1,500 square metres</td><td>$[(\text{site area} - 1000) \times 0.2 + 430] \div \text{site area}:1$</td></tr> <tr> <td>More than 1,500 square metres</td><td>$[(\text{site area} - 1500) \times 0.1 + 530] \div \text{site area}:1$</td></tr> </tbody> </table> <p>(6) <i>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.</i></p> <table border="1"> <thead> <tr> <th>Site area</th><th>Maximum floor space ratio</th></tr> </thead> <tbody> <tr> <td>Not more than 650 square metres</td><td>0.5:1</td></tr> <tr> <td>More than 650 square metres but not more than 1,000 metres</td><td>$[(\text{site area} - 650) \times 0.3 + 325] \div \text{site area}:1$</td></tr> <tr> <td>More than 1,000 metres but not more than 1,500 square metres</td><td>$[(\text{site area} - 1000) \times 0.2 + 430] \div \text{site area}:1$</td></tr> <tr> <td>More than 1,500 square metres</td><td>$[(\text{site area} - 1500) \times 0.1 + 530] \div \text{site area}:1$</td></tr> </tbody> </table>	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	$[(\text{site area} - 1500) \times 0.1 + 530] \div \text{site area}:1$	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	$[(\text{site area} - 1500) \times 0.1 + 530] \div \text{site area}:1$
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<p>7" on the Floor Space Ratio Map.</p>	<p><i>Not more than 1,000 square metres 0.5:1</i> <i>More than 1,000 square metres but not more than 1,500 metres [(site area - 1000) × 0.3 + 500] ÷ site area:1</i> <i>More than 1,500 metres but not more than 2,000 square metres [(site area - 1500) × 0.2 + 650] ÷ site area:1</i> <i>More than 2,000 square metres [(site area - 2000) × 0.1 + 750] ÷ site area:1</i></p> <p>The proposed subclauses are to be applied to R2 zoned land located within the existing FSPA, proposed FSPA and the proposed UCAs as shown in Figure 5 above.</p> <p><i>Note: Land located in the remainder of the LGA will retain the existing FSR – i.e. 0.55:1 for dwelling houses and 0.6:1 for dual occupancies.</i></p>
<p>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.</p>	<p>Amendments proposed by this PP are shown in red text:</p> <p>Clause 6.6 Foreshore scenic protection area</p> <p>(1) <i>The objectives of this clause are—</i></p> <ul style="list-style-type: none"> <i>(a) to protect, maintain and improve the scenic amenity of the Georges River foreshore,</i> <i>(b) to protect, maintain and improve significant views of and from the Georges River,</i> <i>(c) to protect, maintain and improve the diversity and condition of native vegetation and habitats,</i> <i>(d) to reinforce and improve the dominance of landscape over built form, hard surfaces and cut and fill,</i> <i>(e) to encourage the recovery of threatened species and their communities, populations and habitats,</i> <i>(f) to enhance existing environmental, cultural and built character values of the foreshore.</i> <i>(a) to protect and strengthen the scenic character of the Georges River foreshore,</i> <i>(b) to protect significant views from the public and private domain to and from the Georges River.</i> <p>(2) <i>This clause applies to land identified as "Foreshore scenic protection area" on the Foreshore Scenic Protection Area Map.</i></p> <p>(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—</p> <ul style="list-style-type: none"> (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

Item	Amendment to the GRLEP
	<p>stability of the land,</p> <p>(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,</p> <p>(g) the minimisation of the height and bulk of the development by stepping the development to accommodate the fall in the land.</p> <p>(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:</p> <p>(a) retains and protects trees and vegetation that contribute to scenic character,</p> <p>(b) retains and protects other natural elements, including topography, waterways and rock formations that contribute to scenic character,</p> <p>(c) ensures built form is integrated with the natural landscape and is not visually prominent to the detriment of scenic character,</p> <p>(d) avoids significant adverse impact on views obtained from the public domain, and</p> <p>(e) enables reasonable sharing of views from the private domain.</p> <p>A comparison of the existing FSPA against the proposed FSPA is provided in Figure 5 below.</p>  <p>Figure 5 - Proposed FSPA (blue shading) vs existing FSPA (orange shading)</p>
<p>Item 11 – Amendment to Clause 6.10 Design Excellence</p> <p>To amend Clause 6.10 to introduce consideration of the visual amenity and visual impacts when viewed from the foreshore and waterway of the</p>	<p>Amendments proposed by this PP are shown in red text:</p> <p>Clause 6.10 Design excellence</p> <p>Insert the following subclauses:</p> <p>(5) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—</p> <p>...</p> <p>(d) how the development addresses the following matters—</p> <p>...</p> <p>(xvi) the impact on any local character area,</p> <p>(xvii) for development within the Foreshore Scenic</p>

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Georges River and local character.	<i>Protection Area, the impact on visual character and amenity of the foreshore area when viewed from the Georges River or foreshore areas.</i>
<p>Item 12 – Amendments to Clause 6.12 Landscaped areas in certain residential and conservation zones</p> <p>To amend Clause 6.12 by:</p> <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. 	<p>Amendments proposed by this PP are shown in red text:</p> <p>Clause 6.12 Landscaped areas in certain residential and conservation zones</p> <p>(1) <i>The objectives of this clause are as follows—</i></p> <ul style="list-style-type: none"> (a) <i>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,</i> (b) <i>to minimise urban run-off by maximising permeable areas on the sites of development,</i> (c) <i>to ensure that the visual impact of development is minimised by sufficient and appropriately located landscaping that complements the scale of buildings,</i> (d) <i>to ensure that the use of surfaces that absorb and retain heat are minimised.</i> (e) <i>to protect, maintain and improve the diversity and condition of native vegetation and habitats,</i> (f) <i>to encourage the recovery of threatened species and their communities, populations, and habitats, and</i> (g) <i>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,</i> <p>(2) <i>This clause applies to land in the following zones—</i></p> <ul style="list-style-type: none"> (a) <i>Zone R2 Low Density Residential,</i> (b) <i>Zone R3 Medium Density Residential,</i> (c) <i>Zone R4 High Density Residential,</i> (d) <i>Zone C2 Environmental Conservation.</i> <p>(3) <i>Despite subclause (2), this clause does not apply to residential apartment development within the meaning of State Environmental Planning Policy (Housing) 2021.</i></p> <p>(4) <i>Development consent must not be granted to development on land to which the clause applies unless the consent authority is satisfied that the development—</i></p> <ul style="list-style-type: none"> (a) <i>allows for the establishment of appropriate plantings—</i> <ul style="list-style-type: none"> (i) <i>that are of a scale and density commensurate with the height, bulk, and scale of the buildings to which the development relates, and</i> (ii) <i>that will maintain and enhance the streetscape and the desired future character of the locality, and</i> (b) <i>maintains privacy between dwellings, and</i> (c) <i>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</i> (d) <i>enables the establishment of indigenous vegetation and habitat for native fauna, and</i> (e) <i>integrates with the existing vegetation to protect existing trees and natural landscape features such as rock outcrops, remnant bushland, habitats, and natural watercourses.</i> <p>(5) <i>Development consent must not be granted to development on land to which this clause applies unless a percentage of the site</i></p>

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	<p>area consists of landscaped areas that is at least—</p> <ul style="list-style-type: none"> (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. <p>(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).</p> <p>(7) In this clause— Foreshore Scenic Protection Area means land shown on the Foreshore Scenic Protection Area Map.</p>
<p>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.</p>	<p>Amendments proposed by this Planning Proposal are shown in red text below.</p> <p>The drafting of this local provision is based on the drafting of numerous other Sydney Metropolitan councils including but not limited to <i>Bayside LEP 2021</i>, <i>Sutherland LEP 2015</i>, <i>Ku-ring-gai LEP 2015</i> and <i>Pittwater LEP 2014</i>.</p> <p>New clause: Clause 6.19 Terrestrial Biodiversity</p> <ul style="list-style-type: none"> 1) The objective of this clause is to protect and enhance terrestrial biodiversity by: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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

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- 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.*

The proposed extent of the terrestrial biodiversity mapping (see **Figure 6** below) applies to 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.

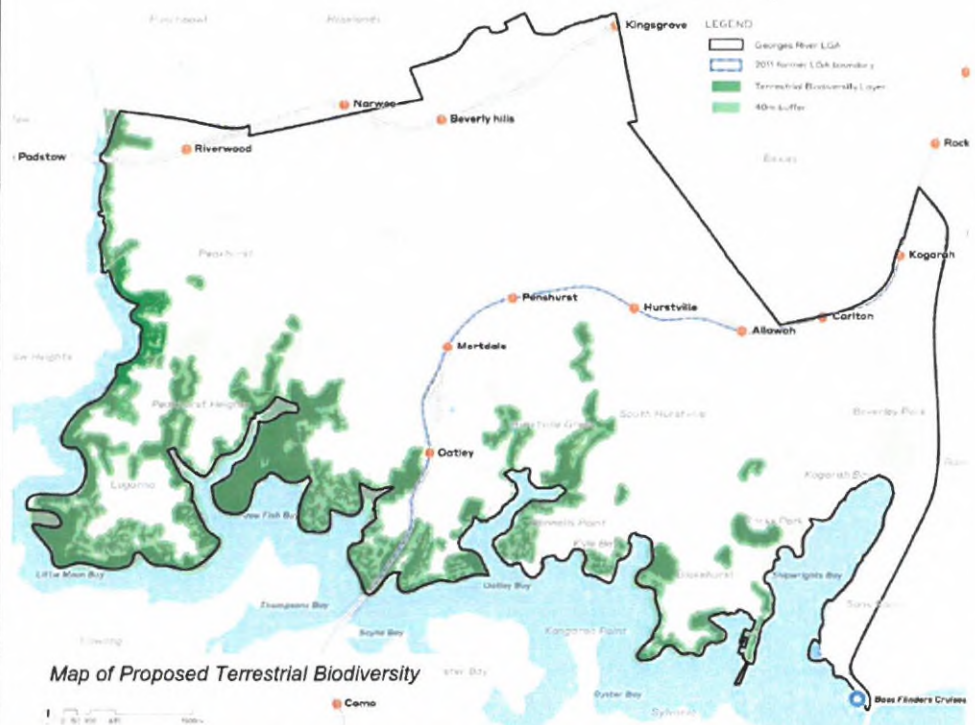
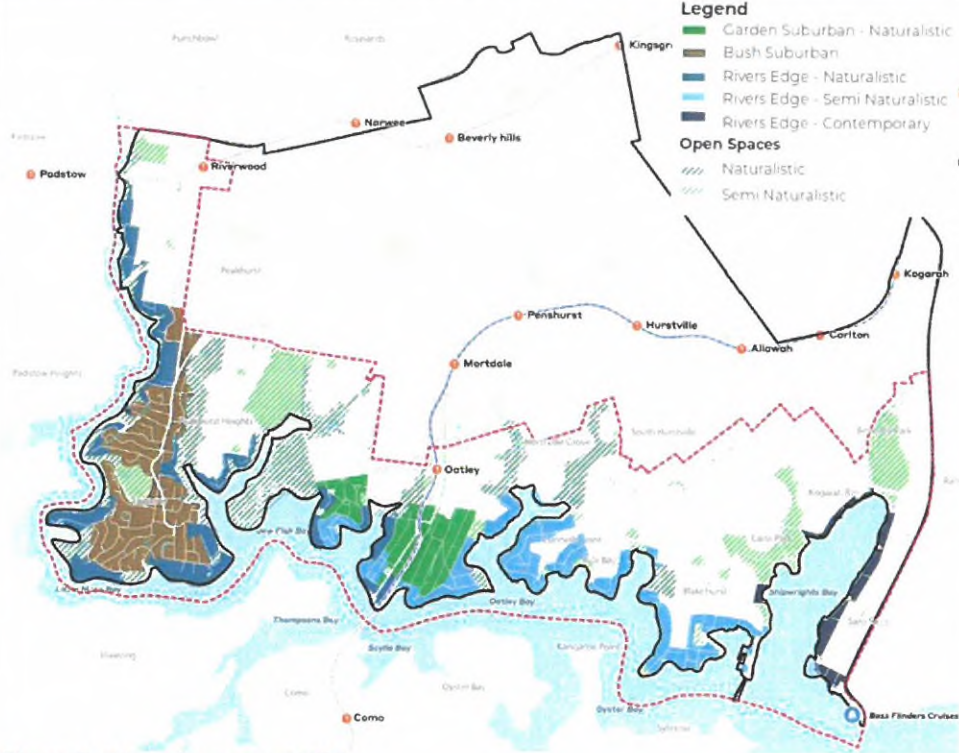


Figure 6 - Map of Proposed Terrestrial Biodiversity (LEP clause applies to both the buffer and the core areas)

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.

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<p>Introduction of Clause 6.20 Unique Character Area and associated mapping</p> <p>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.</p>	<p>below.</p> <p>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. However, references to the published Local Character Areas Statement have since been removed from the DPHI's website and are no longer accessible.</p> <p>New clause: Clause 6.20 Unique Character Area</p> <ol style="list-style-type: none"> 1) <i>The objectives of this clause are as follows—</i> <ol style="list-style-type: none"> a) <i>to identify local character areas,</i> b) <i>to promote the desired future character of unique character areas.</i> 2) <i>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.</i> 4) <i>In this clause —</i> <i>unique character area means land identified as "unique character area" on the Unique Character Area Map.</i> <p>The proposed extent of the UCA mapping (see Figure 7 below) is comprised of the following character typologies in accordance the recommendations of the Foreshore Study:</p> <ul style="list-style-type: none"> • 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) <p>It should be noted that the UCAs includes areas located within the proposed FSPA due to the homogenous local character within these localities:</p> <ul style="list-style-type: none"> • 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) <p>Development applications affected by this local provision will need to consider and demonstrate consistency with the desired future character of the applicable UCA.</p> <p>Additional guidance for the UCA, including desired future character statements and specific typology-based design controls will continue to be inserted into the GRDCP 2021.</p>

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	 <p>Figure 7 - Map of proposed UCAs</p>
<p>Item 15 – Exclusion from Complying Development under the Low-Rise Housing Diversity Code</p> <p>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.</p>	<p>Council resolved at its meeting held 25 March 2024 to request the DPHI to exclude the application of the <i>Low-Rise Housing Diversity Code</i> 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.</p> <p>The area that Council is seeking exclusion from the Code is comprised of all areas within the UCA mapping above in Figure 7.</p>

44. The proposed amendments (and the reasons for the amendments) are detailed within the draft PP provided in **Attachment 1** to this report. The attachments to the PP can be found on Council's website at <https://www.georgesriver.nsw.gov.au/Development/Planning-Controls/Planning-Proposals/Planning-Proposal-for-Biodiversity-Character-and-the-Foreshore-Scenic-Protection-Area>

45. The following **Tables 3 to 7** provide a detailed assessment and justification of the strategic and site-specific merit of the proposed housekeeping amendments to determine whether the PP should be supported. The Tables contain the 12 questions from the DPHI's Local Environmental Plan Making Guideline dated August 2023 which outlines the matters for consideration when describing, evaluating and justifying a proposal.

Table 3: Section A – Need for the planning proposal

Question	Considerations
<p>1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?</p>	<p>The Planning Proposal is the result of the findings and recommendations of the Foreshore Study and Biodiversity Study. 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 (3) values of biodiversity, unique local character, and foreshore scenic character.</p> <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. 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 2021 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>

Question	Considerations
	<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 2021. 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>
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	<p>Yes, the PP is the best and only means of addressing the recommendations of the <i>Biodiversity Study</i> and <i>Foreshore Study</i>.</p> <p>The PP will be supported by amendments to the <i>Georges River DCP 2021</i>.</p>

Table 4 - Section B – Relationship to the strategic planning framework

Question	Considerations
3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?	<p>Yes. The PP gives effect to the following objectives within the <i>Greater Sydney Region Plan – A Metropolis of Three Cities</i>:</p> <ul style="list-style-type: none"> • <i>Objective 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 2021 to include a provision in Part 6 Additional Local Provisions titled “Terrestrial Biodiversity” aimed at protecting areas of high biodiversity value. The provision will be accompanied 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</i> (Attachment 7 to the PP). The <i>Biodiversity Study</i> recorded 8 threatened fauna species, one threatened flora species and one threatened flora population. • <i>Objective 28: Scenic and cultural landscapes are protected.</i> The PP gives effect to this objective by seeking to: <ul style="list-style-type: none"> ○ update Clause 6.6 Foreshore scenic protection area and the Foreshore Scenic Protection Area Map of the GRLEP 2021 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. • <i>Objective 30: Urban tree canopy cover is increased.</i> The PP gives effect by seeking to amend Clause 6.12

Question	Considerations
	<p>Landscaped areas in certain residential and conservation zones 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, ○ 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 UCAs, 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.
<p>4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning</p>	<p>Yes. The PP is consistent with the endorsed <i>Georges River Local Strategic Planning Statement 2040</i> (LSPS 2040), specifically the following planning priorities:</p>

Question	Considerations
<p>Secretary or GSC, or another endorsed local strategy or strategic plan?</p>	<ul style="list-style-type: none"> <p><i>Planning Priority P5 – 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 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 to the PP) which was adopted by Council on 25 March 2024 (Attachment 10 to the PP).</p> <p><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.</p> <p><i>Planning Priority P10. Homes are supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces.</i> The PP is consistent with this priority by amending the current <i>Clause 6.12 Landscaped areas in certain residential and 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.</p> <p><i>Planning Priority P16. 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.</p> <p><i>Planning Priority P17. 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. 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>

Question	Considerations										
	<ul style="list-style-type: none"> • <i>Planning Priority P19. Everyone has access to quality, clean, useable, passive and active open and green spaces and recreation places.</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, 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. 										
<p>5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?</p>	<p>There are no other applicable State and regional studies or strategies.</p>										
<p>6. Is the planning proposal consistent with applicable SEPPs?</p>	<p>The PP is consistent with the following SEPPs:</p> <table border="1"> <thead> <tr> <th data-bbox="639 943 1007 976">SEPP</th><th data-bbox="1007 943 1489 976">Comment on consistency</th></tr> </thead> <tbody> <tr> <td data-bbox="639 976 1007 1379"> <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> </td><td data-bbox="1007 976 1489 1379"> <p>The PP is not inconsistent with the SEPP.</p> <p>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.</p> </td></tr> <tr> <td data-bbox="639 1379 1007 1816"> <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> </td><td data-bbox="1007 1379 1489 1816"> <p>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 UCAs to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the Development Application process.</p> </td></tr> <tr> <td data-bbox="639 1816 1007 2018"> <i>State Environmental Planning Policy (Housing) 2021</i> </td><td data-bbox="1007 1816 1489 2018"> <p>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.</p> </td></tr> <tr> <td data-bbox="639 2018 1007 2098"> <i>State Environmental Planning Policy (Industry</i> </td><td data-bbox="1007 2018 1489 2098"> <p>The SEPP does not affect employment and industrial lands.</p> </td></tr> </tbody> </table>	SEPP	Comment on consistency	<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	<p>The PP is not inconsistent with the SEPP.</p> <p>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.</p>	<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>	<p>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 UCAs to ensure dual occupancies, manor houses, multi dwelling housing and terraces are only permitted through the Development Application process.</p>	<i>State Environmental Planning Policy (Housing) 2021</i>	<p>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.</p>	<i>State Environmental Planning Policy (Industry</i>	<p>The SEPP does not affect employment and industrial lands.</p>
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Question	Considerations								
	<i>and Employment) 2021</i>								
	<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 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	<p>The PP is consistent with the applicable Ministerial Directions as follows:</p> <table border="1"> <thead> <tr> <th>Ministerial Direction</th><th>Comment</th></tr> </thead> <tbody> <tr> <td colspan="2">1 Planning Systems</td></tr> <tr> <td>1.1 Implementation of Regional Plans</td><td> <p>Consistent – The PP is consistent with:</p> <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</td><td>Consistent – The PP does not</td></tr> </tbody> </table>	Ministerial Direction	Comment	1 Planning Systems		1.1 Implementation of Regional Plans	<p>Consistent – The PP is consistent with:</p> <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	Consistent – The PP does not
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1.2 Development of	Consistent – The PP does not								

Question		Considerations
	Aboriginal Land Council land	affect land shown on the Land Application Map of <i>State Environmental Planning Policy (Planning Systems) 2021</i> .
	1.3 Approval and Referral Requirements	Consistent – The PP does not seek to make any additional provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.
	1.4 Site Specific Provisions	Consistent – The PP does seek to add an Additional Permitted Use for certain land however the use does not impose any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.
	1.4A 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 Infrastructure Implementation Plan	This Direction does not apply to the LGA.
	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.

Question		Considerations
	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.
	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/

Question	Considerations
	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	NA – The PP affects the Georges River LGA which the Direction does not apply to.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	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	The PP is consistent as it seeks to protect biodiversity by a new biodiversity provisions and map.
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	NA – The PP does not affect land within the Foreshores and Waterways Area as defined in the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> .
3.10 Water Catchment Protection	N/A – The PP does not propose any changes to controls that would impact on water catchments.
4 Resilience and Hazards	
4.1 Flooding	Consistent – The PP does not propose any changes to controls relating to flooding provisions.
4.2 Coastal	Consistent – The PP affects

Question	Considerations	
	Management	land within the Coastal Zone however it does not propose an intensification of uses permitted. The PP does not propose any changes relating to coastal management.
	4.3 Planning for Bushfire Protection	Consistent – The PP does not result in controls that place development in hazardous areas. It does not change any existing provisions relating to bushfire prone land.
	4.4 Remediation of Contaminated Land	Consistent – The PP does not affect any known contaminated land.
	4.5 Acid Sulfate Soils	Consistent – The PP does not seek to introduce or change provisions relating to Acid Sulfate Soils.
	4.6 Mine Subsidence and Unstable Land	Consistent – The PP does not permit development on land that: (a) is within a mine subsidence district, or (b) has been identified as unstable in a study, strategy or other assessment undertaken: (i) by or on behalf of the relevant planning authority, or (ii) on behalf of a public authority and provided to the relevant planning authority.
	5 Transport and Infrastructure	
	5.1 Integrating Land Use and Transport	Consistent – The PP proposes minor alterations to provisions relating to urban land, however, is consistent with <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).
	5.2 Reserving Land for Public Purposes	Consistent – The PP does not propose to make any changes to land reservations.
	5.3 Development Near Regulated Airports and Defence Airfields	NA – The PP does not create, alter, or remove a zone or a provision relating to land near a regulated airport which includes a Defence airfield.
	5.4 Shooting Ranges	NA – The PP does not seek to affect, create, alter, or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.

Question	Considerations	
	6 Housing	
	6.1 Residential Zones	Consistent – The PP does not alter permissible uses on residential land. 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%.
	6.2 Caravan Parks and Manufactured Home Estates	Consistent – The PP does not propose to permit development for the purposes of a caravan park or manufactured home estate.
	7. Industry and Employment	
	7.1 Business and Industrial Zones	Consistent – The PP does not propose to make any changes to business and industrial zones.
	7.2 Reduction in non-hosted short-term rental accommodation period	NA – The PP does not cover the Byron Shire Council area or identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out within the LGA.
	7.3 Commercial and Retail Development along the Pacific Highway, North Coast	This Direction does not apply to the LGA.
	8 Resources and Energy	
	8.1 Mining, Petroleum Production and Extractive Industries	NA – The PP does not have the effect of: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.
	9 Primary Production	
	9.1 Rural Zones	NA – The PP does not affect any land within an existing or proposed rural zone.
	9.2 Rural Lands	This Direction does not apply to the LGA.
	9.3 Oyster Aquaculture	NA – The PP does not propose a change in land use which

Question	Considerations
	<div>could impact on a Priority Oyster Aquaculture Area.</div> <div>9.4 Farmland of State and Regional Significance on the NSW Far North Coast</div> <div>This Direction does not apply to the LGA.</div>
	<p>Key Government Priorities: The PP is not inconsistent with key government priorities. The PP does not alter permissible uses on residential land. 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. By increasing the subdivision allotment size for areas within the existing FSPA, proposed FSPA and UCAs there will be a loss of 190 dwellings. Council has a concurrent PP (PP2024/0004 – Additional and Diverse Housing) underway that will create capacity for an additional 8,245 dwellings. PP2024/0004 is the subject of a report to the Local Planning Panel.</p>

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Table 5 - Section C – Environmental, social, and economic impact

Question	Considerations
<p>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>	<p>The PP seeks to include a provision in Part 6 Additional Local Provisions titled “Terrestrial Biodiversity” 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</i> (Attachment 7 to the PP).</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> <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: <ol style="list-style-type: none"> Grey-headed flying fox (<i>Pteropus poliocephalus</i>); Powerful Owl (<i>Ninox strenua</i>); White-Bellied Sea Eagle (<i>Haliaeetus leucogaster</i>); Eastern Coastal Free-tailed Bat (<i>Micronomus norfolkensis</i>); Little Bent-winged Bat (<i>Miniopterus australis</i>); Large Bent-winged Bat (<i>Miniopterus orianae oceanensis</i>); Southern Myotis (<i>Myotis macropus</i>); and the 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

Question	Considerations
	<p>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 melanoccephala</i>). The abundance and diversity of shorebird species (i.e., snipes, curlews) was lower than expected.</p> <ul style="list-style-type: none"> • 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: <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. (<i>Asparagus</i> 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

Question	Considerations
	<p>(i.e., with large canopies and hollows), in street corridors and on private property is important in supporting connectivity between larger patches.</p> <ul style="list-style-type: none"> 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.
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, larger footprint of new developments, 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.

Table 6 - 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 190 dwellings due to the increase in minimum lot size requirements for dual occupancies.</p> <p>However, Council has a concurrent PP (PP2024/0004 – Additional and Diverse Housing) underway that will create capacity for an additional 8,245 dwellings and the infrastructure impacts will be separately addressed by PP2024/0004.</p>

Table 7 - Section E – State and Commonwealth interests

Question	Considerations
12. What are the views of state	To date Council has not consulted any government agencies to inform the

Question	Considerations
and federal public authorities and government agencies consulted in order to inform the Gateway Determination?	PP. Council will seek the views of State and Federal public authorities and government agencies in accordance with the Gateway Determination.

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SUMMARY OF ASSESSMENT/CONCLUSION

46. In summary, the PP seeks 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.
47. The PP meets both the strategic and site-specific merit tests that are outlined in the Local Environmental Plan Making Guideline dated August 2023.
48. In terms of Strategic Merit, the PP:
 - (a) Gives effect to the following objectives within the Greater Sydney Region Plan – A Metropolis of Three Cities:
 - (i) Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced.
 - (ii) Objective 28: Scenic and cultural landscapes are protected.
 - (iii) Objective 30: Urban tree canopy cover is increased.
 - (b) Gives effect to the planning priorities of the South District Plan:
 - (i) Planning Priority S14 - Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes and better managing rural areas.
 - (ii) Planning Priority S15 - Increasing urban tree canopy cover and delivering Green Grid connections.
 - (c) Is consistent with the endorsed Georges River Local Strategic Planning Statement 2040 (LSPS 2040), specifically the following planning priorities:
 - (i) Planning Priority P5 – The community is involved in planning our future.
 - (ii) Planning Priority P7 - Residential suburbs will be protected and retained unless identified as areas of change or investigation and A42. Identify the key characteristics of each suburb to be protected and/or retained and incorporate into Council's DCP 2020.
 - (iii) Planning Priority P10. Homes are supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces.
 - (iv) Planning Priority P16. 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, and A84. Expand the Foreshore Scenic Protection Area across the LGA through Council's LEP 2020.
 - (v) Planning Priority P17. Tree canopy, bushland, landscaped settings and biodiversity are protected, enhanced and promoted.

- (vi) Planning Priority P19. Everyone has access to quality, clean, useable, passive and active open and green spaces and recreation places.

49. In terms of Site-Specific merit, the PP:

- (a) Seeks to include a provision in Part 6 Additional Local Provisions entitled "Terrestrial Biodiversity" 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 Biodiversity Study and the further work by Ethos in the Review of Environmental Planning Provisions for Biodiversity in Georges River LGA.
- (b) Will have a positive environmental effect as a result of the proposed changes to Clause 6.12 Landscaped areas in certain residential and environment protection zones, the reduction of FSR for land in the FSPA and the new clauses for local character and biodiversity.
- (c) Will have positive social and economic effects as:
 - (i) Green infrastructure will be enhanced,
 - (ii) There will be stronger protection of the existing 'green and leafy' character of low-density residential areas in the Foreshore Study Area,
- (d) 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, and
- (e) 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.

GEORGES RIVER LOCAL PLANNING PANEL

- 50. 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).
- 51. The Georges River Local Planning Panel at its meeting held 20 June 2024 considered the PP and recommended as follows:
 - (a) 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*.
 - (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 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.
 - (d) 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.
- 52. A copy of the report that was referred to the LPP is available on Council's website.

FINANCIAL IMPLICATIONS

53. Within budget allocation.

RISK IMPLICATIONS

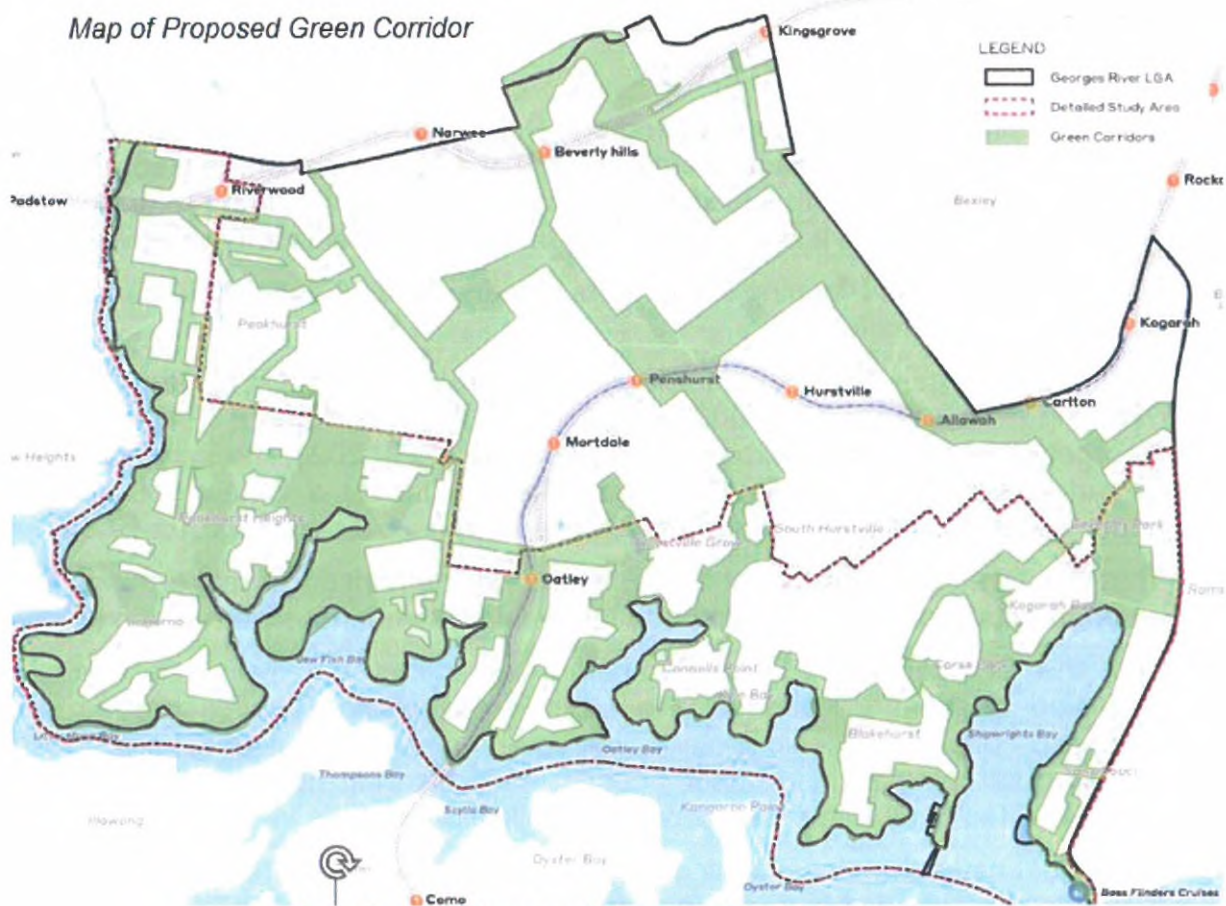
54. Operational risk/s identified, and management process applied.

AMENDMENTS TO GEORGES RIVER DCP 2021

55. Amendments to the GRDCP 2021 will also be prepared to support the proposed amendments to GRLEP 2021. 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.

56. The amendments to the GRDCP will include:

- Replacing the existing Green Web control with a series of Green Corridors (see **Figure 8** 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.



COMMUNITY ENGAGEMENT

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


Table 8 – Indicative Project Timeline

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
Anticipated commencement date (date of Gateway Determination)	September 2024
Timeframe for public exhibition (including both government agency and community consultation as required by Gateway Determination)	October-November 2024
Timeframe for consideration of submissions	December 2024
Report to Council on community consultation and finalisation	February 2025
Submission to the Department to finalise the Biodiversity and Character Planning Proposal as an amendment to the GRLEP 2021	February 2025

FILE REFERENCE

D23/315071

ATTACHMENTS

Attachment 1  Planning Proposal PP2024/0002 Report - Biodiversity, Character & FSPA - published in separate document

Item: ENV026-24 Oatley Park Plan of Management and Master Plan - Adoption

Author: Strategic Planner

Directorate: Environment and Planning

Matter Type: Committee Reports

RECOMMENDATION:

- (a) That Council adopt the Oatley Park Plan of Management and Master Plan provided in Attachments 1 and 2 in accordance with section 40 of the *Local Government Act 1993* and section 3.23(6) of the *Crown Land Management Act 2016*.
- (b) That Council authorise the General Manager to make minor editorial modifications in the finalisation of the Oatley Park Plan of Management and Master Plan.
- (c) That all individuals who provided a submission during the public exhibition of the Oatley Park Plan of Management and Master Plan be notified of Council's decision.
- (d) That the adopted Oatley Park Plan of Management and Master Plan be forwarded to the NSW Department of Planning, Housing and Infrastructure – NSW Crown Lands for information.
- (e) That the Oatley Park Plan of Management and Master Plan be placed on Council's website following adoption by Council.

EXECUTIVE SUMMARY

1. The Oatley Park Plan of Management is required to be updated to meet Council's obligations under the *Crown Land Management (CLM) Act 2016*. As of July 2018, local councils that manage dedicated or reserved Crown Land are required to manage that land as if it were public land under the *Local Government (LG) Act 1993* – including applying the plan of management requirements of that Act.
2. At its meeting on 11 April 2023, Council endorsed the public exhibition of the draft Plan of Management and Master Plan for Oatley Park and for the draft Plan and Master Plan to be forwarded to the then Department of Planning and Environment (DPE) for landowners consent to exhibit.
3. The draft Plan of Management and Master Plan for Oatley Park was forwarded to the then DPE for landowners' consent on 4 May 2023. Landowner's consent to exhibit was provided by the then DPE on 27 September 2023.
4. The draft Plan of Management and Master Plan were publicly exhibited from 1 November to 15 December 2023.
5. A total of 51 submissions were received. Key issues raised included:
 - Greater protection of flora and fauna,
 - Need for more signage within the park (e.g., traffic, no picking flowers, no littering etc),
 - Safety concerns in regard to vehicles and pedestrians,
 - Objection to additional development,
 - Greater maintenance within the Park,
 - Improved management of parking,
 - Objection to mountain biking within the Park,